CERTIFIED SURVEY MAP (CSM) APPLICATION & REVISED LANDSCAPE PLAN

11/13/23 Plan Commission Meeting

Virtus Development LLC / District One LLC

Village Staff Report & Recommendation

Germantown, Wisconsin

Summary

Greg Nagel, President of Virtus Development and agent for District One LLC, property owner, and the Hacker Trust, property owner, is requesting approval of a Certified Survey Map (CSM) application to combine parcels within the "Kuhburg Planned Development District" and revised landscape plans for the 33-stall commercial parking lot and 4-unit multi-family townhouse located in the southwest corner of the Donges Bay Road @ Fond du Lac Ave/STH145 intersection.

Property Location: W140 N10363 Fond du Lac Ave

W140 N10349 Fond du Lac Ave

Applicant/

Property Owner: Greg Nagel District One LLC Hacker Trust

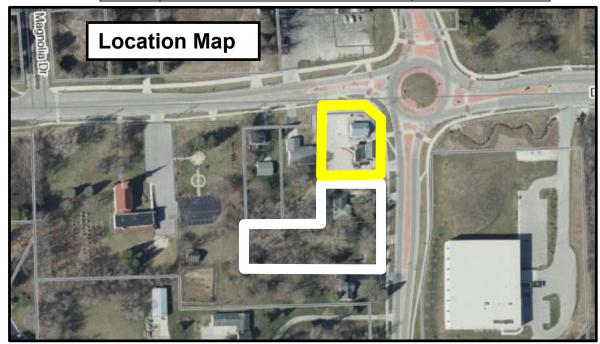
Virtus Development 13100 Watertown W140 N10363 Fond du Lac

13890 Bishops Dr Elm Grove, WI Germantown, WI

Brookfield, WI

Current Zoning: B-3/Rm-2/PDD: Kuhburg Planned Development District

Adjacent Land Uses		Zoning
North	Business	B-3
South	Residential	Rs-6
East	Industrial	M-1
West	Residential	Rs-6



Background

The Kuhburg Planned Development District was created in February, 2018 to stimulate the renovation of two parcels with dilapidated buildings located in the southwest corner of the intersection, including a vacant, single-story schoolhouse and a 2-story tavern. To date, renovation of the schoolhouse into the Stone Creek "Kaffeehaus" is complete, along with the reconstruction of the parking lot west of the building. Remaining improvements include construction of a covered portico providing seasonal, outdoor seating for both the Kaffeehaus and the planned renovation of the existing Gamroth's Kuhburg Junction tavern into a restaurant.

In August 2023, the Village approved a rezoning application to amend & expand the Kuhburg District to the south with the addition and re-development of two abutting parcels to the south totaling approximately 1.1 acres for the following:

- 1. 33-stall parking lot (to serve the two commercial retail buildings)
- 2. 4-unit multi-family residential townhouse-style building (reduced from the original 6-unit proposal)
- storm water management basin serving the parking lot and townhouse development

As a condition of approving the Kuhburg District expansion, the property owner/developer was required to prepare and submit for Village approval a certified survey map (CSM) to combine the parcel containing the two retail buildings with the parcel containing the proposed parking lot prior to issuance of any construction permit(s) required for the parking lot (with any right-of-way dedication for Fond du Lac Avenue).

Further, as a condition of approving the site development & building plans for the commercial parking lot and 4-unit multi-family townhouse development, thew owner/developer was required to prepare and submit a complete landscape plan for both the commercial parking lot and townhouse development for review and approval by the Village Forester and Plan Commission prior to final site grading or issuance of an occupancy permit for the townhouse building.

Proposal

At this time, the owner/developer is requesting approval of a Certified Survey Map (CSM) application to combine parcels within the "Kuhburg Planned Development District" and approval of a revised landscape plan for the commercial parking lot and 4-unit multi-family townhouse site.

