



Plan Commission

Special Meeting

335 South Broadway
De Pere, WI 54115
<http://www.de-pere.org>

Agenda

Tuesday, February 5, 2019

6:00 PM

De Pere City Hall Council Chambers

Pursuant to Wisconsin Statutes 19.84, Notice is hereby given to the public that a meeting of the **Plan Commission** of the City of De Pere will be held on **February 5, 2019** at **6:00 PM** in the **De Pere City Hall Council Chambers, 335 S. Broadway Street, De Pere, WI 54115.**

This meeting can be viewed LIVE at www.depere.tv. This meeting is also rebroadcast on TW Cable Channel 4 and AT&T U-verse Channel 99 throughout the week and available on demand at www.depere.tv.

Call to Order

1. Roll Call
2. Approval of the minutes of the November 26, 2018 Plan Commission meeting.
3. Recommendation regarding a Proposed Two Lot Certified Survey Map at 502-508 9th Street (Parcel WD-D0218-2). Submitted by Steven M. Bieda, PLS, Mau & Associates LLP, authorized representative for Raymond J. Hoffmann, property owner.
4. Recommendation regarding a Proposed Three Lot Certified Survey Map at 2800 BLK Ryan Road (Parcels ED-R28-1, ED-R28-2, ED-R29-1). Submitted by City of De Pere on behalf of the Unified School District of De Pere, property owner.*
5. Recommendation regarding a Proposed Extraterritorial Four Lot Certified Survey Map at 2500 BLK French Road in the Town of Lawrence (Part of Parcels L-454 & L-455-1). Submitted by Doug Woelz, PLS, McMahon Associates, authorized representative for CCLW LLC, property owner.*
6. Recommendation regarding a Proposed Extraterritorial One Lot Certified Survey Map at 2700 BLK Lawrence Drive in the Town of Lawrence (Part of Parcels L-474 & L-475). Submitted by Doug Woelz, PLS, McMahon Associates, authorized representative for Town of Lawrence, property owner.*
7. Recommendation regarding a Proposed Extraterritorial 39 Lot and 1 Outlot preliminary plat of Carpenter's Crossing South at 2700 BLK Lawrence Drive in the Town of Lawrence (Part of Parcels L-474 & L-475). Submitted by Joel Ehrfurth, Mach IV, authorized representative for Town of Lawrence, property owner.*
8. Recommendation regarding a Precise Implementation Plan (PIP) Plan for a proposed single family development within part of the unrecorded Garrity's Glen South plat at 2500 BLK Lawrence Drive (parts of Parcels WD-L482, WD-L483 & WD-L484). Submitted by Pat Kaster, TLKM Development LLC, authorized agent R&M Garrity Farm LLC, property owner.*
9. Recommendation regarding the proposed 80 Lot and three Outlot Final Plat of "Garrity's Glen South" at 2500 BLK Lawrence Drive (Parcels WD-L482, WD-L483 & WD-L484). Submitted by Pat Kaster, TLKM Development LLC, authorized representative for R&M Garrity Farm LLC, property owner.*

10. Recommendation regarding a Site Plan for a new residential building (Units #9 & #10), with parking areas, in a condominium setting called Pelican Landing at 1015 N. Broadway Street (Parcels ED-3002 thru ED-3010). Submitted by Robert Gryboski, authorized representative for SWR Properties LLC, land owner.
11. Recommendation regarding a proposed termination of a 1969 Restrictive Covenants for Public Benefit, located north from the Rockland Road & Enterprise Drive intersection (Parcels ED-2312, ED-344-104-4, ED-344-104-6, ED-344-104-2, ED-344-104-7, ED-344-104, ED-344-103-1, ED-344-104-1, ED-2309, ED-2314, ED-2310, ED-2308, ED-2307, ED-2306, ED-2305, ED-344-104-5, ED-344-104-3, ED-2311, ED-2315, ED-2313-1, ED-2313). Submitted by City of De Pere. *
12. Status Report of City of De Pere Zoning Ordinance and Sign Ordinance Rewrite -- January 2019.

Adjournment

Any person wishing to attend this meeting, who, because of disability, requires special accommodations should contact the City Planner's office at 339-4043 by noon on the day of the meeting so that arrangements can be made.

*Items with an asterisk require City Council approval.

Agenda Sent To:

Alderspersons
City Administrator
Mayor
Department Heads
TV, Newspapers & Radio Stations
Kress Family Library
De Pere Chamber of Commerce
Steven M. Bieda, PLS, Mau & Associates
Raymond J. Hoffmann
Dawn Foeller, Unified School District of De Pere
Doug Woelz, PLS, McMahon Associates
CCLW LLC
Town of Lawrence
Pat Kaster, TLKM Development LLC
R&M Garrity Farm LLC ETAL
Joseph Garrity
Joel Ehrfurth, Mach IV
Robert Gryboski, SWR Properties, LLC



City of De Pere, Wisconsin

Request For Plan Commission Action

MEETING DATE: February 5, 2019

DEPARTMENT: Planning

FROM: Kelly Barker

SUBJECT: Approval of the minutes of the November 26, 2018 Plan Commission meeting.

ATTACHMENTS:

- PC_Nov2018_Minutes_Draft (PDF)



Plan Commission

Regular Meeting

335 South Broadway
De Pere, WI 54115
<http://www.de-pere.org>

Draft Minutes

Monday, November 26, 2018

7:00 PM

De Pere City Hall Council Chambers

Call to Order

The meeting was called to order at 7:00 PM by Mayor Michael J. Walsh

Attendee Name	Title	Status	Arrived
Michael J. Walsh	Mayor	Present	
James Boyd	Alderman	Present	
Larry Lueck	Alderman	Excused	
Derek Beiderwieden	Commissioner	Present	
Amy Kundinger	Commissioner	Present	
Steve Taylor	Commissioner	Present	
Grant Schilling	Commissioner	Present	

Also present: Development Services Director Kim Flom, City Planner Peter Schlein, and members of the public.

- Approval of the minutes of the October 22, 2018 Plan Commission meeting.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Steve Taylor, Commissioner
SECONDER:	Derek Beiderwieden, Commissioner
AYES:	Walsh, Boyd, Beiderwieden, Kundinger, Taylor, Schilling
EXCUSED:	Larry Lueck

- Recommendation regarding a rezoning request from R-1 (Single Family Residence District) to R-1 (PDD) Planned Development District, R-2 (Single and Two-Family Residence District) and R-3 (Multiple Family Residence District) at 2500 BLK Lawrence Drive (parts of Parcels WD-L482, WD-L483 & WD-L484). Submitted by Pat Kaster, TLKM Development LLC, authorized representative for R&M Garrity Farm LLC, property owner.*

Development Services Director Kim Flom provided a broad overview of the project for a new proposed subdivision on the west side of De Pere along Lawrence Drive, which would consist of single family, two-family, and multi-family apartment units. The subdivision would consist of:

- 46 Single Family
- 24 Single Family/PDD lots
- 8 Two-Family lots
- 24 multi-family units

The rezoning would include: R-1 Residential, R-1 Residential PDD, R-2 Residential, and R-3 Residential. Kim added that the existing neighborhood of Garrity's Glen was created as an Area Development Plan in 2005. She reported that staff had received several comments before the meeting, specifically regarding the proposed multi-family development. She noted that this type of development is quite common and is repeated throughout De Pere. Using duplex and multi-family properties as a buffer from the industrial park makes sense from a planning perspective. City Planner Peter Schlein reported on the rezoning request, specifying that the PDD overlay would change street frontage from 85 feet to 70 feet and sideyard setbacks from 10 feet to 8 feet, but only for the 24 single family PDD lots. He explained that the PDD lots would have a separate

homeowners association. He added that the review of the general development plan would be followed by a more formal Precise Implementation Plan. Staff recommended approval of the rezoning, subject to the conditions outlined in the staff report. Peter added that the rezoning will go to the Common Council meeting on December 18, 2018. Mayor Walsh moved, seconded by James Boyd, to open the meeting for public comments. Upon vote, motion carried unanimously. Dave Raasch, a resident living in the subdivision, presented the commission with over 100 signatures he collected from residents in the neighborhood who oppose the duplex and multi-family units. Derek Beiderwieden asked if there is any R-2 zoning in the existing subdivision and Kim answered that there are twindo units. Several residents spoke out against the multi-family units, voicing their concerns of increased traffic and decreased property values. Mayor Walsh addressed the concerns, stating that this type of development makes sense near a business park. Generally, people do not want to live right next to a business park, so by locating multi-family and duplexes near the business park, it provides a buffer to the single family homes. James Boyd added that De Pere is a very desirable area to live, but not everyone wants to own. Therefore, the City has to provide housing for those people also, not just people who want to own. He added that it is important for De Pere to be attractive to both homeowners and renters. Another resident asked when the proposed development would start construction. Development Services Director Kim Flom replied that the developer is planning to start in spring of 2019.

The developer, Pat Kaster addressed the commission. She explained that the homeowners association would be created to offer maintenance of lawn cutting and snow removal. However, there would be no common ownership of any kind. The homes would be single, free standing homes, not attached. She added that the price point for these homes would start at \$260,000, up to \$350,000 and would be totally landscaped. The next point she addressed was the duplex units. She stated that the duplex market is currently in high demand. The price of the duplex units would be \$300,000-\$350,000. Pat explained that parents are buying duplexes to live in one side and their kids & grandkids live in the other side. This gives older people the opportunity to live more independently and not have to go to a nursing home. Next, she addressed the multi-family units. There would be three buildings, with 8 units per building, for a total of 24 units. There will be an acre of green space on the biggest multi-family lot due to wetlands on the lot. Each unit would have a two stall attached garage and rent would be \$1100 per month. She stated that this would be high quality apartment living and would not be transient buildings with high turnover. Tim Halbrook is the builder who would own the apartments and they would be totally landscaped. Pat added that Tim is currently building a similar apartment building in Howard and he would be more than willing to allow people to view the model themselves if interested. Pat explained that she wants this development to offer all the living styles to help De Pere fulfill it's housing needs. After explaining all of the types of homes in the development, Pat addressed the concern of decreasing property values. She explained that the homes will be similar to, but larger than the existing homes in the Garitty's Glen subdivision. It is more than likely that most of the new single family homes will have three stall garages, as opposed to the existing homes, which have two stall garages. Because of this, the homes will likely increase property values, not decrease them. Steve Taylor asked if most of the duplexes will have an on-sight owner. Pat answered that there may be some that are investors, but she can not answer specifically on the percentage at this early stage in the process. Steve then asked about the color variation of the homes in the PDD. Pat replied that the homes will be a mix of earth tones: browns, grays, tans, & whites. The buyer will be able to choose their colors, as well as their floor plan from six different options. Mayor Walsh moved, seconded by

Steve Taylor, to go back to regular order. Upon vote, motion carried unanimously. Mayor Walsh moved, seconded by Amy Kundinger, to recommend approval of the rezoning request with PDD overlay and General Development Plan and forwarding it to the Common Council for final review. Upon vote, motion carried unanimously. A public hearing will be held at the December 18, 2018 Council meeting prior to review of the rezoning request.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Michael J. Walsh, Mayor
SECONDER:	Amy Kundinger, Commissioner
AYES:	Walsh, Boyd, Beiderwieden, Kundinger, Taylor, Schilling
EXCUSED:	Larry Lueck

4. Recommendation regarding the proposed 61 Lot and two Outlot Preliminary Plat of "Garrity's Glen South" at 2500 BLK Lawrence Drive (parts of Parcels WD-L482, WD-L483 & WD-L484). Submitted by Pat Kaster, TLKM Development LLC, authorized representative for R&M Garrity Farm LLC, property owner.*

