

**VILLAGE OF GERMANTOWN
N112 W17001 MEQUON ROAD
GERMANTOWN, WI 53022**

MEETING: REGULAR MEETING OF THE VILLAGE BOARD

DATE AND TIME: MONDAY, APRIL 21, 2014 7:00 p.m.

LOCATION: Germantown Village Hall Board Room

- I. **CALL TO ORDER:** *This meeting has been given public notice in accordance with Section 19.83 and 19.84, Wis. Stats, in such form that will apprise the general public and news media of subject matter that is intended for consideration and action.*
- II. **ROLL CALL**
- III. **PLEDGE OF ALLEGIANCE**
- IV. **PRESIDENT'S REPORT**
- V. **ANNOUNCEMENTS OF FORTHCOMING EVENTS OF PUBLIC INTEREST/COMMITTEE REPORTS:**
The following individuals will be given the opportunity to make announcements of future municipal activities: Village President, Village Board Members, Village Administrator, Village Attorney and Village Clerk.
- VI. **CITIZEN INPUT/PUBLIC APPEARANCE on items not subject to a public hearing:**
Please be advised per §19.84(2), information will be received from the public. It is the policy of this municipality that there be a three (3) minute time period, per person, with time extension per the Chief Presiding Officer's discretion; be further advised that there may be limited discussion on the information received, however, no action will be taken under public comments. (15 minutes)
- VII. **CONSENT AGENDA:**
- A. Minutes – March 17, April 7, and April 15, 2014
- B. Accounts payable/payroll
1. April 8, 2014 Payroll (hourly) \$ 211,491.55
2. April 10, 2014 Accounts Payable \$ 481,458.62
3. April 15, 2014 Payroll (salary) \$ 83,618.08
- C. Operator Licenses – April 22, 2014 – June 30, 2014
 Bijaya Khanal and Ghulam Sarwar [Recommended Approval]
- The following items were forwarded from the Public Safety Committee with a unanimous recommendation:
- D. Application for Amendment of "Class B" License for Outside Premises Extension, Sheer Lounge, N112W16560 Mequon Rd. July 26th from 2PM – 10PM
 [Recommended Approval]
- E. Application for Dance License, K&K Acquisitions, LLC d/b/a Sheer Lounge, N112 W16560 Mequon Rd. July 26th from 2PM – 10PM [Recommended Approval]

VII. CONSENT AGENDA continued:

- F. Application for Amendment of "Class B" License for Outside Premises Extension, Sheer Lounge, N112 W16560 Mequon Rd., Annual Extension from 3PM – 10PM [Recommended Approval]
- G. Denial of Application for Operator License, Regina L. White [Recommended Approval]
- H. Application for Dance License – Deutschstadt Heritage Foundation, Mai Fest , May 16th 5PM – 12AM, May 17th 11AM – 12AM, May 18th 12PM – 8PM [Recommended Approval]
- I. Application for Annual Dance License, Florian Park Conference & Event Center, N112 W18611 Mequon Rd, with Requirement of Final Occupancy Certificate Prior to any Scheduled Events [Recommended Approval]

VIII. UNFINISHED BUSINESS: None

IX. PUBLIC HEARINGS – 7:00 P.M. OR LATER – *The purpose of said hearing(s) is to hear any and all parties, their attorneys or agents, for or against the application(s) filed by the petitioner(s).*

- A. Core Commercial, Inc., Agent for Russell & Karen Kloehn and Paul & Vivian Pingel, Property Owners and applicant for a Rezoning application to rezone the following described area from the Rs-4: Single-family District to the B-1: Neighborhood Business District pursuant to Section 17.28 of the Village Zoning Code and a 1-Lot Certified Survey Map (CSM) on the following described property: GTNV #324-967 N96 W19100 County Line Road (Kloehn property) & GTNV #324-965 N96 W19062 County Line Road (Pingel property)

X. NEW BUSINESS:

- A. Rezoning application to rezone N96 W19100 County Line Road (Tax Key No. GTNV 324-967, Kloehn property) & N96 W19062 County Line Road (Tax Key No. GTNV 324-965, Pingel property) from the Rs-4: Single-family District to the B-1: Neighborhood Business District; Core Commercial, Inc., Agent for Russell & Karen Kloehn and Paul & Vivian Pingel, Property Owners and Applicants (Ordinance Amendment)
- B. 1-Lot Certified Survey Map (CSM) of N96 W19100 County Line Road (Tax Key No. 324-967, Kloehn property) & N96 W19062 County Line Road (Tax Key No. 324-965, Pingel property); Core Commercial, Inc., Agent for Russell & Karen Kloehn and Paul & Vivian Pingel, Property Owners and Applicants.
- C. Continental 246 Fund LLC, Agent for Riversbend Country Club, Inc., Property Owner: N96 W18034 County Line Road – Review and Approval of a 3-lot Certified Survey Map (CSM).
- D. John & Helen Kreuser Trust, Property Owner: W202 N10416 Appleton Avenue - Review and Approval of a 1-lot Certified Survey Map (CSM).
- E. Resolution Awarding the Sale of \$3,795,000** General Obligation Promissory Notes, Series 2014A; Providing the Form of the Notes; and Levying a Tax in Connection Therewith

X. NEW BUSINESS continued:

- F. Application for Fireworks User Permit – Lynn Grgich on behalf of Kiwanis of Germantown for July 4, 2014
- G. Award of Contract for Traffic Impact Study for TID #6 Phase #1
- H. Award of Contract for Geotechnical Study for TID #6 Phase #1
- I. Award of Contract for Phase 1 Environmental Study for TID #6 Phase #1
- J. Amendment to AT&T Tower Lease for Tower Located on Germantown Police Department Campus
- K. Appointments
Commissions/Boards/Committees
 - 1. *Plan Commission*

Member	Dan Campbell	04/15/2014 – 04/30/2015
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 - 2. *Administrative Review Board*

Member	Dan Campbell	05/01/2014 – 04/30/2017
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XI. ADJOURNMENT

The next Village Board meeting will be on May 5, 2014 at 7:00 p.m.

UPON REASONABLE NOTICE, efforts will be made to accommodate the needs of disabled individuals through appropriate aids and services. For Additional information or to request this service please contact the Village Clerk at (262)250-4740 at least 2 days prior to the meeting.

IX A.

**NOTICE OF PUBLIC HEARING
VILLAGE OF GERMANTOWN**

NOTICE is hereby given that a Public Hearing will be held before the Village of Germantown Village Board at the Germantown Village Hall located at N112 W17001 Mequon Road, Germantown, Wisconsin on the following date and at the time noted below (or soon thereafter):

DATE: Monday, April 21, 2014

TIME: 7:00 p.m. or later

The purpose of said hearing is to hear any and all parties, their attorneys or agents, for or against the application filed by the following applicant for: (1) a REZONING application to rezone the following described area from the Rs-4: Single-family District to the B-1: Neighborhood Business District pursuant to Section 17.28 of the Village Zoning Code on the following described property.

Petitioner: Core Commercial, Inc., Agent for Russell & Karen Kloehn and Paul & Vivian Pingel, Property Owners

Property: N96 W19100 County Line Road; Tax Key No. 324-967 (Kloehn property)
N96 W19062 County Line Road; Tax Key No. 324-965 (Pingel property)

Lot 1 and Lot 2 of Certified Survey Map No. 2565, recorded in Volume 14, Page 60, as Document No. 457204 in the Washington County Register of Deeds Office, all being a part of the SE 1/4 of the SE 1/4, Section 32, Township 9 North, Range 20 East, Village of Germantown, Washington County, Wisconsin, being more particularly described as follows:

Commencing at the Southeast corner of said Section 32; thence South 89°-18'-05" West along the South line of the Southeast 1/4 of said Section 32, a distance of 924.00 feet; thence North 01°-05'-55" West, a distance of 55.00 feet to the point of beginning, said point also being on the North right-of-way line of County Line Road (C.T.H. "Q"); thence South 89°-18'-05" West along said North right-of-way line, a distance of 264.00 feet to a point on the West line of said Lot 1; thence North 01°-05'-55" West along said West line, a distance of 605.00 feet to the Northwest corner of said Lot 1; thence North 89°-18'-05" East along the North line of said Lot 1 and said Lot 2, a distance of 264.00 feet to the Northeast corner of said Lot 2; thence South 01°-05'-55" East along the East line of said Lot 2, a distance of 605.00 feet to the point of beginning and containing 3.667 acres (159,716 sq. ft.) more or less, and being subject to all easements and restrictions of record.

A copy of the proposed amendments are on file in the Planning & Zoning Division of the Community Development Department, N112 W17001 Mequon Road, and available for public inspection during the hours of 8:00 a.m. to 4:00 p.m. Monday through Friday.

Dated this 27th day of February, 2014.

Barbara K. D. Goeckner, Village Clerk

To Be Published On: April 3rd and April 10th, 2014

X. A

**BUSINESS OF THE VILLAGE BOARD
GERMANTOWN, WI**

MEETING DATE: April 21, 2014

AGENDA ITEM: Public Hearing & New Business (ORDINANCE & CSM)

ITEM TITLE: Core Commercial, Inc., Agent for Russell & Karen Kloehn and Paul & Vivian Pingel, Property Owners; N96 W19100 County Line Road (Kloehn property) & N96 W19062 County Line Road (Pingel property); Rezoning & 1-Lot Certified Survey Map (CSM)

SUBMITTED BY: Jeffrey W. Retzlaff, Director, Community Development Department

SUMMARY EXPLANATION:

Core Commercial Inc., developer and agent for property owners Russell & Karen Kloehn and Paul & Vivian Pingel, is seeking approval of a Rezoning Application (Rs-4: Single-Family to B-1: Neighborhood Business) and a 1-Lot Certified Survey Map (CSM) to combine 2 lots in order to develop a 23,248 sqft retail center on the total 3.7 acres of land located west of the Germantown Plaza II on County Line Road.

ATTACHMENTS:

- ◆ 3/10/14 Staff Report
- ◆ 3/10/14 Plan Commission Meeting Minutes
- ◆ Draft Rezoning Ordinance
- ◆ CSM

PLAN COMMISSION RECOMMENDATION:

APPROVE the proposed rezoning of the 3.67-acre area from Rs-4: single-family to B-1: Neighborhood Business District subject to approval of the proposed Certified Survey Map (CSM); and

APPROVE the 1-lot Certified Survey Map land combination for the 3.67-acre property currently owned by Russell & Karen Kloehn and Paul & Vivian Pingel located on County Line Road subject to approval of the proposed rezoning and Site Development & Building plans by the Plan Commission and (2) conditions:

1. All technical corrections identified by the Village Surveyor as set forth in the February 4, 2014 staff review letter shall be made prior to recording the CSM.
2. The required cross-access easement agreement for the benefit of this development (required of the Germantown Plaza developer) shall be obtained and submitted for review and approval by the Village Attorney prior to recording the CSM.

NOTICE OF PUBLIC HEARING VILLAGE OF GERMANTOWN

NOTICE is hereby given that a Public Hearing will be held before the Village of Germantown Village Board at the Germantown Village Hall located at N112 W17001 Mequon Road, Germantown, Wisconsin on the following date and at the time noted below (or soon thereafter):

DATE: Monday, April 21, 2014
TIME: 7:00 p.m. or later

The purpose of said hearing is to hear any and all parties, their attorneys or agents, for or against the application filed by the following applicant for: (1) a REZONING application to rezone the following described area from the Rs-4: Single-family District to the B-1: Neighborhood Business District pursuant to Section 17.28 of the Village Zoning Code on the following described property.

Petitioner: Core Commercial, Inc., Agent for Russell & Karen Kloehn and Paul & Vivian Pingel,
Property Owners

Property: N96 W19100 County Line Road; Tax Key No. 324-967 (Kloehn property)
N96 W19062 County Line Road; Tax Key No. 324-965 (Pingel property)

Lot 1 and Lot 2 of Certified Survey Map No. 2565, recorded in Volume 14, Page 60, as Document No. 457204 in the Washington County Register of Deeds Office, all being a part of the SE 1/4 of the SE 1/4, Section 32, Township 9 North, Range 20 East, Village of Germantown, Washington County, Wisconsin, being more particularly described as follows:

Commencing at the Southeast corner of said Section 32; thence South 89°-18'-05" West along the South line of the Southeast 1/4 of said Section 32, a distance of 924.00 feet; thence North 01°-05'-55" West, a distance of 55.00 feet to the point of beginning, said point also being on the North right-of-way line of County Line Road (C.T.H. "Q"); thence South 89°-18'-05" West along said North right-of-way line, a distance of 264.00 feet to a point on the West line of said Lot 1; thence North 01°-05'-55" West along said West line, a distance of 605.00 feet to the Northwest corner of said Lot 1; thence North 89°-18'-05" East along the North line of said Lot 1 and said Lot 2, a distance of 264.00 feet to the Northeast corner of said Lot 2; thence South 01°-05'-55" East along the East line of said Lot 2, a distance of 605.00 feet to the point of beginning and containing 3.667 acres (159,716 sq. ft.) more or less, and being subject to all easements and restrictions of record.

A copy of the proposed amendments are on file in the Planning & Zoning Division of the Community Development Department, N112 W17001 Mequon Road, and available for public inspection during the hours of 8:00 a.m. to 4:00 p.m. Monday through Friday.

Dated this 27th day of February, 2014.
Barbara K. D. Goeckner, Village Clerk

To Be Published On: April 3rd and April 10th, 2014

ORDINANCE NO. _____

**AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP
OF THE VILLAGE OF GERMANTOWN ZONING CODE**
(Russell & Karen Kloehn and Paul & Vivian Pingel, Property Owners)

THE VILLAGE BOARD OF THE VILLAGE OF GERMANTOWN, WASHINGTON COUNTY,
WISCONSIN, ORDAINS AS FOLLOWS:

SECTION 1. That the zoning map of the Village of Germantown is amended by rezoning from the Rs-4: Single-Family Residential District to the B-1: Neighborhood Business District the following described property:

3.667 acres (N96 W19100 & N96 W19062 County Line Road)

Lot 1 and Lot 2 of Certified Survey Map No. 2565, recorded in Volume 14, Page 60, as Document No. 457204 in the Washington County Register of Deeds Office, all being a part of the SE 1/4 of the SE 1/4, Section 32, Township 9 North, Range 20 East, Village of Germantown, Washington County, Wisconsin, being more particularly described as follows:

Commencing at the Southeast corner of said Section 32; thence South 89°-18'-05" West along the South line of the Southeast 1/4 of said Section 32, a distance of 924.00 feet; thence North 01°-05'-55" West, a distance of 55.00 feet to the point of beginning, said point also being on the North right-of-way line of County Line Road (C.T.H. "Q"); thence South 89°-18'-05" West along said North right-of-way line, a distance of 264.00 feet to a point on the West line of said Lot 1; thence North 01°-05'-55" West along said West line, a distance of 605.00 feet to the Northwest corner of said Lot 1; thence North 89°-18'-05" East along the North line of said Lot 1 and said Lot 2, a distance of 264.00 feet to the Northeast corner of said Lot 2; thence South 01°-05'-55" East along the East line of said Lot 2, a distance of 605.00 feet to the point of beginning and containing 3.667 acres (159,716 sq. ft.) more or less, and being subject to all easements and restrictions of record.

SECTION 2. This ordinance shall take effect and be in full force the day after its passage and publication, as provided by law.

Introduced by Trustee: _____

Adopted: _____, 2014

Vote: Ayes: _____
Nays: _____

Dean Wolter, Village President

ATTEST:

Barbara K. D. Goeckner, Village Clerk

APPROVED AS TO FORM:

Brian Sajdak, Attorney

Published:

REZONING APPLICATION, CERTIFIED SURVEY MAP (CSM) & SITE PLAN REVIEW

2/10/14 Plan Commission Meeting

Core Commercial Inc. / Kloehn & Pingel

Village Planner Report

Germantown, Wisconsin

Summary

Core Commercial Inc., developer and agent for property owners Russell & Karen Kloehn and Paul & Vivian Pingel, is seeking approval of a Rezoning Application, 1-Lot Certified Survey Map (CSM) and Site Plans for a 21,750 sqft retail center on a 3.7-acre parcel located west of the Germantown Plaza II at N96 W19100 County Line Road.

Location: N96 W19100 County Line Road

**Applicant/
Developer:**

Kim Pischke
Core Commercial Inc.
Appleton, WI 54912

Russell & Karen Kloehn
N96 W19100 County Line Rd
Paul & Vivian Pingel
N96 W19062 County Line Rd
Germantown, WI 53022

Current Zoning: Rs-4: Single-family Residential

Proposed Zoning: B-1: Neighborhood Business

Adjacent Land Uses		Zoning
North	Commercial	B-2
South	Residential (Menomonee Falls)	n/a
East	Commercial	B-3
West	Commercial	B-5

Location Map



Proposal

Core Commercial Inc., developer and agent for property owners Russell & Karen Kloehn and Paul & Vivian Pingel, is seeking approval of a Rezoning Application, 1-Lot Certified Survey Map (CSM) and Site Plans for a 21,750 sqft retail center on a 3.7-acre parcel located west of the Germantown Plaza II at N96 W19100 County Line Road.

As presented in the applications, plans and supporting documents, the proposed development includes the following components:

Certified Survey Map (CSM)

The retail center is proposed on 3.7 acres of land created by the combination of two (2) existing residential parcels. Lot 1 of CSM #2565 is a 1.83-acre lot owned by Russell & Karen Kloehn (west lot). Lot 2 of CSM #2565 is a 1.83-acre lot owned by Paul & Vivian Pingel (east lot). The proposed CSM combines these two lots into one 3.7-acre parcel. Because the northernmost portion of both lots contains a small, navigable stream and wetlands, the CSM establishes the wetland boundary and applicable setbacks.

Rezoning

The 3.7-acre parcel is proposed to be rezoned from the current Rs-4: Single-family District to the B-1: Neighborhood Business District. The wetland area on the north portion of the property will continue to be located within the Shoreland-Wetland Overlay District. No development is proposed within the wetland or wetland setback area on the site.

Site Development & Building Plans

The proposed retail center is to be comprised on two (2) separate buildings with a shared parking area:

- 19,336 sqft. three (3) tenant retail building
- 2,412 sqft single-tenant retail building
- (1) right-turn in/out only access driveways on County Line Road
- Cross-access easement to/from the Germantown Plaza II parking lot w/ shared driveway to County Line Road
- CMU masonry walls and EIFS materials

A statement of the architecture and design intent is provided in the attached supporting documents. As indicated therein, the architectural design and exterior materials incorporate elements that are similar to the existing Germantown Plaza II retail development to the east. Materials include: Split-faced CMU masonry walls with extensive EIFS wall and accent panels, a flat/low-slope roof with parapet walls. Glass entrances and fabric covered awnings are also proposed to add color and depth to the elevations.

The larger building (19,336 sqft) is designed to serve three (3) retail tenants with space available ranging from 5,000 to 9,000 sqft. HVAC units are intended to be roof-mounted and hidden from view by the parapet walls along the front (south) elevation facing County Line Road. The smaller building (2,412 sqft) is designed for one tenant.

Access to the site includes two (2) access points: a right-turn in/out only driveway onto County Line Road and a driveway leading to the existing parking lot for the Germantown Plaza II retail center and shared access driveway to County Line Road. A total of (117) parking stalls are proposed (115 recommended). A large, paved truck turning and loading area is proposed north of the main building.

Between the proposed building, parking lot and other paved areas, impervious surfaces will total 88,898 sqft (55 percent) of this 3.7-acre site (vs. the 80% maximum allowed) leaving 45 percent in green/open space. Storm water run-off from the site will flow across the paved parking to storm sewer/inlets at various locations on the site and a swale located on the east side of the parking area. An on-site storm water basin is proposed in the northeast corner of the site.

Landscaping proposed for the site includes minimal deciduous and ornamental trees around the perimeter and in the islands of the parking area. Deciduous and evergreen shrubs at points around the buildings and parking lot. A trash enclosure (17' wide x 13' deep x 8' high) will be located adjacent to the parking area near the small building with another 24' x 25' dumpster area on the back (north) side of the larger building. The enclosure walls will have the same CMU masonry material as the larger building with privacy-slatted steel frame gates. None of the existing wooded areas are intended to be preserved on the site except for the area within the wetland and 25' wetland setback area.

Exterior lighting includes: five (4) 250W metal-halide cut-off wall-mounted fixtures located above the service doors on the west and north side of the large building; and ten (10) 250W metal-halide cut-off fixtures on free-standing 25' poles in the parking area. According to the photometric statistics, lighting levels are proposed to be within the Village's recommended guidelines for industrial sites.

A single monument sign with an internally-illuminated sign cabinet 11' wide x 10'6" high (84 sqft per side; 168 sqft total) mounted on a 3' masonry base is proposed in the southeast corner of the site close to County Line Road. Wall signage for the individual tenants is not proposed at this time.

Staff Analysis/Comments

The proposed B-1: Neighborhood Zoning District is the same as the Germantown Plaza developments to the east and consistent with the "Commercial" classification (also "Environmental Corridor") for the property as shown on the Village's 2020 Land Use Plan map.

The subject property is heavily wooded as part of an existing environmental corridor and the change in topography across the property from front to back (south to north) is significant. The land slopes from an elevation of approximately 886' at the southeast corner along County Line Road to 856' along the navigable stream in the northwest corner...a 30' change in elevation. Consequently, a significant amount of cutting and filling is required to make the site developable. The existing elevation in the area where the larger building is proposed ranges from 861' to 870' with a finished floor elevation for that building at 872'. Closer to the wetland area to the north, a long, curved retaining

wall 300' in length ranging in height from 2' to 8' high is required around the perimeter of the paved truck turning/loading area north of the large building. Similarly, the storm water basin to be constructed will have a wall height ranging from 5' to 11' high to effectively create the basin that will have a permanent pool elevation of 859'. A 4' chain-link security fence will encompass the storm water basin.

To accomplish site preparation, almost all of the site outside of the wetland setback area will be disturbed by grading and/or filling activities with none of the existing trees or other vegetation preserved. While we have stated objectives in our 2020 Comprehensive Plan to preserve our environmental corridors, we do not have specific development regulations that specifically limit or prohibit development of/within these areas. As stated above, this area is classified as "Commercial" and "Environmental Corridor" on the 2020 Land Use Plan.

The proposed landscaping is minimal. Despite being a challenging site for landscaping given topography and utility easements that run across the front of the site adjacent to County Line Road, additional landscaping, particularly street trees and plantings around the perimeter of the parking areas and along County Line Road should be required. A revised landscape plan should be provided.

The proposed architecture and exterior materials is also of limited quality and appearance. While an attempt was made to compliment the existing retail buildings to the east, both of the proposed buildings lack the same degree of articulation, creativity of architectural features and quality of materials. More than half of the front (south) elevation of the larger building is comprised of EIFS panels and storefront glass systems that are flush with the remaining (albeit limited use of) masonry wall panels. The small building is similar and should be enhanced with more masonry, greater articulation, better use of other architectural features and less EIFS. Fabric awnings are proposed for color and depth to both buildings; however, more permanent and architecturally compatible features that better relate to the existing retail buildings to the east are recommended.

Both buildings are intended to have roof-mounted HVAC systems, but no roof plans are presented. Screening of roof-mounted HVAC units is required and will likely be difficult for the small building where parapet walls are only proposed on the west and east elevations while the south elevation facing County Line Road is exposed and likely visible from the higher elevation of the roadway. Detailed sight-line views in the form of renderings or an animated "drive-by" presentation of the buildings from County Line Road should be prepared.

The Germantown Plaza development to the east was required to provide an access easement across their property for the benefit of this development. The easement document provided in the application is simply the commitment of the Germantown Plaza developer to grant that easement upon request by the developer of this project. The details of that access easement will need to work out and the easement granted prior to recording the CSM.

Because this is a multi-tenant building with currently unknown tenants, separate Zoning

Compliance/Occupancy permits will be required for each tenant prior to occupancy. Zoning permits are obtained at the same time building permits for interior space improvements/renovations are obtained, or, prior to a change in tenant occupancy.

Because no specific wall-mounted signage is proposed for any tenant at this time, all signs, temporary and permanent, will require separate sign permits. Sample wall signage is shown on the building elevations that are comprised of individual lettering. Given the design and materials proposed, a consistent type/style of wall signage should be required for all tenants and limited to an internally or back-lit type of individual lettering & logos vs. sign "cabinets" w/ plastic & vinyl covered faces that are simply hung from the building. The proposed monument sign meets the sign regulations for this type of multi-tenant retail center except that the background color of the sign inserts needs to be a dark or opaque color.

Fire Department

The Fire Department has indicated that a monitored sprinkler system and Knox Box are required. The Police Department is requesting that all doors and docks be numbered with reflective numbers to aid emergency personnel access, and, that contact information for all tenants be provided once occupied.

Engineering/Public Works

The Engineering Department has recommended a number of technical corrections to the plans as set forth in the Village Engineer's January 24, 2014 memo (copy attached). These corrections and other items will need to be addressed in a set of revised plans submitted to the Village Engineer for review/approval prior to issuance of a building permit. In addition, the Village Surveyor has identified a number of corrections required in the CSM as set forth in a February 4, 2014 staff review memo (copy attached).

Inspection Services

The Building Inspector has indicated that state-approved plans will be required prior to issuing a building permit along with the required \$20,000 occupancy bond.

For the reasons summarized above, including the need to revise and improve the proposed architecture, exterior materials, and landscaping, Staff does not endorse the development plans and recommends that the Plan Commission not approve the plans at this time. Revised plans, including revised site plans, building elevations, renderings and sight-line views that show the buildings as viewed from County Line Road (for purposes of assessing the need for screening of roof-mounted HVAC units) should be provided to the Plan Commission before final action is taken.

Recognizing that the Plan Commission may choose to approve the revised plans, the following should be considered and acted upon as part of the Plan Commission's action and/or recommendation(s) to the Village Board.

Revised Plans may be presented by the Developer at the February 10 Plan Commission meeting along with the required materials board.

Village Planner Recommendation:

Rezoning

If the Plan Commission APPROVES the development plans:

Recommend APPROVAL of the proposed rezoning of the 3.67-acre area from Rs-4: single-family to B-1: Neighborhood Business District subject to approval of the proposed Certified Survey Map (CSM) and Site Development & Building plans by the Plan Commission.

Village Planner Recommendation:

Certified Survey Map (CSM)

If the Plan Commission APPROVES the development plans:

Recommend **APPROVAL** of the 1-lot Certified Survey Map land combination for the 3.67-acre property currently owned by Russell & Karen Kloehn and Paul & Vivian Pingel located on County Line Road subject to approval of the proposed rezoning and Site Development & Building plans by the Plan Commission and the following:

1. All technical corrections identified by the Village Surveyor as set forth in the February 4, 2014 staff review letter shall be made prior to recording the CSM.
2. The required cross-access easement agreement for the benefit of this development (required of the Germantown Plaza developer) shall be obtained and submitted for review and approval by the Village Attorney prior to recording the CSM.

