

**RESOLUTION NO. 06-2020**

**ADOPTING CONDITIONS AND RESTRICTIONS  
FOR THE GERMANTOWN GATEWAY CORPORATE PARK  
PLANNED DEVELOPMENT DISTRICT**

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**WHEREAS**, Frank Dekan, agent for Zilber Property Group and TI Investors of Germantown II LLC, property owner, has applied for the creation of a 33.07-acre M-1: Limited Industrial Planned Development District (M-1/PDD) to be known as the “Germantown Gateway Corporate Park District” located in the Village of Germantown as generally described in Exhibit A attached hereto; and

**WHEREAS**, said Germantown Gateway Corporate Park District M-1/PDD is intended to facilitate the division of a single 33.07 acre parcel containing two multi-tenant industrial buildings into two separate parcels each containing one of the two industrial buildings; and

**WHEREAS**, Section 17.27(4) of the Village of Germantown Municipal Code allows for the adoption of conditions and restrictions for Planned Development Districts (PDD) that modify the basic allowances, limitations, and bulk regulations of the underlying zoning district, as well as, allow for the establishment of specific uses, bulk regulations, density standards, yard setbacks, etc. to ensure proper development, operation and maintenance of the development set forth in the General Development Plan; and

**WHEREAS**, the Village of Germantown Plan Commission on January 13, 2020, reviewed the proposed rezoning application and forwarded a positive recommendation regarding the proposed creation of said District; and

**NOW, THEREFORE BE IT RESOLVED** that the Village Bard of the Village of Germantown hereby adopts the following specific conditions and restrictions that shall apply to all development on and the use of property within the PDD:

1. **PURPOSE AND INTENT.** The Germantown Gateway Corporate Park District is intended to facilitate the division of a single 33.07 acre parcel containing two multi-tenant industrial buildings into two separate parcels. Further, it is intended the continued use of land within the District be consistent with the M-1: Limited Industrial Zoning District requirements, allowances and restrictions, as well as, compatible with adjacent and surrounding properties to further and enhance the economic stability and quality of life in the Village of Germantown.
2. **GENERAL DEVELOPMENT PLAN (GDP).** The General Development Plan (Exhibit B) for the Germantown Gateway Corporate Park District establishes the basic parameters for all existing and future development within the District, including the approximate size and orientation of buildings. While future development within the District shall be generally consistent with the GDP, the GDP does not grant specific site development or building approval.

3. **SITE PLAN APPROVAL REQUIRED.** Detailed Site Development and Building Plans shall be prepared and submitted to the Village Plan Commission for review and approval prior to the issuance of any building permit(s) for any building construction over 5,000 sqft in gross floor area consistent with the requirements of Sections 17.43 and 17.27(5) through (7) of the Zoning Code. Building construction up to 5,000 sqft in area may be approved as a "minor" improvement requiring Zoning Permit approval by the Zoning Administrator pursuant to Section 17.43(9) of the Zoning Code.
  
4. **SITE DEVELOPMENT AND BUILDING REQUIREMENTS.** Except as set forth below, all site development and buildings shall be constructed in accordance with the lot, building and other applicable bulk requirements set forth in the underlying M-1: Limited Industrial District and other applicable Zoning Code regulations:  
  
The minimum parking lot setback along the common property line between the Zilber 2 & Zilber 3 industrial buildings shall be 0 feet; the minimum 10 setback requirement under Section 17.45 shall not apply
  
5. **APPLICABILITY OF MUNICIPAL CODE.** Unless otherwise set forth herein, all other applicable zoning and development regulations contained in the Germantown Municipal Code (e.g. Shoreland-Wetland Zoning, Floodplain Zoning, Subdivision) shall apply to development and land use within the SP-PDD. In the event a requirement, restriction or limitation set forth herein conflicts with a similar requirement, restriction or limitation found in another section of the Municipal Code, the most stringent requirement, restriction or limitation shall apply.