City Planner Peter Schleinz reviewed the preliminary plat for Garrity's Glen South, which is associated with the previous rezoning petition from agenda item one. He explained that the subdivision will have two outlots; one for stormwater management and one that is currently zoned R-1, but is likely to be used for future development of the business park. Peter noted that there are a significant number of conditions of approval linked to the preliminary plat, due to the fact that the submitted plat included extra reviewable details that are typically not submitted until a final plat is drafted. Staff recommended approval of the preliminary plat, subject to those conditions. James Boyd moved, seconded by Steve Taylor, to approve the preliminary plat and forward it to the Common Council for final approval. Upon vote, motion carried unanimously. Peter added that this item will be reviewed by the Council on December 4, 2018.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	James Boyd, Alderperson
SECONDER:	Steve Taylor, Commissioner
AYES:	Walsh, Boyd, Beiderwieden, Kundinger, Taylor, Schilling
EXCUSED:	Larry Lueck

5. Review and recommendation for a Conditional Use Permit application for a proposed combination motor vehicle service station and grocery store (e.g. a gas station and convenience store) to be developed at 1218 Grant Street, 1216 Renkens Court and part of the Renkens Court right-of-way (Parcels WD-D0208, WD-D0209 and part of Renkens Court right-of-way) within the Highway 41 Business Corridor: B district. Submitted by Michael F. Dura, RA, Riverview Architecture and Krist Oil CO, authorized representative for Michael & Ronald Vieau ETAL, Byrne Trust, and City of De Pere, property owners.*

Development Services Director Kim Flom provided an overview of the proposed commercial development for Krist Oil. The project requires taking two homes that were built as single family homes, combining those lots with some City-vacated right-of-way to create a lot that meets Highway B District standards in order to develop a gas station and convenience store. Kim added that this project does not work on it's own without the City giving right-of-way land. The conditional use permit is required for a combination motor vehicle service station and grocery store in order to ensure that the proposed

project does not result in any negative impacts to the surrounding areas and is also a good fit for the neighborhood. City Planner Peter Schleinz explained that there are five criteria that must be met to grant a conditional use permit. Those criteria are:

- a) That the establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare.
- b) That the conditional use will not be injurious to the use and enjoyment of other property in the orderly development and improvement in the immediate vicinity for the purposes already permitted nor substantially diminish or impair property values within the neighborhood.
- c) That adequate facilities, access roads, drainage, and/or necessary facilities have been or are being provided.
- d) That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.
- e) That the conditional use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified by the Council pursuant to the recommendations of the Plan Commission.

City Planner Peter Schleinz noted that all property owners within 300 feet of the subject area have been notified of this application. He added that staff did receive some concerns regarding traffic congestion from property owners to the south, especially at the times of the early morning and afternoon when there is more school traffic. Staff reviewed those five criteria and recommended approval of the conditional use request, subject to the conditions outlined in the staff report. Mayor Walsh moved, seconded by James Boyd, to open the meeting for public comments. Upon vote, motion carried unanimously. Stuart Frankenthal addressed the commission. He is the property owner of Jass Realty, which is the property to the north of Renkens Court. He stated that if the right-of-way was vacated, he would lose a possible access point to his property. Derek Beiderwieden clarified whether Renkens Court is currently an access point for Mr. Frankenthal's property. He replied that it currently is not, but he was under the impression that if that area was ever developed, it would become an access point. He added that there is a fire hydrant at the edge of his land that serves his property in the event of a fire. Development Services Director noted that Renkens Court is mainly a driveway which acts as a buffer and the existing easements will remain. Mayor Walsh added that the fire hydrant would likely remain in its location or be moved to another location in that area. City Planner Peter Schleinz noted that the fire hydrant will be addressed when the site plan is reviewed by the Fire Department. Mayor Walsh moved, seconded by Derek Beiderwieden, to go back to regular order. Upon vote, motion carried unanimously. Mayor Walsh moved, seconded by Amy Kunding, to approve the conditional use permit. Upon vote, motion carried unanimously.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Michael J. Walsh, Mayor
SECONDER:	Amy Kunding, Commissioner
AYES:	Walsh, Boyd, Beiderwieden, Kunding, Taylor, Schilling
EXCUSED:	Larry Lueck

6. Review and recommendation for a Proposed Right-Of-Way Vacation of all of Renkens Court (Adjacent to Parcels WD-D0207, WD-D0208, WD-D0209, WD-D0210). Submitted by Michael F. Dura, RA, Riverview Architecture and Krist Oil CO.*

City Planner Peter Schleinz reviewed the right of way vacation for Renkens Court. He noted that typically when a right of way is vacated, the land is divided in half and attached to each adjacent property owner. However, when all of the land was originally dedicated by an owner on one side of the right of way to create a street, all of the right of way then is attached back to the original land that dedicated the right of way. This is the case with the right of way vacation for Renkens Court, so the right of way is attached only to the two properties that dedicated the land, rather than to all four adjacent properties. The two adjacent properties that are proposed for redevelopment are less than two acres. The right of way vacation would increase the area to over two acres, which meets the minimum lot size for the Hwy B Zoning District if the parcels were combined with vacated right of way. Mayor Walsh moved, seconded by Derek Beiderwieden, to open the meeting. Upon vote, motion carried unanimously. Stuart Frankenthal, the owner of one of the adjacent parcels, resubmitted his objections to the vacation that he brought up in the previous agenda item for the conditional use permit: 1) Economic impact to his property due to the additional land attachment and 2) Loss of future access to his property from Renkens Court. City Planner Peter Schleinz explained that if an adjacent property owner objects to a proposed vacation, then the need for a simple majority vote of approval from the Common Council changes to the need for a 2/3 vote (6 out of 8 Council members must vote in favor, not just 2/3 of Council members in attendance when voting). Mayor Walsh moved, seconded by James Boyd, to go back to regular order. Upon vote, motion carried unanimously. Mayor Walsh moved, seconded by Steve Taylor, to approve the right of way vacation for all of Renkens Court and forward it to the Common Council for final approval with the conditions that all existing easements remain in place and subject to Common Council approval of a related conditional use permit and site plan for lands located west from the right of way. Upon vote, motion carried unanimously.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Michael J. Walsh, Mayor
SECONDER:	Steve Taylor, Commissioner
AYES:	Walsh, Boyd, Beiderwieden, Kundinger, Taylor, Schilling
EXCUSED:	Larry Lueck

7. Recommendation regarding a Site Plan for proposed new gas station and convenience store at 1218 Grant Street, 1216 Renkens Court and part of the Renkens Court right-of-way (Parcels WD-D0208, WD-D0209 and part of Renkens Court right-of-way). Submitted by Michael F. Dura, RA, Riverview Architecture and Krist Oil CO, authorized representative for Michael & Ronald Vieau ETAL, Byrne Trust, and City of De Pere, property owners.

City Planner Peter Schleinz reviewed the site plan for Krist Oil for a gas station and convenience store. He noted that the two parcels along with the right of way land would be combined to meet the two acre minimum size requirement for the development. He added that the site plan was drawn assuming that only half of the Renkens Court property would be deeded to the development parcel upon vacation. This site plan review is linked to a number of other reviews, including the right of way vacation of Renkens Court, the approval of a conditional use permit that would allow a gas station/convenience store in the Hwy B District, and a combination CSM to consolidate all parcels which will be reviewed by the Brown County Planning Commission. Peter noted that although the minimum landscaping requirement has been met, it is strongly recommended that the Plan Commission request a significant increase of landscaping (trees and ground cover)

along the street frontages and along the west and south sides of the building to soften and screen the view of the massive paving area of the site. Peter added that the business owner is aware of the landscaping request and expressed a willingness to increase landscaping on the site. Staff recommended approval of the site plan, subject to the conditions outlined in the staff report. Mayor Walsh moved, seconded by Steve Taylor, to open the meeting. Upon vote, motion carried unanimously. Stuart Frankenthal asked how a site plan can be approved before the right of way vacation has been approved. Development Services Director Kim Flom commented that nothing can be done on the site until the right of way vacation has been approved. The reviews are being handled concurrently to save time. Mayor Walsh moved, seconded by Derek Beiderwieden, to go back to regular order. Upon vote, motion carried unanimously. James Boyd moved, seconded by Amy Kunding, to approve the site plan. Upon vote, motion carried unanimously.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	James Boyd, Alderperson
SECONDER:	Amy Kunding, Commissioner
AYES:	Walsh, Boyd, Beiderwieden, Kunding, Taylor, Schilling
EXCUSED:	Larry Lueck

8. Status Report of City of De Pere Zoning Ordinance and Sign Ordinance Rewrite—November 2018.

City Planner Peter Schleinz provided an update to the Zoning Code Rewrite. He noted that the consultant will present Module 2 later this month, which includes a proposed zoning map with proposed new zoning categories for the Technical Advisory Group to consider. It is expected that the draft of the modules will be ready for public review and input by early January 2019.

RESULT:	NO ACTION
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Adjournment

Mayor Walsh moved, seconded by Amy Kunding, to adjourn the meeting at 9:21 PM. Upon vote, motion carried unanimously.

Respectfully submitted,
Kelly Barker



City of De Pere, Wisconsin

Request For Plan Commission Action

MEETING DATE: February 5, 2019

DEPARTMENT: Planning

FROM: Peter Schleinz

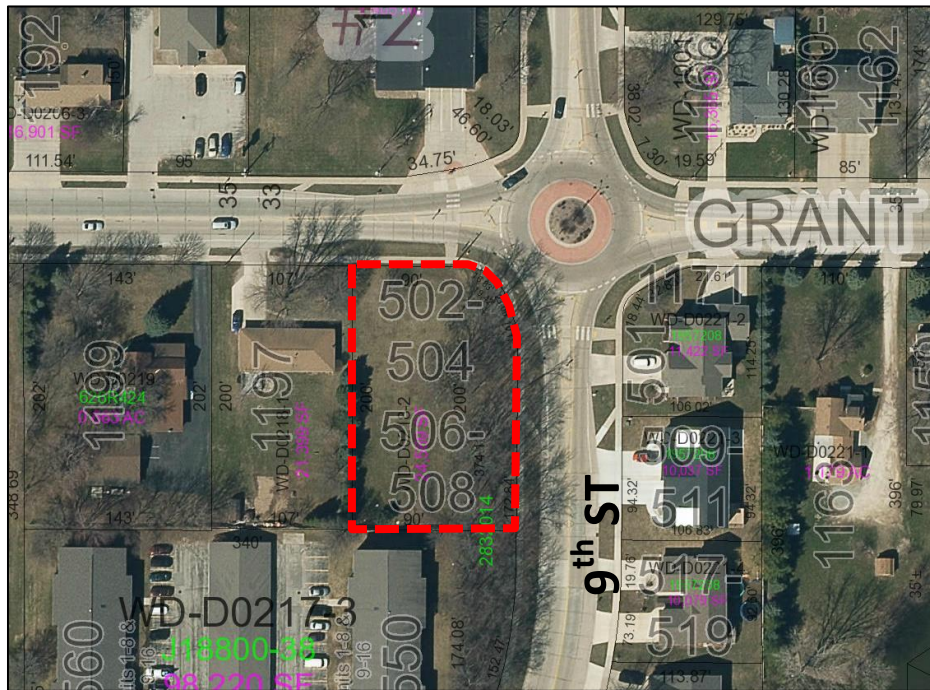
SUBJECT: Recommendation regarding a Proposed Two Lot Certified Survey Map at 502-508 9th Street (Parcel WD-D0218-2). Submitted by Steven M. Bieda, PLS, Mau & Associates LLP, authorized representative for Raymond J. Hoffmann, property owner.

ATTACHMENTS:

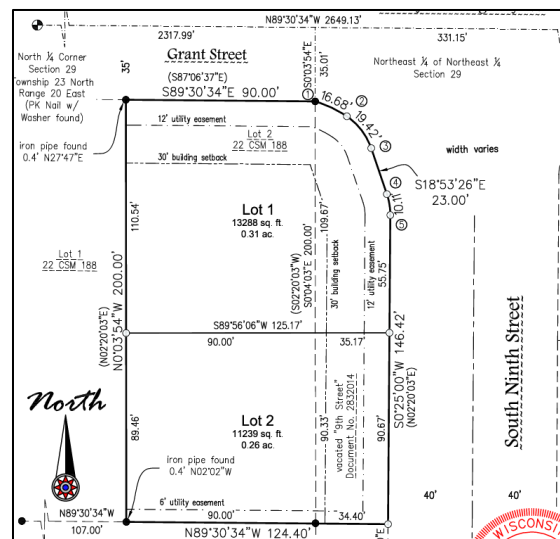
- CSM - Hoffmann - Plan Commission Report (DOCX)
- Application Form (PDF)
- Preliminary CSM (PDF)

- ITEM 3:** Recommendation regarding a Proposed Two Lot Certified Survey Map at 502-508 9th Street (Parcel WD-D0218-2). Submitted by Steven M. Bieda, PLS, Mau & Associates LLP, authorized representative for Raymond J. Hoffmann, property owner.