Village Planner Recommendation:
Site Development & Building Plans

If the Plan Commission APPROVES the development plans:

APPROVE the and Site Plans for a 21,750 sqft retail center on the 3.7-acre parcel located west of the Germantown Plaza II at N96 W19100 County Line Road subject to the following conditions:

1. Approval is for the site development and building plan set dated January 13, 2014 unless otherwise revised by subsequent plans submitted to and approved by the Village Planner pursuant to revisions required by the Plan Commission.
2. All landscaping, screening, and lighting improvements shown on the approved site plans shall be installed as proposed prior to issuance of an occupancy permit unless a cash bond or letter of credit in an amount equal to 120 percent of the estimated installation and material costs reviewed and approved by the Village is submitted to the Village as necessary to ensure that installation of the proposed features and improvements will be completed within one (1) year after issuance of the occupancy permit.
3. A monitored sprinkler system and Knox Box shall be installed in the building as required by the Fire Department.
4. All exterior doors shall be clearly marked with reflective 5" or larger letters/numbers to aid emergency personnel access as required by the Police Department.
5. State approved plans and a \$20,000 occupancy bond are required by the Building Inspection Department as part of the building permit application.
6. All technical corrections and issues raised in the Engineering Department's January 24, 2014 memo shall be addressed and reflected in a revised plan set submitted to the Village Engineer for review/approval prior to issuance of a building permit.
7. Zoning Permit Compliance/Occupancy permits are required for all tenants occupying space in the office building.
8. Sign permits are required for all permanent and temporary exterior signage. A consistent type and style of wall signage shall be required for all tenants (example: internally or back-lit individual lettering that is surface or race-mounted). Sign "cabinets" w/ plastic & vinyl covered faces or flush-mounted lettering simply hung from the building shall not be permitted.
9. Additional street trees are required along the property frontage for County Line Road. Depending on the mature size of the type of street tree planted (where 1 tree is required for every 40' of frontage for small/medium varieties and 1 tree per 50' of frontage for large varieties), a total of 5-7 trees are required. The developer shall submit a revised or supplemental landscape plan showing the required street trees to the Village Planner for review/approval prior to issuance of an occupancy permit.
10. Additional landscaping is required along the west, south and east edges of the parking area with continuous screening comprised of evergreen shrubs, evergreen and deciduous trees. This additional landscape screening shall be shown in a revised or supplemental landscape plan submitted to the Village Planner for review/approval prior to issuance of an occupancy permit.

Core Commercial for Russell & Karen Kloehn and Paul & Vivian Pingel – N96 W19100 & N96 W19062 County Line Road. The developer is seeking approval of a Rezoning Application, 1-Lot Certified Survey Map and Site Plans for a 21,750 sqft retail center on a 3.7 acre parcel located west of the Germantown Plaza II on County Line Road. Planner Retzlaff summarized the proposal.

Kim Pischke, Core Commercial and Stan Ramaker and Grant Duchac, Excel Engineering, spoke on behalf of the development. They presented revised building elevations in response to staff not endorsing the development plans and their concerns regarding the proposed architecture, exterior materials and landscaping.

Commissioner Gray said the proposed landscaping is minimal and asked if the developer could use some significant type plants instead of those shown. Grant Duchac said the building architectural elements and landscaping were matched to the neighboring development. He said they would be open to different plant materials.

Commissioner Stauffacher did not like the separate building fronting County Line Road. Discussion continued with Commissioners wanting additional landscaping suggesting evergreens on the corner and plantings at the entrance. Chairman Wolter said they want the building to be seen from the road and not screened with trees. Commissioner Gray said she's not looking for screening, just something to break up the development.

MOTION Baum second Warren to Approve the proposed rezoning of the 3.67 acre area from Rs-4 Single-family to B-1: Neighborhood Business District subject to the approval of the proposed Certified Survey Map (CSM) and Site Development and Building plans by the Plan Commission.

MOTION carried unanimously.

MOTION Baum second Stauffacher to Approve the 1-lot Certified Survey Map land combination for the 3.67 acre property currently owned by Russell & Karen Kloehn and Paul & Vivian Pingel located on County Line Road subject to approval of the proposed rezoning and site development and building plans by the Plan Commission and the following:

- 1. All technical corrections identified by the Village surveyor as set forth in the February 4, 2014 staff review letter shall be made prior to recoding the CSM.***
- 2. The required cross-access easement agreement for the benefit of this development (required of the Germantown Plaza developer) shall be obtained and submitted for review and approval by the Village Attorney prior to recording the CSM.***

MOTION carried unanimously.

Commissioner Peck did not like the separate building either and asked if it was necessary to the development. Ms. Pischke confirmed the building was needed to make the development work. She said they would make revisions to the buildings and bring them back for review. Trustee Baum made suggestions for revisions to the building:

- Entrances are flat and bland – needs more articulation
- Sidewalk plantings could be used – use planters
- Parking lot could use some plantings
- Use of color differentiation on pilasters
- Columns could be different color

- Red and green colors are distracting
- Don't like canvas awnings-useless
- Needs additional landscaping
- Natural tone better
- Soften sidewalk area

The revised site and sign application will be reviewed at the Plan Commission meeting scheduled for Monday, February 24, 2014 with a submittal deadline of February 21st.

Village of Germantown – Municipal Code Chapter 27 (Post Construction Stormwater Management) & Chapter 29 (Construction Site Erosion Control) Code Amendments.

Planner Retzlaff said the Planning Commission needs to make a recommendation to the Village Board on the documents proposed. Engineer Bischke explained the Public Works and Highway Committee had met and approved the updates to the Code. The updates include provisions to allow developers to use green infrastructure and establish a policy that defines public money cannot be used for private drainage issues.

Discussion followed. Commissioner Stauffacher asked for more time to review the changes.

MOTION Stauffacher second Baum to Postpone to the next scheduled meeting.

MOTION carried unanimously.

ANNOUNCEMENTS: Chairman Wolter announced the Old Towne Inn is having their grand opening on Tuesday, February 18th.

ADJOURNMENT: There being no further business, the meeting was adjourned at 8:42 p.m.

Respectfully submitted,

Lori Johnson
Planning Assistant

BAC HOLDINGS, LLC

CERTIFIED SURVEY MAP

BAC HOLDINGS, LLC

A COMBINATION OF LOT 1 AND LOT 2 OF CERTIFIED SURVEY MAP NO. 2565, BEING A PART OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4, SECTION 32, T. 9 N.-R. 20 E., VILLAGE OF GERMAINTOWN, WASHINGTON COUNTY, WISCONSIN.

LOI 1_CSM_5952
TAX KEY: GINV_324960

ACTUAL CORNER AND
FOUND 1" IRON PIPE 0.7' N
OF ACTUAL CORNER.

N89°18'05"E 264.00'

FLOOD NOTE:

PER FEMA FLOOD INSURANCE
RATE MAP COMMUNITY PANEL NO.
55131C0359D WITH AN EFFECTIVE
DATE OF NOVEMBER 20, 2013 THE
SUBJECT PROPERTY FALLS WITHIN
ZONE X (AREAS DETERMINED TO
BE OUTSIDE 0.2% CHANCE
ANNUAL FLOOD)

ACCESS NOTE:

A SINGLE ACCESS DRIVE TO CTH "Q" SHALL BE RESTRICTED TO A RIGHT IN/RIGHT OUT ONLY. ACCESS MUST BE OBTAINED BY PERMIT THROUGH WAUKESHA COUNTY DEPARTMENT OF PUBLIC WORKS

VISION CORNER NOTE:

VISION CORNER NOTE:
WITHIN THE AREA OF THE VISION
CORNER EASEMENT, THE HEIGHT
OF ALL PLANTINGS, BERMS,
FENCES, SIGNS OR ANY OTHER
STRUCTURES SHALL BE LIMITED TO
24 INCHES ABOVE THE
INTERSECTION ELEVATION

LOI-LCSM-5952
TAX KEY: GIVL-324960

20' BUILDING SETBACK LINE
OWNER: RUSSELL H. & KAREN L. KLOEHN
N96 W19100 COUNTY LINE ROAD
LOT 1, CSM 2565
TAX KEY: GINV 324967

OWNER: PAUL M. & MYAN L. PINGEL
N96 W19062 COUNTY LINE ROAD
LOT 2, CSM 2565
TAX KEY: G1NV_324965

S01.05'55"E 605.00'

LOI-L-C5M-5973
-TAX KEY: -GINV-324961

LOT 1
159,716 sq. ft.
3.667 acres

SUBDIVIDER/OWNER:
BAC HOLDINGS, LLC
4004 E. APPLESEED DRIVE
APPLETON, WI 54913

100' x 150' VISION
CORNER EASEMENT
(SEE NOTE:)

12' ELECTRIC EASEMENT
EXTENDS 11' SOUTH AND 1'
NORTH AND PARALLEL WITH

CL OF PROPOSED DRI

55'

1716.88'

SW COR. - SE 1/4
SEC. 32-9-20

EXISTING ZONING:
BUILDING SETBACKS:

PROPOSED ZONING:
BUILDING SETBACKS:

RS-4
FRONT = 45'
SIDE = 20'
REAR = 35'

B-1
FRONT = 30'
SIDE = 20'
REAR = 30'

III

COUNTY LINE ROAD

P.O.C.
SE COR.-SE 1/4-
SEC. 32-9-20

—N01°05'55"W
55.00'

924.00'
"E 2641.19'

2641.19')
P.O.C.
SE COR.-SE 1/4-
SEC. 32-9-20

LEGEND

▲ - 1" IRON PIPE FOUND

— BRASS CAPPED MONUMENT FOUND

SHEET 1 OF 3 SHEETS

NORTH POINT REFERENCED TO THE WISCONSIN
COORDINATE GRID SYSTEM, SOUTH ZONE. THE SOUTH
LINE OF THE SOUTHEAST QUARTER HAS A BEARING OF
S89°-18'-05"W.

This Instrument was drafted by Ryan Wilgreen, RLS S-2647



Always a Better Plan
100 CAMELOT DRIVE
FOND DU LAC, WI 54935
PHONE: (920) 926-9800
FAX: (920) 926-9801

SURVEYING GROUP
PROJECT NO. 1321710

CERTIFIED SURVEY MAP

A COMBINATION OF LOT 1 AND LOT 2 OF CERTIFIED SURVEY MAP NO. 2565, BEING A
PART OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4, SECTION 32, T. 9 N.-R. 20 E.,
VILLAGE OF GERMANTOWN, WASHINGTON COUNTY, WISCONSIN.

SURVEYOR'S CERTIFICATE

I, Ryan Wilgreen, Professional Land Surveyor, hereby certify:

That I have surveyed, divided and mapped a parcel of land described below.

That I have made such Certified Survey under the direction of BAC Holdings, LLC bounded and described as follows:

A combination of Lot 1 and Lot 2 of Certified Survey Map No. 2565, recorded in Volume 14, Page 60, as Document No. 457204 in the Washington County Register of Deeds Office, all being a part of the SE 1/4 of the SE 1/4, Section 32, Township 9 North, Range 20 East, Village of Germantown, Washington County, Wisconsin, being more particularly described as follows:

Commencing at the Southeast corner of said Section 32; thence South 89°-18'-05" West along the South line of the Southeast 1/4 of said Section 32, a distance of 924.00 feet; thence North 01°-05'-55" West, a distance of 55.00 feet to the point of beginning, said point also being on the North right-of-way line of County Line Road (C.T.H. "Q"); thence South 89°-18'-05" West along said North right-of-way line, a distance of 264.00 feet to a point on the West line of said Lot 1; thence North 01°-05'-55" West along said West line, a distance of 605.00 feet to the Northwest corner of said Lot 1; thence North 89°-18'-05" East along the North line of said Lot 1 and said Lot 2, a distance of 264.00 feet to the Northeast corner of said Lot 2; thence South 01°-05'-55" East along the East line of said Lot 2, a distance of 605.00 feet to the point of beginning and containing 3.667 acres (159,716 sq. ft.) more or less, and being subject to all easements and restrictions of record.

That such is a correct representation of all the exterior boundaries of the land surveyed and the subdivision thereof made.

That I have fully complied with the provisions of Section 236.34 of the Wisconsin Statutes and the Subdivision Ordinance of the Village of Germantown in surveying, dividing, and mapping the same.

Ryan Wilgreen, P.L.S. No. S-2647

Excel Engineering, Inc.
Fond du Lac, Wisconsin 54935

Project Number: 1321710

Village of Germantown Planning Commission Approval

This Certified Survey Map is hereby approved by the Planning Commission of the Village of Germantown on this ____ day of _____, 2014.

Dean Wolter, Chairman (Date)

Laura A. Johnson, Secretary (Date)

Village of Germantown Board Approval

This Certified Survey Map, being a division of the Southeast 1/4 of the Southeast 1/4, Section 32, Township 9 North, Range 20 East, Village of Germantown, Washington County, Wisconsin, having been approved by the Planning Commission being the same, is hereby accepted by the Village Board of trustees of the Village of Germantown on this ____ day of _____, 2014.

Dean Wolter, Village President (Date)

Barbara K.D. Goeckner, Village Clerk (Date)

This Instrument was drafted by Ryan Wilgreen, RLS S-2647

F:\Job Files\1321710 Core - Retail Development - Germantown, WI\1321713 Surveying\1321710sc.docx

CERTIFIED SURVEY MAP

A COMBINATION OF LOT 1 AND LOT 2 OF CERTIFIED SURVEY MAP NO. 2565, BEING A PART OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4, SECTION 32, T. 9 N.-R. 20 E., VILLAGE OF GERMANTOWN, WASHINGTON COUNTY, WISCONSIN.

OWNER'S CERTIFICATE-LLC

BAC Holdings, LLC., a limited liability company duly organized and existing under and by virtue of the laws of the State of Wisconsin, as Owner does hereby certify that said limited liability company caused the land described on this plat to be surveyed, divided, and mapped as represented on this plat.

BAC Holdings, LLC., does further certify that this plat is required by s.236.10 or s.236.12 to be submitted to the following for approval or objection:

1. Village of Germantown

WITNESS the hand and seal of said owners this _____ day of _____, 2014.

IN PRESENCE OF:

BAC Holdings, LLC.

Witness

_____, Member

STATE OF _____)
COUNTY _____)SS

Personally came before me this _____ day of _____, 2014, the above named _____ to me known to be the person who executed the foregoing instrument and acknowledged the same.

Notary Public, _____ County, _____

My Commission Expires: _____



Village of

Germantown

Willkommen

Fee must accompany application

☐ \$2,900 with public improvements

☐ \$1,960 no public improvements

Paid _____ Date 4-11-14

CERTIFIED SURVEY MAP APPLICATION

Pursuant to Section 18.06 of the Municipal Code

Please read and complete this application carefully. All applications must be signed and dated.

1 APPLICANT OR AGENT

Continental 246 Fund LLC

W134 N8675 Executive Parkway

Menomonee Falls, WI 53051

Phone (262) 502-5500

Fax (262) 502-5522

E-Mail sjohnson@cproperties.com

PROPERTY OWNER

Riversbend Country Club Inc.

N96 W18034 County Line Road

Germantown, WI 53022

Phone (262) 255-6557

2

PROPERTY ADDRESS OR GENERAL LOCATION

TAX KEY NUMBER

N96 W18034 County Line Road

GTNV 33-965

3

PURPOSE OF LAND SPLIT

Create three (3) parcels of property.

Will the land split require rezoning?

NO

From

To

4

READ AND INITIAL THE FOLLOWING:

SLJ I understand that the Certified Survey Map is not valid until recorded at the Washington County Register of Deeds. The Village will record the document and charge the applicant all applicable recording fees.

SLJ I understand that the Map will not be placed on the Village Board agenda until all the technical corrections to the CSM are made, the payment of any outstanding impact fees are paid to the Village Clerk's Department, and the original signed and stamped copy of the Map is submitted on the proper paper.

SLJ I understand that parcels created outside the Sewer Service Area will require a soil test. I also understand that all properties abutting a State Highway will require DOT approval and I will be responsible for securing such approval prior to recording.

SLJ I understand all delinquent property taxes on any of the properties involved shall be paid prior to recording.

5

SIGNATURES -- ALL APPLICATIONS MUST BE SIGNED BY OWNER!

[Signature]
Applicant

04.11.14
Date

Owner

Date

**BUSINESS OF THE VILLAGE BOARD
GERMANTOWN, WI**

MEETING DATE: April 21, 2014

AGENDA ITEM: New Business

ITEM TITLE: Continental Fund 246 LLC, Agent for Riversbend Country Club, Inc.,
Property Owner; N96 W18034 County Line Road; Certified Survey
Map (CSM) Re-Approval

SUBMITTED BY: Jeffrey W. Retzlaff, Director, Community Development Department

SUMMARY EXPLANATION:

Continental 246 Fund LLC, agent for Riversbend Country Club Inc., has submitted a revised Certified Survey Map (CSM) in support of the previously approved development plans for the commercial re-development of a 3.3-acre portion of the Riversbend Country Club golf course property located at N96 W18034 County Line Road.

In February, the Village Board approved a 4-lot CSM for the project. However, since that time, Continental determined that the easternmost tenant in the multi-tenant commercial building no longer had a requirement for its own tax parcel. This modification requires a CSM resubmittal reducing the number of lots from 4 to 3. Also, a title issue was uncovered concerning the southernmost portion of the golf course parcel. It was discovered that a small portion of right-of-way (approximately 6,870 sqft) was never properly deeded back to the golf course property owner. Continental is currently working with Washington County and the State of Wisconsin to quit claim the property from the state to the county, and then to sell the excess right-of-way back to the current property owner. This 6,870 sqft of "excess right-of-way" is depicted on the CSM with a dashed line for clarification. An appraisal for this small area of land is underway with closing anticipated for May 2014.

ATTACHMENTS:

- ♦ Revised CSM

PLAN COMMISSION RECOMMENDATIONS:

None Required

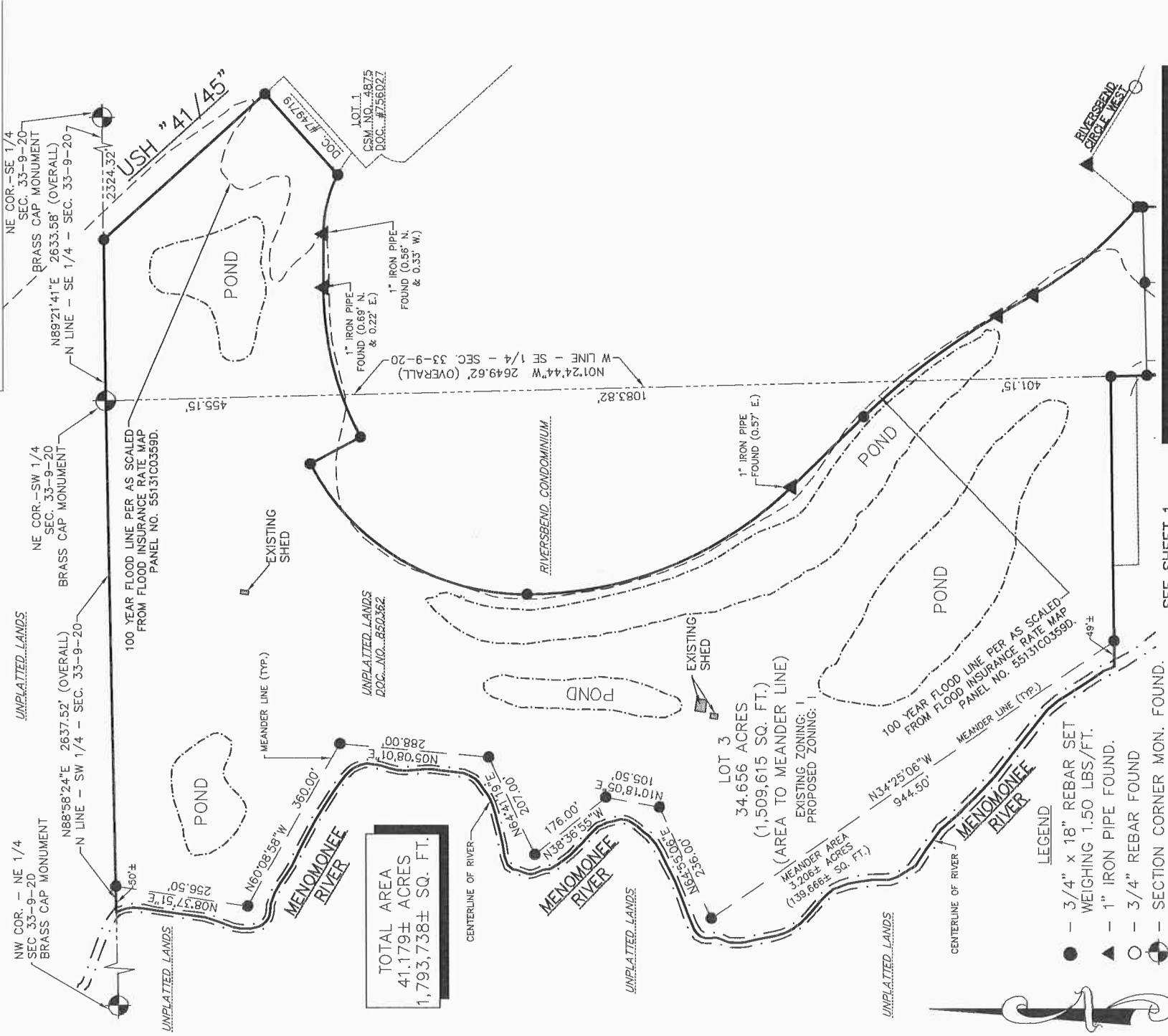
PROJECT NO. 1108680

CERTIFIED SURVEY MAP

FOR

RIVERSBEND COUNTRY CLUB, INC.

LOCATED IN A PART OF THE SE 1/4 & NE 1/4 OF THE SW 1/4 AND A PART OF THE SW 1/4 & THE NW 1/4 OF THE SE 1/4, SECTION 33, T. 9 N.-R. 20 E., VILLAGE OF GERMANTOWN, WASHINGTON COUNTY, WISCONSIN.



SEE SHEET 1

NORTH POINT REFERENCED TO THE WISCONSIN COORDINATE GRID SYSTEM, SOUTH ZONE (NAD-27). THE SOUTH LINE OF THE SOUTHEAST QUARTER HAS A BEARING OF NORTH 89°-10'-33" EAST

This instrument drafted by Ryan Wilgreen, RLS S-2647



SCALE SHEET 2 OF 5 SHEETS

FEET



Always a Better Plan
100 CAMELOT DRIVE
FOND DU LAC, WI 54935
PHONE: (920) 926-9800
FAX: (920) 926-9801

EXCEL
ENGINEERING
SURVEYING GROUP
PROJECT NO. 1108680

CERTIFIED SURVEY MAP

A PART OF THE SE 1/4 & NE 1/4 OF THE SW 1/4 AND A PART OF THE SW 1/4 & THE NW 1/4 OF THE SE 1/4, SECTION 33 T. 9 N.-R. 20 E., VILLAGE OF GERMANTOWN, WASHINGTON COUNTY, WISCONSIN.

SURVEYOR'S CERTIFICATE

I, Ryan Wilgreen, Professional Land Surveyor, hereby certify:

That I have surveyed, divided and mapped a parcel of land described below.

That I have made such Certified Survey under the direction of Riversbend Country Club, Inc. bounded and described as follows:

A part of the Southwest 1/4 and the Northwest 1/4 of the Southeast 1/4 and a part of the Northeast 1/4 and the Southeast 1/4 of the Southwest 1/4 of Section 33, Township 9 North, Range 20 East, Village of Germantown, Washington County, Wisconsin being more particularly described as follows:

Commencing at the Southwest corner of the Southeast 1/4 of said Section 33; thence North 01°-24'-44" West along the West line of the Southeast 1/4 of said Section 33, a distance of 168.69 feet to the point of beginning; thence continuing North 01°-24'-44" West along said West line, a distance of 540.81 feet to a line parallel with the South line of the Southwest 1/4 of said Section 33; thence South 89°-20'-37" West along said parallel line, a distance of 509.26 feet to an Easterly Meander Line of the Menomonee River; thence North 34°-25'-06" West along said meander line, a distance of 944.50 feet; thence North 64°-55'-06" East along said meander line, a distance of 236.00 feet; thence North 10°-18'-05" East along said meander line, a distance of 105.50 feet; thence North 38°-36'-55" West along said meander line, a distance of 176.00 feet; thence North 64°-41'-19" East along said meander line, a distance of 207.00 feet; thence North 05°-08'-01" East along said meander line, a distance of 288.00 feet; thence North 60°-08'-58" West along said meander line, a distance of 360.00 feet; thence North 08°-37'-51" East along said meander line, a distance of 256.50 feet to the North line of the Southwest 1/4 of said Section 33; thence North 88°-58'-24" East along said North line, a distance of 933.50 feet to the Northeast corner of said Southwest 1/4; thence North 89°-21'-41" East along the North line of the Southeast 1/4 of said Section 33, a distance of 309.26 feet to the Southwesterly right of way line of USH 41/45; thence South 41°-58'-50" East along said Southwesterly line, a distance of 417.99 feet to the Northwesterly line of a parcel of land described per Document No. 749719; thence South 48°-01'-10" West along said Northwesterly line, a distance of 209.14 feet to a Northerly line of the Riversbend Condominium; thence Northwesterly 117.35 feet along said Northerly line on a curve to the left having a radius of 242.33 feet; the chord of said curve bears North 76°-07'-22" West, a chord distance of 116.21 feet; thence North 89°-59'-46" West along said Northerly line, a distance of 103.33 feet; thence Southwesterly 298.87 feet along said Northerly line on a curve to the left having a radius of 611.56 feet, the chord of said curve bears South 76°-00'-14" West, a chord distance of 295.90 feet; thence North 27°-59'-46" West along said Northerly line, a distance of 110.00 feet to a Westerly line of the Riversbend Condominium; thence Southwesterly 511.68 feet along said Westerly line on a curve to the left having a radius of 472.86 feet, the chord of said curve bears South 31°-00'-14" West, a chord distance of 487.08 feet; thence Southeasterly 563.69 feet along said Westerly line on a curve to the left having a radius of 734.02 feet, the chord of said curve bears South 21°-59'-46" East, a chord distance of 549.94 feet; thence South 43°-59'-46" East along said Westerly line, a distance of 195.95 feet; thence Southeasterly 324.06 feet along said Westerly line on a curve to the right having a radius of 1326.23 feet, the chord of said curve bears South 36°-59'-46" East, a chord distance of 323.25 feet; thence South 29°-59'-46" East along said Westerly line, a distance of 80.00 feet; thence Southeasterly 263.74 feet along said Westerly line on a curve to the left having a radius of 755.54 feet, the chord of said curve bears South 39°-59'-46" East, a chord distance of 262.40 feet to a Westerly line of Lot 1 of Certified Survey Map No. 3903 recorded in the Washington County Register of Deeds office as Document No. 607696 in Volume 25, Page 14; thence South 00°-00'-14" West along said Westerly line, a distance of 95.00 feet; thence South 19°-26'-50" West along said Westerly line, a distance of 108.76 feet; thence South 15°-59'-46" East along said Westerly line, a distance of 184.00 feet; thence South 23°-00'-14" West along said Westerly line, a distance of 122.00 feet to the Northerly right-of-way line of County Trunk Highway "Q"; thence South 74°-23'-44" West along said Northerly right-of-way line, a distance of 117.00 feet; thence North 15°-36'-16" West, a distance of 70.00 feet; thence Southwesterly 152.05 feet on a curve to the right having a radius of 1943.48 feet, the chord of said curve bears South 75°-12'-06" West, a chord distance of 152.01 feet to the point of beginning and containing 37.972 acres (1,654,083 sq. ft.) more or less and being subject to all easements and restrictions of record.