Introduced by: Trustee Myers

Adopted: February 3, 2020

Vote: Ayes: 9 Nays: 0

  
Dean M. Wolter, Village President

ATTEST:

Deanna B. Braunschweig  
Deanna B. Braunschweig, WCMC/CMC  
Village Clerk

**EXHIBIT A**

**Germantown Gateway Corporate Park District (M-1/PDD)  
Boundary Legal Description**

Lot Three (3) of CERTIFIED SURVEY MAP NO. 6898, being a Redivision of Lot Two (2) of CERTIFIED SURVEY MAP NO. 6824, in the Southwest 1/4 and Northwest 1/4 of the Southeast 1/4 of Section 7, and the Northeast 1/4, Southeast 1/4, Southwest 1/4 and Northwest 1/4 of the Southwest 1/4 of Section 7, in Township 9 North, Range 20 East, in the Village of Germantown, Washington County, Wisconsin, recorded in the Office of the Register of Deeds for Washington County on May 29, 2019 in Volume 53 of Certified Survey Maps, Pages 223 to 228 inclusive, as Document No. 1472573. 33.072 Acres

Tax Parcel: GTNV 073-986  
Property Address: W210 N12805 & W210 N12855 Gateway Crossing

**EXHIBIT B**

**Germantown Gateway Corporate Park District (M-1/PDD)  
General Development Plan**

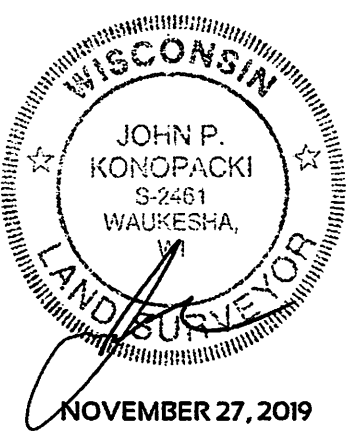
*{Attach General Development Plan}*

**CERTIFIED SURVEY MAP NO. \_\_\_\_\_**

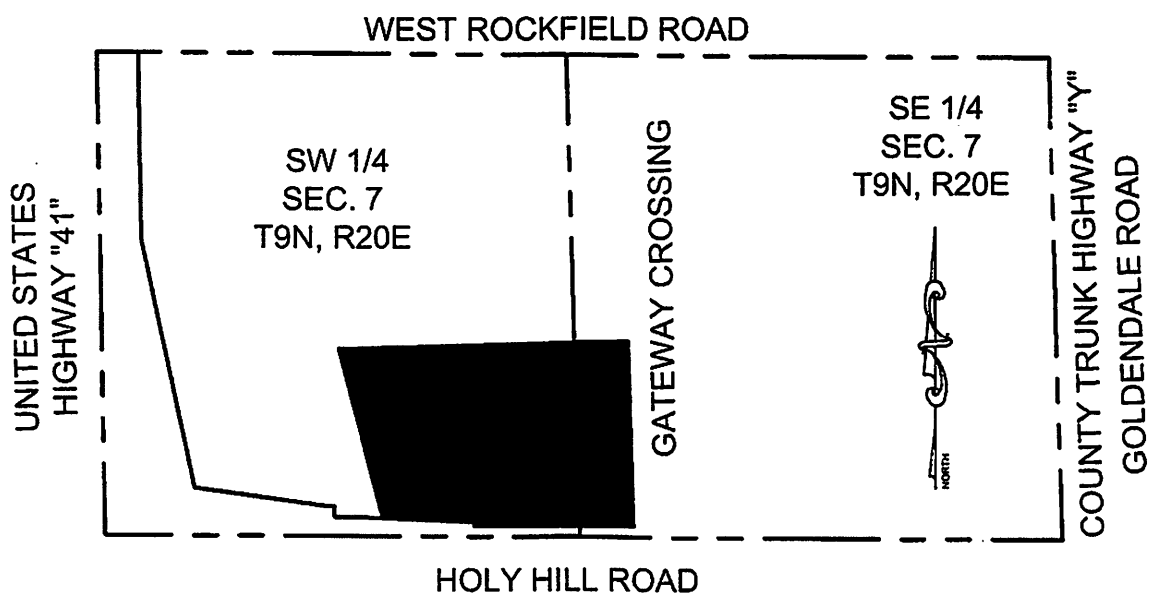
Being a redivision of Lot 3 of Certified Survey Map No. 6898, in the Southwest 1/4 of the Southeast 1/4 and the Southeast 1/4 of the Southwest 1/4 of Section 7, Township 9 North, Range 20 East, Village of Germantown, Washington County, Wisconsin