Certified Survey Map (CSM)

As shown in the preliminary CSM, the CSM creates the following two parcels and proposed uses:

- 1. Lot 1 (.765 acres) Coffee house, restaurant & new parking lot
- 2. Lot 2 (.66 ac) 4-unit townhouse development

Landscape Plan

The landscape plan ("Planting Plan" on Sheet AS1.02) proposes a significant number of plantings throughout both the parking lot and townhouse sites, including street trees along Fond du Lac Avenue.

Staff Comments

Community Development Department: Planning & Zoning

There are no details, specifications, or renderings for the "decorative fence" that is required "...along the entire length of the paved driveway and parking stall area" abutting the south property line. The "Planting Plan" or landscape plan refers to a "proposed fence" where other site plan sheets including C1.02 indicate a "New 6' High Wood Fence". The requirement for a "decorative fence" is part of the PDD conditions & restrictions resolution and adopted as a condition in the August 14 Plan Commission approval of the site plan set. It was Staff's intent that a decorative privacy fence and a landscaping buffer along the entire south property line (vs. a basic dog-eared wood picket fence like the one installed along the commercial parking lot) would provide a more appealing visual screen for the residents. I do not consider a basic 6' high, dog-eared wood pickets mounted on steel poles to be the least bit decorative.

With respect to the same south property line fence, neither the Planting Plan nor the site plan sheets clearly show this new fence along the entire length of the driveway. The Planting Plan calls out a solid black line that appears to be one and the same as the property line. So, if that is the case and the fence is proposed along the entire length of the property line, then the requirement has been met. If not, the plan needs to be revised to clearly show a decorative privacy fence along at least the length of the driveway from the property line to the west end of the parking stalls as required.

Also, with respect to the same south property line, the Plan Commission approval and PDD conditions require a "landscape screen/buffer" in addition to the privacy fence. The Planting Plan shows three small 4' x 6' wide planting areas with daylilies in each on the north side of the privacy fence. As indicated above, Staff's intent is that the landscaping buffer be located on the south side and along the entire length of the fence to provide a visual buffer for the residential property owner to the south.

The Village's Highway Department Superintendent has expressed concern regarding future maintenance of the street trees proposed to be planted in the Fond du Lac Ave right-of-way. If these four (4) street trees cannot be added to the agreement the developer has with WisDOT to permit these trees in the ROW, the trees will need to be relocated onto the townhouse & parking lot properties.

Public Works/Engineering/Utilities

The Village Surveyor has identified a series of minor corrections in a November 8, 2023 memo (attached) that will need to be corrected prior to recording the CSM.

Village Forester

The Village Forester has reviewed the landscape plan and recommends approval.

VILLAGE STAFF RECOMMENDATION

APPROVE the proposed Certified Survey Map (CSM) for the District One LLC property located in the Kuhburg District near the Donges Bay Road @ STH145/Fond du Lac Avenue intersection subject to the following conditions:

- 1. All technical issues and corrections identified by the Village Surveyor (see November 8, 2023 memo from Burt Naumann, GRAEF) shall be addressed and reflected in a revised CSM reviewed and approved by Village staff prior to recording.
- District One LLC does not currently own all the parcels subject of the CSM. The CSM shall be revised to include all current property owners as required under Chapter 236 Wis. Stats.

APPROVE the proposed landscape plan for the District One LLC property located in the Kuhburg District near the Donges Bay Road @ STH145/Fond du Lac Avenue intersection subject to the following conditions. Unless specially stated, the conditions of this approval of the landscape plan are in addition to and not intended to supersede those previously adopted by the Plan Commission in the August 14, 2023 approval of the overall site plan:

- 1. This approval is subject to all conditions and requirements set forth herein and adopted by the Plan Commission. Approval is granted for the following plans unless revised pursuant to revisions required under the specific conditions of approval included by the Plan Commission:
 - a. Planting Plan dated November 3, 2023
- 2. As required under Condition #3 of the August 14, 2023 Plan Commission Site Plan approval, a decorative privacy fence and landscape screen/buffer shall be installed along the entire length of the paved driveway and parking stall area abutting the south property line. The decorative privacy fence shall be a minimum of 6 feet height and not be a simple board-on-board wood picket fence. The landscaping shall also be installed along the south side of the fence.
- 3. The four (4) street trees proposed to be planted in the Fond du Lac Ave right-of-way shall be included in a right-of-way permit issued by WisDOT to allow installation in the right-of-way. If the street trees cannot be added to the existing or new agreement the developer has with WisDOT to permit these trees in the ROW, the trees shall be relocated onto the townhouse & parking lot properties.