SUREYOR'S CERTIFICATE AND LEGAL DESCRIPTION CONTINUED ON PAGE 4.
This instrument was drafted by Ryan Wilgreen, RLS S-2647

SHEET 3 OF 5 SHEETS

CERTIFIED SURVEY MAP

A PART OF THE SE 1/4 & NE 1/4 OF THE SW 1/4 AND A PART OF THE SW 1/4 & THE NW 1/4 OF THE SE 1/4, SECTION 33 T. 9 N.-R. 20 E., VILLAGE OF GERMANTOWN, WASHINGTON COUNTY, WISCONSIN.

SURVEYOR'S CERTIFICATE-CONTINUED

ALSO;

Those lands lying between said Easterly Meander Line and the centerline of the Menomonee River containing 3.206 acres (139,666 Sq. Ft.) of land more or less and being subject to all easements and restrictions of record.

That such is a correct representation of all the exterior boundaries of the land surveyed and the subdivision thereof made.

That I have fully complied with the provisions of Section 236.34 of the Wisconsin Statutes and the Subdivision Ordinance of The Village of Germantown in surveying, dividing, and mapping the same.

Ryan Wilgreen, P.L.S. No. S-2647
Excel Engineering, Inc.
Fond du Lac, Wisconsin 54935
Project Number: 1108680

Village of Germantown Planning Commission Approval

This Certified Survey Map is hereby approved by the Planning Commission of the Village of Germantown on this ____ day of _____, 20____.

Dean Wolter, Chairman (Date)

Laura A. Johnson, Secretary (Date)

Village of Germantown Board Approval

This Certified Survey Map, being a division of the Southeast 1/4 & Northeast 1/4 of the Southwest 1/4 and of the Southwest 1/4 and the Northwest 1/4 of the Southeast 1/4, Section 33, Township 9 North - Range 20 East, Village of Germantown, Washington County, Wisconsin, having been approved by the Planning Commission being the same, is hereby approved by the Village Board of Trustees of the Village of Germantown on this ____ day of _____, 20____.

Dean Wolter, Village President (Date)

Barbara K.D. Goeckner, Village Clerk (Date)

SHEET 4 OF 5 SHEETS

This instrument was drafted by Ryan Wilgreen, RLS S-2647

CERTIFIED SURVEY MAP

A PART OF THE SE 1/4 & NE 1/4 OF THE SW 1/4 AND A PART OF THE SW 1/4 & THE NW 1/4 OF THE SE 1/4, SECTION 33 T. 9 N.-R. 20 E., VILLAGE OF GERMANTOWN, WASHINGTON COUNTY, WISCONSIN.

CORPORATE OWNER'S CERTIFICATE

Riversbend Country Club, Inc., a corporation duly organized and existing under and by virtue of the laws of the State of Wisconsin, as Owner does hereby certify that said corporation caused the land described on this plat to be surveyed, divided and mapped as represented on this plat.

Riversbend Country Club, Inc., as Owner, also certifies that this plat is required by s. 236.10 or s. 236.12 to be submitted to the following for approval or objection:

1. Village of Germantown

IN WITNESS WHEREOF, the said Riversbend Country Club, Inc., has caused these presents to be signed by Charles L. Schmit, its Owner at _____, Wisconsin, and its corporate seal to be hereunto affixed on this _____ day of _____, 20__.

IN PRESENCE OF:

Riversbend Country Club, Inc.,

Charles L. Schmit, Owner

STATE OF WISCONSIN)
_____ COUNTY)SS

Personally came before me this _____ day of _____, 20__, the above named Charles L. Schmit of the above named corporation, to me known to be the persons who executed the foregoing instrument, and to me known to be such Owner of said corporation, and acknowledged that they executed the foregoing instrument as such officers as the deed of said corporation by its authority.

Notary Public, _____ County, WI

My Commission Expires: _____

**PLANNED DEVELOPMENT (PDD), CERTIFIED SURVEY MAP
(CSM), CONDITIONAL USE PERMIT (CUP), SITE PLAN & SIGN
PERMIT APPLICATIONS**

1/13/14 Plan Commission Meeting

Continental 246 Fund LLC / Rivers Bend Country Club Inc.

Village Planner Report

Germantown, Wisconsin

Summary

Continental 246 Fund LLC, agent for Rivers Bend Country Club Inc., property owner, has submitted revised site development and building plans for the re-development of a portion of the Rivers Bend Country Club golf course property located at N96 W18034 County Line Road to include a new golf club house, one (1) sit-down restaurant (Buffalo Wild Wings) and a 9,150 sqft multi-tenant retail building.

Location: N96 W18034 County Line Road

Agent/

Property Owner:	Sara Johnson Continental 246 Fund LLC W134 N8675 Executive Pkwy Menomonee Falls, WI 53051	Charles L. Schmit Rivers Bend Country Club Inc. N96 W18034 County Line Road Germantown, WI 53022
------------------------	--	---

Current Zoning: B-1: Neighborhood Business

Adjacent Land Uses		Zoning
North	Residential	Rm-3
South	Commercial	B-5
East	Commercial/Residential	B-5/Rm-3
West	Commercial	B-1

Location Map



Background

The Rivers Bend golf course property located at N96 W18034 County Line Road is approximately 41 acres lying between the Menomonee River on the west and the Rivers Bend condominium neighborhood to the east. The current use of the property is a 9-hole public golf course on the northerly 38 +/- acres with developed features on the southernmost 3 +/- acres, including: a 25' x 50' (1,250 sqft) club house, 25' x 40' (1,000 sqft) pavilion, and 60-stall paved parking lot.

In January, 2013, Village approvals and permits were granted to Continental 246 Fund LLC and Rivers Bend Country Club Inc., for re-development of a 3.5-acre portion of the golf course property, including:

- Comprehensive Plan Amendment ("Park/Recreation" to "Commercial");
- Rezoning Petitions (I: Institutional & Floodplain Overlay to B-1: Neighborhood Business/PDD)
- Creation of a new "Rivers Bend Planned Development District (PDD)" with conditions & restrictions specifically tailored for the proposed development;
- Certified Survey Map (3-Lot CSM);
- Conditional Use Permit (development within a 25' wetland setback);
- Site Development & Building Plans;
- Sign approval for monument and wall signage.

Specific development that was approved includes:

- construction of two (2) sit-down restaurants
 - 7,660 sqft Olive Garden restaurant;
 - 7,715 sqft Buffalo Wild Wings restaurant w/ outdoor patio;
- relocation/construction of a new 1,500 sqft golf course club house;
- layout changes to a portion of the golf course;
- expansion & reconstruction of the parking lot from 60 to 267 stalls;
- Improving access to and circulation around the new restaurants and club house from County Line Road with a new access point to the existing "frontage" road/driveway (currently shared with the Holiday Inn and KFC) and the installation of turn lanes and a traffic signal at the driveway on County Line Road;
- Installation of turn lanes and a traffic signal at the "frontage road" driveway on County Line Road;
- Construction of a new "dry" storm water pond inter-connected with the existing "wet" ponds on Lot 3 (golf course parcel) to control re-routed run-off from the developed areas on Lot 1 and Lot 2, and, provide additional flood relief.

In February 2013, Continental announced that the Olive Garden tenant had withdrawn from the project. No further development activity pursuant to the approved plans has taken place.

Revised Development Proposal & Applications

At this time, Continental submitted revised plans that contain a new retail component that will replace the Olive Garden restaurant; a 9,150 sqft multi-tenant retail building with a drive-through lane (serving the tenant space on the east side of the building). As detailed in the application documents, the size of the developed area would be reduced from 3.5 to 3.32 acres, primarily due to a reduction in the size of the parking area (from the previously approved 367 parking stalls to 228 stalls).

The following paragraphs summarize each of the development approvals or permits that were already granted and what effect, if any, the revised development plan will have on that approval or permit.

2020 Comprehensive Plan/Land Use Plan Map Amendment

The Land Use Plan amendment that was approved for the original development plan will not change. The 3.5-acre area that was changed to "Commercial" on the 2020 Land Use Plan will remain the same.

Rezoning

The 3.5-acre area that was rezoned from the I: Institutional District to the B-1: Neighborhood Business District will not change. Also, the .2-acre area that was removed from the Floodplain Overlay District will not change; the proposal to elevate this .2 acre area with fill in order to remove it from the 100-year floodplain is still part of the proposal. Toward that end, the applicant prepared and submitted revisions to the necessary flood elevation analysis to the Wisconsin DNR and FEMA as part of their application for a "Conditional Letter of Map Revision-Fill" (CLOMR-F). The revised analysis has been tentatively re-approved by the WisDNR and FEMA.

Rivers Bend PDD

The Rivers Bend Planned Development District (PDD) was created for the entire 41 +/- acre property. Specific development standards and requirements for the Rivers Bend PDD are contained in Resolution No. 02-13 (copy attached). Because the PDD conditions & restrictions resolution was specifically tailored for the previously-approved General Development Plan, many of the sections in Resolution No. 02-13 would have to be modified to reflect the new General Development Plan (the detailed site development and building plans dated December 12, 2013).

The most significant changes that would have to be made to the PDD include:

- Adding an allowance for a restaurant with a drive-through facility as a permitted use (currently only allowed with a CUP in the B-1 District);
- Allowing the land to be divided into four (4) parcels as shown on the revised CSM (vs. the three parcels previously approved);
- Replacing the previously-approved site development and building plans (for two restaurants and new clubhouse) with the revised plans (for one restaurant, one multi-tenant building w/ a drive-through lane and a new clubhouse).

A draft copy of the revised Rivers Bend PDD Conditions & Restrictions resolution is attached.

Certified Survey Map (CSM)

The previously-approved land division divided the 41 +/- acre property into three (3) separate parcels with appropriate cross-access easements:

- Lot 1 (Olive Garden Restaurant)
- Lot 2 (Buffalo Wild Wings Restaurant)
- Lot 3 (Rivers Bend Golf Course)

At this time, a revised land division is being proposed that would divide the land into four (4) parcels (with the same/similar cross-access easements):

- Lot 1 (east tenant of multi-tenant building w/ drive-through lane)
- Lot 2 (remaining tenants in the multi-tenant building)
- Lot 3 (Buffalo Wild Wings Restaurant)
- Lot 4 (Rivers Bend Golf Course)

No explanation is given as to why the multi-tenant building cannot be located on one parcel.

Conditional Use Permit (CUP)

As part of the previously-approved development plan, development encroached into approximately 10,640 sqft (.25 acres) of the Village-required 25' wetland setback area adjacent to the wetland on the west side of the property. Subject to an approved compensation/mitigation plan to enhance/restore 13,560 sqft of the 25' wetland setback with native seeding and vegetative buffer area between the parking lot and the wetland setback area with prairie plantings, the Village granted a CUP to allow that amount of development in the 25' setback area. Other than the need to grant an extension to the 1-year expiration period for CUP approval, no change is required to the adopted mitigation plan as a result of the revised development proposal.

Site Plans

The applicant has submitted a revised set of site development and building plans for the 3.32 +/- acre re-development area, including building floor plans, renderings and signage for the Buffalo Wild Wings restaurant, the 9,150 sqft multi-tenant building and the new golf club house.

As presented on the overall site plan (Sheet C1.2), the applicant proposes the following site development features:

- Relocate & construct a new 1,515 sqft golf club house with a 30' x 30' outdoor patio on proposed Lot 4 (including a 30' x 50' concrete golf cart parking pad west of the club house);
- Create a new development pad for construction of a 9,150 sqft multi-tenant building w/ a drive-through lane on proposed Lot 1 & Lot 2 (the 1,756 sqft Retail Tenant "A" space on Lot 1);
- Create a new development pad for construction of a 7,290 sqft sit-down restaurant (Buffalo Wild Wings) on proposed Lot 3;

- Reconstruct and expand the paved parking lot from 60 to 228 stalls that will be located on and across Lot 1, Lot 2 and Lot 3;
- Install a new access driveway serving the restaurants and golf course to/from the existing "frontage" road/driveway currently shared with the Holiday Inn and KFC, and, reconstruct the existing (southernmost) driveway to a one-way "exit only" driveway;
- Install turn lanes and a traffic signal at the "frontage road" driveway on County Line Road;
- Construction of a new "dry" storm water pond inter-connected with the existing "wet" ponds on Lot 4 (golf course parcel) to control re-routed run-off from the developed areas on Lot 1, Lot 2 and Lot 3 and provide additional flood relief.

Building and Operation Plans: Multi-Tenant Building

The "new" multi-tenant building intended to replace the Olive Garden Restaurant is a total of 9,150 sqft. The easternmost retail space (Retail A) is 1,756 sqft in area and will be served by the drive-through lane that will wrap around the building. Traffic using the drive-through will go between and around the buildings in a counter-clockwise direction. Retail A is intended to be on a separate parcel (Lot 1). The remaining three (30 tenant spaces (Retail B, C and D) total 7,391 sqft. While no specific retail tenants are being identified at this time, the retail spaces are expected to be occupied by food, shopping, office or other similar retail uses. The main entrances for each tenant space are located on the north elevation facing the main parking lot north of the building. Service doors are located on the south elevation facing County Line Road.

A small parking area (6 stalls) is located in front of the building. The dumpster enclosure is in the southwest corner of the lot closest to County Line Road. Color renderings and elevation plans are included in the plan set.

The building reflects a contemporary design (22' maximum height) with a flat roof and parapet walls. Exterior materials having a mix of earth-tone colors include brick/stone veneer, metal panels and standing-seam metal awning on all four elevations. HVAC units will be roof-top units screened from view by the parapet walls.

Building and Operation Plans: Buffalo Wild Wings

Buffalo Wild Wings (shown as Retail E on Lot 3) is a "sit-down" restaurant with indoor dining, carry-out service, and a seasonal outdoor patio (under roof with a decorative fenced enclosure). Hours will be 11:00 am to 12 midnight, Sunday through Thursday, and 11:00 am to 1:00 am, Friday and Saturday. Buffalo Wild Wings is also expected to employ 4-8 managerial and 80-90 support staff.

The building size is reduced from 7,715 sqft to 7,290 sqft. The building is a single-story structure (28' maximum height) with flat roof lines and parapet walls. Exterior materials include metal wall paneling, EIFS (two different color types), and fiber cement brick panels. HVAC units will be roof-top units; no screening is proposed. The building's main entrance is on the north elevation facing the main parking area. The dumpster enclosure is in the southwest corner of Lot 3 with a raised concrete sidewalk around the building. Color renderings and elevation plans are included in the plan set.

Building and Operation Plans: Rivers Bend Golf Course

The Rivers Bend golf course is 9-hole public golf course with a 1,515 sqft club house on Lot 4. The Rivers Bend operation will continue to operate as it has been; with seasonal hours from 8:00 am to dusk, Sunday through Saturday. The clubhouse will provide grill and bar service, restrooms, a pro shop, and both indoor and outdoor seating (along the west side of the building).

The building is a 1,515 sqft single-story structure (30' maximum height) with a more residential than commercial appearance with a hip-pitched roof and architectural shingles. The roof will extend over the 30'x 32' patio. Exterior materials include a brick veneer wainscoting, vinyl lap siding and window shutters. The HVAC unit will be ground-mounted. The building's main entrance is on the south elevation facing the main parking area. The dumpster enclosure is in the northwest corner of Lot 3 with a raised concrete sidewalk around the patio and edge of the parking lot. Color renderings and elevation plans are included in the plan set.

Parking, Access and Traffic Circulation

Reduced in size from the previously-approved plans, the existing 60-stall parking lot will be reconstructed and expanded to 228 stalls (39 stalls fewer than the approved plans). Lot 1 will have a designated total of 20 parking stalls; Lot 2 a total of 74 stalls; and Lot 3 a total of 134 stalls. There are no stalls to be constructed on Lot 4 (golf course property), but the stalls proposed along the north edge of the parking area adjacent to the club house will be subject of a shared parking agreement (as previously approved). In an effort to provide the minimum number of stalls required while reducing the impact of the parking area on both the wetlands to the west and the residential area to the east, the applicant is proposing to reduce the size of the parking stalls from 180 to 162 sqft (as previously approved).

Access to the Lots 1, 2 and 3 will be by way of two (2) access driveways to/from the existing "frontage" road/driveway currently shared with the Holiday Inn and KFC. The existing (southernmost) driveway that currently serves the golf course parking lot will be reconstructed as a one-way "exit only" driveway. A new access driveway will installed directly to/from the centralized parking lot constructed across Lot 1, Lot 2 and Lot 3. Access to the golf course club house on Lot 4 will be provided via an access easement across the new parking area. Access and traffic circulation to/from County Line Road and the new restaurants, golf course and existing Holiday Inn, KFC and other commercial uses to the east will be improved with a series of intersection improvements proposed at the "frontage" road intersection at County Line Road, including: installation of a traffic signal and turn lane improvements.

Traffic Study & Roadway Improvements

As part of the revised development plan, the previously-prepared traffic impact study has been updated to reflect the new/different land uses. Existing and future traffic conditions with and without traffic generated by the proposed development at the access driveway and along the County Line Road corridor were analyzed as part of the Traffic Impact Study and a separate Progression Analysis conducted by Traffic Analysis & Design, Inc.

As summarized in Exhibit 2 of the updated Traffic Impact Study results (December 6, 2013), traffic generated under the revised development plan is expected to be approximately 30% higher than the previously-approved plan on a typical weekday basis (1,520 vs. 1,170 daily trips). Morning traffic is expected to increase over 300% in the a.m. peak-hour (55 vs. 10 new trips). Traffic is expected to decrease approximately 50% in midday peak-hour (90 vs. 135 new trips). Evening traffic is expected to increase approximately 40% in the p.m. peak-hour (155 vs. 110 new trips).

As was the case with the previously-approved development plan, the projected increase in new development traffic under the revised development is sufficient to warrant the installation of a new traffic signal at the "frontage" road/driveway intersection on County Line Road. In addition, turn-lane improvements (striping of separate lanes and left-turn signal timing) are recommended at the "frontage" road/driveway intersection.

Utilities

Public water and sanitary sewer lateral lines will be extended to/within the site from existing mains in County Line Road and the property to the east. A public water line and hydrant within a 20' public easement will be extended into the parking area north of the restaurants to enhance fire flows and service to the property. All other essential utility services, including gas, electric, phone and cable will be extended/installed underground.

Storm Water Management

Impervious area on the 3.32 acre re-development area (all lots combined) will increase from 41,400 sqft (28.7%) to 108,358 sqft (75%) leaving 25% open space on the combined lot area. Individually, the amount of impervious area on Lot 1 will be 14,790 sqft (66.5%). The amount of impervious area on Lot 2 will be 38,016 sqft (81.2%) which exceeds the maximum allowance of 75% for land in the B-1 District. The amount of impervious area on Lot 3 will be 55,552 sqft (73.6%).

As shown on the Grading & Erosion Control plan (Sheet C1.3) and detailed in the Storm Water & Erosion Control Report, Lot 1 and Lot 2 will be graded in order to re-route storm water run-off from a majority of the site from east to west & south to north via sheet flow and on-site storm sewer in order to direct storm water to the ponds located on Lot 4 via a swale along the west side of Lot 3. Storm water run-off from in front of the retail buildings will be conveyed via on-site storm sewer to the north side of County Line Road.

Landscaping

Detailed landscaping plans indicate that a significant amount of landscape items comprised of evergreen and deciduous trees, shrubs, perennials, and ornamental grasses will be installed along the east side of the property, along the parking lot perimeter and interior parking lot islands. No foundation plantings are proposed around the Buffalo Wild Wings building. The western edge of Lot 3 is generally within the 25' wetland setback and is intended to be planted with prairie seed and plantings. The parcel adjacent to and west of Lot 3 (through which the Menomonee River traverses), is heavily wooded and provides an extensive and unique buffer. The reduced parking setbacks along the south and east property lines for Lot 1 limit the amount and type of landscaping (and snow storage) that can be installed to low-lying deciduous and evergreen shrubs. Stone mulch is proposed to be used in the parking lot island and perimeter landscape areas. A 3'-5' high berm with Colorado Spruce (6') and arborvitae (4') is proposed along the perimeter of the parking lot in the northeast corner of Lot 2 in an effort to screen the parking lot from the residential area to the northeast.

As a result of revising the drive-through lane around the multi-tenant building, a large open space area (with the potential for an outdoor seasonal seating area) with sidewalks and landscaping has been added in front of the multi-tenant building.

Lighting

External lighting is limited to lighting on the building and includes:

- Seventeen (17) 250W metal halide lamps in cut-off pole-mounted fixtures (some with additional light shields) mounted at 25' on steel light poles (22' pole height on 3' concrete base) located in and around the perimeter of the parking lot and driveways;
- Eighteen (18) decorative up/down cut-off lamp fixtures located on Buffalo Wild Wings and the north side of the multi-tenant building above the exterior doors and around the building;
- Eleven (11) decorative up-down sconce-type wall-mounted fixtures w/ LEDs fixtures located on the multi-tenant building;

Trash/Recycling

Dumpster pads for each restaurant are proposed; however detailed elevation plans with dimensions and a material list have not been provided.

Signage: Monument

One (1) two-sided monument sign 10" x 12" x 15' high (120 sqft per side; 240 sqft total) for all businesses is proposed along County Line Road in front of the multi-tenant building on Lot 1. The sign is comprised of two internally-lit aluminum cabinets with a Lexan face and vinyl graphics. The sign will be located 10' from the nearest property line and mounted on a 3' masonry base.

Signage: Multi-Tenant Building

Wall-mounted signage is proposed on all four elevations of the multi-tenant building (not just the primary elevation facing County Line Road). The only detail provided indicates each sign will be approximately 15 sqft in area.

The Village sign regulations allow 1.5 sqft of wall sign area for each 1 linear foot of building frontage on the primary elevation facing the adjacent roadway(s). In this case, with 120 linear feet of building frontage, a maximum of 180 sqft of wall sign area can be allowed. A total of 180 sqft of sign area is proposed (12 wall signs @ 15 sqft each). The developer is requesting that the Plan Commission allow signs on multiple elevations given the orientation of the building, main entrance, and main parking area in the rear (north).

Signage: Buffalo Wild Wings

As previously-approved, Buffalo Wild Wings is proposing wall-mounted signage on the north and south elevations (and not just the primary elevation facing County Line Road):

- South elevation: 7'9" x 11'7" (89.8 sqft) internally-lit channel letters and round aluminum cabinet logo w/ vinyl graphics mounted on a black metal panel internally-lit cabinet with LED letters;
- North elevation: 8' x 8' (64 sqft) internally-lit round aluminum cabinet logo w/ vinyl graphics mounted on a black metal panel internally-lit cabinet with LED letters;
- North elevation: 1' x 14' (14 sqft) internally-lit channel letters mounted on the building façade.
- North elevation: 3'3" x 6'9" (22 sqft) aluminum "Take Out" letters flush-mounted.

The Village sign regulations allow 1.5 sqft of wall sign area for each 1 linear foot of building frontage on the primary elevation facing the adjacent roadway(s). In this case, with 75 linear feet of building frontage, a maximum of 112.5 sqft of wall sign area can be allowed. Buffalo Wild Wings is proposing a total of 189.8 sqft of sign area (vs. the 112.5 sqft allowed) with a portion allocated to the north (100 sqft) and south (89.8 sqft) elevations (as detailed above). Buffalo Wild Wings is requesting that the Plan Commission allow signs on multiple elevations given orientation of the building, location of the main entrance and parking area in the rear (north). Additional items included in the sign proposal that are not specifically regulated under the Village sign code include:

- (10) vinyl window/door graphics

Signage: Rivers Bend Golf Course

While not reflected in the revised elevation plans, as previously-approved, Rivers Bend is proposing one 2' x 6' (12 sqft) wall-mounted non-illuminated sign to be mounted above the main entrance on the south elevation.

Staff Comments

B-1/PDD Overlay Rezoning

As outlined herein, the list of development standards and requirements proposed to be modified and "relaxed" is extensive. Understandably so, given the type and amount of development proposed on a property with so many constraints. The two standards that are of most concern are the parking lot setback requirements: (1) from the adjacent residential area (reduced from 50 to 42 feet); and (2) from all property lines (reduced from a minimum of 8' down to 0' at various points along the perimeter. While there's an attempt to compensate for the reduced setback from the existing residential condos in the northeast corner with a berm and evergreen screening, it doesn't appear to be sufficient given the proposed planting size (6' tall arborvitae) and limited berm length.

Also, a setback less than 8' from the property line reduces potential snow storage areas and limits the applicant's ability to install landscaping of any significant size.

Certified Survey Map (CSM)

The applicant indicates that a separate access easement agreement for the benefit of Lot 3 will be prepared at later date. This access easement should be shown on the CSM and the agreement should include provisions addressing the proposed shared parking arrangement, and, be prepared and submitted for review and approval by the Village prior to consideration of the CSM by the Village Board. Additional technical corrections required for the CSM are listed in a December 13, 2013 memo from the Village surveyor (copy attached). A revised CSM has been prepared and submitted; however, no further staff review has been possible.

25' Wetland Setback Conditional Use Permit (CUP)

With regard to the CUP for development within the 25' wetland setback, staff supports the proposed mitigation plan. As detailed therein, the amount of setback area disturbance is relatively small (approximately 10,640 sqft) and the type and amount of compensation exceeds the minimum required. Because most of the area within the 25' wetland setback along the west side of the parking area on Lot 3 is to be re-graded as a swale for purposes of re-routing parking and building run-off away from the wetland and north to the existing "wet" storm water ponds, the proposed planting of prairie seed and plantings is an acceptable and necessary measure. The "standard" 1-year expiration date for the CUP will need to be extended.

Site & Building Plans

With regard to the revised site development and building plans (including landscaping, lighting, signage, utilities, storm water, traffic impact study, etc.), staff has identified a few issues/concerns that may warrant discussion by the Plan Commission and/or further attention with revised plans.

As mentioned above, the setback distance from the existing residential condo area to the north is a concern. Although the parking lot has been reduced in size, it appears to only have been shifted south by approximately 20 feet. The golf course clubhouse, while also being shifted 30' south of the previously-approved location, it has also been shifted further east another 30 feet. The proposed berm & landscape screen is not sufficient. Although the golf course operation already exists, the club house and outdoor patio, golf cart storage, and parking lot are all significantly closer to the residential area than the existing locations. The potential for negative impacts from and associated with the golf course operation increases as the separation distance between the two decreases. The hours of operation for the restaurant create the potential for additional noise, lights, and traffic into the evening hours year-round. At a minimum, the landscape buffer of evergreens need to be enhanced with larger, taller and more trees along the common property line in the northeast corner of the property, and, around the perimeter of the outdoor patio on the north side of the club house. This was a requirement when the original plans were approved; however, it is not reflected in the revised plans. Additional restrictions on the type and hours for outdoor club house events and the use of loud or amplified music should also be considered.

As one would expect, each of the new buildings includes a separate dumpster enclosure as shown on the site plan. However, there are no complete, detailed drawings or plans that clearly show dimensions and materials. At a minimum, complete dumpster enclosure plans need to be prepared and submitted for review and approval prior to issuance of a building permit. Each enclosure should be comprised of the same masonry or other comparable materials as their respective principal building. Particular attention should be given to the enclosures proposed for both Buffalo Wild Wings and the multi-tenant building given that they are located closest to and visible from County Line Road.