Document # 1490008  
 WASHINGTON COUNTY WISCONSIN  
 2020-02-07 11:50:00 AM  
*Sharon A. Martin*  
 SHARON A MARTIN  
 WASHINGTON COUNTY  
 REGISTER OF DEEDS  
 Fee: \$30.00

Pages: 6



**VICINITY MAP**  
 SCALE 1"=1000'



- NOTES:
- All measurements have been made to the nearest one-hundredth of a foot.
  - All angular measurements have been made to the nearest one second.
  - Right of way widths and locations based on Certified Survey Map No. 6898.
  - Any land below the ordinary high water mark of a lake or navigable stream is subject to the public trust in navigable waters that is established under article IX, section 1, of the state constitution.
  - The property lies within Zone "X" of the Flood Insurance Rate Map Community Panel No. 55131C0268D dated NOVEMBER 20, 2013. Zone "X" areas are determined to be outside the 0.2% annual chance floodplain.
  - Access Limitations to Holy Hill Road per Document No. 250846 and Document No. 306488.
  - Bearings referenced to the Wisconsin State Plane Coordinate System, South Zone (N.A.D. 1927). The south line of the Southeast 1/4 of Section 7, Township 9 North, Range 20 East has a bearing of N89°41'41"W.

Prepared for:  
 TI Investors of Germantown II LLC  
 710 N. Plankinton Ave.  
 Milwaukee, WI 53203

Prepared By:  
**PINNACLE ENGINEERING GROUP**  
 15850 BLUEMOUND ROAD | SUITE 210  
 BROOKFIELD, WI 53005  
 OFFICE: (262) 754-8888