The Avenue
275 West Wisconsin Avenue, Suite 300
Milwaukee, WI 53203
414 / 259 1500
414 / 259 0037 fax
www.graef-usa.com



collaborate / formulate / innovate

November 8, 2023

Jeff Retzlaff, Village Planner Village of Germantown N112 W17001 Mequon Road Germantown, WI 53022

SUBJECT: District One LLC CSM Review

Certified Survey Map

Applicant or Owner: District One LLC Land Surveyor/Firm: J. Scott Henkel / PSE

- 1. The bearing on the East line of the NE ¼ should be labeled North 01 26 11 West.
- 2. The bearing in the reference bearing note should be North 01 26 11 West.
- 3. All existing utility and drainage easements with recording information will be shown and dimensioned.
- 4. Current building setback lines mapped and dimensioned.
- 5. Professional Land Surveyor's seal and signature in contrasting color for all sheets.
- 6. A Mortgagee Certificate will need to be included, if applicable.
- 7. Label the recording information for the documents used to dedicate the right of way for Donges Bay Road and Fond Du Lac Avenue.
- 8. The last paragraph of the Surveyor's Certificate should reference "Chapter 18 of the Village of Germantown Subdivision Control Ordinance in surveying, dividing and mapping the same".
- 9. The Village of Germantown Board Approval should read as: This Certified Survey Map, being a division of ¼ ¼ Section ____, 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 Fond Du Lac Avenue for public road purposes as shown on sheet 1 of 3 is hereby accepted by the Village Board of Trustees of the Village of Germantown on this day of , 2023.



- 10. The Owner's Certificate should include "As Owners, we hereby dedicate that part of Fond Du Lac Avenue for public road purposes as represented on Sheet 1 of 3 of this Certified Survey Map".
- 11. In the Plan Commission Approval, Laura A. Johnson is Secretary.

No further review comments.

Document Approval and Recording

For this CSM to be approved by the Village Board and recorded at the Washington County Register of Deeds, the document must be provided to the Village Clerk's office in a completed format including all original signatures of the owner and lending institution, original seals of the professional land surveyor on the recordable media the Wednesday prior to the scheduled Village Board meeting.

Any documents or digital files not submitted by the due date or contain outstanding technical review comments that have not be addressed, will be moved to the next scheduled Village Board meeting agenda.

Document Submittals and Data Conversion

As of October 2005, the Village of Germantown requires a digital copy of all Certified Survey Maps, Condominium Plats and Subdivision Plats in addition to the documents as required by Wisconsin Statute and Village Ordinances as part of the land division approval.

<u>Prior to Recording the Certified Survey Map or Subdivision Plat</u>, The professional land surveyor is responsible for submitting a copy of the AutoCad drawing file (.dwg) of the document in version 2019 on compact disk (CD) or via email to the Village Surveyor for mapping purposes.

All digital professional land surveyor seals and signatures will be purged from the digital copy prior to submittal.

Note: In 2020, the Village will be upgrading its municipal code to recognize the NAD83 Datum, 2011 adjustment for horizontal control and NAVD88 for vertical control for mapping all land division documents and plan submittals for review.

There are new dossier sheets for all the Public Land Survey System monuments that contain the new coordinate positions and elevations available currently on the State Cartographer's website by using the Survey Control Finder application



Prior to Recording the Certified Survey Map or Final Subdivision Plat, the Village Engineering Department will verify that the boundary markers have been installed as described on the submitted map. All boundary corners are to be clearly marked in the field by the professional land surveyor of record.