SITE MAP



PROPOSED CERTIFIED SURVEY MAP AREA



REQUESTED ACTION: Certified Survey Map Review

COMMON DESCRIPTION: 502-508 Ninth Street, located southwest from the 9th Street and Grant Street (CTH EE) intersection.

PARCEL NUMBER(S):	WD-D0218-2	
EXISTING ZONING:	R-2 (Single and Two-Family Residence District)	
SURROUNDING LAND USES:	Fire station and two family residential to the north. Multi-family residential to the south. Two family residential to the east. Single family residential to the west.	
COMPREHENSIVE PLAN:	Neighborhood Residential (including Multi-Family)	
APPLICANT/OWNER NAME:	Steven M. Bieda, PLS Mau & Associates Authorized Representative 400 Security BLVD, Suite 1 Green Bay, WI 54313	Raymond J. Hoffmann Property Owner 1140 Aldrin Street De Pere, WI 54115
SITE HISTORY:	After a review of air photographs, the site has remained vacant since 1938. In 1990 the area was land divided, creating part of the subject lot. The remaining part of the lot was dedicated right-of-way for 9th Street. In 2018 part of the 9th Street right-of-way was vacated and added to the subject parcel. This was requested by the property owner with expectations of establishing enough square footage to develop two duplex structures on the property. In 2018, utility easements were petitioned to be vacated in order to allow flexibility with buildable space on the property. The utility easement was approved by the Board of Public Works in December 2018. The Common Council cannot complete a review of the easements unless the CSM is approved and recorded. If the Council were to take action sooner, there is a potential that the property could be left with no easements at all. The land division is within the Sewer Service Area for the City of De Pere. There are no known environmentally sensitive areas on the property. The petitioner proposes to divide the property into two lots in order to build two residential duplex structures.	
STAFF REVIEW:	When reviewing a Certified Survey Map, staff considers State Statutes 236, Section 46-8 of the De Pere Platting and Division of Land Code, the future land use recommendation of the Comprehensive Plan, surrounding land uses, and desired development patterns. • The site is a vacant R-2 zoned residential property. • The proposed land division will create two lots. • Both lots exceed the minimum lot size of 11,000 square feet and	

- both lots exceed the minimum street frontage of 90 feet.
- The proposed lot configuration will allow for two duplex units that meet zoning code bulk requirements.
 - Development restrictions will include driveway access to 9th Street only (not Grant Street), and the drives must be as far south as possible so as to minimize conflict with the roundabout and pedestrian/bicycle access points.
 - There are utility easements at the east end of the property (former right-of-way) that are proposed to be released. The subject CSM properly recreates new easements to replace the easements that are proposed to be released.
 - There are four issues that must be addressed for the plat:
 - Provide a no access symbol on the CSM, restricting access to CTH EE (suggest extending symbol at least to the south end of "Curve 4-5." Reference the symbol in the map Legend
 - Per Code 46-6(b)(6), a note must be added that references that a backyard drain must be installed
 - Any approved CSM must be recorded prior to the recorded of released easements for the property
 - The De Pere Treasurer Certificate should be removed. Also, the City of De Pere Certificate should be modified to reference the date the Clerk/Treasurer signs the document AND the date the City of De Pere approved the document

The Certified Survey Map meets the criteria of State Statutes 236 and Section 46-8 of the De Pere Platting and Division of Land Code. The proposed land division provides opportunities for infill development and does not impact the Comprehensive Plan negatively. The proposed lot sizes, street frontages, and setbacks meet acceptable City requirements.

REVIEW PROCESS:

For City certified survey map petitions the Plan Commission provides either an approval, rejection with reason, or approval with conditions decision. The Common Council does not review City certified survey maps unless City lands or right-of-way dedications are involved. This project will be reviewed by Plan Commission only.

STAFF RECOMMENDATION:

Staff recommends APPROVAL of the certified survey map, subject to:

1. Meeting all other state and local regulations, including Brown County Planning Commission.
2. Provide a no access symbol on the CSM, restricting access to CTH EE (suggest extending symbol at least to the south end of "Curve 4-5." Reference the symbol in the map Legend.
3. Per Code 46-6(b)(6), a note must be added that references that a backyard drain must be installed.
4. Any approved CSM must be recorded prior to the recorded of

- released easements for the property.
5. The De Pere Treasurer Certificate should be removed. Also, the City of De Pere Certificate should be modified to reference the date the Clerk/Treasurer signs the document AND the date the City of De Pere approved the document.



CITY OF DE PERE
APPLICATION FOR
CSM REVIEW

Fee: \$ 368.00

Receipt #:

137877

Date:

15 Nov 2018

Read all instructions provided before completing. If additional space is needed, attach additional pages. Type or use black ink.

SECTION 1: Applicant / Permittee Information

Applicant Name (Ind., Org. or Entity) Mau & Associates, LLP	Authorized Representative Steven M. Bieda	Title Land Surveyor	
Mailing Address 400 Security Blvd., Suite 1	City Green Bay	State WI	ZIP Code 54313
Email Address sbieda@mau-associates.com	Phone Number (incl. area code) 920-434-9670	Fax Number (incl. area code)	

SECTION 2: Landowner Information (complete these fields when project site owner is different than applicant)

Name (Ind. Org. or Entity)	Contact Person Raymond J. Hoffman	Title Owner	
Mailing Address 1140 Aldrin Street	City De Pere	State WI	ZIP Code 54115
Email Address	Phone Number (incl. area code)	Fax Number (incl. area code)	

SECTION 3: Project or Site Location

Project Address/Description SW Corner of intersection of South 9th Street and Grant Street, De Pere, WI 54115	Parcel No. WD-D0218-2
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SECTION 4: CSM Information

Existing Zoning:	R-2
Present Use of Parcel:	Vacant
Proposed Use of Lots:	Two duplex-style condominiums

Please submit 1 hard copy and 1 PDF copy of the CSM if the property is located within the City or if the property is located within the extraterritorial jurisdiction.

SECTION 5: Certification and Permission

Certification: I hereby certify that I am the owner or authorized representative of the owner of the property which is the subject of this Permit Application. I certify that the information contained in this form and attachments is true and accurate. I certify that the project will be in compliance with all permit conditions. I understand that failure to comply with any or all of the provisions of the permit may result in permit revocation and a fine and/or forfeiture under the provisions of applicable laws.

Permission: I hereby give the City permission to enter and inspect the property at reasonable times, to evaluate this notice and application, and to determine compliance with any resulting permit coverage.

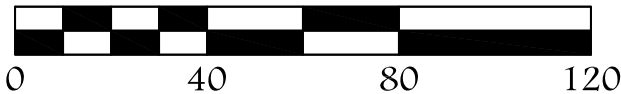
Name of Owner/Authorized Representative (please print) Steven M. Bieda	Title Land Surveyor	Phone Number 920-434-9670
Signature of Applicant 		Date Signed 11/15/18

TO BE COMPLETED BY CITY STAFF

CSM Review authorized by the De Pere Municipal Code, Chapter 46. ☒

Certified Survey Map

All of Lot 2 of Volume 22, Certified Survey Maps, Page 188, Map No. 3841, Document No. 1204138, Brown County Records, and part of vacated "South Ninth Street" Right-of-Way as described in Document No. 2832014, Brown County Records, all being in the Northeast ¼ of the Northeast ¼ of Section 29, Township 23 North, Range 20 East, City of De Pere, Brown County, Wisconsin.

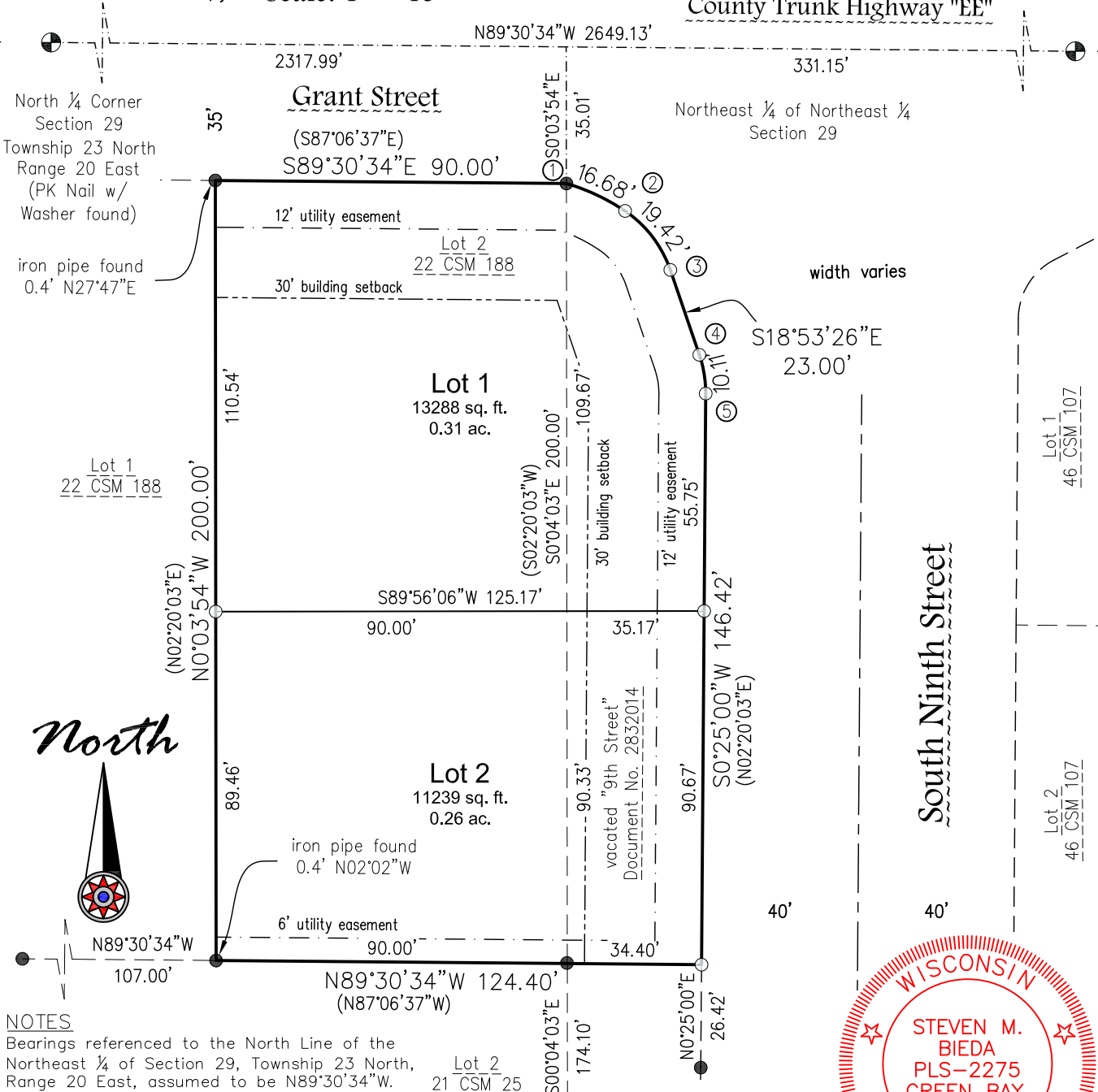


Scale: 1" = 40'

Southeast ¼ of Southeast ¼
Section 20

Northeast Corner
Section 29
Township 23 North
Range 20 East
(PK Nail w/
Washer found)

County Trunk Highway "EE"



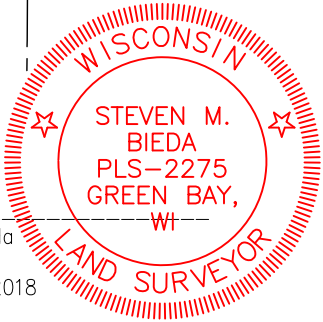
NOTES

Bearings referenced to the North Line of the Northeast ¼ of Section 29, Township 23 North, Range 20 East, assumed to be N89°30'34"W.