This instrument drafted by John P. Konopacki, PLS-License No. S-2461

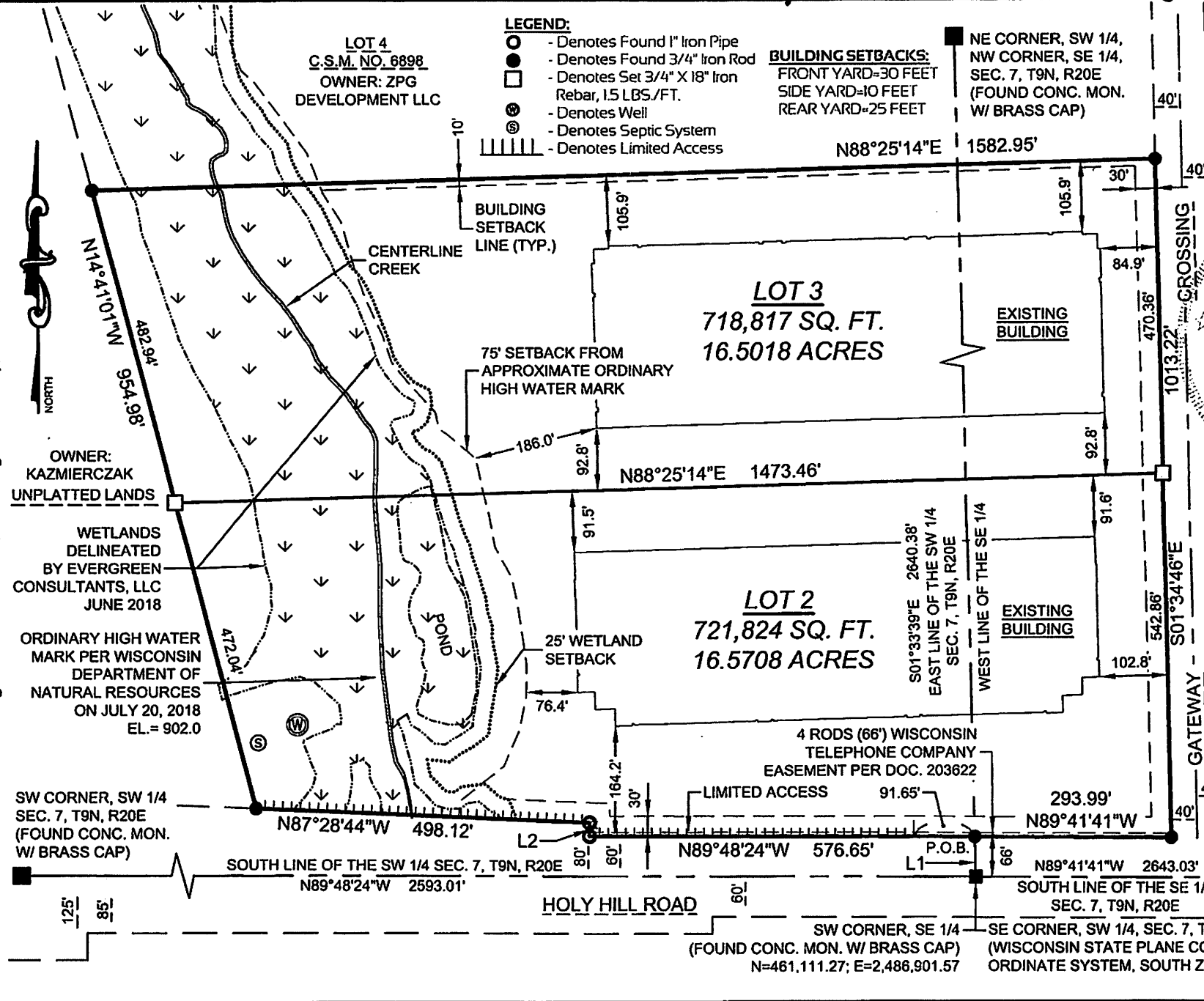
PEG JOB#1296.00A  
 SHEET 1 OF 6

Map No # 6944 V6154 Pg 57

Map No # 6944 Vol 54 Pg 58

**CERTIFIED SURVEY MAP NO. \_\_\_\_\_**

Being a revision of Lot 3 of Certified Survey Map No. 6898, in the Southwest 1/4 of the Southeast 1/4 and the Southeast 1/4 of the Southwest 1/4 of Section 7, Township 9 North, Range 20 East, Village of Germantown, Washington County, Wisconsin

