

RESOLUTION NO. 16-2018

ADOPTING CONDITIONS AND RESTRICTIONS FOR THE KUHBURG DISTRICT PLANNED DEVELOPMENT DISTRICT ("KUHBURG DISTRICT PDD")

WHEREAS, Victory Center LLC, property owner (hereinafter the "Developer") has applied for a B-3: General Business Planned Development District (B-3/PDD) to be applied to the subject parcels located in the Village of Germantown as generally described in Exhibit A attached hereto; 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 proposed development in the General Development Plan; and

WHEREAS, the Village of Germantown Plan Commission on February 26, 2018, reviewed the B-3/PDD rezoning application and forwarded a positive recommendation regarding both the rezoning and General Development Plan to the Village Board;

NOW, THEREFORE BE IT RESOLVED that the Village Board 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 Kuhburg District PDD is intended to provide for the orderly and attractive re-development and operation of commercial retail uses where such activities are conducted within the two existing buildings located at the Donges Bay Road @ Fond du Lac Ave/STH145 intersection, including a vacant school house and 2-story tavern. The Kuhburg District PDD will be comprised of a 1-story coffee shop building and a 2-story restaurant building connected by a covered/screened portico providing seasonal seating for patrons of the coffee shop and restaurant operations. The re-development is intended to be compatible with adjacent and surrounding residential development 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 on Sheet GD100 dated February 23, 2018) establishes the basic parameters for development within the Kuhburg District PDD including the approximate size and orientation of buildings, density of development, setbacks, location of access roadways and driveways, and the general location and extent of landscaping and buffering. While all re-development within the PDD shall be generally consistent with the GDP, the GDP does not grant specific site development or building approval. Proposed modifications and/or revisions to the GDP shall be reviewed consistent with Section 17.27(9) of the Zoning Code.

3. **PERMITTED LAND USES.** Permitted Principal, Accessory, Conditional and Temporary Uses allowed within the Kuhburg District PDD shall be as set forth in Section 17.30 of the Zoning Code.
4. **SITE PLAN APPROVAL REQUIRED.**
 - a. Consistent with the requirements of Section 17.27(5) through (7), all development within the Kuhburg District PDD shall be subject of detailed site development and building plans submitted for review and approval by the Plan Commission in accordance with the requirements and procedures in Section 17.43 prior to issuance of a building permit. Unless otherwise amended by the Plan Commission, development shall be consistent with the site development and building plans approved by the Plan Commission on February 26, 2018, including the plans dated January 8, 2018 (including Sheets G1001, C101, E001, E002, E003, A101, A102, A103, A300 and A700), February 20, 2018 (including Sheets C102, C103, C104, AS100, AS101, A200, A201), and Sheet L100 (Planting Plan) dated February 16, 2018.
 - b. Separate Site Plan review and approval by the Plan Commission is required for any additional or expanded parking lot improvements.
5. **LANDSCAPING & BUFFER PLAN REQUIRED.**

The Developer shall install additional landscaping along the north side of the property. The Developer should work with the Village Public Works Department and/or WisDOT to investigate the possibility of obtaining an easement for landscaping materials to be located in the right-of-way adjacent to the property and submit a revised plan for staff review and approval (if determined to be feasible). As an alternative, if landscaping cannot be installed in the ROW, the Developer should remove the two northernmost parking stalls on either side of the driveway entrance and replace them with landscaping if/when additional parking is constructed along the south side of the property in the future. A revised or supplemental landscaping plan shall be submitted to the Village Planner for review and approval prior to installation of additional landscaping not already subject of an approved landscape plan.
6. **ACCESS.**

Access to development within the Kuhburg District PDD shall be to/from Donges Bay Road and Fond du Lac Avenue as shown on GDP.

7. **SITE DEVELOPMENT AND BUILDING REQUIREMENTS.**

Unless otherwise set forth below, all site development and building shall be in accordance with the lot, building and other applicable bulk requirements set forth in the underlying B-3: General Business Zoning District and other applicable Zoning Code regulations.

a. **LOT AND BUILDING REQUIREMENTS**

- i. Lot Area (minimum) 0 acres
- ii. Principal Building Setbacks (minimum)
 - 1. Front/Street yard 0 feet
- iii. Parking Setbacks (minimum)
 - 1. Front/Street yard 4 feet
 - 2. Side yard 4 feet
 - 3. Rear yard 4 feet

8. **PARKING.** (see Section 17.45).

- a. Setback Buffer (minimum) 4 sqft
- b. Loading zones to be combined with parking lot aisle area
- c. Stall Number (minimum) to be determined; discretion of developer based on actual stall count achievable; off-site parking can satisfy on-site parking demand subject to requirements under Section 17.45(5) of the Zoning Code.

9. **BUILDING MATERIALS.**

The development sites and buildings will be designed, located and constructed with a consistent architectural theme, high-quality materials, landscaping, and in a manner that protects and preserves the existing environmental features consistent with current buildings located on the same site.

10. **WASTE AND RECYCLING FACILITIES & ENCLOSURES.**

All waste and recycling dumpsters shall be screened from all residential areas, public rights-of-way or adjacent properties.

11. **EXTERIOR LIGHTING.**

The Developer shall be responsible for making any necessary adjustments, including supplemental shielding or fixture replacement, to the exterior pole-mounted light fixtures after installation to eliminate any glare or view of the light source affecting the residential neighbor to the west. The Developer shall contact and coordinate with said neighbor to resolve any complaints or issues with said lights impacting the residential property.