REVISED ELEVATIONS AND RENDERINGS WILL BE PRESENTED AND DISCUSSED AT THE JANUARY 27 MEETING. NO STAFF COMMENTS OR RECOMMENDATIONS REGARDING THE NEW PLANS AND RENDERINGS IS BEING PROVIDED AT THIS TIME. TO THE EXTENT POSSIBLE, COLOR COPIES OF THE REVISED ELEVATION PLANS WILL BE INCLUDED IN THE STAFF PACKET.

The landscaping plan does not include any foundation plantings for the Buffalo Wild Wings building. The applicant indicates on the plan that detailed foundation planting plans will be submitted by the owner at the time of building permit application. Unless the Plan Commission wants to see and approve a definitive foundation planting plan before acting on the current site plan set, staff recommends requiring the applicant to submit the foundation planting plan as a supplemental plan for Plan Commission review and approval prior to issuance of a building permit.

The use of stone mulch in all of the parking lot island and perimeter landscaped areas and is questionable. These areas are counted toward the minimum required "green space". The Plan Commission should discuss this and decide if stone mulch is an acceptable alternative for use in the required landscaped areas of a particular site.

Signage

As indicated above, the developer is requesting approval for wall signage on multiple elevations for both of the retail buildings and not just the primary elevation facing County Line Road. Buffalo Wild Wings is proposing more sign area than what is allowed for their respective building. While staff generally supports the request for allowing wall signage on multiple elevations, the sign area should be reduced to not exceed the maximum amount allowed per code for the building. Further, insufficient details are provided for the proposed wall signs on the multi-tenant building (as expected given no known tenants); therefore, detail sign permit applications will be required for each tenant. Toward that end, the developer should establish a minimum set of sign standards to ensure consistent and compatible signage is used for each tenant space.

Traffic Impact Study & Recommended Improvements

Results of the applicant's original traffic studies were approved by both WisDOT and Village staff (an independent traffic engineering consultant has been retained by the Village to review the studies). At that time, the traffic consultant concluded that traffic conditions at the access driveway and along the County Line Road corridor can operate at the same or a better level of service than exists today if the access driveway on County Line Road is signalized, turn lane improvements at this intersection are installed, and traffic signal offsets and timing for all of the signals along County Line Road from Appleton Ave to Division Road are coordinated and optimized.

As previously approved, at a minimum, these recommended improvements need to be made conditions of approval with the applicant being responsible for 100 percent of the cost associated with completing all of the access driveway signalization, turn lane and other recommended improvements.

With that said, the traffic impact study was updated to reflect the revised development plans. As noted above, traffic generated from new development under the revised plan is expected to be 30% greater than the previously-approved development plan and land uses on a daily basis. Traffic increases in the critical a.m. and p.m. peak hours are even worse: 300% greater in the a.m. and 40% greater in the p.m. peak hours.

As indicated in a January 23, 2014 technical memo submitted by traffic consultant John Bieberitz, P.E., with Traffic Analysis & Design Inc., the additional traffic expected from development under the revised plan warrants the same list of improvements to the County Line Road @ driveway intersection (as listed on page 3 of the technical memo). Further, the traffic consultant indicates that drive-through traffic will not create any internal circulation or turning movement conflicts under the revised development plan.

Public Works Department/Village Surveyor

The Village Surveyor has identified a series of technical corrections (see December 20, 2013) that will need to be made to the Certified Survey Map prior to review and approval of the CSM by the Village Board.

Public Works Department/Village Engineer

The Village Engineer has identified a series of technical corrections and plan revisions in his revised January 24, 2014 memo that will need to be addressed in revised plans that are submitted for review and approval by the Village Engineer prior to issuance of any building permit.

Finally, the Village Engineer advises that a Developer's Agreement is required between the Village and the applicant and that approval of the site plans should be contingent upon entering into a Developers Agreement with all of the items listed in the Village Engineer's January 24, 2014 review memo included in said Agreement as recommended.

Fire Department

As previously-approved, the Fire Department has indicated that all three (3) buildings will require a monitored automatic sprinkler system (NFPA 13) and a Knox Box.

Police Department

The Police Department is requesting that all exterior exit and delivery/loading doors (except for the main entrance) be clearly numbered or otherwise identified with 5" or larger lettering to aid emergency personnel access.

Building Inspection

State approved plans and the standard \$20,000 occupancy bond will be required prior to issuing a building permit for each of the three (3) buildings.

Village Planner Recommendation:

Rezoning

If the Plan Commission APPROVES the revised development plans:

The Rivers Bend Planned Development District (PDD) conditions & restrictions resolution (Res. No. 02-13) shall be revised as appropriate to reflect the revised development plans prior to review and approval by the Village Board.

Village Planner Recommendation:

Certified Survey Map (CSM)

If the Plan Commission APPROVES the revised development plans:

APPROVE the 4-lot Certified Survey Map land division for the 41 +/- acre property owned by Rivers Bend Country Club Inc. located on County Line Road subject to the following:

1. All technical corrections identified by the Village Surveyor as set forth in the November 27, 2012 (revised date of December 13, 2013) memo, and, any further review comments and recommended corrections resulting from the Surveyor's review of the revised CSM submitted on January 23, 2014, shall be made prior to recording the CSM.
2. The required cross-access easement agreement(s) for the benefit of Lot 4 shall be shown on the CSM and the access easement agreement shall include provisions addressing the proposed shared parking arrangement. Said easement agreement shall be prepared and submitted for review and approval by the Village Attorney prior to recording the CSM.

Village Planner Recommendation:
Site Development & Building Plans

If the Plan Commission APPROVES the revised development plans:

APPROVE the revised site development and building plans for the proposed development on 3.32 +/- acres of the Rivers Bend property located on County Line Road subject to the following:

1. Subject to further required revision by the Plan Commission, approval is granted for the revised site development and building plan set dated _____.
2. Subject to further revision by the Plan Commission, approval is granted for the multi-tenant retail building elevation dated _____;
3. Subject to further revision by the Plan Commission, approval is granted for the Buffalo Wild Wings revised elevation and floor plans dated _____;
4. Subject to further revision by the Plan Commission, approval is granted for the Rivers Bend Golf Course club house revised building elevation and floor plans dated December 27, 2012;
5. All landscaping, screening, and lighting improvements shown on the approved site plans shall be installed as proposed prior to issuance of an occupancy permit unless a cash bond or letter of credit in an amount equal to 120 percent of the estimated installation and material costs reviewed and approved by the Village is submitted to the Village as necessary to ensure that installation of the proposed features and improvements will be completed within one (1) year after issuance of the occupancy permit.
6. A monitored sprinkler system and Knox Box shall be installed in each of the proposed commercial buildings (Buffalo Wild Wings, multi-tenant building, and Rivers Bend golf course club house) as required by the Fire Department.
7. All exterior doors shall be clearly marked with reflective 5" or larger letters/numbers to aid emergency personnel access as required by the Police Department.
8. State approved plans and a \$20,000 occupancy bond are required by the Building Inspection Department as part of the building permit application for each of the proposed commercial buildings.

Village Planner Recommendation:
Site Development & Building Plans

-- continued --

9. The landscape berm and evergreen tree buffer adjacent to the northeast corner of the parking area and along the east side of the parking area shall be enhanced with more and larger/taller (min. 10-12' planted height) evergreen and deciduous trees. Additional landscaping comprised of deciduous and evergreen trees and shrubs shall also be installed: (a) around the perimeter of the outdoor patio on the west side of the club house to better buffer the residential area from outdoor club house activity; (b) within the narrow area between the drive-through lane and the frontage road serving the site (shown in the original plan as "seeded lawn"); and in the open area in front of the multi-tenant building. This additional landscape screening shall be shown in a revised landscape plan submitted to the Village Planner for review/approval prior to issuance of an occupancy permit.
10. The applicant shall submit a detailed foundation planting plan for the Buffalo Wild Wings building as either a supplemental plan or revision to the overall landscape plan to the Village Planner for review and approval prior to issuance of a building permit.
11. Complete dumpster enclosure plans shall be prepared and submitted to the Village Planner for review and approval prior to issuance of a building permit. Each enclosure shall be comprised of the same masonry or other comparable materials as their respective principal buildings. Particular attention shall be given to the appearance of the enclosures visible from County Line Road.
12. All technical corrections and issues raised in the Village Engineer's January 6, 2014 memo shall be addressed and reflected in a revised plan set submitted to the Village Engineer for review/approval prior to issuance of a building permit.
13. As set forth in the traffic impact study prepared by Traffic Analysis & Design, Inc. all of the roadway improvements listed on page 8 of their December 20, 2012 memorandum (including installation of a traffic signal and specific turn-lane improvements) shall be installed by the applicant. The list of improvements shall be re-evaluated and either affirmed or revised accordingly as a result of the revised development plans prior to issuance of a building permit. The applicant shall be responsible for 100 percent of the costs associated with completing these improvements. The applicant shall provide the data used in preparing the Traffic Impact Study and Progression Analysis to the Village of Germantown and any other affected/interested agency having jurisdiction over the maintenance and/or operation of the traffic control devices and right-of-way for the County Line Road corridor from Appleton Avenue to Division Road, in whole or in part, to ensure implementation of the recommended and optimal traffic signal offsets and timing along the corridor.
14. The applicant shall enter into a Developer's Agreement with the Village of Germantown that shall include at a minimum all of the items set forth in the Village Engineer's January 6, 2014 memo. Said Agreement shall be in place prior to issuance of a building permit.
15. Approval is subject to the applicant providing written documentation to the Village reviewed and deemed acceptable to the Village Attorney that indicates all property owners and/or tenants have a legal right to use, modify and improve (i.e. install the recommended traffic control devices) the access driveway/frontage road shared with the Holiday Inn, KFC and Speedway.

VILLAGE PLANNER RECOMMENDATION:

Sign Review

APPROVE the proposed common monument sign and individual wall signs subject to the following conditions:

1. The monument sign plan dated November 27, 2013;
2. The Buffalo Wild Wings sign "package" dated November 26, 2013, that includes a total of three wall signs to be mounted on the north elevation and one wall sign on the south elevation is approved provided that the total amount of sign area does not exceed the maximum 112.5 sqft allowed per the Village Zoning Code.
3. The Rivers Bend wall sign presented in the "package" dated September 27, 2012, to be mounted above the entrance on the south elevation is approved.
4. The developer/owner of the multi-tenant building shall develop a set of standards to guide the design and installation of the proposed wall signage. At a minimum, wall signage shall be comprised of individual, internally-lit channel letters (no sign cabinets or flush-mounted plastic or aluminum lettering) meeting the Village's sign regulations. Wall signs can be installed on both the north and south elevations provided that the total amount of sign area does not exceed the maximum 180 sqft allowed per the Village Zoning Code.
5. Electrical permits shall be obtained from Inspection Services prior to installation of any/all electrical components.
6. All electrical sign components must be listed and labeled by a recognized lab.
7. Sign permits are required for all permanent and temporary exterior signage for all tenants.

VILLAGE PLANNER RECOMMENDATION:

25' Wetland Setback CUP

1. **APPROVE** an extension of the 1-year expiration time period in CUP No. 03-13 and revise the reporting period for the required annual monitoring report set forth therein (to start in 2014 vs. 2013).

MOTION carried (4-2 Wolter, Warren)

Chairman Wolter said he feels the building is acceptable for the area and is appreciative of the time and effort Airgas has put in to get to this point. Commissioner Stauffacher asked for a rendering that would show what the north elevation would look like from Mequon Road. Mr. Kucha said a true view from Mequon Road would show a lot of vegetation on the berm which would obscure views of the building. Rick Miller thinks the project can work by adding additional trees to the berm. Mr. Stawicki said Airgas would be willing to come back with some additional landscaping that would help the view from Mequon Road, but will not make changes to the building.

MOTION Stauffacher second Peck to Postpone until February 3rd to provide an opportunity for the applicant to come back with renderings of the north elevation from Mequon Road including the additional landscaping as it will look after it has been installed within one year of planting.

MOTION carried unanimously.

Village of Germantown /Airgas Safety – Lot 41 of CSM 6488 in the Germantown Business Park (SW Corner of Mequon Road and Eisenhower Drive. Request for approval of a rezoning application and conditional use permit regarding 1.055 acres (45,955 sqft) of wetland located on Lot 41 in the Germantown Business Park. Planner Retzlaff summarized the proposal and discussed the history of land acquisition, past wetland delineations, how the original wetland grew into an artificial wetland, and the DNR's issuance of a wetland fill permit in January 2014. Trustee Baum asked if the Village would fill the wetland even if the Airgas project did not proceed. Planner Retzlaff indicated it would.

MOTION Baum second Warren to Approve the Rezoning application to rezone and remove 45,955 sqft (1.055 acres) of area from the Shoreland-Wetland Zoning District as shown in Wetland Exhibit A (dated December 19, 2013) at such time as said area is filled, AND

APPROVE a Conditional Use Permit to allow development up to 6,300 sqft within the 25' wetland setback area as shown in the Site Plan (Sheet L-1.0 with a revision date of January 23, 2014) pursuant to Section 24.04 of the Shoreland-Wetland Zoning Code.

MOTION carried unanimously.

Continental 246 Fund LLC and Riversbend County Club Inc. – N96 W18034 County Line Road. Revised site development and building plans for the re-development of a portion of the Riversbend Country Club golf course property to include a new golf club house, one sit-down restaurant (Buffalo Wild Wings) and a 9,150 sqft multi-tenant retail building. Steve Wagner, Continental Fund, spoke regarding revisions to the plan. John Bieberitz, TADI, went over results from the traffic study saying this sight plan was better than the last one and that traffic lights and signals are still warranted. Kevin Thode, RSP Architects, spoke regarding the Buffalo Wild Wings. He said the building presented is a new proto type for the franchise but functions are the same. Dominic Ferrante, Briohn Design commented on changes to the retail building and presented 3-D renderings of the building and site. Steve Wagner commented on changes to the original plan:

- traffic lights will be synchronized

- increased tree size and density at north parking lot
- low level bushes added to seeded area at retail building
- foundation plantings will be added to the Buffalo Wild Wings foundation area
- bark mulch will be used instead of stone mulch
- dumpster enclosure plans will be provided.

Commissioner Peck questioned the need for the six parking spaces along County Line Road. Mr. Wagner said the spaces would be used for employee parking and delivery trucks. Mr. Bieberitz said traffic lights along County Line Road would be synchronized during certain peak-hour times and use video detection when not synchronized.

MOTION Baum second Warren to Approve the revised Riversbend Planned Development District (PDD) conditions & restrictions resolution (Res. No. 02-13) as appropriate to reflect the revised development plans prior to review and approval by the Village Board.

MOTION carried unanimously.

MOTION Baum second Stauffacher to Approve the 4-lot Certified Survey Map land division for the 41 +/-acre property owned by the Riversbend Country Club Inc. located on County Line road subject to the following:

- 1. All technical corrections identified by the Village Surveyor as set forth in the November 27, 2012 (revised date of December 13, 2013) memo, and, any further review comments and recommended corrections resulting from the Surveyor's review of the revised CSM submitted on January 23, 2014, shall be made prior to recording the CSM.***
- 2. The required cross-access easement agreement(s) for the benefit of Lot 4 shall be shown on the CSM and the access easement agreement shall include provisions addressing the proposed shared parking arrangement. Said easement agreement shall be prepared and submitted for review and approval by the Village Attorney prior to recording the CSM.***

MOTION carried unanimously.

MOTION Baum second Warren to Approve the revised site development and building plans for the proposed development on 3.32 +/-acres of the Riversbend property located on County Line Road subject to the following:

- 1. Subject to further required revision by the Plan Commission, approval is granted for the revised site development and building plan set dated January 23, 2014;***
- 2. Subject to further revision by the Plan Commission, approval is granted for the multi-tenant retail building elevation dated January 23, 2014;***
- 3. Subject to further revision by the Plan Commission, approval is granted for the Buffalo Wild Wings revised elevation and floor plans dated January 23, 2014;***
- 4. Subject to further revision by the Plan Commission, approval is granted for the Rivers Bend Golf Course club house revised building elevation and floor plans dated December 27, 2012;***
- 5. All landscaping, screening, and lighting improvements shown on the approved site plans shall be installed as proposed prior to issuance of an occupancy permit unless a cash bond or letter of credit in an amount equal to 120 percent***

of the estimated installation and material costs reviewed and approved by the Village is submitted to the Village as necessary to ensure that installation of the proposed features and improvements will be completed within one (1) year after issuance of the occupancy permit.

- 6. A monitored sprinkler system and Knox Box shall be installed in each of the proposed commercial buildings (Buffalo Wild Wings, multi-tenant building, and Rivers Bend golf course club house) as required by the Fire Department.*
- 7. All exterior doors shall be clearly marked with reflective 5" or larger letters/numbers to aid emergency personnel access as required by the Police Department.*
- 8. State approved plans and a \$20,000 occupancy bond are required by the Building Inspection Department as part of the building permit application for each of the proposed commercial buildings.*
- 9. The landscape berm and evergreen tree buffer adjacent to the northeast corner of the parking area and along the east side of the parking area shall be enhanced with more and larger/taller (min. 10-12' planted height) evergreen and deciduous trees. Additional landscaping comprised of deciduous and evergreen trees and shrubs shall also be installed: (a) around the perimeter of the outdoor patio on the west side of the club house to better buffer the residential area from outdoor club house activity; (b) within the narrow area between the drive-through lane and the frontage road serving the site (shown in the original plan as "seeded lawn"); and in the open area in front of the multi-tenant building. This additional landscape screening shall be shown in a revised landscape plan submitted to the Village Planner for review/approval prior to issuance of an occupancy permit.*
- 10. The applicant shall submit a detailed foundation planting plan for the Buffalo Wild Wings building as either a supplemental plan or revision to the overall landscape plan to the Village Planner for review and approval prior to issuance of a building permit.*
- 11. Complete dumpster enclosure plans shall be prepared and submitted to the Village Planner for review and approval prior to issuance of a building permit. Each enclosure shall be comprised of the same masonry or other comparable materials as their respective principal buildings. Particular attention shall be given to the appearance of the enclosures visible from County Line Road.*
- 12. All technical corrections and issues raised in the Village Engineer's January 6, 2014 memo shall be addressed and reflected in a revised plan set submitted to the Village Engineer for review/approval prior to issuance of a building permit.*
- 13. As set forth in the traffic impact study prepared by Traffic Analysis & Design, Inc. all of the roadway improvements listed on page 8 of their December 20, 2012 memorandum (including installation of a traffic signal and specific turn-lane improvements) shall be installed by the applicant. The list of improvements shall be re-evaluated and either affirmed or revised accordingly as a result of the revised development plans prior to issuance of a building permit. The applicant shall be responsible for 100 percent of the costs used in preparing the Traffic Impact Study and Progression Analysis to the Village of Germantown and any other affected/interested agency having jurisdiction over the maintenance and/or operation of the traffic control devices and right-of-way for the County Line Road corridor from Appleton Avenue to Division Road, in whole or in part, to ensure implementation of the recommended and optimal traffic signal offsets and timing along the corridor.*

- 14. The applicant shall enter into a Developer's Agreement with the Village of Germantown that shall include at a minimum all of the items set forth in the Village Engineer's January 6, 2014 memo. Said Agreement shall be in place prior to issuance of a building permit.**
- 15. Approval is subject to the applicant providing written documentation to the Village reviewed and deemed acceptable to the Village Attorney that indicates all property owners and/or tenants have a legal right to use, modify and improve (i.e. install the recommended traffic control devices) the access driveway/frontage road shared with the Holiday Inn, KFC and Speedway.**

Trustee Baum asked if Continental was OK with the conditions of approval. Mr. Wagner said they were agreeable to all the conditions. Commissioner Peck did not like the wall light sconces on the Buffalo Wild Wings building adding that he thought they looked strange and out of scale. Commissioner Stauffacher commented that he could not support this development because he doesn't support using a PDD to make something happen that is otherwise not allowed.

MOTION carried 5-1 (Stauffacher)

MOTION Baum second Yokes to Approve the proposed common monument sign and individual wall signs subject to the following conditions:

- 1. The monument sign plan dated November 27, 2013;**
- 2. The Buffalo Wild Wings sign "package" dated November 26, 2013, that includes a total of three wall signs to be mounted on the north elevation and one wall sign on the south elevation is approved provided that the total amount of sign area does not exceed the maximum 112.5 sqft allowed per the Village Zoning Code.**
- 3. The Rivers Bend wall sign presented in the "package" dated September 27, 2012, to be mounted above the entrance on the south elevation is approved.**
- 4. The developer/owner of the multi-tenant building shall develop a set of standards to guide the design and installation of the proposed wall signage. At a minimum, wall signage shall be comprised of individual, internally-lit channel letters (no sign cabinets or flush-mounted plastic or aluminum lettering) meeting the Village's sign regulations. Wall signs can be installed on both the north and south elevations provided that the total amount of sign area does not exceed the maximum 180 sqft allowed per the Village Zoning Code.**
- 5. Electrical permits shall be obtained from Inspection Services prior to installation of any/all electrical components.**
- 6. All electrical sign components must be listed and labeled by a recognized lab.**
- 7. Sign permits are required for all permanent and temporary exterior signage for all tenants.**

MOTION carried unanimously.

MOTION Baum second Warren to Approve an extension of the 1-year expiration time period in CUP No. 03-13 and revise the reporting period for the required annual monitoring report set forth therein (to start in 2014 vs 2013).

MOTION carried unanimously.

Chairman Wolter said the PDD will go to the Village Board for approval on February 3 and a public hearing is scheduled.

ANNOUNCEMENTS: None

ADJOURNMENT: There being no further business, the meeting was adjourned at 9:11 p.m.

Respectfully submitted,

Lori Johnson
Planning Assistant

**VILLAGE OF GERMANTOWN
VILLAGE BOARD MEETING MINUTES
FEBRUARY 3, 2014**

CALL TO ORDER: The meeting was called to order at 7:40 p.m. by President Wolter

ROLL CALL: President Wolter, Trustees Baum, Daniels, Ewert, Hughes, Kaminski, Vanderheiden, Werderman and Zabel. Also present: Administrator Schornack, Attorney Sajdak, Police Chief Hoell, Park & Recreation Director Casperson, Planner Retzlaff, Finance Director Rath, Interim Fire Chief Maury and Clerk Goeckner.

PLEDGE OF ALLEGIANCE: The Pledge of Allegiance was recited.

PRESIDENT'S REPORT – None

ANNOUNCEMENTS OF FORTHCOMING EVENTS OF PUBLIC INTEREST & COMMITTEE REPORTS: Upcoming meetings were announced.

CITIZEN INPUT/PUBLIC APPEARANCE on items not subject to a public hearing: None

CONSENT AGENDA:

- A. Minutes – January 20, 2014
- B. Accounts payable/payroll
 - 1. January 25, 2014 Accounts payable \$ 367,789.18
 - 2. January 28, 2014 Payroll (hourly) \$ 214,473.50
 - 3. January 31, 2014 Payroll (salary) \$ 73,486.44
- C. Operator Licenses: February 4, 2014 – June 30, 2014
Emily R. Atkielski, Julie A. Bartelt, Jessica L. Messig, Andrew R. Reinsvold,
Danielle D. Rusnak, Melva J. Tatum, and Tamara L. Waterhouse.

The following items were forwarded from the General Government and Finance Committee with a unanimous recommendation:

- D. 2014 \$10,000 Payment to Economic Development Washington County
[Recommended Approval]
- E. Authorization to Fill Full-Time Senior Coordinator Position with current Job
Description and Pay Grade [Recommended Approval]

MOTION (Vanderheiden/Ewert) to approve Consent Agenda Items A-E, by roll call vote, carried unanimously.

UNFINISHED BUSINESS: None

PUBLIC HEARINGS – 7:00 P.M. OR LATER – *The purpose of said hearing(s) is to hear any and all parties, their attorneys or agents, for or against the application(s) filed by the petitioner(s).*

- A. Continental 246 Fund LLC, Agent for Riversbend Country Club, Inc., Property Owner: N96 W18034 County Line Road, Tax Key No. 333-965; Revised Planned Development District (PDD), 4-lot Certified Survey Map (CSM) & Conditional Use Permit (CUP) to allow development of a Buffalo Wild Wings restaurant, a 7,150 sqft retail building with drive-through window and a new 1,515 sqft clubhouse.

PUBLIC HEARINGS continued:

Planner Retzlaff presented information regarding the application from Continental 246 Fund LLC, Agent for Riversbend Country Club for revised PDD, CSM and Conditional Use Permit. The revised PDD covers the entire property and includes specific conditions. The Resolution amendment specifically addresses the new plans. CSM is to create 4 lots from the 41 acre parcel. The CUP is to extend its period for 1 year. Plan Commission recommended to approve with 1 condition and approve CSM with 2 conditions and CUP with 1 condition and subject to approval of those conditions by the Village Board. Steve Waggoner, Senior VP with retail leasing for Continental 246 Fund presented further information on the project. Not all retail clients known at this time for the multi-tenant development, but they have a track record of bringing nationally known retail clients to the Village. John Debritz presented information on the traffic analysis. They have coordinated with the DOT, Washington County and the Village. DOT has agreed to reset the timing along the corridor and the development would pay for the new traffic signal. The traffic study was based on the changes. Discussion of drive thru for coffee shop within project. Keven Thode of the architects for Buffalo Wild Wings presented their area.

(8:00 pm – Trustee Baum stepped out momentarily then returned.)

Ben of Briohn Building Corporation presented information on the structures appearance and presentation to Plan Commission. Waggoner – projected to bring over 100 new jobs from entry to management level positions. New tax base to see over \$100,000/year in real estate, personal property and sales tax without requirement of a TIF. They have reviewed conditions and agreed to all of them.

President Wolter opened the public hearing at 8:08 p.m.

Interested parties spoke to the item:

Robert Eastman W179N9773 Riversbend Circle W – Lives on golf course, not opposed to development in Germantown but expressed concerns of effects of flood lights, property values and traffic issues.

Kathy Gnadl N97 W17921 Mulberry Court – Concerns of traffic issues and property values.

Charles Hargan W169N11504 Biscayne Drive – Concerns of parking and the area becoming more of a hang out.

John Lauderdale N105 W20958 Parkland Circle, Colgate – Concerns of traffic issues. This is a quality of life issue.

President Wolter closed the public hearing at 8:28 p.m.

- B. Village of Germantown, Property Owner: Tax Key No. 252-970; (14.89-acre parcel in the Southwest corner of Mequon Road @ Eisenhower Drive); for (1) a Conditional Use Permit (CUP) to allow development within a 25' wetland setback; and (2) a Rezoning application to remove 45,955 sqft (1.055 acres) from the Shoreland-Wetland Overlay Zoning District.

Planner Retzlaff presented information regarding the application from the Village of Germantown for a CUP to allow development within a 25' wetland setback and rezoning to remove 45,955 sqft from the Shoreland-Wetland Overlay Zoning District. Plan Commission recommendation is to approve rezoning of 45,995 sq. ft.,

PUBLIC HEARINGS continued:

removing it from wetland overlay and secondly the Conditional Use Permit, recommended approval with mitigation plan to enhance as part of the Airgas project.

President Wolter opened the public hearing at: 8:34 p.m.

No one came forward to speak.

President Wolter closed the public hearing at 8:35 p.m.

NEW BUSINESS:

- A. Continental 246 Fund LLC, Agent for Riversbend Country Club, Inc., Property Owner: N96 W18034 County Line Road – Revised conditions and restrictions for the Riversbend Planned Development District: *Resolution Amending Resolution No. 02-13 Containing Conditions and Restrictions for the Rivers Bend Country Club Inc-Continental 246 Fund LLC Planned Development District (“Rivers Bend PDD”)*

MOTION (Baum/Ewert) to approve with Planner recommendations.