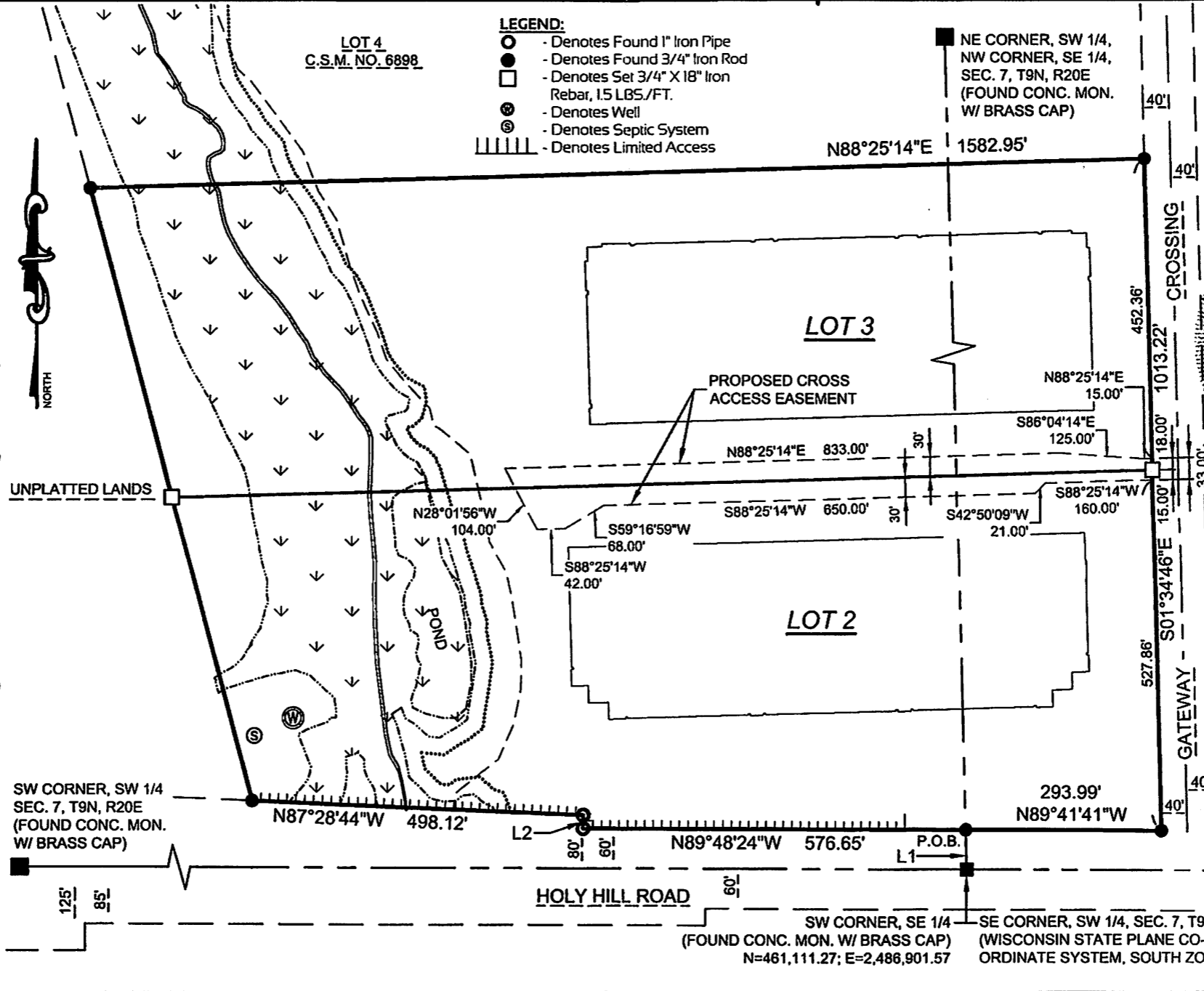


PEC JOB #1296.00A  
SHEET 2 OF 6

Map No #6944 Vol 54 Pg 59

# CERTIFIED SURVEY MAP NO. \_\_\_\_\_

Being a revision of Lot 3 of Certified Survey Map No. 6898, in the Southwest 1/4 of the Southeast 1/4 and the Southeast 1/4 of the Southwest 1/4 of Section 7, Township 9 North, Range 20 East, Village of Germantown, Washington County, Wisconsin



PEG JOB#1296.00A  
SHEET 3 OF 6

This instrument drafted by John P. Konopacki, P.L.S., License No. S-2461

Prepared By:  
**PINNACLE ENGINEERING GROUP**  
 15850 BLUEMOUND ROAD | SUITE 210  
 BROOKFIELD, WI 53005  
 OFFICE: (262) 754-8888

# CERTIFIED SURVEY MAP NO. \_\_\_\_\_

Being a redivision of Lot 3 of Certified Survey Map No. 6898, in the Southwest 1/4 of the Southeast 1/4 and the Southeast 1/4 of the Southwest 1/4 of Section 7, Township 9 North, Range 20 East, Village of Germantown, Washington County, Wisconsin

**SURVEYOR'S CERTIFICATE**

STATE OF WISCONSIN)  
WAUKESHA COUNTY) SS

I, John P. Konopacki, Professional Land Surveyor, do hereby certify:

That I have surveyed, mapped and divided Lot 3 of Certified Survey Map No. 6898, as recorded in the Register of Deeds office for Washington County as Document No. 1472573, in the Southwest 1/4 of the Southeast 1/4 and the Southeast 1/4 of the Southwest 1/4 of Section 7, Township 9 North, Range 20 East, Village of Germantown, Washington County, Wisconsin, described as follows:

LINE TABLE		
LINE NO.	BEARING	DISTANCE
L1	N01°33'39"W	60.03'
L2	N00°11'36"E	20.00'

Commencing at the southeast corner of the Southwest 1/4 of said Section 7;  
Thence North 01°33'39" West along the east line of said Southwest 1/4, 60.03 feet to the north right of way line of Holy Hill Road and the Point of Beginning;

Thence North 89°48'24" West along said north right of way line, 576.65 feet;  
Thence North 00°11'36" East along said north right of way 20.00 feet;  
Thence North 87°28'44" West along said north right of way, 498.12 feet;  
Thence North 14°41'01" West, 954.98 feet to the south line of Lot 4 of said Certified Survey Map No. 6898;  
Thence North 88°25'14" East along said south line, 1582.95 feet to the west right of way line of Gateway Crossing;  
Thence South 01°34'46" East along said west right of way line, 1013.22 feet to the aforesaid north right of way line of Holy Hill Road;  
Thence North 89°41'41" West along said north right of way line, 293.99 feet to the Point of Beginning.

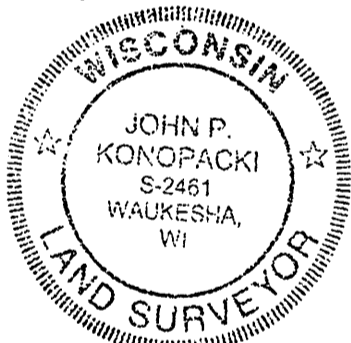
Containing 1,440,641 square feet (33.0726 acres) of land, more or less.

That I have made such survey, land division and map by the direction of TI Investors of Germantown II LLC, owner of said land.

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

That I have fully complied with the requirements of Chapter 236 of the Wisconsin State Statutes and the Village of Germantown Land Division Ordinance in surveying, mapping and dividing the land with in this certified survey map.

Date: NOVEMBER 27, 2019



*[Signature]*  
John P. Konopacki  
Professional Land Surveyor S-2461

*And that certain Mortgage, Assignments of Leases and Rents, Security Agreement and Fixture Filing recorded in the Office of the Register of Deeds for Washington County, Wisconsin, on December 6, 2019, as Document No. 1485987.*

**CONSENT OF CORPORATE MORTGAGEE**

The undersigned, U.S. Bank National Association, a national banking association ("Mortgagee"), as Mortgagee under that certain Mortgage, Assignment of Leases and Rents, Security Agreement and Fixture Filing encumbering the Property and recorded in the Office of the Register of Deeds for Washington County, Wisconsin, on November 9, 2018, as Document No. 1462579, hereby consents to the execution of the foregoing certified survey map.

IN WITNESS WHEREOF, Mortgagee has caused these presents to be signed by its duly authorized officers, and its corporate seal to be hereunto affixed.

1/29/20  
Date

*[Signature]*  
(Name - Title) Scott C. DeJong  
Senior Vice President

STATE OF WISCONSIN)  
Waukesha COUNTY) SS

On this, the 29<sup>th</sup> day of January, 2020, before me, the undersigned, personally appeared Scott C. DeJong the Senior Vice President of U.S. Bank National Association, a national banking association, and acknowledged that (s)he executed the foregoing instrument on behalf of said corporation, by its authority and for the purposes therein contained.