Sincerely,

Burt J. Naumann, PLS Senior Vice President



APPLICANT OR AGENT

13890 Bishops Drive, Suite 250

District One LLC

	mpany application blic improvements ic improvements
Paid	_ Date

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.

PROPERTY OWNER

13890 Bishops Drive, Suite 250

District One LLC

Brookfield, WI 53005	Brookfield, WI 53005 Brookfield, WI 53005			
		184		
Phone (262) 641-0746	Phone (2	62) 641-0746		
Fax ()				
E-Mail	_			
2				
PROPERTY ADDRESS OR GENERAL L	OCATION	TAX KEY N	NUMBER	
SW corner of Fond du Lac Avenue and Donges	SW corner of Fond du Lac Avenue and Donges Bay Road		GTNV 351975003, GTNV 351965,	
		and GTNV		
3 PURPOSE OF LAND SPLIT		•		
Joining parcels in the PDD		Will the land s	split require rezoning?	
		From	То	
4 READ AND INITIAL THE FOLLOWIN	G:			
GN I understand that the Certified Survey Map is n Deeds. The Village will record the document ar				
GN _I understand that the Map will not be placed on CSM are made, the payment of any outstanding original signed and stamped copy of the Map is	impact fees are paid	I to the Village Clerk	hnical corrections to the 's Department, and the	
GNI understand that parcels created outside the S all properties abutting a State Highway will requapproval prior to recording.	ewer Service Area wi ire DOT approval and	ll require a soil test. I I will be responsible	I also understand that e for securing such	
I understand all delinquent property taxes on a	ny of the properties in	volved shall be paid	prior to recording.	
5 SIGNATURES ALL APPLICATIONS	S MUST BE SIGN	ÉD BY OWNER	!	
Agen 4//2 10/12/2013	Anger Was		10/12/2013	
Applicant Date	Owner		Date	

CERTIFIED SURVEY MAP # PRELIMINARY LOT 1 OF CERTIED SURVEY MAP 6908, RECORDED AS DOCUMENT NO. 1475963, AND UNPLATTED LANDS, ALL BEING PART OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 35, TOWNSHIP 9 NORTH, RANGE 20 EAST, IN THE VILLAGE OF GERMANTOWN, COUNTY OF WASHINGTON, STATE OF WISCONSIN. OWNER: DEDICATED TO THE PUBLIC FOR ROAD PURPOSES. 3,102 SQ. FT // 0.0712 ACRES DISTRICT ONE LLC 13100 WATERTOWN PLANK ROAD ELM GROVE, WI 53122 DONGES BAY ROAD NORTH LINE OF THE NE 1/4 OF SECTION 35-9-20 NORTH 88°23'49" EAST 2650.32' NORTHEAST CORNER OF THE NE 1/4 OF SECTION 35-9-20. BRASS DISC IN CONCRETE. N 445610.09 E 2479488.32 NORTHWEST CORNER OF THE NE 1/4 OF SECTION 35-9-20. ALUM. DISC IN CONCRETE. N 445535.92 E 2476839.36 NORTH 88°23'49" EAST ,09 NORTH 01°26'11" WEST 2644.75 EAST LINE OF THE NORTHEAST 1/4 OF SECTION SOUTH 01°26'14" EAST 284.00' 136.00' WEST CSM 6908 01°26'05" SOUTH 01°26'11" EAST NORTH LOT1 33,319 SQ. FT. S 88°23'49" W/ 4.13' 0.7649 ACRES AVE. √35-9-20 NORTH 01°26'05" WEST LOT 2 CSM 6908 LOT 2 CSM 4143 VARIES 33' R NORTH 88°23'49" EAST 01°26'11" EAST LOT 2 NORTH 01°26'05" WEST 28,761 SQ. FT. **(** 0.6603 ACRES UNPLATTED LANDS 94.00 33.00 SOUTH 88°23'49" WEST 338.97 UNPLATTED LANDS LEGEND 1" IRON PIPE FOUND O 3/4"x18" REBAR WEIGHING 1.13 LBS/FOOT SET. ${\Large (}R{\Large)}$ building to be razed 33' 60' SOUTHEAST CORNER OF THE NE 1/4 OF SECTION 35-9-20. BRASS DISC IN CONCRETE. N 442966.45 E 2479554.66