Discussion of minimum requirements for lot areas and code for Plan Unit Development, lighting of area, traffic volumes, type of development, use of property, permitted uses vs. those not permitted. **Roll call vote, 8 in favor, 1 opposed (Zabel), carried.**

- B. Continental 246 Fund LLC, Agent for Riversbend Country Club, Inc., Property Owner: N96 W18034 County Line Road – 4-lot Certified Survey Map (CSM)

MOTION (Baum/Ewert) to approve with Planner recommendations.

Discussion of lot line going through the building. **Motion carried unanimously.**

- C. Continental 246 Fund LLC Agent for Riversbend Country Club, Inc., Property Owner: N96 W18034 County Line Road – Revised conditions in Conditional Use Permit # 02-13 (CUP)

MOTION (Baum/Ewert) to approve with Planner’s recommendations, carried unanimously.

- D. Village of Germantown, Property Owner, and Airgas Safety: Germantown Business Park (Tax Key No. 252-970); Rezoning application to remove 45,955 sqft from the Shoreland-Wetland Overlay Zoning District: *An Ordinance to Amend the Official Zoning Map of the Village of Germantown Shoreland-Wetland Overlay Zoning Code*

MOTION (Baum/Vanderheiden) approve with Planner’s recommendations, carried unanimously.

- E. Village of Germantown, Property owner, and Airgas Safety: Germantown Business Park (Tax Key No. 252-970); Conditional use permit to allow 6,300 sqft of land disturbance within a 25' wetland setback (CUP)

MOTION (Ewert/Baum) approve with recommendations, carried unanimously.

- F. Airgas Safety: Germantown Business Park (combination of Tax Key Nos. 252-969,

NEW BUSINESS continued:

252-970 & 252-971); 23.5-acre 1-lot Certified Survey Map (CSM)

MOTION (Baum/Ewert) approve as presented, carried unanimously.

- G. Agreement with Washington County for Use of the Village's Senior Center for Senior Services and Meal Program

MOTION (Ewert/Kaminski) to approve the Agreement with Washington County for Use of the Village's Senior Center for Senior Services and the Meal Program, carried unanimously.

- H. 2014 Salary Resolution

MOTION (Vanderheiden/Kaminski) to approve the 2014 Salary Resolution, by roll call vote, 7 in favor, 2 opposed (Baum, Zabel), carried.

- I. Approval of Capital Outlay Projects for 2014 with Revisions

Finance Director Kim Rath presented information from General Government and Finance Committee recommendations for the 2014 Capital Outlay Projects for borrowing. And recommendations of what criteria establishes a project or item as a 'capital outlay' and what should be part of operating budgets in future. Discussion of debt service level for 2015 and capital project items. **MOTION (Zabel/Vanderheiden) to approve the Capital Outlay Projects for 2014 as presented and go out for bond issue, by roll call vote, carried unanimously.**

- J. Request for Funds to Reimburse Travel Expenses for Fire Chief Candidate Interviews

Police and Fire Commission Chair Pat Adair presented the request for funding to cover expenses to bring in potential candidates for the Fire Chief position. 43 applicants with 27 out of State. Will be meeting to narrow candidates and begin conducting telephone interviews. Discussion of process and other options than flying in applicants, costs involved and unbudgeted. **MOTION (Zabel/Kaminski) to direct the Administrator to work with the Police and Fire Commission and Finance Department to identify both the need and the availability of the funds for interviewing candidates and return to the Village Board when the information is available for approval. Discussion. 8 in favor, 1 opposed (Hughes), carried.**

There being no further business, the meeting was adjourned at 10:08 p.m.

Barbara K. D. Goeckner MMC/WCPC
Village Clerk

CERTIFIED SURVEY MAP

FOR

RIVERSBEND COUNTRY CLUB, INC.

LOCATED IN A PART OF THE SE 1/4 & NE 1/4 OF THE SW 1/4 AND A PART OF THE SW 1/4 & THE NW 1/4 OF THE SE 1/4, SECTION 33, T. 9 N.-R. 20 E., VILLAGE OF GERMANTOWN, WASHINGTON COUNTY, WISCONSIN.

SEE SHEET 2

LOT 4
34.656 ACRES
(1,509,615 SQ. FT.)
(AREA TO MEANDER LINE)
EXISTING ZONING: I
PROPOSED ZONING: I

UNPLAID LANDS

25' WETLAND SETBACK LINE

EXISTING BUILDING TO BE RAZED

LOT 3
1.732 ACRES
(75,429 SQ. FT.)
EXISTING ZONING: I
PROPOSED ZONING: B-1
W/ PDD OVERLAY

WETLAND BOUNDARY DELINEATED ON JUNE 20, 2011 BY GRANT DUCHAC OF EXCEL ENGINEERING, INC.

UNPLAID LANDS

100 YEAR FLOOD LINE PER AS SCALED FROM FLOOD INSURANCE RATE MAP
PANEL NO. 55131C0359D.

L=152.05'
R=1943.48'
CB=S75°12'06"W
CH=152.01'

MENOMONEE RIVER

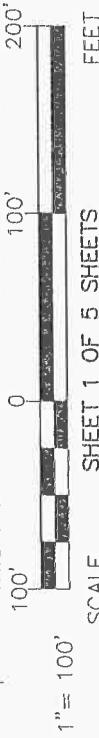
BUILDING SETBACKS
B-1 ZONING:
FRONT = 30'
SIDE = 20'
REAR = 30'

UNPLAID LANDS

NW COR.-NE 1/4
SEC. 33-9-20
BRASS CAP MONUMENT
N: 44°04'49"
E: 24°07'542.67

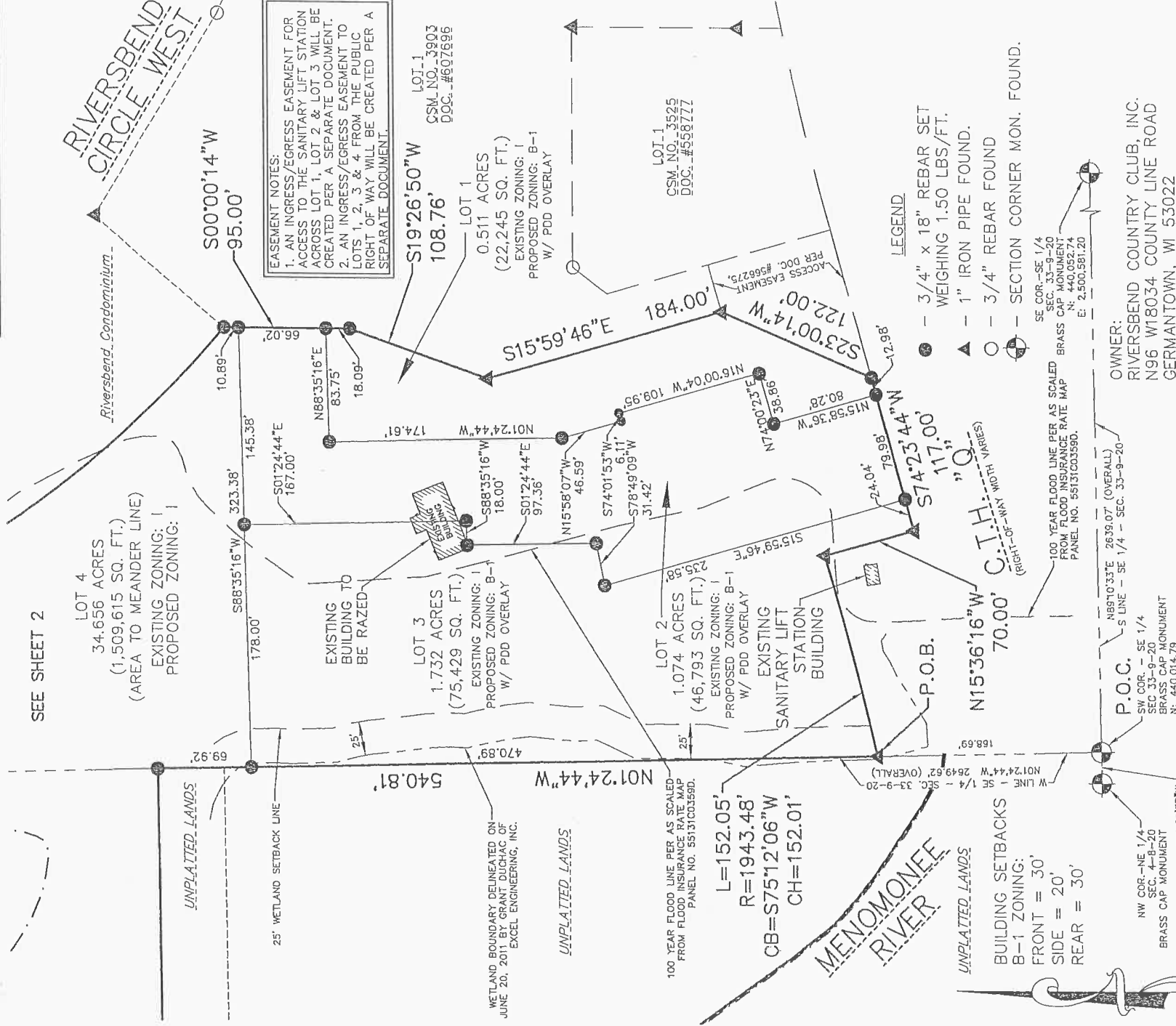
NORTH POINT REFERENCED TO THE WISCONSIN COORDINATE GRID SYSTEM, SOUTH ZONE (NAD-27). THE SOUTH LINE OF THE SOUTHEAST QUARTER HAS A BEARING OF NORTH 89°-10'-33" EAST

THIS INSTRUMENT DRAFTED BY RYAN WILGREEN



SCALE SHEET 1 OF 5 SHEETS

FEET



EASEMENT NOTES:
1. AN INGRESS/EGRESS EASEMENT FOR ACCESS TO THE SANITARY LIFT STATION ACROSS LOT 1, LOT 2 & LOT 3 WILL BE CREATED PER A SEPARATE DOCUMENT.
2. AN INGRESS/EGRESS EASEMENT TO LOTS 1, 2, 3 & 4 FROM THE PUBLIC RIGHT OF WAY WILL BE CREATED PER A SEPARATE DOCUMENT.

LOT 1
0.511 ACRES
(22,245 SQ. FT.)
EXISTING ZONING: I
PROPOSED ZONING: B-1
W/ PDD OVERLAY

LOT 1
CSM NO. 3525
DOC. #558777

LEGEND

- 3/4" x 18" REBAR SET WEIGHING 1.50 LBS/FT.
- 1" IRON PIPE FOUND.
- 3/4" REBAR FOUND
- SECTION CORNER MON. FOUND.

SE COR.-SE 1/4
SEC. 33-9-20
BRASS CAP MONUMENT
N: 44°05'27.4"
E: 25°00'581.20"

100 YEAR FLOOD LINE PER AS SCALED FROM FLOOD INSURANCE RATE MAP
PANEL NO. 55131C0359D.

P.O.C. SW COR.-SE 1/4
SEC. 33-9-20
BRASS CAP MONUMENT
N: 44°04'49"
E: 24°07'542.67

N95°10'33"E 2639.07' (OVERALL)
S LINE - SE 1/4 - SEC. 33-9-20

OWNER:
RIVERSBEND COUNTRY CLUB, INC.
N96 W18034 COUNTY LINE ROAD
GERMANTOWN, WI 53022



EXCEL

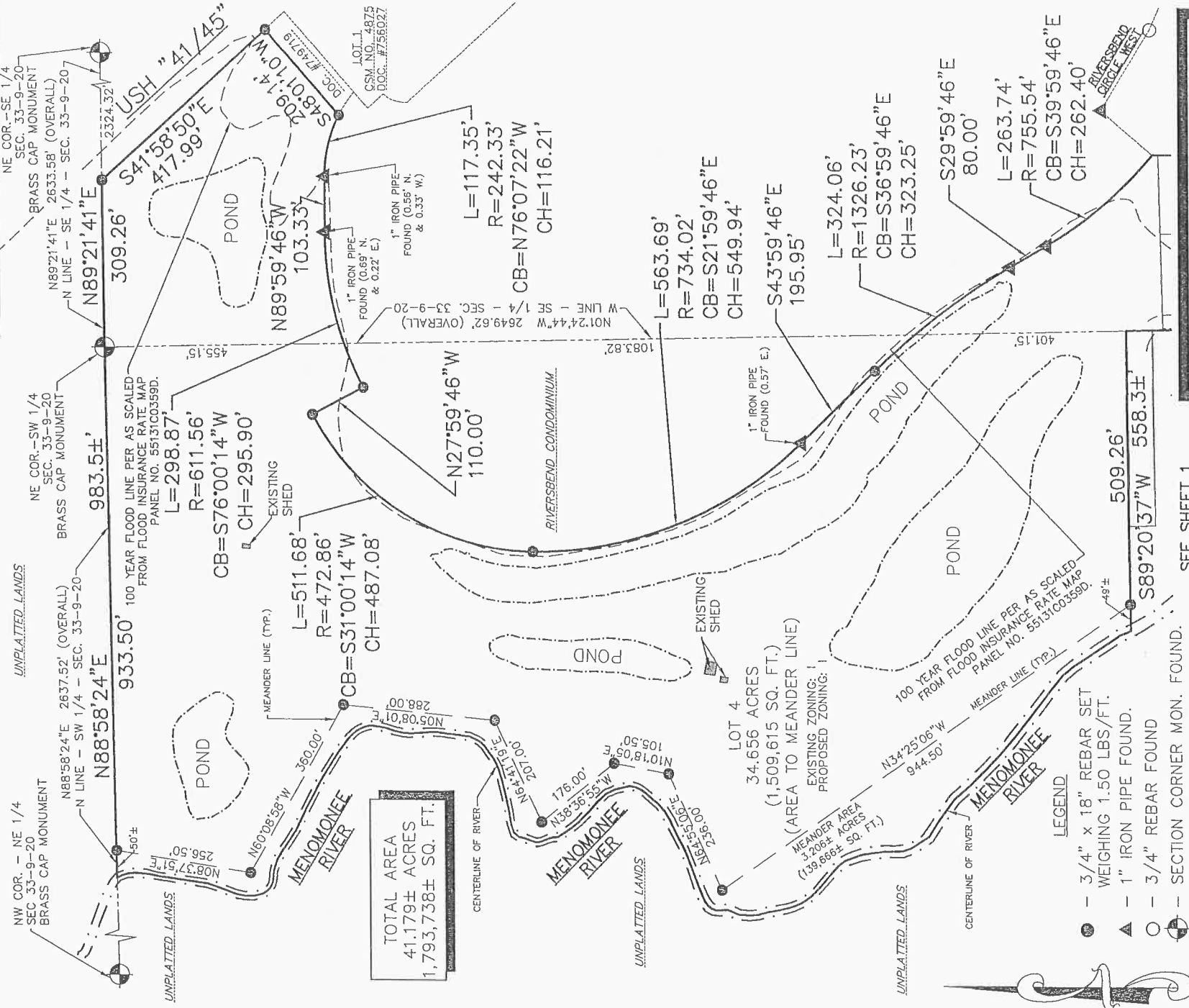
ENGINEERING inc.
SURVEYING GROUP

PROJECT NO. 1108680

Always a Better Plan
100 CAMELOT DRIVE
FOND DU LAC, WI 54935
PHONE: (920) 925-9800
FAX: (920) 926-9801

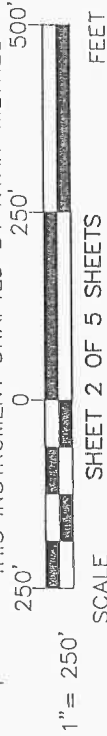
CERTIFIED SURVEY MAP

FOR
RIVERSBEND COUNTRY CLUB, INC.
LOCATED IN A PART OF THE SE 1/4 & NE 1/4 OF THE
SW 1/4 AND A PART OF THE SW 1/4 & THE NW 1/4
OF THE SE 1/4, SECTION 33, T. 9 N.-R. 20 E., VILLAGE
OF GERMANTOWN, WASHINGTON COUNTY, WISCONSIN.



NORTH POINT REFERENCED TO THE WISCONSIN
COORDINATE GRID SYSTEM, SOUTH ZONE (NAD-27).
THE SOUTH LINE OF THE SOUTHEAST QUARTER HAS A
BEARING OF NORTH 89°-10'-33\"/>

THIS INSTRUMENT DRAFTED BY RYAN WILGREEN





EXCEL
ENGINEERING, INC.
SURVEYING GROUP

Always a Better Plan
100 CAMELOT DRIVE
FOND DU LAC, WI 54935
PHONE: (920) 926-9800
FAX: (920) 926-9801

PROJECT NO. 1108680

CERTIFIED SURVEY MAP

A PART OF THE SE 1/4 & NE 1/4 OF THE SW 1/4 AND A PART OF THE SW 1/4 & THE NW 1/4 OF THE SE 1/4, SECTION 33 T. 9 N.-R. 20 E., VILLAGE OF GERMANTOWN, WASHINGTON COUNTY, WISCONSIN.

SURVEYOR'S CERTIFICATE

I, Ryan Wilgreen, Professional Land Surveyor, hereby certify:

That I have surveyed, divided and mapped a parcel of land described below.

That I have made such Certified Survey under the direction of Riversbend Country Club, Inc. bounded and described as follows:

A part of the Southwest 1/4 and the Northwest 1/4 of the Southeast 1/4 and a part of the Northeast 1/4 and the Southeast 1/4 of the Southwest 1/4 of Section 33, Township 9 North, Range 20 East, Village of Germantown, Washington County, Wisconsin being more particularly described as follows:

Commencing at the Southwest corner of the Southeast 1/4 of said Section 33; thence North 01°-24'-44" West along the West line of the Southeast 1/4 of said Section 33, a distance of 168.69 feet to the point of beginning; thence continuing North 01°-24'-44" West along said West line, a distance of 540.81 feet to a line parallel with the South line of the Southwest 1/4 of said Section 33; thence South 89°-20'-37" West along said parallel line, a distance of 509.26 feet to an Easterly Meander Line of the Menomonee River; thence North 34°-25'-06" West along said meander line, a distance of 944.50 feet; thence North 64°-55'-06" East along said meander line, a distance of 236.00 feet; thence North 10°-18'-05" East along said meander line, a distance of 105.50 feet; thence North 38°-36'-55" West along said meander line, a distance of 176.00 feet; thence North 64°-41'-19" East along said meander line, a distance of 207.00 feet; thence North 05°-08'-01" East along said meander line, a distance of 288.00 feet; thence North 60°-08'-58" West along said meander line, a distance of 360.00 feet; thence North 08°-37'-51" East along said meander line, a distance of 256.50 feet to the North line of the Southwest 1/4 of said Section 33; thence North 88°-58'-24" East along said North line, a distance of 933.50 feet to the Northeast corner of said Southwest 1/4; thence North 89°-21'-41" East along the North line of the Southeast 1/4 of said Section 33, a distance of 309.26 feet to the Southwesterly right of way line of USH 41/45; thence South 41°-58'-50" East along said Southwesterly line, a distance of 417.99 feet to the Northwesterly line of a parcel of land described per Document No. 749719; thence South 48°-01'-10" West along said Northwesterly line, a distance of 209.14 feet to a Northerly line of the Riversbend Condominium; thence Northwesterly 117.35 feet along said Northerly line on a curve to the left having a radius of 242.33 feet; the chord of said curve bears North 76°-07'-22" West, a chord distance of 116.21 feet; thence North 89°-59'-46" West along said Northerly line, a distance of 103.33 feet; thence Southwesterly 298.87 feet along said Northerly line on a curve to the left having a radius of 611.56 feet, the chord of said curve bears South 76°-00'-14" West, a chord distance of 295.90 feet; thence North 27°-59'-46" West along said Northerly line, a distance of 110.00 feet to a Westerly line of the Riversbend Condominium; thence Southwesterly 511.68 feet along said Westerly line on a curve to the left having a radius of 472.86 feet, the chord of said curve bears South 31°-00'-14" West, a chord distance of 487.08 feet; thence Southeasterly 563.69 feet along said Westerly line on a curve to the left having a radius of 734.02 feet, the chord of said curve bears South 21°-59'-46" East, a chord distance of 549.94 feet; thence South 43°-59'-46" East along said Westerly line, a distance of 195.95 feet; thence Southeasterly 324.06 feet along said Westerly line on a curve to the right having a radius of 1326.23 feet, the chord of said curve bears South 36°-59'-46" East, a chord distance of 323.25 feet; thence South 29°-59'-46" East along said Westerly line, a distance of 80.00 feet; thence Southeasterly 263.74 feet along said Westerly line on a curve to the left having a radius of 755.54 feet, the chord of said curve bears South 39°-59'-46" East, a chord distance of 262.40 feet to a Westerly line of Lot 1 of Certified Survey Map No. 3903 recorded in the Washington County Register of Deeds office as Document No. 607696 in Volume 25, Page 14; thence South 00°-00'-14" West along said Westerly line, a distance of 95.00 feet; thence South 19°-26'-50" West along said Westerly line, a distance of 108.76 feet; thence South 15°-59'-46" East along said Westerly line, a distance of 184.00 feet; thence South 23°-00'-14" West along said Westerly line, a distance of 122.00 feet to the Northerly right-of-way line of County Trunk Highway "Q"; thence South 74°-23'-44" West along said Northerly right-of-way line, a distance of 117.00 feet; thence North 15°-36'-16" West, a distance of 70.00 feet; thence Southwesterly 152.05 feet on a curve to the right having a radius of 1943.48 feet, the chord of said curve bears South 75°-12'-06" West, a chord distance of 152.01 feet to the point of beginning and containing 37.972 acres (1,654,083 sq. ft.) more or less and being subject to all easements and restrictions of record.

SUREYOR'S CERTIFICATE AND LEGAL DESCRIPTION CONTINUED ON PAGE 4.
SHEET 3 OF 5 SHEETS

CERTIFIED SURVEY MAP

A PART OF THE SE 1/4 & NE 1/4 OF THE SW 1/4 AND A PART OF THE SW 1/4 & THE NW 1/4 OF THE SE 1/4, SECTION 33 T. 9 N.-R. 20 E., VILLAGE OF GERMANTOWN, WASHINGTON COUNTY, WISCONSIN.

SURVEYOR'S CERTIFICATE-CONTINUED

ALSO;

Those lands lying between said Easterly Meander Line and the centerline of the Menomonee River containing 3.206 acres (139,666 Sq. Ft.) of land more or less and being subject to all easements and restrictions of record.

That such is a correct representation of all the exterior boundaries of the land surveyed and the subdivision thereof made.

That I have fully complied with the provisions of Section 236.34 of the Wisconsin Statutes and the Subdivision Ordinance of The Village of Germantown in surveying, dividing, and mapping the same.

Ryan Wilgreen, P.L.S. No. S-2647
Excel Engineering, Inc.
Fond du Lac, Wisconsin 54935
Project Number: 1108680

Village of Germantown Planning Commission Approval

This Certified Survey Map is hereby approved by the Planning Commission of the Village of Germantown on this ____ day of _____, 20____.

Dean Wolter, Chairman _____ (Date)

Laura A. Johnson, Secretary _____ (Date)

Village of Germantown Board Approval

This Certified Survey Map, being a division of the Southeast 1/4 & Northeast 1/4 of the Southwest 1/4 and of the Southwest 1/4 and the Northwest 1/4 of the Southeast 1/4, Section 33, Township 9 North - Range 20 East, Village of Germantown, Washington County, Wisconsin, having been approved by the Planning Commission being the same, is hereby approved by the Village Board of Trustees of the Village of Germantown on this ____ day of _____, 20____.

Dean Wolter, Village President _____ (Date)

Barbara K.D. Goeckner, Village Clerk _____ (Date)

SHEET 4 OF 5 SHEETS

This instrument was drafted by Ryan Wilgreen, RLS S-2647

CERTIFIED SURVEY MAP

A PART OF THE SE 1/4 & NE 1/4 OF THE SW 1/4 AND A PART OF THE SW 1/4 & THE NW 1/4 OF THE SE 1/4, SECTION 33 T. 9 N.-R. 20 E., VILLAGE OF GERMANTOWN, WASHINGTON COUNTY, WISCONSIN.

CORPORATE OWNER'S CERTIFICATE

Riversbend Country Club, Inc., a corporation duly organized and existing under and by virtue of the laws of the State of Wisconsin, as Owner does hereby certify that said corporation caused the land described on this plat to be surveyed, divided and mapped as represented on this plat.

Riversbend Country Club, Inc., as Owner, also certifies that this plat is required by s. 236.10 or s. 236.12 to be submitted to the following for approval or objection:

1. Village of Germantown

IN WITNESS WHEREOF, the said Riversbend Country Club, Inc., has caused these presents to be signed by Charles L. Schmit, its Owner at _____, Wisconsin, and its corporate seal to be hereunto affixed on this _____ day of _____, 20__.

IN PRESENCE OF:

Riversbend Country Club, Inc.,

Charles L. Schmit, Owner

STATE OF WISCONSIN)
COUNTY)SS

Personally came before me this _____ day of _____, 20____, the above named Charles L. Schmit of the above named corporation, to me known to be the persons who executed the foregoing instrument, and to me known to be such Owner of said corporation, and acknowledged that they executed the foregoing instrument as such officers as the deed of said corporation by its authority.

Notary Public, _____ County, WI

My Commission Expires: _____

SHEET 5 OF 5 SHEETS

This instrument was drafted by Ryan Wilgreen, RLS S-2647

X.D

**BUSINESS OF THE VILLAGE BOARD
GERMANTOWN, WI**

MEETING DATE: April 21, 2014

AGENDA ITEM: New Business

ITEM TITLE: John G. & Helen M. Kreuser Trust; Property Owners; W202
N10418 Appleton Avenue; Certified Survey Map (CSM) Application

SUBMITTED BY: Jeffrey W. Retzlaff, Director, Community Development Department

SUMMARY EXPLANATION:

In December, 2013, the Village Board approved a 2020 Land Use Plan map amendment ("Commercial" to "Residential") and a rezoning (B-1 & Rs-2 to Rd-2: One & Two-Family) for two parcels of land totaling 5 acres on Appleton Avenue in order to allow the owner to change the use of the property from business to residential (and allow the existing "duplex" to be zoning compliant).

A condition of approval is for the owner, the Kreuser Trust, to combine the two parcels into one. This CSM complies with and satisfies that requirement.

ATTACHMENTS:

- ◆ 4/14/14 Staff Report
- ◆ 4/14/14 Plan Commission Meeting Minutes
- ◆ Draft CSM

PLAN COMMISSION RECOMMENDATION:

APPROVE the 1-lot CSM as drafted.

CERTIFIED SURVEY MAP (CSM) APPLICATION

4/14/14 Plan Commission Meeting

John & Helen Kreuser Trust

Village Planner Report

Germantown, Wisconsin

Summary

Ralph Ehlinger, agent for the John & Helen Kreuser Trust, property owner, has submitted a 1-lot Certified Survey Map (CSM) application for the property located at W202 N10418 Appleton Avenue.