*[Signature]*  
Notary Public  
Name: Jessica Hanko  
State of Wisconsin  
My Commission Expires: 4-10-20

**JESSICA HANKO**  
**NOTARY PUBLIC**  
**STATE OF WISCONSIN**

Prepared By:  
**PINNACLE ENGINEERING GROUP**  
15850 BLUEMOUND ROAD | SUITE 210  
BROOKFIELD, WI 53005  
OFFICE: (262) 754-8888

This instrument drafted by John P. Konopacki, PLS-License No. S-2461

PEG JOB#1296.00A  
SHEET 4 OF 6

Map No # 60944-16154 Pg 60



# CERTIFIED SURVEY MAP NO. \_\_\_\_\_

Being a redivision of Lot 3 of Certified Survey Map No. 6898, in the Southwest 1/4 of the Southeast 1/4 and the Southeast 1/4 of the Southwest 1/4 of Section 7, Township 9 North, Range 20 East, Village of Germantown, Washington County, Wisconsin

## OWNER'S CERTIFICATE

TI Investors of Germantown II 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 certified survey map to be surveyed, divided and mapped as represented on this certified survey map.


TI Investors of Germantown II LLC, as owner, does further certify that this certified survey map is required by Chapter 236 of the Wisconsin State Statutes to be submitted to the following for approval or objection:

1. Village of Germantown

IN WITNESS WHEREOF, the said TI Investors of Germantown II LLC has caused these presents to be signed by John W. Kersey, Executive Vice President, AND Sandra J. DeLisle, Assistant Secretary, at Milwaukee, Milwaukee County, Wisconsin, on this 27<sup>th</sup> day of January, 2020.

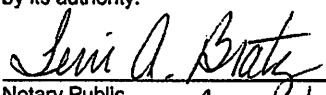
In the presence of: TI Investors of Germantown II LLC  
By: Towne Realty, Inc., Manager

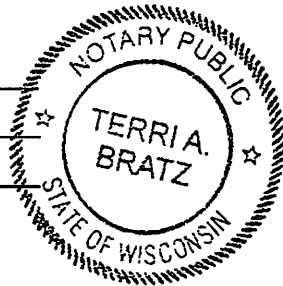
  
\_\_\_\_\_  
John W. Kersey, Executive Vice President

  
\_\_\_\_\_  
Sandra J. DeLisle, Assistant Secretary

STATE OF WISCONSIN)  
MILWAUKEE COUNTY) SS

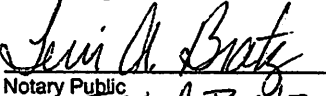
Personally came before me this 27<sup>th</sup> day of January, 2020, John W. Kersey, Executive Vice President of Towne Realty, Inc. - Manager, of the above named limited liability company, to me known to be the person who executed the foregoing instrument, and to me known to be such Executive Vice President of Towne Realty, Inc. - Manager of said limited liability company, and acknowledged that he executed the foregoing instrument as such officer as the deed of said limited liability company, by its authority.

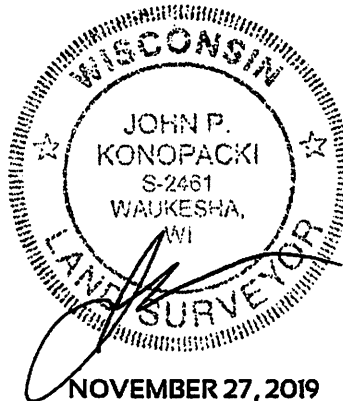
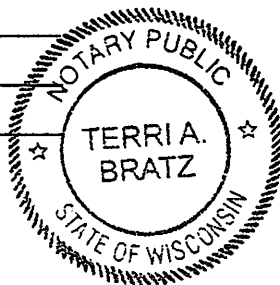
  
\_\_\_\_\_  
Notary Public  
Name: Terri A. Bratz  
State of Wisconsin  
My Commission Expires: 6-17-21



STATE OF WISCONSIN)  
MILWAUKEE COUNTY) SS

Personally came before me this 27<sup>th</sup> day of January, 2020, Sandra J. DeLisle, Assistant Secretary of Towne Realty, Inc. - Manager, of the above named limited liability company, to me known to be the person who executed the foregoing instrument, and to me known to be such Assistant Secretary of Towne Realty, Inc. - Manager of said limited liability company, and acknowledged that she executed the foregoing instrument as such officer as the deed of said limited liability company, by its authority.

