

RESOLUTION No. 08- 2022

**AMENDING
RESOLUTION NO. 16-97 CONTAINING CONDITIONS AND RESTRICTIONS
FOR THE NEVIASER PLANNED DEVELOPMENT DISTRICT (PDD)**

WHEREAS, Daniel Neviaser of Neviaser Investments applied for and was granted rezoning to the B-5: Highway Business Planned Development District (PDD) on the subject parcel (Key Number GTNV 334-100, hereinafter "the property") which was granted by the Village Board on March 17, 1997; and

WHEREAS, Section 17.27(4) of the Village of Germantown Municipal Code allows for the adoption of conditions and restrictions for PDDs, and

WHEREAS, Rachit Dhingra, agent for the Odyssey Hotel Group and ANR Capital LLC, property owners and successor to the original developer Daniel Neviaser, and Riversbend Country Club Inc., has requested approval of an amendment to the Neviaser PDD as it pertains to development of the former Riversbend golf course property and the Odyssey Hotel property and other conditions and requirements set forth in the Conditions and Restrictions Resolution No. 16-1997 as amended by Resolution No. 19-2016; and

WHEREAS, the Village Plan Commission did, on January 10, 2022, review said PDD amendment and subsequently recommended that the Village Board approve the proposed amendments to the Neviaser PDD and Resolution No. 16-97 as amended by Resolution No. 19-2016; and

NOW, THEREFORE, BE IT RESOLVED, that the Village Board of the Village of Germantown hereby approves and adopts the proposed amendments to the Neviaser PDD and amends Resolution No. 19-2016 as follows where items underlined are to be added and items ~~stricken~~ are to be deleted:

1. General Development Plan. ~~Except for the expanded parking area depicted on Sheet C-1 dated November 8, 2016, the~~ The plan set dated and revised through November 1, 2021 8, 1996, and supplemental landscaping & privacy fence plans approved by the Plan Commission, shall be considered the approved General Development Plan for the subject property, including the location of driveways, parking spaces, buildings and signage Detailed surveys, utility plans, building plans, lighting and landscaping plans covering any portion of the total project intended for construction shall be presented to the Plan Commission prior to issuance of any building permits These plans shall conform substantially to the approved General Development Plan in both location, design and number. Utility and driveway plans shall be based on the standards of then Village Public Works Department. If revisions of the development plan are necessary due to adverse site conditions, resubmittal and approval of all revisions by the Plan Commission will be required.
2. Building size height, location, and lot coverage
 - a. The building shall include up to a total of 100 ~~130~~ guest rooms.
 - b. The building shall not exceed a height of 50 feet, except the parapet wall, which shall not exceed 60 feet tall.
 - c. The buildings shall meet the following setback and lot coverage requirements:
 - i. Front yard setback from Riversbend Lane: minimum 50 feet

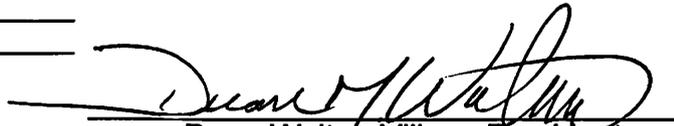
- ii. Front yard setback from Riversbend Circle West: minimum 15 feet
 - iii. Side yard setback from south property line: minimum 50 feet
 - iv. Side yard setback from west property line: minimum 10 feet
 - d. The overall building, parking and hard surfaces shall not exceed 70% lot area.
3. Parking. The project shall include a minimum number of off-street parking spaces based on the **Village's parking stall guidelines under Section 17.45(1) of the Zoning Code and the** maximum number of rooms as follows:
- a. ~~428~~ **103** spaces: ~~73 to 123~~ **100** guest rooms
 - b. ~~130~~ spaces: ~~123 to 130~~ guest rooms

No garages or maintenance buildings are approved for this site.

4. Driveway Construction and Ownership. All internal driveways shall be constructed and maintained by the owner. Construction standards will be to Village specifications. Private easements and access agreements are not enforced by the Village and must be addressed separately.
5. Public Utilities.
- a. The developer will provide all necessary easements and dedication of facilities as required by the Village Engineer.
6. Signage.
- a. The property is allowed one free standing sign, maximum 160 square feet area, maximum 25 foot height.
 - b. The property is allowed two wall mounted signs, maximum 150 square feet each.
 - c. All signs shall be internally illuminated.
 - d. No roof signage is allowed for this project.
 - e. No wall mounted signage is allowed on the north side of the building.
7. Specific Lighting and Landscaping plans, **including plans for a privacy fence to be installed along the north side of their off-site parking lot,** shall be submitted to and approved by the Plan Commission prior to occupancy of the building.
8. Garbage and Refuse collection and Disposal shall be provided by the property owner at his cost.
9. The berm (including plantings) to be repaired and maintained by the property owner, with replacement of any dead plantings.
10. The minimum parking stall size shall be 162 sqft.
11. The minimum parking setback for parking areas located to the north, south and west of the hotel shall be (0) feet.
12. The minimum parking setback from the north parking area to the adjacent residential district shall be 43 feet.

Introduced by Trustee: Myers
Adopted: February 7, 2022

Vote: Ayes: 9
 Nays: 0



Dean Wolter, Village President

ATTEST:

Deanna Braunschweig
Deanna Braunschweig, Village Clerk

This instrument drafted by:

Jeffrey W. Retzlaff, AICP
Director Community Development Department
Village of Germantown