The County Monuments used in this survey are shown and their ties have been found and verified and/or Brown County Planning and Land Services has been notified of any discrepancies.

Curve Data

CURVE	ARC LENGTH	RADIUS	CHORD LENGTH	CHORD BEARING	CENTRAL ANGLE	TANGENT BEARING
1-2	16.68'	53.40'	16.61'	S64°55'16"E	17°53'34"	N73°52'03"W & S55°58'30"E
2-3	19.42'	30.00'	19.08'	S37°26'00"E	37°05'02"	S18°53'29"E & N55°58'30"W
4-5	10.11'	30.00'	10.06'	S09°14'13"E	19°18'16"	S00°24'55"E & N18°53'21"W



Client: Bob Peters

Tax Parcel: WD-D0218-2

Drafted By: ZRH

File: O-23698CSM 101718.dwg

Data File: O-23698.txt

Mau & Associates, LLP

LAND SURVEYING & PLANNING
CIVIL & WATER RESOURCE ENGINEERING
Phone: 920-434-9670 Website: www.mau-associates.com
400 Security Blvd Ste 1, Green Bay, WI 54313-9712

Sheet One of Three

Project No.: O-23689

Drawing No.: L-10547

Fieldwork Completed: 10/23/18

Attachment: Preliminary CSM (7844 : Recommendation regarding a Proposed Two Lot Certified Survey Map at 502-508 9th Street (Parcel WD-D0)



SURVEYOR’S CERTIFICATE

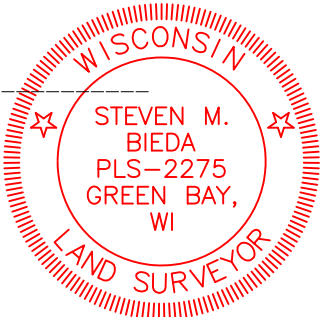
I, Steven M. Bieda, Professional Land Surveyor, PLS–2275, do hereby certify that I have surveyed, divided and mapped All of Lot 2 of Volume 22, Certified Survey Maps, Page 188, Map No. 3841, Document No. 1204138, Brown County Records, and part of vacated "9th Street" Right-of-Way as described in Document No. 2832014, Brown County Records, all being in the Northeast ¼ of the Northeast ¼ of Section 29, Township 23 North, Range 20 East, City of De Pere, Brown County, Wisconsin, more fully described as follows:

Commencing at the Northeast Corner of Section 29, Township 23 North, Range 20 East; thence N89°30'34"W, 331.14 feet along the North Line of the Northeast ¼ of said Section 29 and the Centerline of County Trunk Highway "EE", otherwise known as "Grant Street"; thence S00°03'54"E, 35.01 feet to the South Right-of-Way of said County Trunk Highway "EE" and the Northeast Corner of Lot 2 of Volume 22, Certified Survey Maps, Page 188, Map No. 3841, Document No. 1204138, Brown County Records, and the Point of Beginning; thence 16.68 feet along said South Right-of-Way being the arc of a 53.40 foot radius curve to the right whose long chord bears S64°55'16"E, 16.61 feet; thence 19.42 feet along said South Right-of-Way and its extension being the West Right-of-Way of "South Ninth Street" being the arc of a 30.00 foot radius curve to the right whose long chord bears S37°26'00"E, 19.08 feet; thence S18°53'26"E, 23.00 feet along said West Right-of-Way; thence 10.11 feet along said West Right-of-Way being the arc of a 30.00 foot radius curve to the right whose long chord bears S09°14'13"E, 10.06 feet; thence S00°25'00"W, 146.42 feet along said West Right-of-Way; thence N89°30'34"W, 124.40 feet along the South Line of said Lot 2 and its extension to the Southwest Corner of said Lot 2; thence N00°03'54"W, 200.00 feet along the West Line of said Lot 2 to the Northwest Corner of said Lot 2 and said South Right-of-Way; thence S89°30'34"E, 90.00 feet along the North Line of said Lot 2 and said South Right-of-Way to the Point of Beginning.

Parcel contains 24,527 sq. ft. / 0.56 acres more or less.
Parcel subject to easements and restrictions of record.

That such plat is a correct representation of all the exterior boundaries of the land survey and the division thereof. That I have made such a survey, land division and plat by the direction of the owners listed hereon. That I have fully complied with the provisions of Chapter 236, section 236.34 of the Wisconsin Statutes, the City of De Pere, and the Brown County Planning Commission in surveying, dividing and mapping the same.

Steven M. Bieda
PLS–2275
November 7, 2018



CERTIFICATE OF THE CITY OF DE PERE

Approved for the City of DePere this ____ day of _____, 20__.

Shana Ledvina
City Clerk

CERTIFICATE OF THE CITY OF DE PERE TREASURER

As City of DePere Treasurer, I hereby certify that the records in my office show no unredeemed taxes and no unpaid taxes or special assessments affecting any of the lands included in this Certified Survey Map as of the date listed below.

Shana L. Ledvina Date
City Treasurer

CERTIFICATE OF THE BROWN COUNTY TREASURER

As duly elected Brown County Treasurer, I hereby certify that the records in our office show no unredeemed taxes and no unpaid or special assessments affecting any of the lands included in this Certified Survey Map as of the date listed below.

Paul D. Zeller Date
Brown County Treasurer



Client: Bob Peters
Tax Parcel: WD-D0218-2
Drafted By: ZRH
File: O-23698CSM 101718.dwg
Data File: O-23698.txt

Mau & Associates, LLP
LAND SURVEYING & PLANNING
CIVIL & WATER RESOURCE ENGINEERING
Phone: 920-434-9670 Website: www.mau-associates.com
400 Security Blvd Ste 1, Green Bay, WI 54313-9712

Sheet Two of Three
Project No.: O-23689
Drawing No.: L-10547
Fieldwork Completed: 10/23/18

Attachment: Preliminary CSM (7844 : Recommendation regarding a Proposed Two Lot Certified Survey Map at 502-508 9th Street (Parcel WD-D0)

An easement for electric, natural gas, and communications service is hereby granted by

WISCONSIN PUBLIC SERVICE CORPORATION, a Wisconsin corporation, Grantee,

their respective successors and assigns, to construct, install, operate, repair, maintain and replace from time to time, facilities used in connection with overhead and underground transmission and distribution of electricity and electric energy, natural gas, telephone and cable TV facilities for such purposes as the same is now or may hereafter be used, all in, over, under, across, along and upon the property shown within those areas on the plat designated as "Utility Easement" and the property designated on the plat for streets and alleys, whether public or private, together with the right to install service connections upon, across, within and beneath the surface of each lot to serve improvements, thereon, or on adjacent lots; also the right to trim or cut down trees, brush and roots as may be reasonably required incident to the rights herein given, and the right to enter upon the subdivided property for all such purposes. The Grantees agree to restore or cause to have restored, the property, as nearly as is reasonably possible, to the condition existing prior to such entry by the Grantees or their agents. This restoration, however, does not apply to the initial installation of said underground and/or above ground electric facilities, natural gas facilities, or telephone and cable TV facilities or to any trees, brush or roots which may be removed at any time pursuant to the rights herein granted. Structures shall not be placed over Grantees' facilities or in, upon or over the property within the lines marked "Utility Easement" without the prior written consent of Grantees. After installation of any such facilities, the grade of the subdivided property shall not be altered by more than six inches without written consent of grantees. This Utility Easement Provision does not prevent or prohibit others from utilizing or crossing the Utility Easement as the Utility easement(s) are non-exclusive.

The grant of easement shall be binding upon and inure to the benefit of the heirs, successors and assigns of all parties hereto.

A Brown County Highway Department access permit must be obtained prior to any construction of a new street / road connection or driveway to a County Trunk Highway.

The property owners, at the time of construction, shall implement the appropriate soil erosion control methods outlined in the Wisconsin Construction Site Erosion and Sediment Control Technical Standards (available from the Wisconsin Department of Natural Resources) to prevent soil erosion. However, if at the time of construction the City of De Pere has adopted a soil erosion control ordinance, it shall govern over this requirement. This provision applies to any grading, construction, or installation-related activities.

No improvements or structures are allowed between the right of way line and the highway setback line. Improvements and structures include, but are not limited to signs, parking areas, driveways, wells, septic systems, drainage facilities, buildings and retaining walls. It is expressly intended that this restriction is for the benefit of the public as provided in section 236.293, Wisconsin Statutes, and shall be enforceable by the Department of Transportation or its assigns. Contact the Wisconsin Department of Transportation District Office for more information. The phone number may be obtained by contacting your County Highway Department.

The land on all side and rear lot lines of all lots shall be graded by the lot owner and maintained by the abutting property owners to provide for adequate drainage of surface water.

Each lot owner shall grade the property to conform to the adopted sidewalk grade elevation and maintain said elevation for future sidewalks.

No poles, pedestals or buried cable are to be placed so as to disturb any survey stake or obstruct vision along any lot lines or street line, a disturbance of a survey stake by anyone is a violation of section 236.32 of the Wisconsin Statutes.

As Owner, I hereby certify that I caused the land described on this Certified Survey Map to be surveyed, divided, mapped and dedicated as represented hereon. I also certify that this Certified Survey Map is required by S.236.10 or S.236.12 to be submitted to the following for approval or objection:

CITY OF DE PERE
BROWN COUNTY PLANNING COMMISSION

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

Notary Public
Brown County, Wisconsin

My Commission Expires _____

STATE OF WISCONSIN]
] SS
COUNTY OF BROWN]

Steven M. Bieda
PLS-2275
November 7, 2018



Data File: O-23698.txt

Mau & Associates, LLP
LAND SURVEYING & PLANNING
CIVIL & WATER RESOURCE ENGINEERING
Phone: 920-434-9670 Website: www.mau-associates.com
400 Security Blvd Ste 1, Green Bay, WI 54313-9712

Fieldwork Completed: 10/23/18



City of De Pere, Wisconsin

Request For Plan Commission Action

MEETING DATE: February 5, 2019

DEPARTMENT: Planning

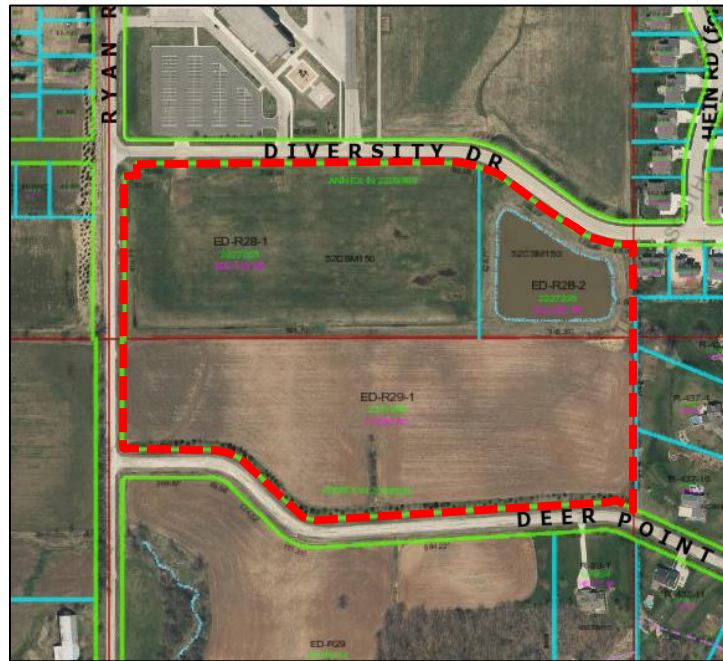
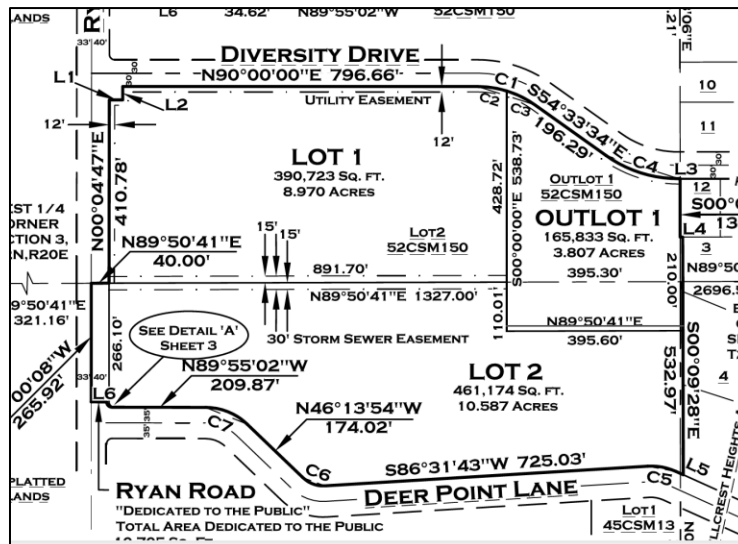
FROM: Peter Schleinz