  
\_\_\_\_\_  
Notary Public  
Name: Terri A. Bratz  
State of Wisconsin  
My Commission Expires: 6-17-21



NOVEMBER 27, 2019

Prepared By:

**PINNACLE ENGINEERING GROUP**

15850 BLUEMOUND ROAD | SUITE 210

BROOKFIELD, WI 53005

OFFICE: (262) 754-8888

This instrument drafted by John P. Konopacki, PLS-License No. S-2461

PEG JOB#1296.00A  
SHEET 5 OF 6

Map No # 6944 Y6154 Pg 61

# CERTIFIED SURVEY MAP NO. \_\_\_\_\_

Being a redivision of Lot 3 of Certified Survey Map No. 6898, in the Southwest 1/4 of the Southeast 1/4 and the Southeast 1/4 of the Southwest 1/4 of Section 7, Township 9 North, Range 20 East, Village of Germantown, Washington County, Wisconsin

## PLAN COMMISSION APPROVAL

This Certified Survey Map is hereby approved by the Plan Commission of the, Village of Germantown, on this 13<sup>th</sup> day of January, 2020

2-3-2020  
Date

Date

2-5-2020  
Date

Date

[Signature]  
Dean Wolter, Chairman

[Signature]  
Laura A. Johnson, Secretary

STATE OF WISCONSIN)  
MILWAUKEE COUNTY ) SS

Personally came before me this 5<sup>th</sup> day of February, 2020, (names) Dean Wolter & Laura A. Johnson to me known to be the persons who executed the foregoing instrument and acknowledged the same.

[Signature]  
Notary Public  
Name: Ben Hubrich  
State of Wisconsin  
My Commission Expires: 5/25/2021



## VILLAGE OF GERMANTOWN BOARD APPROVAL

This Certified Survey Map, being a part of the Southwest 1/4 of the Southeast 1/4 and the Southeast 1/4 of the Southwest 1/4 of Section 7, 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 accepted by the Village Board of Trustees of the Village of Germantown on this 3<sup>rd</sup> day of February, 2020

2-3-2020  
Date

Date

2-3-2020  
Date

Date

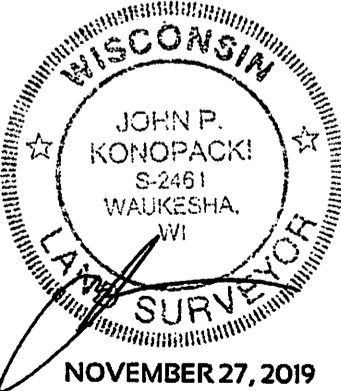
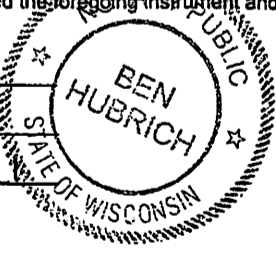
[Signature]  
Dean Wolter, Village President

[Signature]  
Deanna Braunschweig, Village Clerk

STATE OF WISCONSIN)  
MILWAUKEE COUNTY ) SS

Personally came before me this 3<sup>rd</sup> day of February, 2020, (names) Dean Wolter & Deanna Braunschweig to me known to be the persons who executed the foregoing instrument and acknowledged the same.

[Signature]  
Notary Public  
Name: Ben Hubrich  
State of Wisconsin  
My Commission Expires: 5/25/2021



Prepared By:  
**PINNACLE ENGINEERING GROUP**  
15850 BLUEMOUND ROAD | SUITE 210  
BROOKFIELD, WI 53005  
OFFICE: (262) 754-8888

This instrument drafted by John P. Konopacki, PLS-License No. S-2461

PEG JOB#1296.00A  
SHEET 6 OF 6

Map No # 6898 Vol 54 Page 2