Location: W202 N10418 Appleton Avenue

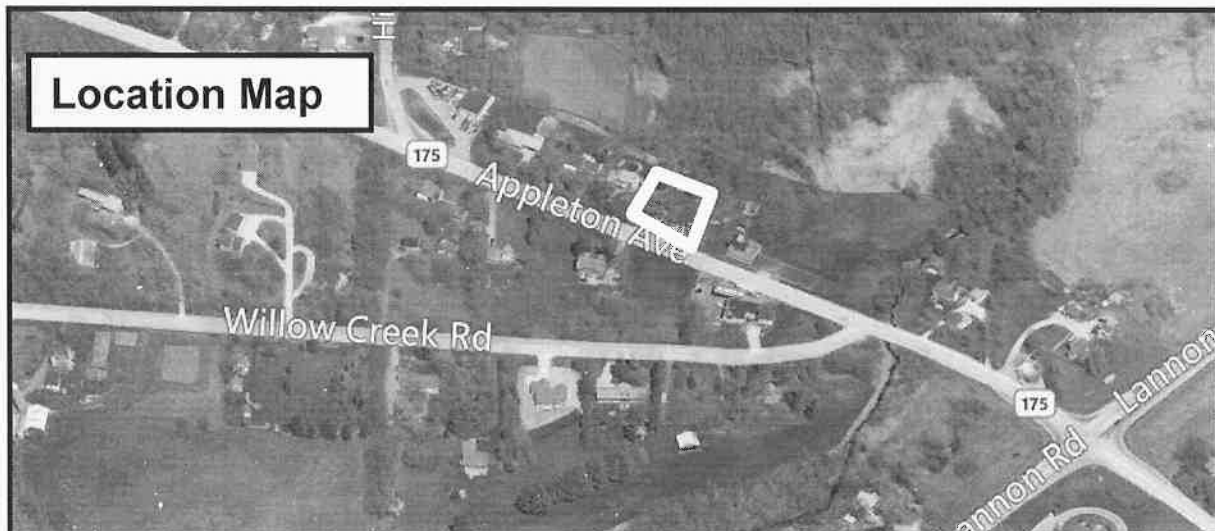
Agent/

Property Owner:	Ralph Ehlinger Ehlinger Law Office LLC W175 N1117 Stonewood Dr Germantown, WI 53022	John & Helen Kreuser Trust 5211 Monches Road Colgate, WI 53017
------------------------	--	--

Current Zoning: Rd-2: One & Two-Family Residential

Adjacent Land Uses		Zoning
North	Residential	Rs-2
South	Residential	Rs-4
East	Commercial/Residential	B-3/Rs-3
West	Residential	Rs-3

Location Map



Background/Proposal

In November, 2013, Ralph Ehlinger, agent for the John & Helen Kreuser Trust, property owner, submitted a Land Use Plan Amendment and Rezoning application in order to re-develop what was an existing commercial property located at W202 N10418 Appleton Avenue.

The subject parcel is approximately 13,400 sqft in area (Parcel D in CSM #374 as shown on page 1 of the attached CSM) and contains an existing 1,066 sqft building that is physically attached to another building, a residential dwelling, on the adjacent 4.8-acre parcel. Both parcels share a common property line running along the common wall shared by both buildings. The subject parcel was divided from the adjacent and larger (4.8 acres) parcel in 1971 and zoned into the B-3 business zoning district. The zoning for the adjacent residential parcel remained Rs-2: single-family residential. Both parcels are owned by the Kreuser Trust.

While the smaller parcel was used for various business purposes over the years (i.e. a surveyors office, travel agency and psychic reading), the owner began making improvements to the building with the intention of converting it into a residential dwelling. The owner was asked to stop by Village staff pending action by the Village on the land use plan amendment and rezoning applications.

In December, 2013, and based on recommendations by the Plan Commission, the land use plan amendment and rezoning were approved. Rezoning of both parcels into the Rd-2 One & Two-family District was approved with a condition that the owner combines the two parcels into one parcel within six months. The 1-lot CSM submitted for review and approval satisfies that condition and combines the parcels into one parcel containing the existing residential duplex.

The Village Surveyor has reviewed the CSM and indicates that there are no revisions or corrections required.

VILLAGE PLANNER RECOMMENDATION

APPROVE the 1-lot Certified Survey Map (CSM) for the property located at W202 N10418 Appleton Avenue as proposed.

PLAN COMMISSION MINUTES

April 14, 2014

CALL TO ORDER: Chairman Wolter called the meeting to order at 6:45.m.

ROLL CALL: Chairman Wolter, Commissioners Warren, Stauffacher, Peck, Gray and Yokes were present. Trustee Representative David Baum was absent and excused. Also present were Village Planner Jeff Retzlaff, Village Administrator Dave Schornack, Attorney Brian Sajdak and Planning Assistant Lori Johnson.

PUBLIC INPUT: None

PREVIOUS MINUTES: *MOTION Warren second Stauffacher to Approve the Minutes from March 10, 2014 and March 24, 2014.*

MOTION carried unanimously.

John & Helen Kreuser Trust – W202 N10418 Appleton Avenue. The property owner has submitted a 1 lot Certified Survey Map application for review. Planner Retzlaff said Plan Commission had recommended approval and Village Board approved a land use plan amendment and rezoning in December 2013. The CSM satisfies a condition of the approval that the two parcels be combined into one within six months.

MOTION Stauffacher second Warren to Approve the 1-lot Certified Survey Map (CSM) for the property located at W202 N10418 Appleton Avenue as proposed.

MOTION carried unanimously.

ANNOUNCEMENTS:

ADJOURNMENT: There being no further business, the meeting was adjourned at 9:40 p.m.

Respectfully submitted,

Lori Johnson
Planning Assistant



SCOTT WALKER
GOVERNOR
MIKE HUEBSCH
SECRETARY

Plat Review

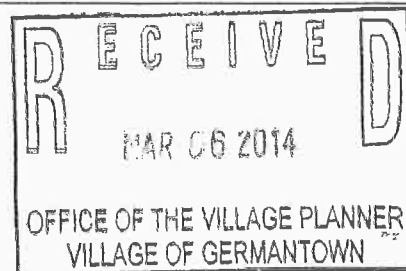
101 E Wilson St FL 9, Madison WI 53703

PO Box 1645, Madison WI 53701

(608) 266-3200 Fax: (608) 264-6104 TTY: (608) 267-9629

E-mail: plat.review@wi.gov

<http://doa.wi.gov/dir>



February 21, 2014

DONALD THOMA
ACCURATE SURVEYING & ENGINEERING LLP
2911 WILDLIFE LANE
RICHFIELD WI 53076

Subject: MONUMENT WAIVER FOR CERTIFIED SURVEY MAP
SW 1/4 S29 T09N R20E
VILLAGE OF GERMANTOWN, WASHINGTON COUNTY

Prepared for: JOHN & HELEN KREUSER

Dear Mr. Thoma:

You have requested a waiver of the requirements of s. 236.15 (1) (c), Wis. Stats., related to the monumentation of exterior boundary corners of the subject Certified Survey Map (CSM) that fall in pavement within the right-of-way of STH "175", and in a large rock along the western boundary as shown on the CSM. In lieu of standard monuments, you have proposed placing Masonry Nails at the corners that fall in the right-of-way, and a chiseled "X" in the large rock. Also, the map shows monumentation along the northern road right of way and a tie from the "X" to a nearby monument that will serve as witness to these corners.

The department agrees with the proposed monumentation, and waives strict compliance with the requirements of s. 236.15 (1) (c), as allowed by s. 236.15 (1) (g). The proposed monumentation provides for accurate retracement of the parcel boundaries; strict compliance with s. 236.15 (1) (c) would be unduly difficult.

We suggest that you reference this grant of waiver on the CSM. If you have questions regarding this waiver, please contact our office at the number listed above.

Sincerely,

Don Sime,
Plat Review

cc: Washington County Surveyor

RECEIVED
MAR 06 2014
OFFICE OF THE VILLAGE PLANNER
VILLAGE OF GERMANTOWN

Washington County Certified Survey Map

All of Certified Survey Map No. 374 as recorded in Washington County Registry in Volume 2 of Certified Survey Maps on pages 218-219 as Document No. 320875 and all of Parcel "F", Parcel "D" and part of Parcel "E" in Map of SW1/4 SW 1/4, 29-9-20, recorded in the Washington County Registry, in Map Book 3 on Page 48 as Document No. 124184 all in part of the SW 1/4 of the SW 1/4 all in Section 29, Township 9 North, Range 20 East, Village of Germantown, Washington County, Wisconsin.

West quarter corner
Sec. 29-9-20
conc.mon./brass cap
found 447,903.85
2,489,867.02
(State Plane Coordinate)
(2013 summary diagram)

(r.a.) - means "recorded as"
(meas.) - means "measured as"

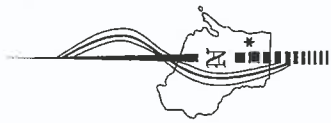
X - indicates chiseled "X" on large rock set.

● - indicates 1.3" od iron pipe found
unless noted.

○ - indicates 1.3" od x 18" iron
pipe weighing 1.68 lbs./ft. set.

△ - indicates masonry nail set.

Bearings are referenced to the
Wisconsin State Plane Coordinate
System Grid, South Zone. The west
line of the SW 1/4 of Sec. 29-9-20 has
a grid bearing of N 00°28'07" W.



2057.16'

Scale in feet
1" = 150'

Note: see Sheet 2 of 4 for setback lines, wetlands,
flood, and road dedication.

Subdivider:

John G. & Helen M. Kreuser Trust
5211 Monches Road
Richfield, WI 53076

Surveyor:

Donald J. Thoma
Accurate Surveying & Engineering, LLP
2911 Wildlife Lane
Richfield, WI 53076

Sheet 1 of 4

unplatted lands

north line of the SW 1/4 of the SW 1/4 N 89°43'59" E 231.00'

Note: A Waiver for
Monumentation has
been granted and file
by the Wisconsin
Department of
Administration on
02-21-2014.

S 00°45'17" E 830.79'

Parcel F

unplatted lands

Lot 1
5.065 acres
(220,618 sq.ft.)

unplatted lands

N 27°03'38" E
54.95'

Parcel D
CSM No.374

unplatted lands

Doc. 79372

unplatted lands

N 26°15'28" E
235.71'

Doc. 79372

unplatted lands

S 63°50'37" E 420.19'

Appleton Avenue

dedicated to the Village of Germantown
for road purposes, 33' from
centerline 0.118 acre (5,160 sq.ft.)

unplatted lands

unplatted lands

unplatted lands

unplatted lands

unplatted lands

unplatted lands

unplatted lands

unplatted lands

unplatted lands

unplatted lands

unplatted lands

Southwest corner
Sec. 29-9-20
conc.mon./cast iron cap
found 445,267.69
2,489,888.58
(State Plane Coordinate)

This instrument was drafted by Donald J. Thoma, S-2470

Note: The common
monumented property line
between Lot 1 of this CSM
and the northwesterly line
of Doc. 1115971 had a
gap. The owners have
agreed to a common
property line and recorded
deeds in Doc. 1354595,
Doc. 1354596 and
Corrected by Doc.
1355136 to resolve the
common property line.

Doc. 1115971

Parcel E

Doc. 1115971

Parcel F

Doc. 1115971

Doc. 1115971

Doc. 1115971

Doc. 1115971

Doc. 1115971

Doc. 1115971

Doc. 1115971

Doc. 1115971

Doc. 1115971

Doc. 1115971

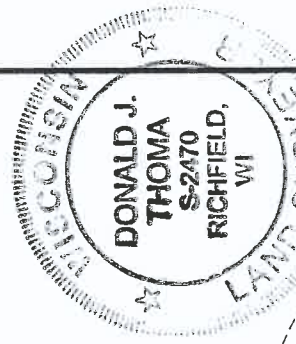
Doc. 1115971

Doc. 1115971

Doc. 1115971

Doc. 1115971

Doc. 1115971



Donald J. Thoma
Donald J. Thoma, S-2470
Dated this 25th day of February, 2014.

Washington County Certified Survey Map

All of Certified Survey Map No. 374 as recorded in Washington County Registry in Volume 2 of Certified Survey Maps on pages 218-219 as Document No. 320875 and all of Parcel "F", Parcel "D" and part of Parcel "E" in Map of SW 1/4 SW 1/4, 29-9-20, recorded in the Washington County Registry, in Map Book 3 on Page 48 as Document No. 124184 all in part of the SW 1/4 of the SW 1/4 all in Section 29, Township 9 North, Range 20 East, Village of Germantown, Washington County, Wisconsin.

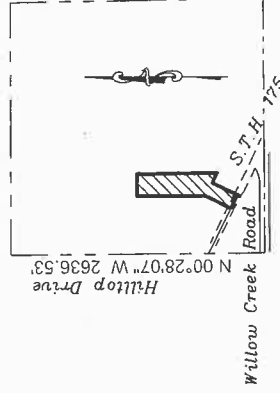
Sheet 2 of 4

West quarter corner
Sec. 29-9-20
conc.mon./brass cap
found 447.903.85
2,489,867.02
(State Plane Coordinate)
(2013 summary diagram)

Building setbacks (subject to change)
Rd-2
front - 30'
sideyard 10'
rearyard 25'
Accessory side - 10'-5' in rear

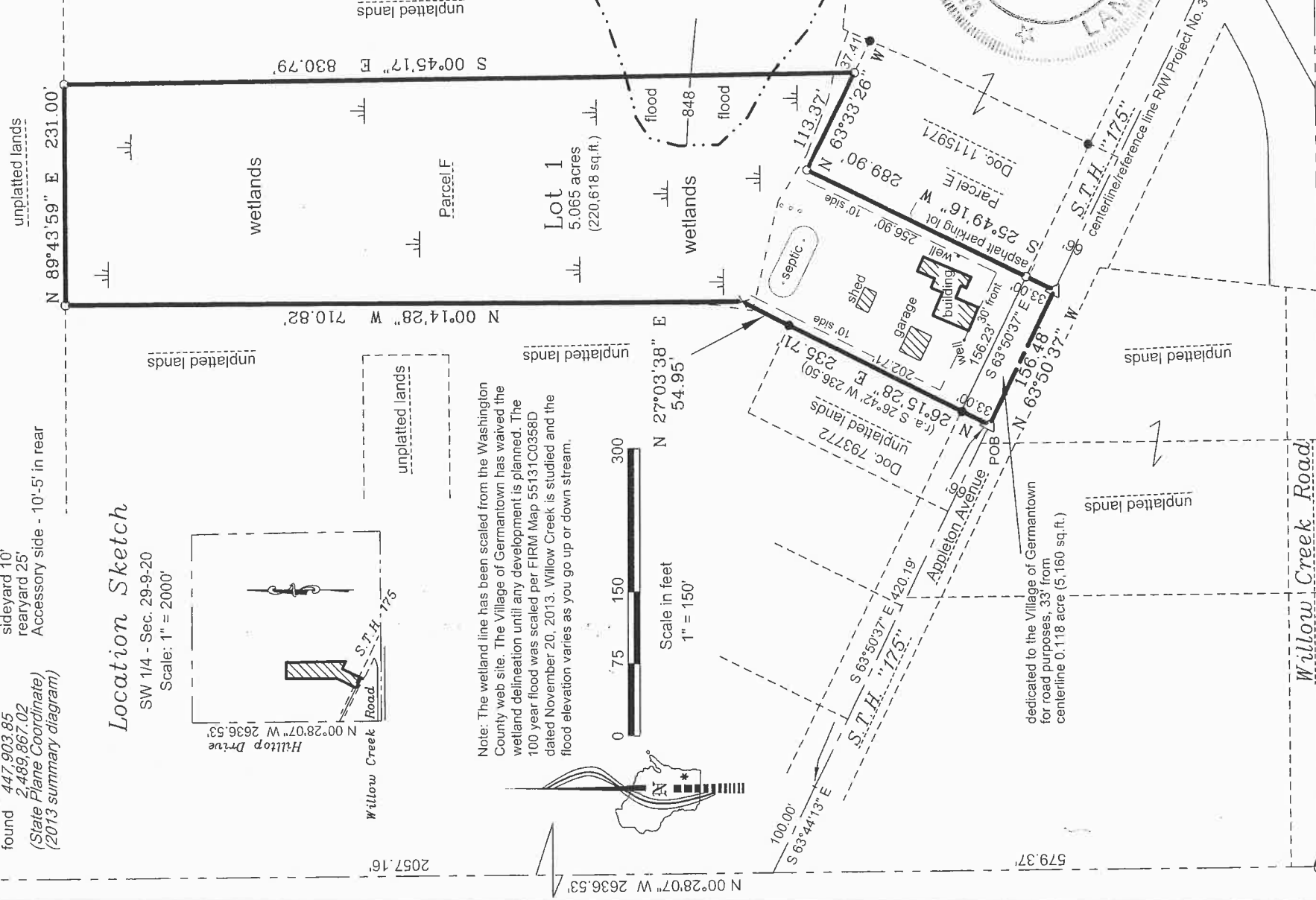
Location Sketch

SW 1/4 - Sec. 29-9-20
Scale: 1" = 2000'



Note: The wetland line has been scaled from the Washington County web site. The Village of Germantown has waived the wetland delineation until any development is planned. The 100 year flood was scaled per FIRM Map 55131C0358D dated November 20, 2013. Willow Creek is studied and the flood elevation varies as you go up or down stream.

Scale in feet
1" = 150'



Southwest corner
Sec. 29-9-20
conc.mon./cast iron cap
found 445,267.69
2,489,868.58
(State Plane Coordinate)

This instrument was drafted by Donald J. Thoma, S-2470

Donald J. Thoma

Donald J. Thoma, S-2470

Dated this 25th day of February, 2014.

Washington County Certified Survey Map

All of Certified Survey Map No. 374 as recorded in Washington County Registry in Volume 2 of Certified Survey Maps on pages 218-219 as Document No. 320875 and all of Parcel "F", Parcel "D" and part of Parcel "E" in Map of SW1/4 SW 1/4, 29-9-20, recorded in the Washington County Registry, in Map Book 3 on Page 48 as Document No. 124184 all in part of the SW 1/4 of the SW 1/4 all in Section 29, Township 9 North, Range 20 East, Village of Germantown, Washington County, Wisconsin.

Surveyor's Certificate:

I, Donald J. Thoma, registered land surveyor, hereby certify that by the direction of Jack Kreuser, I have surveyed, divided, and mapped the land shown and described hereon, all of Certified Survey Map No. 374 as recorded in Washington County Registry in Volume 2 of Certified Survey Maps on pages 218-219 as Document No. 320875 and all of Parcel "F", Parcel "D" and part of Parcel "E" in Map of SW1/4 SW 1/4, 29-9-20, recorded in the Washington County Registry, in Map Book 3 on Page 48 as Document No. 124184, all in the SW 1/4 of the SW 1/4 of Section 29, Township 9 North, Range 20 East, Village of Germantown, Washington County, Wisconsin, which is bounded and described as follows:

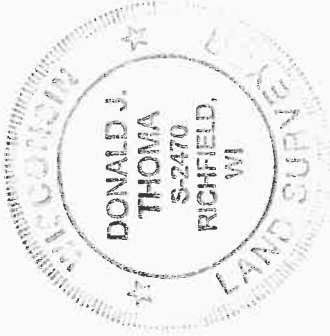
Commencing at the Southwest corner of said Section 29; thence N 00°28'07" W, along the west line of said SW 1/4, 579.37 feet to the centerline/reference line of S.T.H. "175"; thence S 63°44'13" E, along said centerline/reference line, 100.00 feet; thence S 63°50'37" E, continuing along said centerline/reference line, 420.19 feet to the point of beginning of lands herein described; thence N 26°15'28" E, along the monumented northwesterly line of said Parcel "D" and the southeasterly line of lands described in the Washington County Registry as Document No. 793772 of Deeds, 235.71 feet, to a 1.3 inch od iron pipe found; thence N 27°03'38" E, along said northwesterly line of Parcel "D", 54.95 feet; thence N 00°14'28" W, along the west line of said Parcel "F"; 710.82 feet, to the north line of said SW 1/4 of the SW 1/4; thence N 89°43'59" E, along said north line of the SW 1/4 of the SW 1/4, 231.00 feet; thence S 00°45'17" E, along the east line of said Parcel "F", 830.79 feet, to a point in the monumented northeasterly line of Parcel "E" of said Map of SW 1/4 SW 1/4; thence N 63°33'26" W, along said northeasterly line of said Parcel "E", 113.37 feet; thence S 25°49'16" W, 289.90 feet, to a point in said centerline/reference line; thence N 63°50'37" W, along said centerline/reference line, 156.48 feet to the point of beginning.

Containing 5.183 acres (225,778 square feet) more or less.

I further certify that I have fully complied with the provisions of sec. 236.34 of Wisconsin Statutes and the Village of Germantown Ordinance in surveying, dividing, and mapping said lands, and that this map is a correct representation of the exterior boundaries of the land surveyed, and the division of said lands.

Dated this 25th day of February, 2014.


Donald J. Thoma, S-2470



Owner's Certificate:

As owners, we hereby certify that we caused the land shown and described herein to be surveyed, divided, mapped and dedicated that part of S.T.H. "175" to the Village of Germantown as represented on this Certified Survey Map. We also certify that this Certified Survey Map is required to be submitted to the following for approval:

Village of Germantown Plan Commission

Village of Germantown Village Board

John G. Kreuser - Trustee

Helen M. Kreuser - Trustee

STATE OF WISCONSIN)
WASHINGTON COUNTY)s.s

Personally came before me this _____ day of _____, 20____, the above named owners are to me known to be the same persons who executed the foregoing instrument and acknowledge the same.

(Notary Seal) _____, Notary Public, _____, Wisconsin.

My commission expires _____

Washington County Certified Survey Map

All of Certified Survey Map No. 374 as recorded in Washington County Registry in Volume 2 of Certified Survey Maps on pages 218-219 as Document No. 320875 and all of Parcel "F", Parcel "D" and part of Parcel "E" in Map of SW 1/4 SW 1/4, 29-9-20, recorded in the Washington County Registry, in Map Book 3 on Page 48 as Document No. 124184 all in part of the SW 1/4 of the SW 1/4 all in Section 29, Township 9 North, Range 20 East, Village of Germantown, Washington County, Wisconsin.

Village of Germantown Plan Commission Approval:

This Certified Survey Map is hereby approved by the Planning Commission of the Village of Germantown on this ____ day of _____, 20__.

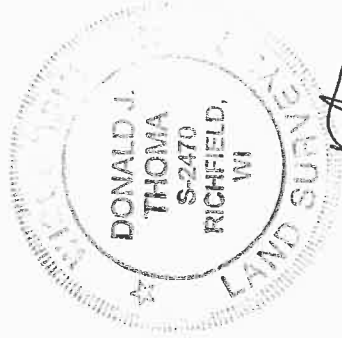
Dean Wolter - Chairperson _____ Date _____
Laura A. Johnson - Secretary _____ Date _____

Village of Germantown, Village Board Approval:

This Certified Survey Map, being all of Certified Survey Map No. 374 as recorded in Washington County Registry in Volume 2 of Certified Survey Maps on pages 218-219 as Document No. 320875 and all of Parcel "F", Parcel "D" and part of Parcel "E" in Map of SW 1/4 SW 1/4, 29-9-20, recorded in the Washington County Registry, in Map Book 3 on Page 48 as Document No. 124184 all in part of the SW 1/4 of the SW 1/4 all in Section 29, Township 9 North, Range 20 East, Village of Germantown, Washington County, Wisconsin, having been approved by the Planning Commission being the same, is hereby approved and (the dedication of that part of S.T.H. "175" for public road purposes as shown on Sheet 1 of 4 is hereby) accepted by the Village Board of Trustees of the Village of Germantown on

this ____ day of _____, 20__.

Dean Wolter - Village President _____ Date _____
Barbara K.D. Goeckner - Village Clerk _____ Date _____




Donald J. Thoma, S-2470
Dated this 25th day of February, 2014.

X. E

RESOLUTION AWARDING THE SALE OF \$3,795,000**
GENERAL OBLIGATION PROMISSORY NOTES, SERIES 2014A;
PROVIDING THE FORM OF THE NOTES; AND
LEVYING A TAX IN CONNECTION THEREWITH

WHEREAS, on April 7, 2014, the Village Board of the Village of Germantown, Washington County, Wisconsin (the "Village") adopted a resolution entitled: "Resolution Authorizing the Borrowing of Not to Exceed \$3,795,000; and Providing for the Issuance and Sale of General Obligation Promissory Notes Therefor" (the "Authorizing Resolution") which authorized the issuance and sale of general obligation promissory notes for the purpose of paying the costs of 2014 capital improvements including road and storm sewer improvements and equipment acquisition (the "Project"), and refunding the Village's \$1,795,000 Taxable General Obligation Promissory Notes, Series 2010B dated March 17, 2010 (the "2010 Notes") (hereinafter the refinancing of the 2010 Notes shall be referred to as the "Refunding");

WHEREAS, pursuant to the Authorizing Resolution, the Finance Director (in consultation with the Village's financial advisor) caused an Official Notice of Sale to be distributed, offering the aforesaid general obligation promissory notes for public sale on April 21, 2014; and

WHEREAS, sealed bid proposals were received as summarized on Exhibit C attached hereto; and

WHEREAS, it has been determined that the bid proposal (the "Proposal") submitted by _____, _____, _____, fully complies with the bid requirements set forth in the Official Notice of Sale and is deemed to be the most advantageous to the Village. A copy of said bid is attached hereto as Exhibit A and incorporated herein by this reference.

NOW, THEREFORE, BE IT RESOLVED by the Village Board of the Village that:

Section 1. Award of the Notes. The bid proposal of _____, _____, _____ (the "Purchaser") is hereby accepted, said proposal offering to purchase the THREE MILLION SEVEN HUNDRED NINETY-FIVE THOUSAND DOLLARS (\$3,795,000) General Obligation Promissory Notes, Series 2014A (the "Notes") for the sum of _____ DOLLARS (\$ _____), plus accrued interest to the date of delivery resulting in a net interest cost of _____ DOLLARS (\$ _____) and a true interest rate of _____.%

Section 2. Terms of the Notes. The Notes shall be designated "General Obligation Promissory Notes, Series 2014A"; shall be dated May 14, 2014; shall be in the denomination of \$5,000 or any integral multiple thereof; shall bear interest at the rates per annum and mature on March 1 of each year, in the years and principal amounts as set forth in the Pricing Summary

** Preliminary, subject to change.

attached hereto as Exhibit D and incorporated herein by this reference. Interest is payable semi-annually on March 1 and September 1 of each year commencing March 1, 2015. The schedule of principal and interest payments due on the Notes is set forth on the Debt Service Schedule attached hereto as Exhibit E and incorporated herein by this reference (the "Schedule").

Section 3. Designation of Purchaser as Agent. The Village hereby designates the Purchaser as its agent for purposes of distributing the Final Official Statement relating to the Notes to any participating underwriter in compliance with Rule 15c2-12 of the Securities and Exchange Commission.

Section 4. Redemption Provisions. At the option of the Village, the Notes maturing on March 1, 2022 and thereafter shall be subject to redemption prior to maturity on March 1, 2021 or on any date thereafter. Said Notes shall be redeemable as a whole or in part, from maturities selected by the Village and within each maturity by lot, at the principal amount thereof, plus accrued interest to the date of redemption. [If the Proposal specifies that any of the Notes are subject to mandatory redemption, the terms of such mandatory redemption are set forth on Exhibit G attached hereto and incorporated herein by this reference.]