VICINITY MAP NE 1/4 SECTION 35-9-20 DONGES BAY ROAD BEARINGS ARE REFERENCED TO THE WISCONSIN STATE PLANE COORDINATE SYSTEM, SOUTH ZONE, (NAD83). THE EAST LINE OF NE 1/4 OF SECTION 35-9-20 BEARS NORTH 01*26*14" WEST. FOND LA AVE. 122 Wisconsin Street, West Bend, WI 53095 SURVEYED BY JOSEPH W. DAVID MAPPED BY J. SCOTT HENKEL, PLS FN: NA-01B-17

Date: 9/29/23

CERTIFIED SURVEY MA OT 1 OF CERTIED SURVEY MAP 6908 NO. 1475963, AND UNPLATTED LANDS NORTHEAST 1/4 OF THE NORTHEAST	R, RECORDED AS DOO S, ALL BEING PART O 1/4 OF SECTION 35,	
FOWNSHIP 9 NORTH, RANGE 20 EAST GERMANTOWN, COUNTY OF WASHIN	•	CONSIN.
SURVEYOR'S CERTIFICATE	· · · · · · · · · · · · · · · ·	
I, J. SCOTT HENKEL, PROFESSIONAL LAND MAPPED THE FOLLOWING LAND AS DIREC		CERTIFY THAT I HAVE SURVEYED, DIVIDED, AND STRICT ONE LLC:
	OF SECTION 35, TOWNSHI	NO. 1475963, AND UNPLATTED LANDS BEING PART OF P9 NORTH, RANGE 20 EAST, IN THE VILLAGE OF DESCRIBED AS FOLLOWS:
OF THIS DESCRIPTION;	T, ALONG THE EAST LINE	OF SAID NORTHEAST 1/4 TO THE POINT OF BEGINNING
THENCE NORTH 01°26'05" WEST, 94.00 FEETHENCE NORTH 88°23'49" EAST, 173.96 FEETHENCE NORTH 01°26'05" WEST, 115.00 FEETHENCE	T, ALONG Á LINE PARALI F; T, TO THE SOUTHEAST CO ET, ALONG THE EAST LINE	LEL WITH THE NORTH LINE OF SAID NORTHEAST 1/4; DRNER OF LOT 2 OF SAID CERTIFIED SURVEY MAP 6908; E OF SAID LOT 2;
ROAD; THENCE NORTH 88°23'49" EAST, 111.13 FEE THENCE SOUTH 41°18'23" EAST, 38.99 FEET	ET, ALONG THE EAST LINE T, ALONG SAID SOUTH LI T, ALONG THE WEST LINE	OF SAID LOT 2 TO THE SOUTH LINE OF DONGES BAY NE; OF FOND DU LAC AVENUE;
THENCE SOUTH 01°26'11" EAST, 221.00 FEET THENCE NORTH 88°23'49" EAST, 33.00 FEET		
CONTAINING 65,181 SQUARE FEET // 1.4964	ACRES, MORE OR LESS.	
	ED WITH THE PROVISION	ESENTATION OF ALL THE EXTERIOR BOUNDARIES AS S OF CHAPTER 236.34 OF THE WISCONSIN STATUTES,
		J. SCOTT HENKEL, PLS 2495
OWNER'S CERTIFICATE		
<u> </u>		
	EON. I ALSO CERTIFY TH	THE LAND DESCRIBED TO BE SURVEYED, DIVIDED, AT THIS MAP IS IN ACCORDANCE WITH WISCONSIN NTS FOR CERTIFIED SURVEY MAPS.
GREGORY NAGEL, AGENT		
STATE OF WISCONSIN		
:SS WASHINGTON COUNTY		
PERSONALLY CAME BEFORE ME THIS	DAY OF _	, 202
		, TO ME KNOWN AS THE PERSON(S)
WHO EXECUTED THE FOREGOING INSTRUM		