12. **SIGNAGE.**

- a. One (1) monument sign shall be permitted to be installed along Donges Bay Road as shown on the GDP. Two (2) monument signs shall be permitted to be installed along Fond du Lac Avenue/STH145. As shown on the GDP. All signs shall comply and be approved in accordance with the Village's sign regulations and reviewed and

- b. The minimum setback for all signs shall be 0 feet from the nearest point of the sign or sign mounting structure; no part of any sign shall extend into or over a public right-of-way or utility easement.
- c. Other signage, e.g. temporary signs, wall signs, etc. may be approved for each business operation consistent with the Village's sign regulations.

13. **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 SC-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.

14. **PARCEL COMBINATION REQUIRED.**

A certified survey map (CSM) land combination shall be completed and approved to combine the two subject parcels and adjust the property line along the west boundary prior to issuance of any building permit(s) for building renovation. The CSM will need to include the parcels affected, including the residential parcel to the west. In the future, a CSM land combination may also be required to add additional land to the Kuhburg District for additional parking.

15. **PARKING LOT/PDD BOUNDARY EXPANSION.**

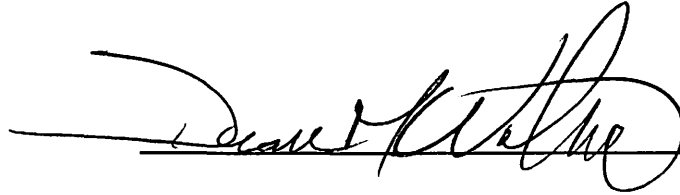
At the time the Kuhburg District was created, the Developer presented two alternatives for providing additional parking to the south; both alternatives requiring the acquisition of additional land not included in the original Kuhburg District. Consequently, the Kuhburg District PDD boundary will need to be expanded in the future if the Developer acquires additional land to accommodate an expanded parking area. Said PDD boundary expansion shall be processed as a separate PDD application in accordance with all requirements and procedures at that time

Victory Center LLC "Kuhburg District" Planned Development District (PDD)
Resolution No. 16-2018
Adopted March 5, 2018
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Introduced by: Tr Kaminski

Adopted: March 5, 2018

Vote: Ayes: 6 Nays: 1 Recused: 2



Dean M. Wolter, Village President

ATTEST:

Deanna L. Boldrey
Deanna L. Boldrey, WCMC/CMC
Village Clerk

**Kuhburg District Planned Development District (PDD)
Boundary Legal Description**

Parcel #1 (north): W140 N10393 Fond du Lac Avenue (Tax Key #351-972)

Part of the NE 1/4 of the NE 1/4 of Section 35, Township 9 North, Range 20 East, Village of Germantown, Washington County, Wisconsin, which is bounded and described as follows: Commencing at the northeast corner of said Section 35; thence S 00°06'29" E, along the east line of said NE 1/4, 99.00 feet; thence S 89°43'31" W, parallel with the north line of said NE 1/4, 33.00 feet to a point in the west right of way line of Fond du Lac Avenue, being the point of beginning of lands herein described; thence continuing S 89°43'31" W, parallel with said north line, 137.90 feet to a point in the east line of Lot 1 of Certified Survey Map No. 4143 as recorded in the Washington County Register of Deeds Office in Volume 27 of Certified Survey Maps on pages 42-45, as Document No. 640922; thence N 00°06'23" W (recorded as N 01°26'22" W), 66.00 feet to a point in the south right of way line of Donges Bay Road; thence N 89°43'31" E, along said south right of way line of Donges Bay Road, 112.91 feet; thence S 39°58'41" E, continuing along the south right of way line of Donges Bay Road, 38.99 feet to the intersection with said west right of way line of Fond du Lac Avenue; thence S 00°06'29" E, along said west right of way line of Fond du Lac Avenue, 36.00 feet to the point of beginning. Containing 8,799 sqft more or less.

Parcel #2 (south): W140 N10385 Fond du Lac Avenue (Tax Key #351-964)

Part of the NE 1/4 of the NE 1/4 of Section 35, Township 9 North, Range 20 East, Village of Germantown, Washington County, Wisconsin, which is bounded and described as follows: Commencing at the northeast corner of said Section 35; thence S 00°06'29" E, along the east line of said NE 1/4, 99.00 feet; thence S 89°43'31" W, parallel with the north line of said NE 1/4, 33.00 feet to a point in the west right of way line of Fond du Lac Avenue, being the point of beginning of lands herein described; thence S 00°06'29" E, along said west right of way line of Fond du Lac Avenue, 70.00 feet; thence S 89°43'31" W, parallel with said north line of the NE 1/4, 137.00 feet to a point in the east line of Lot 1 of Certified Survey Map No. 4143 as recorded in the Washington County Register of Deeds Office in Volume 27 of Certified Survey Maps on pages 42-45, as Document No. 640922; thence N 00°06'23" W (recorded as N 01°26'22" W), 70.00 feet; thence N 89°43'31" E, parallel with said north line of the NE 1/4, 137.00 feet to the point of beginning. Containing 9,590 sqft more or less.

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EXHIBIT B

**Kuhburg District Planned Development District (PDD)
General Development Plan**

{Attach General Development Plan Dated February 23, 2018}