Section 5. Form of the Notes. The Notes shall be issued in registered form and shall be executed and delivered in substantially the form attached hereto as Exhibit B and incorporated herein by this reference.

Section 6. Direct Annual Irrepealable Tax Levy. For the purpose of paying the principal of and interest on the Notes as the same becomes due, the full faith, credit and resources of the Village are hereby irrevocably pledged and a direct annual irrepealable tax is hereby levied upon all taxable property of the Village. Said direct annual irrepealable tax shall be levied in the years 2014 through 2023 for payments due in 2015 through 2024 in the amounts as set forth on the Schedule.

The aforesaid direct annual irrepealable tax hereby levied shall be collected in addition to all other taxes and in the same manner and at the same time as other taxes of the Village levied in said years are collected. So long as any part of the principal of or interest on the Notes remains unpaid, the tax herein above levied shall be and continues irrepealable except that the amount of tax carried onto the tax roll may be reduced in any year by the amount of any surplus in the Debt Service Fund Account created herein, including any capitalized interest funded with proceeds of the Notes.

Section 7. Debt Service Fund Account. There is hereby established in the Village treasury a fund account separate and distinct from every other Village fund or account designated "Debt Service Fund Account for \$3,795,000 Village of Germantown General Obligation Promissory Notes, Series 2014A, dated May 14, 2014." There shall be deposited in said fund account any premium plus accrued interest paid on the Notes at the time of delivery to the Purchaser, all money raised by taxation pursuant to Section 6 hereof and all other sums as may be necessary to pay interest on the Notes when the same shall become due and to retire the Notes at their respective maturity dates. Said fund account shall be used for the sole purpose of paying the principal of and interest on the Notes and shall be maintained for such purpose until such indebtedness is fully paid or otherwise extinguished.

Section 8. Segregated Borrowed Money Fund. The proceeds of the Notes (the "Note Proceeds") (other than any premium and accrued interest which must be paid at the time of the delivery of the Notes into the Debt Service Fund Account created above) shall be deposited into an account separate and distinct from all other funds and be disbursed solely for the purposes for which borrowed or for the payment for the principal of and the interest on the Notes.

Section 9. Arbitrage Covenant. The Village shall not take any action with respect to the Note Proceeds which, if such action had been reasonably expected to have been taken, or had been deliberately and intentionally taken on the date of the delivery of and payment for the Notes (the "Closing"), would cause the Notes to be "arbitrage bonds" within the meaning of Section 148 of the Internal Revenue Code of 1986, as amended (the "Code") and any income tax regulations promulgated thereunder (the "Regulations").

The Note Proceeds may be temporarily invested in legal investments until needed, provided however, that the Village hereby covenants and agrees that so long as the Notes remain outstanding, moneys on deposit in any fund or account created or maintained in connection with the Notes, whether such moneys were derived from the Note Proceeds or from any other source, will not be used or invested in a manner which would cause the Notes to be "arbitrage bonds" within the meaning of the Code or Regulations.

The Village Clerk, or other officer of the Village charged with responsibility for issuing the Notes, shall provide an appropriate certificate of the Village, for inclusion in the transcript of proceedings, setting forth the reasonable expectations of the Village regarding the amount and use of the Note Proceeds and the facts and estimates on which such expectations are based, all as of the Closing.

Section 10. Additional Tax Covenants; Exemption from Rebate; Qualified Tax-Exempt Obligation Status. The Village hereby further covenants and agrees that it will take all necessary steps and perform all obligations required by the Code and Regulations (whether prior to or subsequent to the issuance of the Notes) to assure that the Notes are obligations described in Section 103(a) of the Code, the interest on which is excluded from gross income for federal income tax purposes, throughout their term. The Village Clerk or other officer of the Village charged with the responsibility of issuing the Notes, shall provide an appropriate certificate of the Village as of the Closing, for inclusion in the transcript of proceedings, certifying that it can and covenanting that it will comply with the provisions of the Code and Regulations.

Further, it is the intent of the Village to take all reasonable and lawful actions to comply with any new tax laws enacted so that the Notes will continue to be obligations described in Section 103(a) of the Code, the interest on which is excluded from gross income for federal income tax purposes.

With respect to that portion of the proceeds of the Notes allocable to the Project and in accordance with Section 148(f)(4)(D) of the Code, the Village covenants that it is a governmental unit with general taxing powers; that the Notes are not "private activity bonds" as defined in Section 141 of the Code; that ninety-five percent (95%) or more of the net proceeds of the Notes are to be used for local governmental activities of the Village; and that the aggregate face amount of all tax-exempt obligations (other than "private activity bonds") issued by the

Village, including all subordinate entities of the Village, during calendar year 2014 will not exceed \$5,000,000. If for any reason the Village did not qualify for the small issuer exemption or any other exemption from the rebate requirements of the Code, the Village covenants that it would take all necessary steps to comply with such requirements.

With respect to that portion of the proceeds of the Notes allocable to the Refunding, the Village expects that it will qualify for the six-month expenditure exemption from the rebate requirements of the Code.

The Village hereby designates the Notes to be “qualified tax-exempt obligations” pursuant to the provisions of Section 265(b)(3) of the Code and in support of such designation, the Village Clerk or other officer of the Village charged with the responsibility for issuing the Notes, shall provide an appropriate certificate of the Village, all as of the Closing.

Section 11. Persons Treated as Owners; Transfer of Notes. The Village Clerk shall keep books for the registration and for the transfer of the Notes. The person in whose name any Note shall be registered shall be deemed and regarded as the absolute owner thereof for all purposes and payment of either principal or interest on any Note shall be made only to the registered owner thereof. All such payments shall be valid and effectual to satisfy and discharge the liability upon such Note to the extent of the sum or sums so paid.

Any Note may be transferred by the registered owner thereof by surrender of the Note at the office of the Village Clerk, duly endorsed for the transfer or accompanied by an assignment duly executed by the registered owner or his attorney duly authorized in writing. Upon such transfer, the Village Clerk shall execute and deliver in the name of the transferee or transferees a new Note or Notes of a like aggregate principal amount, series and maturity and the Village Clerk shall record the name of each transferee in the registration book. No registration shall be made to bearer. The Village Clerk shall cancel any Note surrendered for transfer.

The Village shall cooperate in any such transfer, and the Village President and Village Clerk are authorized to execute any new Note or Notes necessary to effect any such transfer.

The 15th day of each calendar month next preceding each interest payment date shall be the record date for the Notes. Payment of interest on the Notes on any interest payment date shall be made to the registered owners of the Notes as they appear on the registration book of the Village maintained by the Village Clerk at the close of business on the corresponding record date.

Section 12. Utilization of The Depository Trust Company Book-Entry-Only-System. In order to make the Notes eligible for the services provided by The Depository Trust Company, New York, New York (“DTC”), the Village has heretofore agreed to the applicable provisions set forth in the DTC Blanket Issuer Letter of Representation and an official of the Village has executed such Letter of Representation and delivered it to the DTC on behalf of the Village.

Section 13. Official Statement. The Village Board hereby approves the Preliminary Official Statement with respect to the Notes and deems the Preliminary Official Statement as “final” as of its date for purposes of SEC Rule 15c2-12 promulgated by the Securities and Exchange Commission pursuant to the Securities and Exchange Act of 1934 (the “Rule”). All

actions taken by officers of the Village in connection with the preparation of such Preliminary Official Statement and any addenda to it or Final Official Statement are hereby ratified and approved. In connection with Closing, the appropriate Village official shall certify the Preliminary Official Statement and any addenda or Final Official Statement. The appropriate Village official shall cause copies of the Preliminary Official Statement and any addenda or Final Official Statement to be distributed to the Purchaser.

Section 14. Execution of the Notes. The Notes shall be issued in typewritten form, one Note for each maturity, executed on behalf of the Village by the manual or facsimile signatures of the Village President and Village Clerk (except that one of the foregoing signatures shall be manual), sealed with its official or corporate seal, if any, and delivered to the Purchaser upon payment to the Village of the purchase price thereof, plus accrued interest to the date of delivery. In the event that either of the officers whose signatures appear on the Notes shall cease to be such officers before the delivery of the Notes, such signatures shall, nevertheless, be valid and sufficient for all purposes to the same extent as if they had remained in office until such delivery. The aforesaid officers are hereby authorized to do all acts and execute and deliver all documents as may be necessary and convenient to effectuate the Closing.

Section 15. Payment of the Notes. The principal of and interest on the Notes shall be paid by the Treasurer or his or her agent in lawful money of the United States.

Section 16. Continuing Disclosure. The Village hereby covenants and agrees that it will comply with and carry out all of the provisions of its Continuing Disclosure Certificate, which the Village will execute and deliver on the Closing Date. Any Noteholder may take such actions as may be necessary and appropriate, including seeking mandate or specific performance by court order, to cause the Village to comply with its obligations under this Section.

Section 17. Redemption of the 2010 Notes. The Village hereby calls the 2010 Notes maturing on March 1, 2015 and thereafter for redemption on or after May 27, 2014. The Village hereby directs the Village Clerk, to give notice of such redemption in the form and as provided in Exhibit F attached hereto.

Section 18. Conflicting Resolutions; Severability; Effective Date. All prior resolutions, rules or other actions of the Village or any parts thereof in conflict with the provisions hereof shall be, and the same are, hereby rescinded insofar as the same may so conflict. In the event that any one or more provisions hereof shall for any reason be held to be illegal or invalid, such illegality or invalidity shall not affect any other provisions hereof. The foregoing shall take effect immediately upon adoption and approval in the manner provided by law.

Adopted this 21st day of April, 2014.

Dean Wolter,
Village President

ATTEST:

Barbara K.D. Goeckner,
Village Clerk

(SEAL)

EXHIBIT B

(Form of Note)

REGISTERED
NO. R-___

UNITED STATES OF AMERICA
STATE OF WISCONSIN
WASHINGTON COUNTY
VILLAGE OF GERMANTOWN
GENERAL OBLIGATION PROMISSORY NOTE, SERIES 2014A

MATURITY DATE:	ORIGINAL DATE OF ISSUE:	INTEREST RATE:	CUSIP:
MARCH 1, 20__	MAY 14, 2014	__%	374118__

DEPOSITORY OR ITS NOMINEE NAME: CEDE & CO.

PRINCIPAL AMOUNT: _____ DOLLARS
(\$_____)

KNOW ALL MEN BY THESE PRESENTS, that the Village of Germantown, Washington County, Wisconsin (the "Village"), hereby acknowledges itself to owe and for value received promises to pay to the Depository or its Nominee Name (the "Depository") identified above (or to registered assigns), on the maturity date identified above, the principal amount identified above, and to pay interest thereon at the rate of interest per annum identified above, all subject to the provisions set forth herein regarding redemption prior to maturity. Interest is payable semi-annually on March 1 and September 1 of each year commencing March 1, 2015 until the aforesaid principal amount is paid in full. Both the principal of and interest on this Note are payable in lawful money of the United States. Interest payable on any interest payment date shall be paid by wire transfer to the Depository in whose name this Note is registered on the Bond Register maintained by the Village Clerk or Treasurer at the close of business on the 15th day of the calendar month next preceding the semi-annual interest payment date (the "Record Date").

For the prompt payment of this Note together with interest hereon as aforesaid and for the levy of taxes sufficient for that purpose, the full faith, credit and resources of the Village are hereby irrevocably pledged.

This Note is one of an issue of Notes aggregating the principal amount of \$3,795,000, all of which are of like tenor, except as to denomination, interest rate, maturity date and redemption provision, issued by the Village pursuant to the provisions of Chapter 67, Wisconsin Statutes, for the purpose of paying the costs of 2014 capital improvements including road and storm sewer improvements and equipment acquisition, and refunding the Village's \$1,795,000 Taxable General Obligation Promissory Notes, Series 2010B dated March 17, 2010, all as authorized by a resolution of the Village Board duly adopted by said governing body at a meeting held on

April 21, 2014. Said resolution is recorded in the official minutes of the Village Board for said date.

At the option of the Village, the Notes maturing on March 1, 2022 and thereafter are subject to redemption prior to maturity on March 1, 2021 or on any date thereafter. Said Notes are redeemable as a whole or in part, from maturities selected by the Village and within each maturity by lot (as selected by the Depository), at the principal amount thereof, plus accrued interest to the date of redemption.

[The Notes maturing in the years _____, _____ and _____ are also subject to mandatory redemption by lot as provided in the resolution authorizing the Notes at the redemption price of par plus accrued interest to the date of redemption and without premium.]

In the event the Notes are redeemed prior to maturity, as long as the Notes are in book-entry-only form, official notice of the redemption will be given by mailing a notice by registered or certified mail, or overnight express delivery, to the Depository not less than thirty (30) days nor more than sixty (60) days prior to the redemption date. If less than all the Notes of a maturity are to be called for redemption, the Notes of such maturity to be redeemed will be selected by lot. Such notice will include but not be limited to the following: the designation, date and maturities of the Notes called for redemption, CUSIP numbers, and the date of redemption. Any notice mailed as provided herein shall be conclusively presumed to have been duly given, whether or not the Depository receives the notice. The Notes shall cease to bear interest on the specified redemption date, provided that federal or other immediately available funds sufficient for such redemption are on deposit at the office of the Depository at that time. Upon such deposit of funds for redemption the Notes shall no longer be deemed to be outstanding.

It is hereby certified and recited that all conditions, things and acts required by law to exist or to be done prior to and in connection with the issuance of this Note have been done, have existed and have been performed in due form and time; that the aggregate indebtedness of the Village, including this Note and others issued simultaneously herewith, does not exceed any limitation imposed by law or the Constitution of the State of Wisconsin; and that a direct annual irrepealable tax has been levied sufficient to pay this Note, together with the interest thereon, when and as payable. It is hereby further certified that the Village has designated this Note to be a "qualified tax-exempt obligation" pursuant to the provisions of Section 265(b)(3) of the Internal Revenue Code of 1986, as amended.

This Note is transferable only upon the books of the Village kept for that purpose at the office of the Village Clerk or Treasurer. In the event that the Depository does not continue to act as depository for the Notes, and the Village Board appoints another depository, new fully registered Notes in the same aggregate principal amount shall be issued to the new depository upon surrender of the Notes to the Village Clerk or Treasurer, in exchange therefor and upon the payment of a charge sufficient to reimburse the Village for any tax, fee or other governmental charge required to be paid with respect to such registration. The Village Clerk or Treasurer shall not be obliged to make any transfer of the Notes (i) after the Record Date, (ii) during the fifteen (15) calendar days preceding the date of any publication of notice of any proposed redemption of the Notes, or (iii) with respect to any particular Note, after such Note has been called for

redemption. The Village may treat and consider the Depository in whose name this Note is registered as the absolute owner hereof for the purpose of receiving payment of, or on account of, the principal or redemption price hereof and interest due hereon and for all other purposes whatsoever.

IN WITNESS WHEREOF, the Village of Germantown, Washington County, Wisconsin, by its governing body, has caused this Note to be executed for it and in its name by the signatures of its duly qualified Village President and Village Clerk; and to be sealed with its official or corporate seal, if any, all as of the 14th day of May, 2014.

(SEAL)

By: _____
Dean Wolter,
Village President

By: _____
Barbara K.D. Goeckner,
Village Clerk

ASSIGNMENT

FOR VALUE RECEIVED, the undersigned sells, assigns and transfers unto

(Name and Address of Assignee)

(Social Security or other Identifying Number of Assignee)

the within Note and all rights thereunder and hereby irrevocably constitutes and appoints _____, Legal Representative, to transfer said Note on the books kept for registration thereof, with full power of substitution in the premises.

Dated: _____

Signature Guaranteed:

(e.g. Bank, Trust Company
or Securities Firm)

(Depository or its Nominee
Name)

(Authorized Officer)

NOTICE: The above-named
Depository or its Nominee Name must
correspond with the name as it appears upon
the face of the within Note in every
particular, without alteration or enlargement
or any change whatever.

EXHIBIT F

NOTICE OF REDEMPTION*

VILLAGE OF GERMANTOWN
WASHINGTON COUNTY, WISCONSIN
\$1,795,000 TAXABLE GENERAL OBLIGATION PROMISSORY NOTES, SERIES 2010B
(BUILD AMERICA BONDS – DIRECT PAYMENT)
DATED MARCH 17, 2010

NOTICE IS HEREBY GIVEN that the following maturities of the above-referenced issue have been called for prior payment on May 27, 2014 (the “Redemption Date”):

<u>Maturity Date</u>	<u>Principal Amount</u>	<u>Interest Rate</u>	<u>CUSIP Number</u>
03/01/15	\$175,000	3.150%	374118VB0
03/01/16	185,000	3.400	374118VC8
03/01/17	185,000	3.650	374118VD6
03/01/18	190,000	3.950	374118VE4
03/01/19	190,000	4.100	374118VF1
03/01/20	190,000	4.250	374118VG9

The Depository Trust Company, New York, New York, is the securities depository for said Notes. The holders of said Notes will be paid the principal amount of the Notes plus accrued interest to the Redemption Date.

Said Notes will cease to bear interest on May 27, 2014.

By Order of the Village Board

Barbara K.D. Goeckner,
Village Clerk

Dated April 21, 2014

* To be sent to The Depository Trust Company, Call Notification Department, Muni Reorganization Manager, 711 Stewart Avenue, Garden City, New York 11530, the securities depository for the Notes, not less than thirty (30) days nor more than sixty (60) days prior to the Redemption Date by registered or certified mail, or overnight express delivery.

RECEIVED

VILLAGE OF GERMANTOWN

JAN 29 2014

X.F

APPLICATION FOR FIREWORKS USER PERMIT
Section 9.06 (5) of the Municipal CodeOFFICE OF VILLAGE CLERK
VILLAGE OF GERMANTOWN

Fee - \$100.00

Investigation Fee: \$⁷~~2~~.00

Permit No. _____

APPLICANT:

Lynn Grigich
LastLynn
FirstL
Middle InitialOn behalf of
KiwanisADDRESS: W1168 N11062 Ashbury Circle #5CITY: GermantownSTATE: WIZIP CODE: 53022PHONE NO. 262-347-9901 DRIVER'S LICENSE NO. G622-5325-7511-07SEX F RACE W DATE OF BIRTH _____

LOCATION OF PREMISES WHERE DISCHARGE OF FIREWORKS WILL OCCUR:

Firemen's Park, W1162 N11870 Park Avenue, Germantown, WI 53022DATE REQUESTED: July 4, 2014 TIME: 9:30 pm estimated

DESCRIPTION OF FIREWORKS TO BE DISCHARGED: _____

pyrotechnic displayPURCHASED FROM: Bartolotta Fireworks Company, Inc. DATE: _____

OPERATOR WHO WILL DISCHARGE FIREWORKS:

NAME: A qualified pyrotechnician provided by Bartolotta's
Last First Middle InitialADDRESS: P.O. Box 5CITY: Genesee DepotSTATE: WIZIP CODE: 53127PHONE NO. 262-968-4178 DRIVER'S LICENSE NO. _____

SEX _____ RACE _____ DATE OF BIRTH: _____

CREDENTIALS: _____

ATTACHMENT: Copy of Insurance in the amount of \$1,000,000 for bodily injury to any one person, in the amount of \$5,000,000 for injury to more than one person and in the amount of \$2,000,000 for damage to property that may arise by reason of use or discharge of fireworks under the permit. The Village shall be named as one of the insureds in said policy of insurance.

Letter from property owner authorizing use of property for the discharge of fireworks.

Christine M. Miska
Witness[Signature]
Signature

GERMANTOWN POLICE DEPARTMENT

MEMORANDUM

TO: Chris Micka
Deputy Clerk

FROM: Peter G. Hoell
Chief of Police 

DATE: April 14, 2014

SUBJECT: FIREWORKS PERMIT – KIWANIS CLUB

The Police Department has no objection to the July 4th fireworks permit.

Hi Chris:

I have signed many of those you have listed. To move things along, I approve all the license applications listed in your email to me today.

Michael Maury
Acting Fire Chief
Germantown Fire Department

From: Chris Micka [CMicka@village.germantown.wi.us]
Sent: Monday, April 14, 2014 10:03 AM
To: Mike Maury
Subject: License Approvals

Mike,

I am missing any approvals from you (listed below). Would you please check to see if you have the requests and confirm your approval?

Fireworks Permit from Kiwanis Club of Germantown

Dance License from Kiwanis Club of Germantown
Parade Permit from Kiwanis Club of Germantown
Picnic License from 25 Sportsmen Club
Dance License from Sheer Lounge
Outside Premise Extension from Sheer Lounge
Dance License from Florian Park Conference Center
Picnic License for Mai Fest
Dance License for Mai Fest
Parade Permit from Bethlehem Lutheran Church
Parade Permit from CrossWay Church
Picnic License from Kiwanis Club of Germantown

Christine M. Micka, CMC/WCMC
Deputy Clerk
Village of Germantown
N112 W17001 Mequon Road
P.O. Box 337
Germantown, WI 53022
Phone: 262-250-4740
Fax: 262-253-8255
E-mail: cmicka@village.germantown.wi.us

X. G.

**BUSINESS OF THE VILLAGE BOARD
GERMANTOWN, WI**

MEETING DATE: April 21, 2014

AGENDA ITEM: New Business

ITEM TITLE: Award of Contract – Traffic Impact Study for TID #6 Phase #1

SUBMITTED BY: Brionne R. Bischke, P.E., Village Engineer 

SUMMARY EXPLANATION:

One study required for planning prospective Tax Increment District #6 Phase 1 is a Traffic Impact Study. These studies are generally required for engineering design, and include proposed intersection geometrics, stop control, and impact to adjacent intersections (e.g., Appleton-Lannon intersection).

Letter proposals were solicited from three firms who self-perform this work: Graef, R.A. Smith National, and Traffic Analysis & Design. Graef is underway studying the Freistadt-Maple intersection for the Village, R.A. Smith National performed similar work for the TID #4 Business Park, and Traffic Analysis & Design performed similar work for private developers within the Village (e.g., Continental's Buffalo Wild Wings).

Proposals will be received later in the week of April 14th; therefore, they are not included in this agenda packet, but will be provided at the Village Board meeting.

ATTACHMENTS: None

RECOMMENDATION:

Recommend to Village Board to award a contract not-to-exceed \$[contract value] to [traffic engineering firm] to perform a Traffic Impact Study for TID #6 Phase #1.

COMMITTEE ACTION:

Proper parliamentary procedure to deny a request is to have a motion made in the affirmative and by voting NAY would deny the request if a majority vote.

X. H

**BUSINESS OF THE VILLAGE BOARD
GERMANTOWN, WI**

MEETING DATE: April 21, 2014

AGENDA ITEM: New Business

ITEM TITLE: Award of Contract – Geotechnical Study for TID #6 Phase #1

SUBMITTED BY: Brionne R. Bischke, P.E., Village Engineer 

SUMMARY EXPLANATION:

One study required for planning prospective Tax Increment District #6 Phase 1 is a Geotechnical Study. These studies are generally required for engineering design, and include soil profiles, bedrock depths, existing fuel pipeline depths, pond liner requirements, pavement design, and soil infiltration potential.

Letter proposals were solicited from two firms who self-perform this work: PSI, and GZA. Both firms have performed work on the Village's Road Improvement Projects, and both have performed well.

Proposals will be received later in the week of April 14th; therefore, they are not included in this agenda packet, but will be provided at the Village Board meeting.

ATTACHMENTS: None

RECOMMENDATION:

Recommend to Village Board to award a contract not-to-exceed \$[contract value] to [geotechnical firm] to perform a Geotechnical Study for TID #6 Phase #1.

COMMITTEE ACTION:

Proper parliamentary procedure to deny a request is to have a motion made in the affirmative and by voting NAY would deny the request if a majority vote.

X. I

**BUSINESS OF THE VILLAGE BOARD
GERMANTOWN, WI**

MEETING DATE: April 21, 2014

AGENDA ITEM: New Business

ITEM TITLE: Award of Contract – Phase 1 Environmental Study for TID #6 Phase #1

SUBMITTED BY: Brionne R. Bischke, P.E., Village Engineer 

SUMMARY EXPLANATION:

One study required for planning prospective Tax Increment District #6 Phase 1 is a Phase 1 Environmental Study. These studies are generally required for real estate transactions, and are pretty standard.

A local Germantown firm named Himalayan Consultants performs these types of studies. In fact, Himalayan performed a similar study for the Village's Donges Bay Road Rehabilitation project, and performed well.

ATTACHMENTS:

- Himalayan Consultants proposal

RECOMMENDATION:

Recommend to Village Board to award a contract not-to-exceed \$3,231.00 to Himalayan Consultants to perform a Phase 1 Environmental Study for TID #6 Phase #1.

COMMITTEE ACTION:

Proper parliamentary procedure to deny a request is to have a motion made in the affirmative and by voting NAY would deny the request if a majority vote.



April 1, 2014

Brionne R. Bischke, P.E.
Village of Germantown
N112 W17001 Mequon Road
Germantown, Wisconsin 53022

RE: Phase I - Environmental Site Assessment for Neu and NMMR Properties, Germantown, WI

Dear Mr. Bischke:

As requested, Himalayan Consultants, LLC (Himalayan) is providing this cost proposal for conducting a Phase I Environmental Site Assessment (ESA) for an approximately 118-acre parcel of land located in the northwest quadrant of Appleton Avenue (STH 175) and Maple Road (hereafter referred to as the 'site').

A Phase I ESA is proposed for the site as part of the National Environmental Policy Act (NEPA) due diligence process to identify if the current/historical land use activities at the site and the adjacent properties might have caused or have the potential to cause significant on-site environmental concern.

1.0 SCOPE OF WORK

The Phase I ESA will be conducted in general conformance with the current version of American Society for Testing and Materials (ASTM) Standard ASTM E1527-13 (and subsequent revisions). It will include a regulatory search and review of the local, state, and federal (U.S. EPA) databases and historical land use records, and a reconnaissance of the site to identify the properties of potential environmental concern and will involve the following tasks:

- **Project Information:** Himalayan will coordinate with Village of Germantown to obtain and review the project information.
- **Environmental Database Review:** Himalayan will procure and conduct a record search of the federal, state, and local database in general accordance with ASTM E1527-13.

- **Historical Landuse Information:** Himalayan will review landuse information sources that include aerial photographs, available Sanborn maps, topographic maps, and municipal records pertaining to the site and immediate adjacent properties.
- **Field Reconnaissance:** Himalayan will conduct a visual inspection of the site and properties surrounding the site for potential sources of environmental contamination.
- **Interviews:** Himalayan will conduct site and/or telephone interviews with the property owner or property manager, city officials or long-term residents to investigate the historical land use of the site and properties of potential concern surrounding the site.
- **Soils and Groundwater Information:** Himalayan will review the subsurface information available at Wisconsin Department of Natural Resources (WDNR) files from any previously completed hazardous material investigation/remediation reports for the site and properties located adjacent to the site, if applicable. Additionally, available soil boring logs and/or USDA County Soil Survey will be reviewed, if necessary, for preliminary soils and depth to groundwater information.
- **Regulatory Agency Files:** Himalayan will review any previously documented site investigation and remedial action reports available from files located at WDNR offices for site and adjacent properties that may have hazardous materials concerns and/or possess the potential to impact the site.

Himalayan will prepare a Phase I Environmental Site Assessment Report documenting the findings of the assessment in general accordance with ASTM E1527-13 guidelines.