SUBJECT: Recommendation regarding a Proposed Three Lot Certified Survey Map at 2800 BLK Ryan Road (Parcels ED-R28-1, ED-R28-2, ED-R29-1). Submitted by City of De Pere on behalf of the Unified School District of De Pere, property owner.*

ATTACHMENTS:

- CSM - Altmayer School SWM - Plan Commission Report (DOCX)
- Application Form (PDF)
- Preliminary CSM (PDF)

- ITEM 4: Recommendation regarding a Proposed Three Lot Certified Survey Map at 2800 BLK Ryan Road (Parcels ED-R28-1, ED-R28-2, ED-R29-1). Submitted by City of De Pere on behalf of the Unified School District of De Pere, property owner.*

SITE MAPPROPOSED CERTIFIED SURVEY MAP AREA

- REQUESTED ACTION:** Certified Survey Map Review
- COMMON DESCRIPTION:** 2800 BLK Ryan Road, located southeast from the Ryan Road and Diversity Drive intersection.
- PARCEL NUMBER(S):** ED-R28-1, ED-R28-2, ED-R29-1

EXISTING ZONING:	R-1 (Single Family Residence District)	
SURROUNDING LAND USES:	Elementary school to the north. Agricultural to the south. Single family residential to the east (Town of Rockland). Developing residential (Pine Trail Subdivision) and agricultural to the west.	
COMPREHENSIVE PLAN:	Institutional/Governmental Facilities	
APPLICANT/OWNER NAME:	City of De Pere 335 S. Broadway De Pere, WI 54115	Unified School District of De Pere Property Owner 1700 Chicago Street De Pere, WI 54115
SITE HISTORY:	After a review of air photographs, the site has remained vacant or in agricultural use since 1938. The on-site storm water management pond, located within Outlot 1, was built in the late 2000's. The land division is within the Sewer Service Area for the City of De Pere. There are no known environmentally sensitive areas on the property. The CSM does not create new lots; instead, the CSM adjusts lot lines to accommodate an expanded storm water management system and dedicates necessary land for the Ryan Road right-of-way.	
STAFF REVIEW:	When reviewing a Certified Survey Map, staff considers State Statutes 236, Section 46-8 of the De Pere Platting and Division of Land Code, the future land use recommendation of the Comprehensive Plan, surrounding land uses, and desired development patterns. • The site is a vacant R-1 zoned property under ownership by the De Pere Unified School District. • The proposed CSM does not create any new land division. Rather, Outlot 2 becomes larger to accommodate a larger, regional storm water management system and the west end of Lot 2 is dedicated to the public to become part of Ryan Road. • All lots exceed the minimum lot size of 11,000 square feet and all lots exceed the minimum street frontage of 90 feet • There are three issues that must be addressed for the CSM: ○ Identify utility easements along Ryan Road and Deer Point Lane ○ Label the use and ownership of the outlot in a note on the CSM ○ The De Pere Treasurer Certificate should be removed. Also, the City of De Pere Certificate should be modified to reference the date the Clerk/Treasurer signs the document AND the date the City of De Pere approved the document	

The Certified Survey Map meets the criteria of State Statutes 236 and Section 46-8 of the De Pere Platting and Division of Land Code. The proposed land division provides opportunities for infill development and does not impact the Comprehensive Plan negatively. The proposed lot sizes, street frontages, and setbacks meet acceptable City requirements.

REVIEW PROCESS:

For City certified survey map petitions the Plan Commission provides either an approval, rejection with reason, or approval with conditions decision. The Common Council does not review City certified survey maps unless City lands or right-of-way dedications are involved. This project will be reviewed by both Plan Commission and Council due to the addition of the Ryan Road right-of-way. Common Council is expected to take action on February 5, 2019.

STAFF RECOMMENDATION:

Staff recommends APPROVAL of the certified survey map, subject to:

1. Meeting all other state and local regulations, including Brown County Planning Commission.
2. Identify utility easements along Ryan Road and Deer Point Lane.
3. Label the use and ownership of the outlot in a note on the CSM.
4. The De Pere Treasurer Certificate should be removed. Also, the City of De Pere Certificate should be modified to reference the date the Clerk/Treasurer signs the document AND the date the City of De Pere approved the document.

	CITY OF DE PERE APPLICATION FOR CSM REVIEW	Fee: \$368.00-
		Receipt #: NO FEE
		Date: 16 Jan 2019

Read all instructions provided before completing. If additional space is needed, attach additional pages. Type or use black ink.

SECTION 1: Applicant / Permittee Information

Applicant Name (Ind., Org. or Entity) City of De Pere	Authorized Representative Peter Schleinz	Title Senior Planner Zoning Administrator	
Mailing Address 335 S. Broadway	City De Pere	State WI	ZIP Code 54115
Email Address pschleinz@mail.de-pere.org	Phone Number (incl. area code) 920.39.4043	Fax Number (incl. area code) 920.330.9491	

SECTION 2: Landowner Information (complete these fields when project site owner is different than applicant)

Name (Ind. Org. or Entity) Unified School District of De Pere	Contact Person Dawn Foeller	Title Business Manager	
Mailing Address 1700 Chicago Street	City De Pere	State WI	ZIP Code 54115
Email Address	Phone Number (incl. area code) 920.337.1032	Fax Number (incl. area code)	

SECTION 3: Project or Site Location

Project Address/Description Reconfiguration of three existing lots for storm water management.	Parcel No. ED-R28-1, ED-R28-2, ED-R29-1
---	--

SECTION 4: CSM Information

Existing Zoning:	Single Family Residence District (R-1)
Present Use of Parcel:	Field, agricultural, and storm water management
Proposed Use of Lots:	Field, agricultural, and storm water management

Please submit 1 hard copy and 1 PDF copy of the CSM if the property is located within the City or if the property is located within the extraterritorial jurisdiction.

SECTION 5: Certification and Permission

Certification: I hereby certify that I am the owner or authorized representative of the owner of the property which is the subject of this Permit Application. I certify that the information contained in this form and attachments is true and accurate. I certify that the project will be in compliance with all permit conditions. I understand that failure to comply with any or all of the provisions of the permit may result in permit revocation and a fine and/or forfeiture under the provisions of applicable laws.

Permission: I hereby give the City permission to enter and inspect the property at reasonable times, to evaluate this notice and application, and to determine compliance with any resulting permit coverage.

Name of Owner/Authorized Representative (please print) Peter Schleinz	Title Senior Planner Zoning Administrator	Phone Number 920.339.4043
Signature of Applicant --- PETER SCHLEINZ, FOR CITY OF DE PERE --- 		Date Signed 16 Jan 2019

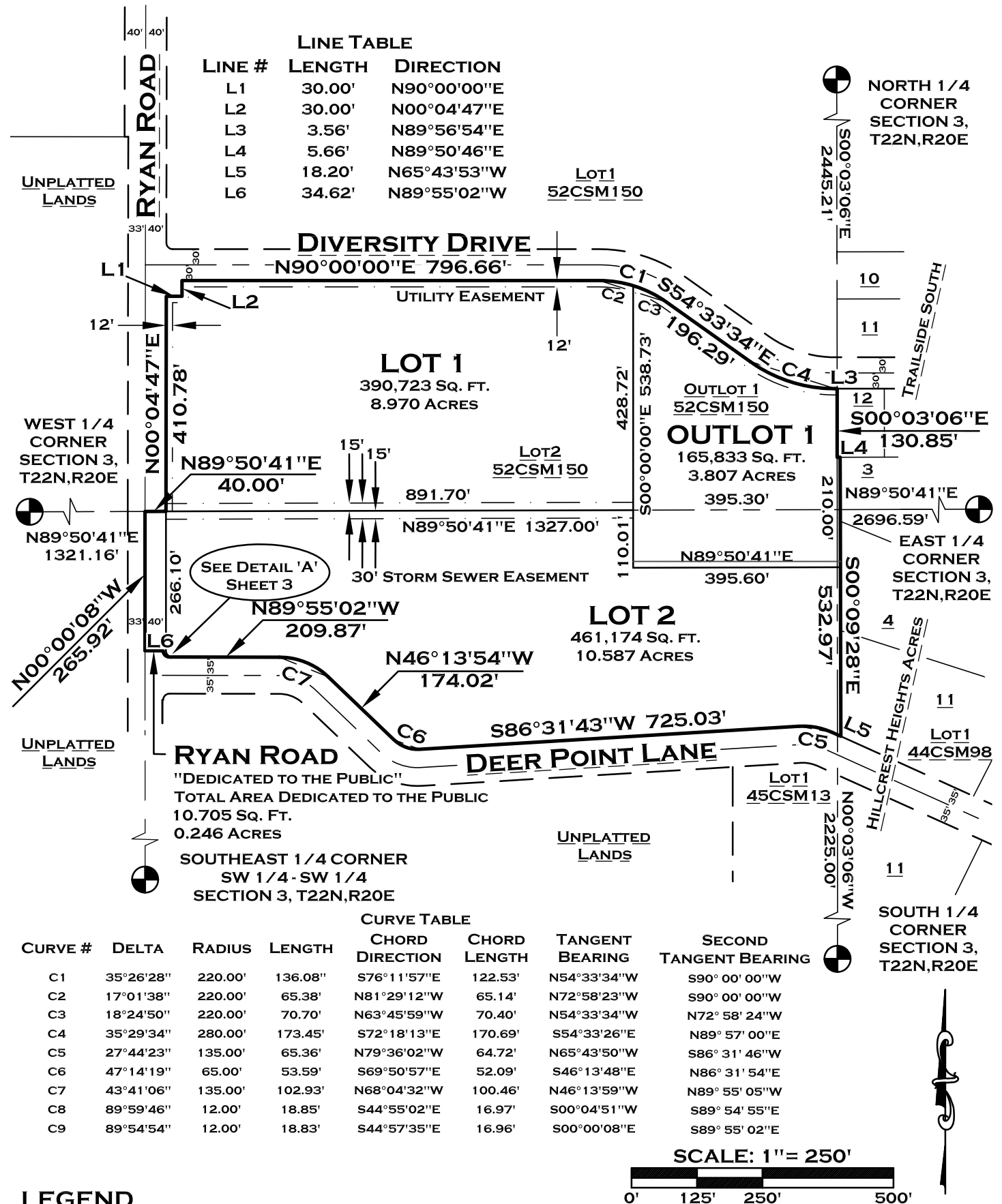
TO BE COMPLETED BY CITY STAFF

CSM Review authorized by the De Pere Municipal Code, Chapter 46.	OK
--	----

Attachment: Application Form (7845 : Recommendation regarding a Proposed Three Lot Certified Survey Map at 2800 BLK Ryan Road (Parcels