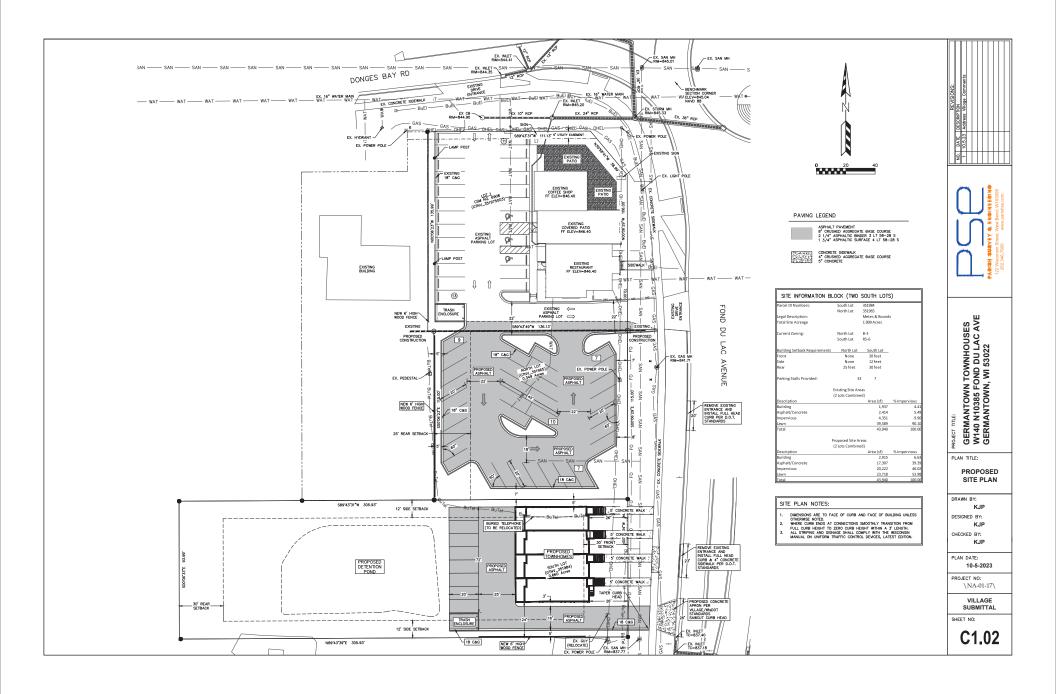
MY COMMISSION EXPIRES:_

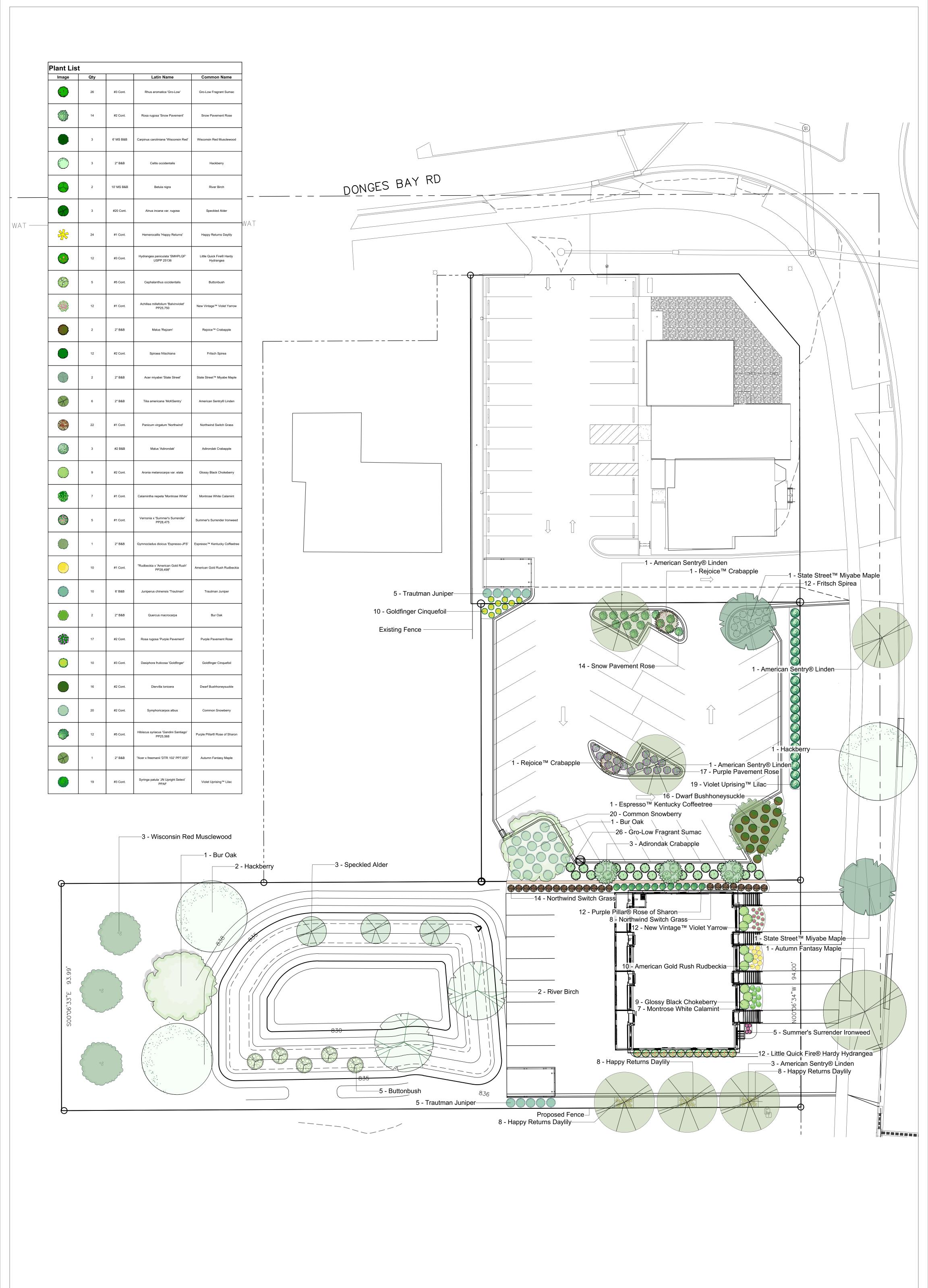


#2 or 3

NOTARY PUBLIC, STATE OF WISCONSIN

CERTIFIED SURVEY MAP 6908, RECORDED AS DOCUMENT NO. 1475963, AND UNPLATTED LANDS, ALL BEING PART OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 35, TOWNSHIP 9 NORTH, RANGE 20 EAST, IN THE VILLAGE OF GERMANTOWN, COUNTY OF WASHINGTON, STATE OF WISCONSIN.			
OF WISCONSIN.			
<u>VAL</u>			
HE PLAN COMMISSION OF THE VILLAGE OF GERMANTOWN ON			
, 202			
LORI JOHNSON, SECRETARY			
<u>T</u>			
HE VILLAGE BOARD OF THE VILLAGE OF GERMANTOWN ON			
, 202			
DONNA COX, VILLAGE CLERK			





	JOHNSON'S NURSERYINC™ W180 N6275 Marcy Road Menomonee Falls, WI 53051 www.jniplants.com 262-252-4988	Germantown Townhouses			
		Drawing scale	1" = 16' (1/16" = 1')	Client Name	Designed By Brian Thomas
		Sheet Title	Planting Plan	Client Address	Date Revised
		Sheet Number	1	W140 N10385 Fond Du Lac Ave Germantown, WI 53222	11/3/2023