2.0 ESTIMATED COSTS

The estimated cost for the scope of work outlined above is **\$3,231.00**. The breakdown of the costs is provided in the attached worksheet.

3.0 ASSUMPTIONS

- The cost is based on Himalayan's preliminary review of WDNR on-line records for the site and vicinity. Himalayan identified three ERP (2-WEPCO Power Plant, 1-Retail Dev.); two LUST (Rapid Mart, Former Residence); one Historic Registry of Waste Disposal Sites (Documented removal of waste, Richard Brandt, Maple Rd. & STH 41/45). Additional record reviews may indicate other recognized environmental conditions that could pose hazardous materials concerns to the site.

- Village of Germantown to provide project design files (ArcMap shapefile or AutoCAD Civil 3D Format) to Himalayan. Himalayan will prepare figures showing the properties of potential hazardous materials concerns.
- Site is accessible for field reconnaissance / inspection by Himalayan for purposes of this assessment.
- The proposal is based on normal working conditions expected at the job site and does not take into consideration delays caused by inaccessibility or other unforeseen circumstances.

4.0 PROJECT SCHEDULE

Himalayan will initiate the assessment activities immediately after your authorization to proceed and complete the site assessment in accordance with the project schedule.

Himalayan greatly appreciates the opportunity to submit this cost proposal and looks forward to working with you in this and the upcoming projects through their completion. If you have any questions regarding this proposal, please call me at (262) 502-0066.

HIMALAYAN CONSULTANTS, LLC

A handwritten signature in black ink, appearing to read 'Gopal K. Adhikary', with a long horizontal stroke extending to the right.

Gopal K. Adhikary, P.E.
Senior Geoenvironmental Engineer/Principal



Source: ArcGIS Online and Washington County

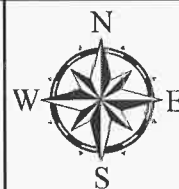
Scale: 0 165 330 660 990 1,320 Feet

PROPERTY LOCATION MAP



HIMALAYAN CONSULTANTS, LLC
 Engineering and Hydrogeologists
 W156 N11357 Pilgrim Road
 Germantown, Wisconsin 53022
 Phone: (262) 502-0066
 Fax: (262)-0077

NEU & NMMR PROPERTIES
 Village of Germantown
 Washington County, Wisconsin



Fee Computation Summary by Task

PROJECT TOTAL

Task	Activity Code	Labor Costs	Reimbursable Expenses	
Project Management		\$210.00	\$0.00	\$210.00
Site Reconnaissance, Environmental Assessment, Document Reviews, and Report Writing		\$2,508.00	\$513.00	\$3,021.00
TOTAL:		\$2,718.00	\$513.00	\$3,231.00

Summary of Staff Hours and Labor Costs

LUMP SUM TASKS

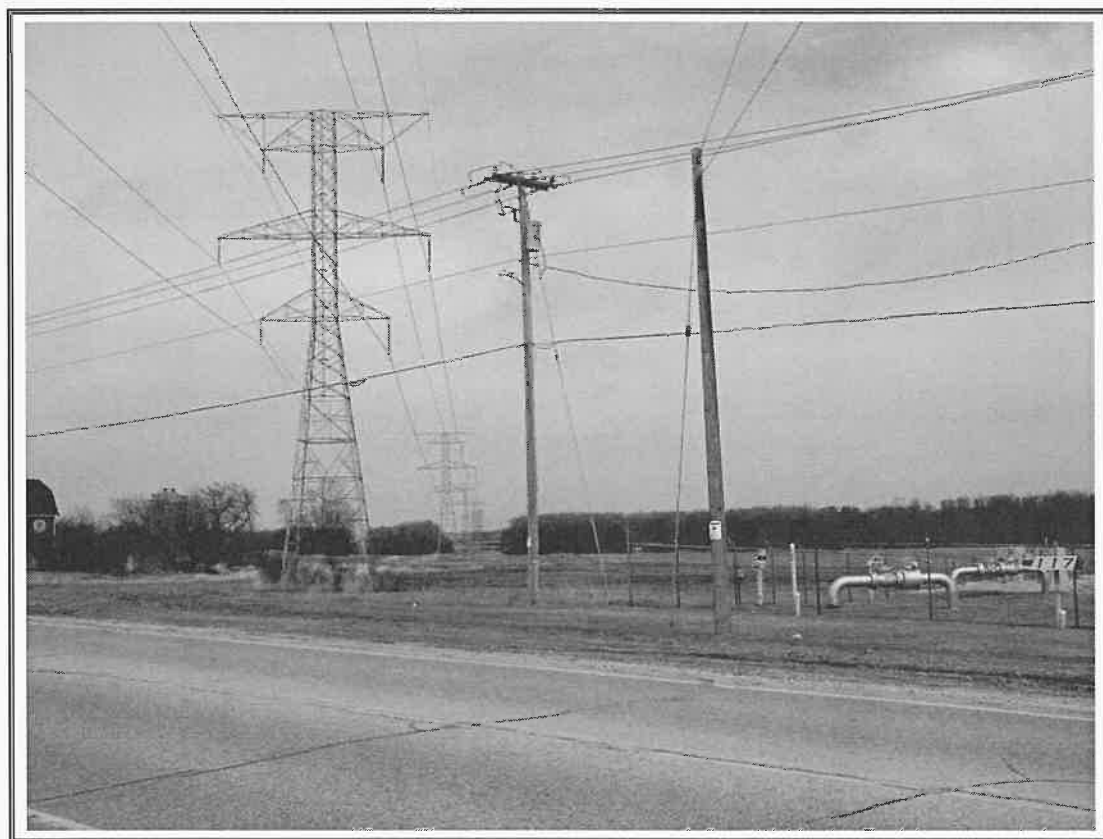
Classification		Hydrogeologist		Staff Engineer		Clerical		Total Labor	
Avg. Hourly Wage		\$70.00		\$68.00		\$40.00			
Task	Activity Code	Hours	Dollars	Hours	Dollars	Hours	Dollars	Hours	Dollars
Project Management		3	\$210.00	0	\$0.00	0	\$0.00	3	\$210.00
Site Reconnaissance, Environmental Assessment, Document Reviews, and Report Writing		12	\$840.00	21	\$1,428.00	6	\$240.00	39	\$2,508.00
TOTAL:		15	\$1,050.00	21	\$1,428.00	6	\$240.00	42	\$2,718.00

Reimbursible Expenses by Item

Item/task	Quantity	Unit	Unit Cost	Amount
EDR Database Search				
Radius Map Report with GeoCheck	1	each	\$ 350.00	\$350.00
Certified Sanborn Map Report	1	each	\$ 135.00	\$135.00
Historical Aerial Photo Decade Package	1	each	\$ -	\$0.00
Sub-Total				\$485.00
Site Reconnaissance				
Mileage	50	miles	\$ 0.56	\$28.00
Sub-Total				\$28.00
TOTAL				\$513.00



Neu Property : WEPCO Germantown Power Plant and transmission lines – southwest view from Appleton Avenue



Neu Property: ANR pipeline (surface station) and transmission lines extending through farm fields -- northeast view from Appleton Avenue

X. J

Amendment to AT&T Tower Lease for Tower Located on Germantown Police Department Campus

Market: Central – IL/WI
Cell Site Number: WI0294
Cell Site Name: Germantown
Fixed Asset Number: 10131209

SECOND AMENDMENT TO STRUCTURE LEASE AGREEMENT

THIS SECOND AMENDMENT TO STRUCTURE LEASE AGREEMENT dated as of the latter of the signature dates below, is by and between Village of Germantown, a municipal corporation having a mailing address of N112 W17001 Mequon Rd., P.O. Box 337, Germantown, Wisconsin 53022 (“**Landlord**”) and New Cingular Wireless PCS, LLC, a Delaware limited liability company, a Delaware limited liability company, having a mailing address of 575 Morosgo Drive NE, Suite 13-F West Tower, Atlanta, GA 30324 (“**Tenant**”).

WHEREAS, Landlord and Tenant entered into a Structure Lease Agreement dated November 24, 2009, as amended by First Amendment to Structure Lease Agreement dated August 16, 2010, whereby Landlord leased to Tenant certain Premises, therein described, that are a portion of the Property located at N112 W16877 Mequon Rd., Germantown, WI 53022 ("Agreement"); and

WHEREAS, Landlord and Tenant desire to amend the Agreement to increase the size of the Premises to allow for the installation of a generator; and

WHEREAS, Landlord and Tenant desire to adjust the Rent in conjunction with the modifications to the Agreement contained herein; and

WHEREAS, Landlord and Tenant desire to update the notice addresses of both parties; and

WHEREAS, Landlord and Tenant desire, in their mutual interest, wish to amend the Agreement as set forth below.

NOW THEREFORE, in consideration of the foregoing and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Landlord and Tenant agree as follows:

1. **Premises.** Landlord agrees to increase the size of the Premises leased to Tenant to accommodate Tenant's needs. Upon the execution of this Second Amendment, Landlord leases to Tenant the additional premises described on attached Exhibit A (the “**New Premises Area**”). Landlord's execution of this Second Amendment will signify Landlord's approval of Exhibit A.
2. **Generator.** Tenant shall have the right to install, repair, maintain, modify, replace, remove, utilize and operate (including but not limited to operate as may be required by applicable law) equipment within the New Premises Area, including without limitation a concrete pad and generator thereon, including back-up power supply.

The generator shall remain the property of Tenant, and Tenant shall have the right to remove or modify same at any time.

Landlord represents and warrants that, to its knowledge, no conditions exist within the Premises or otherwise on the property where the Premises is located that would adversely impact Tenant's permitting and/or installation of a generator. Tenant shall have the right to install and maintain cables from its equipment within the ground space of the Premises to its equipment on the tower within spaces and pathways mutually agreed to by the parties. Landlord authorizes Tenant to prepare, execute and file all required applications to obtain any government approvals for Tenant's use of the Premises under this Agreement and agrees, at Tenant's request, to reasonably assist Tenant with such applications and with obtaining and maintaining the government approvals. Where applicable law governs how the generator will be used, Tenant may use the generator in the manner set forth in applicable law.

3. **Rent.** Commencing the first day of the month following commencement of installation of the generator within the New Premises Area ("Increase Commencement Date"), Rent shall be increased by Two Hundred and No/100 Dollars (\$200.00) per month, subject to further adjustments, if any, as provided in the Agreement; provided that the first such increased payment shall not be due until sixty (60) days after such Increase Commencement Date and provided further that, any partial month occurring after the Increase Commencement Date, the increased Rent amount shall be pro-rated.
4. **Termination.** Tenant may terminate this Amendment in a manner consistent with Paragraph 6 of the Agreement. Within one hundred twenty 120 days after termination of this Amendment, Tenant shall remove its equipment from the New Premises Area; provided that any portions of the equipment that Tenant fails to remove within such period and cessation of Tenant's operations at the New Premises Area shall be deemed abandoned. Tenant shall repair any damage, less ordinary wear and tear, to the New Premises Area caused by its removal activities.
5. Section 17 of the Agreement is hereby deleted in its entirety and replaced with the following:

Notices. All notices, requests, demands and communications hereunder will be given by first class certified or registered mail, return receipt requested, or by a nationally recognized overnight courier, postage prepaid, to be effective when properly sent and received, refused or returned undelivered. Notices will be addressed to the parties as follows.

If to Tenant:

New Cingular Wireless PCS, LLC
Attn: Network Real Estate Administration
Re: Cell Site #: WI0294; Cell Site Name: Germantown
Fixed Asset #: 10131209; State Where Site Located: WI
575 Morosgo Drive NE, Suite 13-F West Tower,
Atlanta, GA 30324

With the required copy of legal notice sent to Tenant at the address above, a copy to the Legal Department:

New Cingular Wireless PCS, LLC
Re: Cell Site #: WI0294; Cell Site Name: Germantown
Fixed Asset #: 10131209; State Where Site Located: WI
AT&T Legal Department - Network Counsel
208 S. Akard St., Dallas, TX 75202-4206

If to Landlord:

Village of Germantown
ATTN: Village Administrator
N112 W17001 Mequon Rd.
P.O. Box 337
Germantown, WI 53022

With the required copy of legal notice sent to Tenant at the address above, a copy to the Village Attorney:

Attorney Brian C. Sajdak
Wesolowski, Reidenbach & Sajdak, S.C.
11402 W. Church St.
Franklin, WI 53132

A copy sent to the respective legal offices is an administrative step which alone does not constitute legal notice.

Either party hereto may change the place for the giving of notice to it by thirty (30) days prior written notice to the other as provided herein.

6. **Memorandum of Lease.** Either party will, at any time upon fifteen (15) days prior written notice from the other, execute, acknowledge and deliver to the other a recordable Memorandum of Lease substantially in the form of Exhibit B. Either party may record this memorandum at any time, in its absolute discretion.

7. **Other Terms and Conditions Remain.** In the event of any inconsistencies between the Agreement and this Second Amendment, the terms of this Second Amendment shall control. Except as expressly set forth in this Second Amendment, the Agreement otherwise is unmodified and remains in full force and effect. Each reference in the Agreement to itself shall be deemed also to refer to this Second Amendment. The rights granted to Tenant herein are in addition to and not intended to limit any rights of Tenant in the Agreement. Unless otherwise specified herein or unless the context requires otherwise, the terms in the Agreement shall apply to the New Premises Area.
8. **Capitalized Terms.** All capitalized terms used but not defined herein shall have the same meanings as defined in the Agreement.

IN WITNESS WHEREOF, the parties have caused their properly authorized representatives to execute and seal this Second Amendment on the dates set forth below.

"LANDLORD"

Village of Germantown
a municipal corporation

By: _____
Dean Wolter, Village President

Date: _____

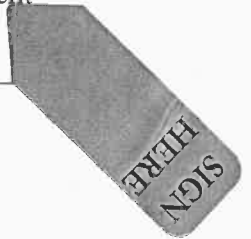
ATTEST:

By: _____
Barbara K.D. Goeckner
Village Clerk

Date: _____

APPROVED AS TO FORM:

Brian C. Sajdak, Village Attorney



STATE OF WISCONSIN)
)ss.
COUNTY OF WASHINGTON)

I CERTIFY that on _____, 20____, Dean Wolter and Barbara K.D. Goeckner personally came before me and acknowledged under oath that he or she:

(a) is the President and Clerk, respectively, of the Village of Germantown, the municipal corporation named in the attached instrument,

(b) was authorized to execute this instrument on behalf of the municipal corporation and

(c) executed the instrument as the act of the municipal corporation.

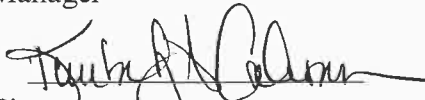
Notary Public, State of Wisconsin

My Commission Expires:_____

Notarize

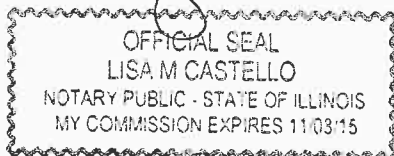
"TENANT"

New Cingular Wireless PCS, LLC,
a Delaware limited liability company
By: AT&T Mobility Corporation
Its: Manager

By: 
Name: Kimberly A. Coleman
Title: Sr Real Estate & Construction Manager
Date: 3-25-14

STATE OF Illinois)
)ss:
COUNTY OF Cook)

On the 25th day of March, 2014, before me personally appeared
Kimberly A. Coleman, and acknowledged under oath that he is the
Sr Real Estate & Construction Manager of Cingular Wireless of
AT&T Mobility, the person named in the attached
instrument, and as such was authorized to execute this instrument on behalf of the
Company.




Notary Public: Lisa M. Castello
My Commission Expires: 11/8/15

Premises

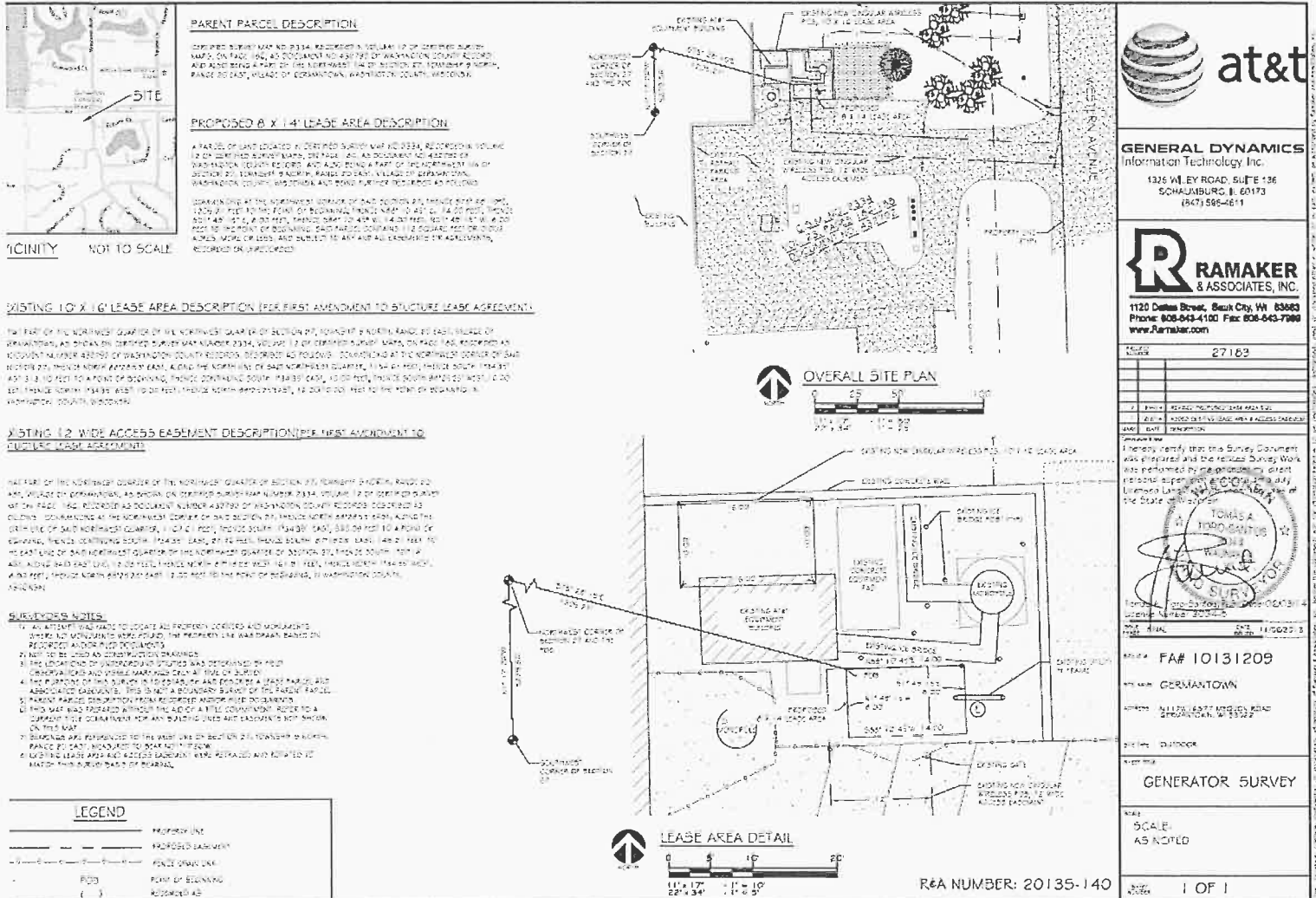


EXHIBIT B

MEMORANDUM OF LEASE

Prepared by:

April Elliot

General Dynamics Wireless Services

1325 Wiley Rd., Suite 136

Schaumburg, IL 60173

Return to:

April Elliot

General Dynamics Wireless Services

1325 Wiley Rd., Suite 136

Schaumburg, IL 60173

Re: Cell Site #WI0294; Cell Site Name: Germantown
Fixed Asset Number: 10131209
State: Wisconsin
County: Washington

MEMORANDUM OF LEASE

This Memorandum of Lease is entered into on this ____ day of _____, 2014, by and between Village of Germantown, a municipal corporation, having a mailing address of N112 W17001 Mequon Rd., P.O. Box 337, Germantown, Wisconsin 53022 ("**Landlord**") and New Cingular Wireless PCS, LLC, a Delaware limited liability company, successor in interest to American Cellular Corporation, having a mailing address of 575 Morosgo Drive NE, Suite 13-F West Tower, Atlanta, GA 30324 ("**Tenant**").

1. Landlord and Tenant entered into a certain Structure Lease Agreement ("**Agreement**") dated November 24, 2009, as amended by First Amendment to Structure Lease Agreement dated August 16, 2010, and Second Amendment to Structure Lease dated _____, 2014 for the purpose of installing, operating and maintaining a communications facility and other improvements. All of the foregoing are set forth in the Agreement.
2. The initial lease term will be five (5) years ("**Initial Term**") commencing on the Effective Date of the Agreement, with four (4) successive five (5) year options to renew.

3. The portion of the land being leased to Tenant (the "**Premises**") is described in **Exhibit 1** annexed hereto.
4. This Memorandum of Lease is not intended to amend or modify, and shall not be deemed or construed as amending or modifying, any of the terms, conditions or provisions of the Agreement, all of which are hereby ratified and affirmed. In the event of a conflict between the provisions of this Memorandum of Lease and the provisions of the Agreement, the provisions of the Agreement shall control. The Agreement shall be binding upon and inure to the benefit of the parties and their respective heirs, successors, and assigns, subject to the provisions of the Agreement.

IN WITNESS WHEREOF, the parties have executed this Memorandum of Lease as of the day and year first above written.

"LANDLORD"

Village of Germantown
a municipal corporation

By: _____

Print Name: _____

Village President

Date: _____

ATTEST:

By: _____

Print Name: _____

Village Clerk

Date: _____

STATE OF WISCONSIN)
)ss.
COUNTY OF WASHINGTON)

I CERTIFY that on _____, 2014, _____ and _____ personally came before me and acknowledged under oath that he or she:

- (a) is the President and Clerk, respectively, of the Village of Germantown, the municipal corporation named in the attached instrument,
- (b) was authorized to execute this instrument on behalf of the municipal corporation and
- (c) executed the instrument as the act of the municipal corporation.

Notary Public, State of Wisconsin
My Commission Expires: _____

"TENANT"

New Cingular Wireless PCS, LLC,
a Delaware limited liability company

By: AT&T Mobility Corporation

Its: Manager

By: _____

Print Name: _____

Its: _____

Date: _____

STATE OF _____)

) ss:

COUNTY OF _____)

On the _____ day of _____, 2014, before me personally appeared _____, and acknowledged under oath that he is the _____ of _____, the _____ named in the attached instrument, and as such was authorized to execute this instrument on behalf of the _____.

Notary Public: _____

My Commission Expires: _____

EXHIBIT 1

DESCRIPTION OF PREMISES

Page 1 of 1

Memorandum of Lease dated _____, 2014, by and between Village of Germantown, a municipal corporation as Landlord, and New Cingular Wireless PCS LLC, a Delaware liability company, as Tenant.

The Premises are described and/or depicted as follows:



VICINITY NOT TO SCALE

PARENT PARCEL DESCRIPTION

CERTIFIED SURVEY MAP NO. 2334, RECORDED IN VOLUME 12 OF CERTIFIED SURVEY MAPS, ON PAGE 186, AS DOCUMENT NO. 432792 OF WASHINGTON COUNTY RECORDS, AND ALSO BEING A PART OF THE NORTHWEST 1/4 OF SECTION 27, TOWNSHIP 9 NORTH, RANGE 20 EAST, VILLAGE OF GERMANTOWN, WASHINGTON COUNTY, WISCONSIN.

PROPOSED 8' X 14' LEASE AREA DESCRIPTION

A PARCEL OF LAND LOCATED IN CERTIFIED SURVEY MAP NO. 2334, RECORDED IN VOLUME 12 OF CERTIFIED SURVEY MAPS, ON PAGE 186, AS DOCUMENT NO. 432792 OF WASHINGTON COUNTY RECORDS, AND ALSO BEING A PART OF THE NORTHWEST 1/4 OF SECTION 27, TOWNSHIP 9 NORTH, RANGE 20 EAST, VILLAGE OF GERMANTOWN, WASHINGTON COUNTY, WISCONSIN AND BEING FURTHER DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 27, THENCE 57° 58' 18" E, 1205.21 FEET TO THE POINT OF BEGINNING, THENCE 84° 10' 45" E, 14.00 FEET, THENCE 50° 14' 13" E, 4.00 FEET, THENCE 55° 10' 45" W, 14.00 FEET, NO. 14° 13' 54" W, 4.00 FEET TO THE POINT OF BEGINNING (SAID PARCEL CONTAINS 11.2 SQUARE FEET OR 0.005 ACRES, MORE OR LESS, AND SUBJECT TO ANY AND ALL EASEMENTS OR AGREEMENTS, RECORDED OR UNRECORDED).

EXISTING 10' X 16' LEASE AREA DESCRIPTION (PER FIRST AMENDMENT TO STRUCTURE LEASE AGREEMENT)

THAT PART OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 27, TOWNSHIP 9 NORTH, RANGE 20 EAST, VILLAGE OF GERMANTOWN, AS SHOWN ON CERTIFIED SURVEY MAP NUMBER 2334, VOLUME 12 OF CERTIFIED SURVEY MAPS, ON PAGE 186, RECORDED AS DOCUMENT NUMBER 432792 OF WASHINGTON COUNTY RECORDS, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 27, THENCE NORTH 88°25'53" EAST, ALONG THE NORTH LINE OF SAID NORTHWEST QUARTER, 1154.81 FEET, THENCE SOUTH 1°34'05" EAST 213.10 FEET TO A POINT OF BEGINNING, THENCE CONTINUING SOUTH 1°34'05" EAST, 10.00 FEET, THENCE SOUTH 88°25'53" WEST, 10.00 FEET, THENCE NORTH 1°34'05" WEST, 10.00 FEET, THENCE NORTH 88°25'53" EAST, 16.00 (TO 00) FEET TO THE POINT OF BEGINNING, IN WASHINGTON COUNTY, WISCONSIN.

EXISTING 12' WIDE ACCESS EASEMENT DESCRIPTION (PER FIRST AMENDMENT TO STRUCTURE LEASE AGREEMENT)

THAT PART OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 27, TOWNSHIP 9 NORTH, RANGE 20 EAST, VILLAGE OF GERMANTOWN, AS SHOWN ON CERTIFIED SURVEY MAP NUMBER 2334, VOLUME 12 OF CERTIFIED SURVEY MAPS, ON PAGE 186, RECORDED AS DOCUMENT NUMBER 432792 OF WASHINGTON COUNTY RECORDS, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 27, THENCE NORTH 88°25'53" EAST, ALONG THE NORTH LINE OF SAID NORTHWEST QUARTER, 1157.61 FEET, THENCE SOUTH 1°34'05" EAST, 833.09 FEET TO A POINT OF BEGINNING, THENCE CONTINUING SOUTH 1°34'05" EAST, 27.70 FEET, THENCE SOUTH 87°14'23" EAST, 149.21 FEET TO THE EAST LINE OF SAID NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 27, THENCE SOUTH 1°27'14" EAST, ALONG SAID EAST LINE, 2.03 FEET, THENCE NORTH 87°14'23" WEST, 161.21 FEET, THENCE NORTH 1°34'05" WEST, 36.90 FEET, THENCE NORTH 88°25'53" EAST, 12.00 FEET TO THE POINT OF BEGINNING, IN WASHINGTON COUNTY, WISCONSIN.

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