CERTIFIED SURVEY MAP

ALL OF LOT 2 AND OUTLOT 1 OF VOLUME 52,
CERTIFIED SURVEY MAPS, PAGE 150, MAP NUMBER 7611,
DOCUMENT NUMBER 2294265, BEING PART OF THE
SOUTHEAST 1/4 OF THE NORTHWEST 1/4, THE
NORTHEAST 1/4 OF THE SOUTHWEST 1/4 THE
NORTHWEST 1/4 OF THE SOUTHEAST 1/4 AND PART OF
GOVERNMENT LOT 2. ALL IN SECTION 3, T22N, R20E, CITY
OF DE PERE, BROWN COUNTY, WISCONSIN



Attachment: Preliminary CSM (7845 : Recommendation regarding a Proposed Three Lot Certified Survey Map at 2800 BLK Ryan Road (Parcels ED)

CERTIFIED SURVEY MAP

SURVEYOR'S CERTIFICATE:

I, BRYAN L. PFEFFER, PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THAT BY THE ORDER AND UNDER THE DIRECTION OF PETER SCHLEINZ, CITY PLANNER, CITY OF DE PERE, I HAVE SURVEYED, DIVIDED, DEDICATED AND MAPPED A PARCEL OF LAND BEING ALL OF LOT 2 AND OUTLOT 1 OF VOLUME 52, CERTIFIED SURVEY MAPS, PAGE 150, MAP NUMBER 761 1, DOCUMENT NUMBER 2294265, BEING PART OF THE SOUTHEAST $\frac{1}{4}$ OF THE NORTHWEST $\frac{1}{4}$, THE NORTHEAST $\frac{1}{4}$ OF THE SOUTHWEST $\frac{1}{4}$, THE NORTHWEST $\frac{1}{4}$ OF THE SOUTHEAST $\frac{1}{4}$, AND PART OF GOVERNMENT LOT 2, ALLIN SECTION 3, T22N, R20E, CITY OF DE PERE, BROWN COUNTY, WISCONSIN, DESCRIBED AS FOLLOWS:

COMMENCING AT THE WEST $\frac{1}{4}$ CORNER OF SAID SECTION 3; THENCE N89°50'41"E, 1321.16 FEET ON THE EAST-WEST $\frac{1}{4}$ LINE OF SAID SECTION 3 TO THE SOUTHWEST CORNER OF THE SE $\frac{1}{4}$ OF THE NW $\frac{1}{4}$ OF SAID SECTION 3, THE POINT OF BEGINNING; THENCE CONTINUING N89°50'41"E, 40.00 FEET ON THE SOUTH LINE OF SAID SE $\frac{1}{4}$ OF THE NW $\frac{1}{4}$ TO THE EAST RIGHT OF WAY LINE OF RYAN ROAD; THENCE N00°04'47"E, 410.78 FEET ON SAID EAST RIGHT OF WAY LINE; THENCE N90°00'00"E, 30.00 FEET ON SAID EAST RIGHT OF WAY LINE; THENCE N00°04'47"E, 30.00 FEET ON SAID EAST RIGHT OF WAY LINE TO THE SOUTH RIGHT OF WAY LINE OF DIVERSITY DRIVE; THENCE N90°00'00"E, 796.66 FEET ON SAID SOUTH RIGHT OF WAY LINE; THENCE ON SAID SOUTH RIGHT OF WAY LINE 136.08 FEET ON THE ARC OF A 220.00 FOOT RADIUS CURVE TO THE RIGHT, LONG CHORD BEARS S76°11'57"E, 122.53 FEET; THENCE S54°33'34"E, 196.29 FEET ON SAID SOUTH RIGHT OF WAY LINE; THENCE ON SAID SOUTH RIGHT OF WAY LINE 173.45 FEET ON THE ARC OF A 280.00 FOOT RADIUS CURVE TO THE LEFT, LONG CHORD BEARS S72°18'13"E, 170.69 FEET; THENCE N89°56'54"E, 3.56 FEET ON SAID SOUTH RIGHT OF WAY LINE TO THE EAST LINE OF THE SE $\frac{1}{4}$ OF THE NW $\frac{1}{4}$ OF SAID SECTION 3; THENCE S00°03'06"E, 130.85 FEET ON SAID EAST LINE; THENCE N89°50'46"E, 5.66 FEET TO THE NORTHWEST CORNER OF HILLCREST HEIGHTS ACRES; THENCE S00°09'28"E, 532.97 FEET ON THE WEST LINE OF SAID HILLCREST HEIGHTS ACRES TO THE NORTH RIGHT OF WAY LINE OF DEER POINT LANE; THENCE N65°43'53"W, 18.20 FEET ON SAID NORTH RIGHT OF WAY LINE; THENCE ALONG SAID NORTH RIGHT OF WAY LINE 65.36 FEET ON THE ARC OF A 135.00 FOOT RADIUS CURVE TO THE LEFT, LONG CHORD BEARS N79°36'02"W, 64.72 FEET; THENCE S86°31'43"W, 725.03 FEET ON SAID NORTH RIGHT OF WAY LINE; THENCE ON SAID NORTH RIGHT OF WAY LINE 53.59 FEET ON THE ARC OF A 65.00 FOOT RADIUS CURVE TO THE RIGHT, LONG CHORD BEARS N69°50'57"W, 52.09 FEET; THENCE N46°13'54"W, 174.02 FEET ON SAID NORTH RIGHT OF WAY LINE; THENCE ON SAID NORTH RIGHT OF WAY LINE 102.93 FEET ON THE ARC OF A 135.00 FOOT RADIUS CURVE TO THE LEFT, LONG CHORD BEARS N68°04'32"W, 100.46 FEET; THENCE N89°55'02"W, 209.87 FEET ON SAID NORTH RIGHT OF WAY LINE; THENCE ON SAID NORTH RIGHT OF WAY LINE 18.85 FEET ON THE ARC OF A 12.00 FOOT RADIUS CURVE TO THE RIGHT, LONG CHORD BEARS N44°55'02"W, 16.97 FEET; THENCE N89°55'02"W, 34.62 FEET TO THE WEST LINE OF THE NE $\frac{1}{4}$ OF THE SW $\frac{1}{4}$ OF SAID SECTION 3; THENCE N00°00'08"W, 265.92 FEET ON SAID WEST LINE TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 1,028,435 SQUARE FEET OR 23.610 ACRES OF LAND MORE OR LESS.

THAT THE WITHIN MAP IS A TRUE AND CORRECT REPRESENTATION OF THE EXTERIOR BOUNDARIES OF THE LAND SURVEYED AND THE DIVISION OF IT AND THAT I HAVE FULLY COMPLIED WITH THE PROVISIONS OF CHAPTER 236.34 OF THE WISCONSIN STATUTES AND WITH CHAPTER 14 OF THE GENERAL ORDINANCES OF THE CITY OF DE PERE IN THE SURVEYING, DIVIDING AND MAPPING OF THE SAME.

BRYAN L. PFEFFER PLS # 2924
ROBERT E. LEE & ASSOCIATES, INC.

DATE _____

Attachment: Preliminary CSM (7845 : Recommendation regarding a Proposed Three Lot Certified Survey Map at 2800 BLK Ryan Road (Parcels ED)



CERTIFIED SURVEY MAP

OWNER'S CERTIFICATE

AS OWNER'S, WE HEREBY CERTIFY THAT WE CAUSED THE LAND DESCRIBED ON THIS PLAT TO BE SURVEYED, DIVIDED, MAPPED, AND DEDICATED AS REPRESENTED ON THE PLAT. WE ALSO CERTIFY THAT THIS PLAT IS REQUIRED BY S-236.10 OR S236.12 TO BE SUBMITTED TO THE FOLLOWING FOR APPROVAL OR OBJECTION: CITY OF DE PERE

UNIFIED SCHOOL DISTRICT OF DE PERE

DAWN FOELLER, BUSINESS MANAGER

DATE _____

STATE OF WISCONSIN)

BROWN COUNTY) SS

PERSONALLY CAME BEFORE ME THIS _____ DAY OF _____, 2019 THE ABOVE NAMED DAWN FOELLER OF THE UNIFIED SCHOOL DISTRICT DE PERE TO ME KNOWN TO BE THE SAME PERSON'S WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THE SAME.

NOTARY PUBLIC _____

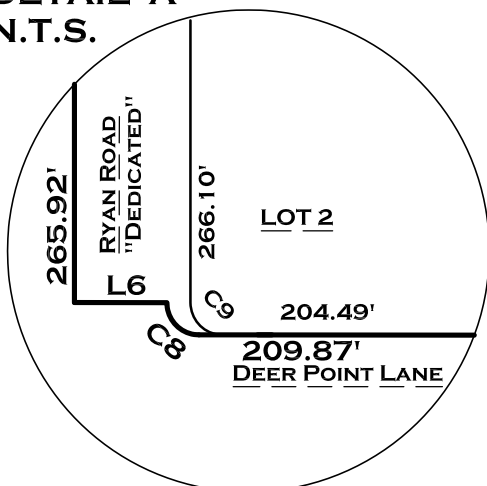
PRINT NAME _____

MY COMMISSION EXPIRES _____

RESTRICTIVE COVENANTS

1. THE LAND ON ALL LOT LINES OF ALL LOTS SHALL BE GRADED BY THE SUBDIVIDER AND MAINTAINED BY THE ABUTTING PROPERTY OWNERS TO PROVIDE FOR THE ADEQUATE DRAINAGE OF SURFACE WATER.
2. OWNERS OF ALL LOTS SHALL GRADE AREAS ABUTTING STREETS TO CONFORM TO THE ESTABLISHED SIDEWALK GRADE ELEVATION AND SHALL MAINTAIN THE GRADE ELEVATION FOR FUTURE SIDEWALKS.
3. THE LAND IN THE REAR AND THE SIDES OF ALL LOTS SHALL NOT BE GRADED IN SUCH A MANNER AS TO INTERFERE WITH THE DRAINAGE OF STORM WATER.

DETAIL 'A'
N.T.S.



SHEET 3 OF 4



ROBERT E. LEE & ASSOCIATES, INC.
ENGINEERING, SURVEYING, ENVIRONMENTAL SERVICES
1250 CENTENNIAL CENTRE BOULEVARD
HOBBART, WI 54155 PHONE: (920) 662-9641
INTERNET: WWW.RELEEINC.COM FAX: (920) 662-9141

CERTIFIED SURVEY MAP

CITY BOARD APPROVAL CERTIFICATE

APPROVED BY THE CITY OF DE PERE THIS _____ DAY OF _____, 2019.

SHANA D. LEDVINA, CLERK-CITY OF DE PERE

TREASURER'S CERTIFICATE

AS DULY APPOINTED CITY OF DE PERE TREASURER, I HEREBY CERTIFY THAT THE RECORDS IN MY OFFICE SHOW NO UNPAID TAX SALES AND NO UNPAID OR SPECIAL ASSESSMENTS AFFECTING ANY OF THE LANDS INCLUDED IN THIS PLAT, AS OF THE DATE LISTED BELOW.

SHANA D. LEDVINA, TREASURER-CITY OF DE PERE

Office of the Register of Deeds
Brown County, Wisconsin

Received for Record _____, 20

at _____ o'clock _____ M and recorded as

Document # _____ in

Volume _____ of _____ on Page _____.

Cheryl Burkin, Register of Deeds

R:\0400\0404\0404435\dwg\0404435CSM.DWG



City of De Pere, Wisconsin

Request For Plan Commission Action

MEETING DATE: February 5, 2019

DEPARTMENT: Planning

FROM: Peter Schleinz

SUBJECT: Recommendation regarding a Proposed Extraterritorial Four Lot Certified Survey Map at 2500 BLK French Road in the Town of Lawrence (Part of Parcels L-454 & L-455-1). Submitted by Doug Woelz, PLS, McMahon Associates, authorized representative for CCLW LLC, property owner.*

ATTACHMENTS:

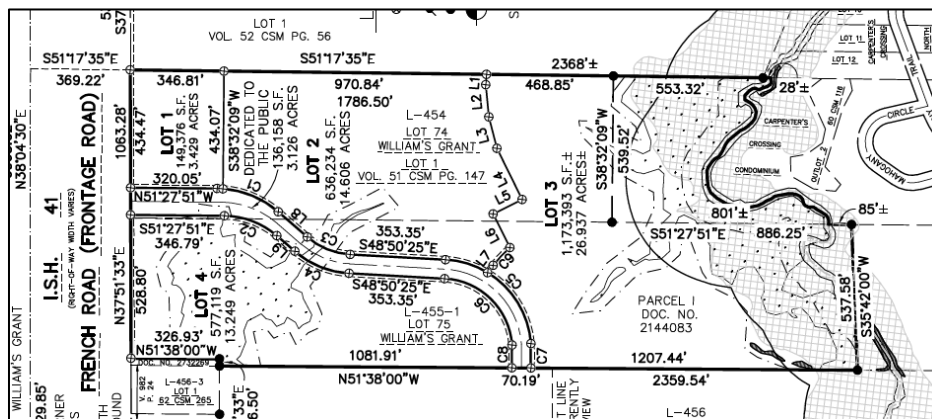
- CSM - Lawrence CCLW - Plan Commission Report (DOCX)
- Application Form (PDF)
- Preliminary CSM (PDF)

- ITEM 5:** Recommendation regarding a Proposed Extraterritorial Four Lot Certified Survey Map at 2500 BLK French Road in the Town of Lawrence (Part of Parcels L-454 & L-455-1). Submitted by Doug Woelz, PLS, McMahon Associates, authorized representative for CCLW LLC, property owner.*

SITE MAP



PROPOSED CERTIFIED SURVEY MAP AREA



- REQUESTED ACTION:** Extraterritorial Certified Survey Map Review
- COMMON DESCRIPTION:** 2500 BLK French Road, located between Larry Lane and Little Rapids Road in the Town of Lawrence.
- PARCEL NUMBER(S):** L-454 & L-455-1
- EXISTING ZONING:** Agricultural District (AG) for Town of Lawrence. Proposed for residential

and commercial development with related rezonings.

SURROUNDING LAND USES: Residential to the north, south, east, and west.
Some natural spaces and residential to the east.

COMPREHENSIVE PLAN: Commercial at west end and residential at east end for Town of Lawrence.

APPLICANT/OWNER NAME: Doug Woelz, PLS, CCLW LLC
McMahon Associates Property owner
Authorized representative 2170 Velp Avenue, STE 106
1445 McMahon Drive Green Bay, WI 54303-6596
Neenah, WI 54956

SITE HISTORY: After a review of air photographs, the site has remained vacant and natural spaces with agricultural use since 1938.

The land division is within the Sewer Service Area for the Town of Lawrence. There are known environmentally sensitive areas on the property, which will be addressed by Brown County Planning Commission. The CSM does not create any new lots.

The two existing lots are proposed to be divided into four lots for commercial uses near French Road and residential uses to the east. Specifically, Lots 1, 2, and 4 are proposed commercial developments and Lot 3 is a proposed residential development. Lots 1 and 3 have proposed rezonings to accommodate upcoming development projects; Lots 2 and 4 do not have rezonings until a defined project is identified.

STAFF REVIEW: When reviewing a Certified Survey Map, staff considers State Statutes 236, Section 46-8 of the De Pere Platting and Division of Land Code, the future land use recommendation of the Comprehensive Plan, surrounding land uses, and desired development patterns.

- The lots exceed the City Municipal Code minimum lot size of 8,500 square feet and minimum street frontage of 75 feet
- There is one issue that must be addressed for the CSM:
 - The City of De Pere Certificate should be modified to reference the date the Clerk/Treasurer signs the document AND the date the City of De Pere approved the document

The Certified Survey Map meets the criteria of State Statutes 236 and Section 46-8 of the De Pere Platting and Division of Land Code. The proposed land division provides opportunities for infill development and does not impact the Comprehensive Plan negatively. The proposed lot sizes, street frontages, and setbacks meet acceptable City requirements.

REVIEW PROCESS: For extraterritorial certified survey map petitions the Plan Commission provides either an approval, rejection with reason, or approval with conditions decision. The Common Council also reviews and provides a

final decision of approval or rejection. Common Council is expected to take action on February 5, 2019.

STAFF RECOMMENDATION: Staff recommends APPROVAL of the certified survey map, subject to:

1. Meeting all other state and local regulations, including Brown County Planning Commission.
2. The City of De Pere Certificate should be modified to reference the date the Clerk/Treasurer signs the document AND the date the City of De Pere approved the document.



CITY OF DE PERE

APPLICATION FOR
CSM REVIEW

CITY OF DE PERE
RECEIVED
JAN 8 2019
PLANNING DEPT

Fee: \$ 368.00

Receipt #: 138796

Date: 1-08-19

Read all instructions provided before completing. If additional space is needed, attach additional pages. Type or use black ink.

SECTION 1: Applicant / Permittee Information

Applicant Name (Ind., Org. or Entity) McMahon Associates	Authorized Representative Doug Woelz	Title Land Surveyor	
Mailing Address 1445 McMahon Drive	City Neenah	State Wisconsin	ZIP Code 54956
Email Address Dwoelz@mcmgrp.com	Phone Number (incl. area code) 920-751-4200	Fax Number (incl. area code) 920-751-4284	

SECTION 2: Landowner Information (complete these fields when project site owner is different than applicant)

Name (Ind. Org. or Entity) CCLW, LLC	Contact Person Pat Kaster	Title Owner	
Mailing Address 1317 Lombardi Access Road	City Green Bay	State Wisconsin	ZIP Code 54304
Email Address patkaster@rivercityrealtors.com	Phone Number (incl. area code) 920-497-5090	Fax Number (incl. area code)	

SECTION 3: Project or Site Location

Project Address/Description Lots 74 & 75 Plat of the Sub of Williams Grant Town of Lawrence	Parcel No. L-454 & L-455-1
--	-------------------------------

SECTION 4: CSM Information

Existing Zoning:	
Present Use of Parcel:	Farmland
Proposed Use of Lots:	Residential & Business/Commercial

Please submit 1 hard copy and 1 PDF copy of the CSM if the property is located within the City or if the property is located within the extraterritorial jurisdiction.

SECTION 5: Certification and Permission

Certification: I hereby certify that I am the owner or authorized representative of the owner of the property which is the subject of this Permit Application. I certify that the information contained in this form and attachments is true and accurate. I certify that the project will be in compliance with all permit conditions. I understand that failure to comply with any or all of the provisions of the permit may result in permit revocation and a fine and/or forfeiture under the provisions of applicable laws.

Permission: I hereby give the City permission to enter and inspect the property at reasonable times, to evaluate this notice and application, and to determine compliance with any resulting permit coverage.

Name of Owner/Authorized Representative (please print) Douglas E. Woelz	Title Land Surveyor	Phone Number 920-751-4200
Signature of Applicant 		Date Signed 1-4-2019

TO BE COMPLETED BY CITY STAFF

CSM Review authorized by the De Pere Municipal Code, Chapter 46.

Attachment: Application Form (7846 : Recommendation regarding a Proposed Extraterritorial Four Lot Certified Survey Map at 2500 BLK Frenc)



TRANSMITTAL

DATE: January 4, 2019

To: Town of Lawrence
2400 Shady Court
De Pere, Wisconsin 54115
Attn: Patrick Wetzel

SUBJECT: CCLW, LLC
Certified Survey Map

MCM No. L0017 9-18-00860.14

E-MAIL:

SENT VIA: ☒ E-mail ☒ CDS
☐ UPS / FedEx ☐ Other

PHONE:

FROM: Doug Woelz/McMahon Associates

E-MAIL: Dwoelz@mcmgrp.com

WE ARE SENDING YOU THE FOLLOWING:

QUANTITY:	DATE:	TITLE/DESCRIPTION:
3	1-4-19	Certified Survey Map
1	1-4-19	Planning & Zoning / Site Review Application
1	1-4-19	Area Exhibit Map of Carpenters West for Land Swaps
1	1-4-19	City of De Pere Application for CSM Review
1	1-4-19	\$368.00 Check – Review Fee
1	1-4-19	BROWN COUNTY PLANNING COMMISSION REVIEW APPLICATION
1	1-4-19	\$650.00 Check – Review Fee

REMARKS:

Please place the enclosed Certified Survey Map on your agenda for review and notify our office as to your review schedules. I will plan to attend any meetings necessary to answer any questions. Originals of the CSM will be provided for signatures and recording after all review comments have been obtained.

Copy to: Brown County Planning 305 E. Walnut St Room 320 P.O. Box 23600 Green Bay, WI 54305-3600

THANK YOU,

COPY TO:

City of De Pere – Community
Development
335 S. Broadway
De Pere, Wisconsin 54115

SIGNED:

Douglas E. Woelz

If Enclosures Are Not As Noted, Kindly Notify Us At Once

McMAHON ASSOCIATES, INC. | 1445 McMAHON DRIVE NEENAH, WI 54956 Mailing P.O. BOX 1025 NEENAH, WI 54957-1025
PH 920.751.4200 FAX 920.751.4284 MCM@MCMGRP.COM WWW.MCMGRP.COM

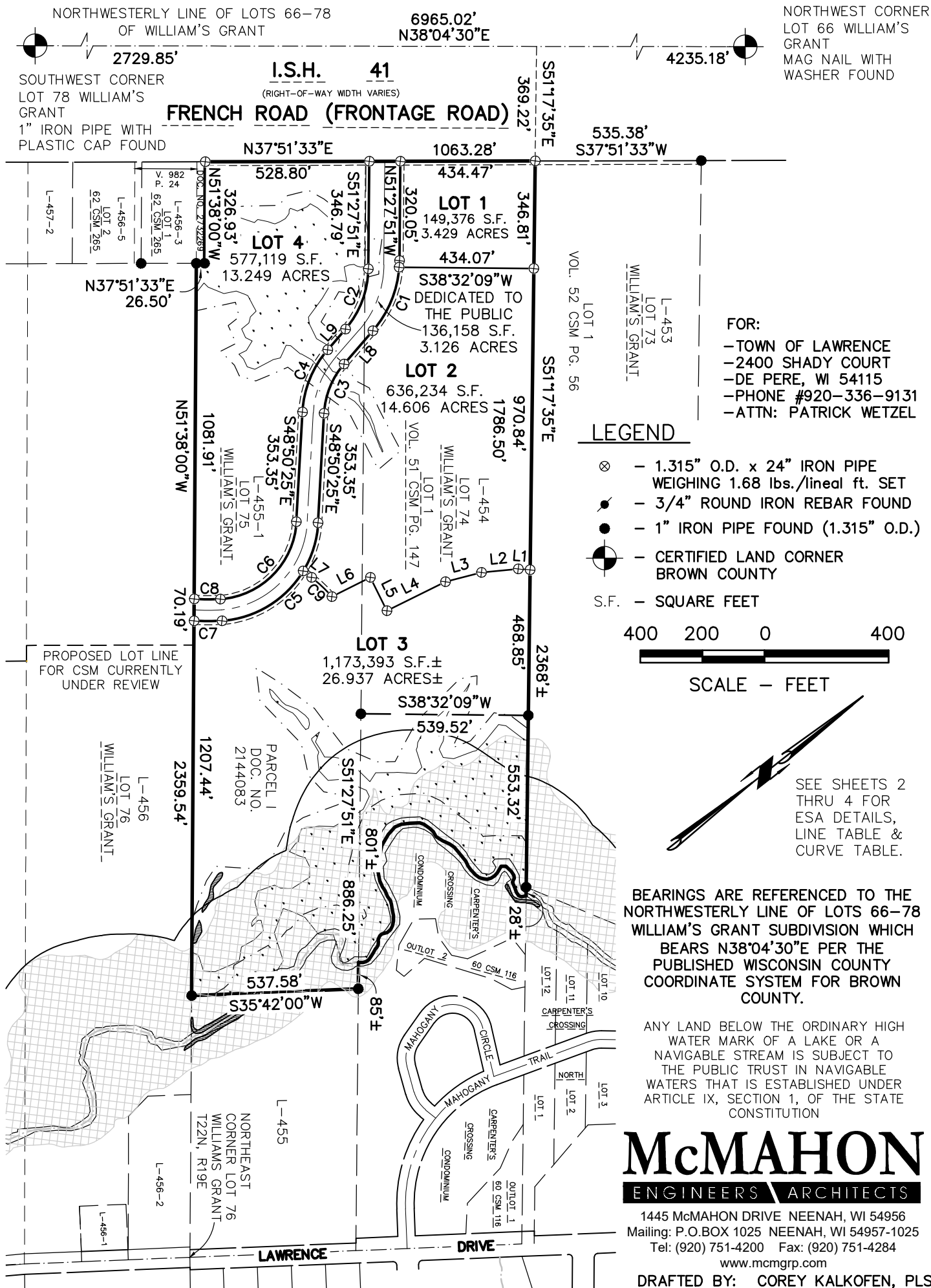
THE
McMAHON
Way
VALUES • CULTURE
RELATIONSHIPS
• FOR OVER 100 YEARS •

Packet Pg. 33

Attachment: Application Form (7846 : Recommendation regarding a Proposed Extraterritorial Four Lot Certified Survey Map at 2500 BLK Frenc)

SHEET 1 OF 8

ALL OF LOT 1 OF VOLUME 51 OF CERTIFIED SURVEY MAPS
PAGE 147-149 AS MAP No. 7489, AS DOCUMENT No.
2252503 AND A PART OF LOT 75 ACCORDING TO THE
RECORDED PLAT OF THE SUBDIVISION OF WILLIAM'S GRANT,
LOCATED IN LOTS 74 & 75 ACCORDING TO THE RECORDED
PLAT OF THE SUBDIVISION OF WILLIAM'S GRANT, TOWN OF
LAWRENCE, BROWN COUNTY, WISCONSIN

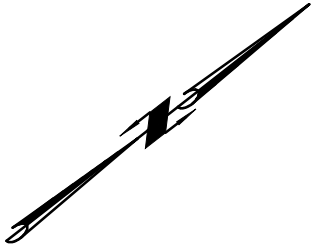


Attachment: Preliminary CSM (7846 : Recommendation regarding a Proposed Extraterritorial Four Lot Certified Survey Map at 2500 BLK Franc)

CERTIFIED SURVEY MAP NO. _____

SHEET 2 OF 8

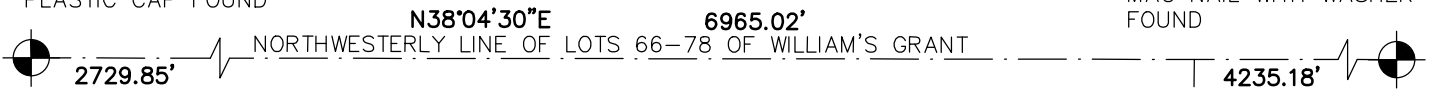
ALL OF LOT 1 OF VOLUME 51 OF CERTIFIED SURVEY MAPS PAGE 147-149 AS MAP No. 7489, AS DOCUMENT No. 2252503 AND A PART OF LOT 75 ACCORDING TO THE RECORDED PLAT OF THE SUBDIVISION OF WILLIAM'S GRANT, LOCATED IN LOTS 74 & 75 ACCORDING TO THE RECORDED PLAT OF THE SUBDIVISION OF WILLIAM'S GRANT, TOWN OF LAWRENCE, BROWN COUNTY, WISCONSIN



BEARINGS ARE REFERENCED TO THE
NORTHWESTERLY LINE OF LOTS
66-78 WILLIAM'S GRANT SUBDIVISION
WHICH BEARS N38°04'30"E PER THE
PUBLISHED WISCONSIN COUNTY
COORDINATE SYSTEM FOR BROWN
COUNTY.

SOUTHWEST CORNER
LOT 78 WILLIAM'S
GRANT
1" IRON PIPE WITH
PLASTIC CAP FOUND

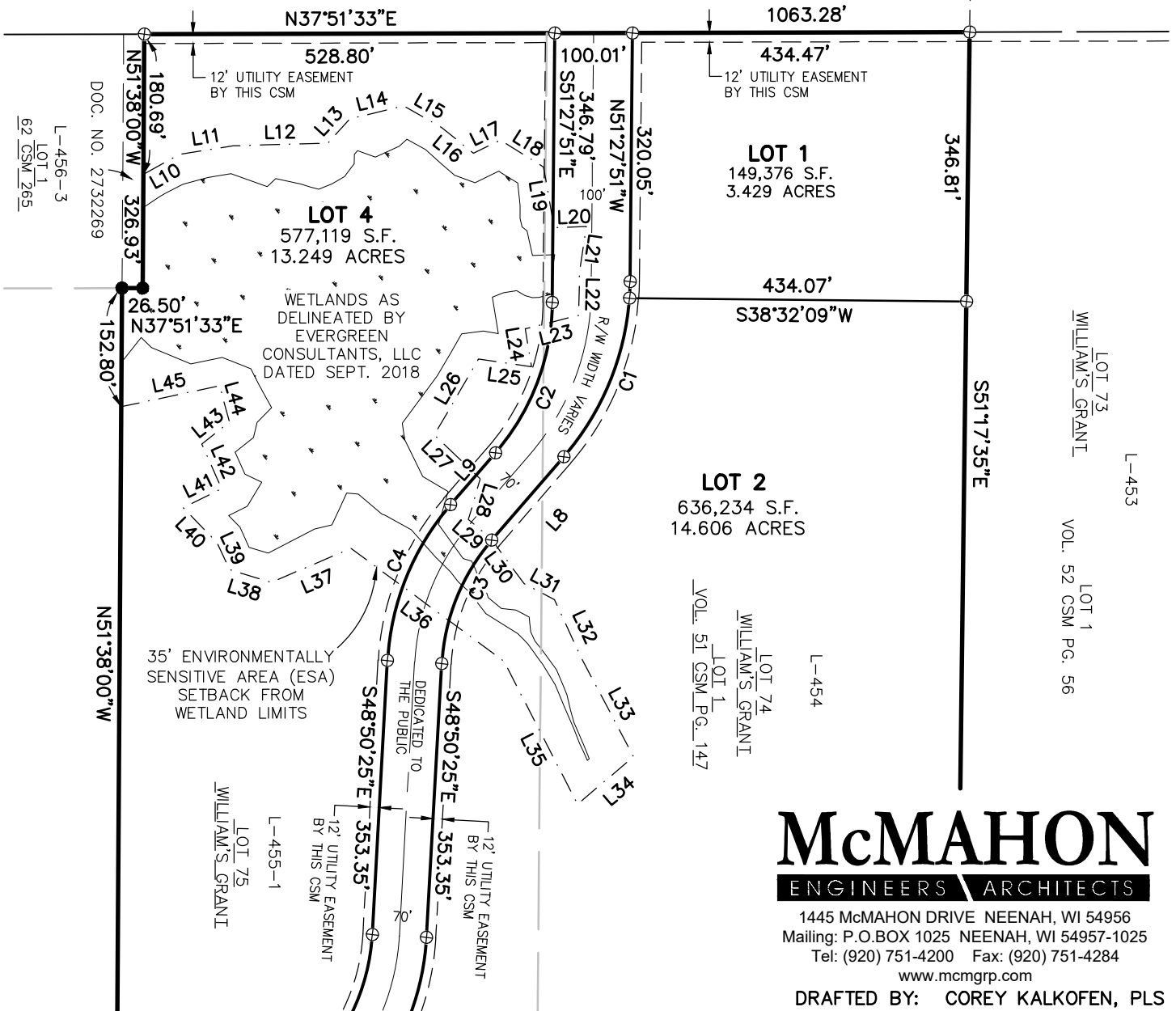
NORTHWEST CORNER LOT
66 WILLIAM'S GRANT
MAG NAIL WITH WASHER
FOUND



I.S.H. 41

(RIGHT-OF-WAY WIDTH VARIES)

FRENCH ROAD (FRONTAGE ROAD)



McMAHON
ENGINEERS ARCHITECTS

1445 McMAHON DRIVE NEENAH, WI 54956
Mailing: P.O.BOX 1025 NEENAH, WI 54957-1025
Tel: (920) 751-4200 Fax: (920) 751-4284
www.mcmgrp.com

DRAFTED BY: COREY KALKOFEN, PLS

CERTIFIED SURVEY MAP NO. _____

SHEET 3 OF 8

ALL OF LOT 1 OF VOLUME 51 OF CERTIFIED SURVEY MAPS PAGE 147-149 AS MAP No. 7489, AS DOCUMENT No. 2252503 AND A PART OF LOT 75 ACCORDING TO THE RECORDED PLAT OF THE SUBDIVISION OF WILLIAM'S GRANT, LOCATED IN LOTS 74 & 75 ACCORDING TO THE RECORDED PLAT OF THE SUBDIVISION OF WILLIAM'S GRANT, TOWN OF LAWRENCE, BROWN COUNTY, WISCONSIN

200 100 0 200



SCALE - FEET

BEARINGS ARE REFERENCED TO THE NORTHWESTERLY LINE OF LOTS 66-78 WILLIAM'S GRANT SUBDIVISION WHICH BEARS N38°04'30"E PER THE PUBLISHED WISCONSIN COUNTY COORDINATE SYSTEM FOR BROWN COUNTY.

LOT 4
577,119 S.F.
13.249 ACRES

LOT 2
636,234 S.F.
14.606 ACRES

LOT 3
1,173,393 S.F.±
26.937 ACRES±

PROPOSED LOT LINE FOR CSM CURRENTLY UNDER REVIEW

WILLIAM'S GRANT
PARCEL 1
DOC. NO. 2144083

MAPPED LOCATION OF BROWN COUNTY SHORELAND ZONING BUFFER (300' FROM NAVIGABLE STREAM)

20' ENVIRONMENTALLY SENSITIVE AREA (ESA) SETBACK FROM 20% SLOPE

WETLANDS AS DELINEATED BY EVERGREEN CONSULTANTS, LLC DATED SEPT. 2018

35' ENVIRONMENTALLY SENSITIVE AREA (ESA) SETBACK FROM WETLAND LIMITS

APPROXIMATE LOCATION OF NORMAL HIGH WATER LINE AS FIELD LOCATED ON JAN 2, 2019

75' ENVIRONMENTALLY SENSITIVE AREA (ESA) SETBACK FROM NORMAL HIGH WATER LINE OF CREEK

ZONE A LIMITS PER FIRM 55009C0244F WITH AN EFFECTIVE DATE OF AUGUST 18, 2009.

ANY LAND BELOW THE ORDINARY HIGH WATER MARK OF A LAKE OR A NAVIGABLE STREAM IS SUBJECT TO THE PUBLIC TRUST IN NAVIGABLE WATERS THAT IS ESTABLISHED UNDER ARTICLE IX, SECTION 1, OF THE STATE CONSTITUTION

McMAHON
ENGINEERS ARCHITECTS

1445 McMAHON DRIVE NEENAH, WI 54956
Mailing: P.O. BOX 1025 NEENAH, WI 54957-1025
Tel: (920) 751-4200 Fax: (920) 751-4284
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DRAFTED BY: COREY KALKOFEN, PLS

Packet Pg. 36

Attachment: Preliminary CSM (7846) : Recommendation regarding a Proposed Extraterritorial Four Lot Certified Survey Map at 2500 BLK Frenc

CERTIFIED SURVEY MAP NO. _____

SHEET 4 OF 8

ALL OF LOT 1 OF VOLUME 51 OF CERTIFIED SURVEY MAPS PAGE 147–149 AS MAP No. 7489, AS DOCUMENT No. 2252503 AND A PART OF LOT 75 ACCORDING TO THE RECORDED PLAT OF THE SUBDIVISION OF WILLIAM’S GRANT, LOCATED IN LOTS 74 & 75 ACCORDING TO THE RECORDED PLAT OF THE SUBDIVISION OF WILLIAM’S GRANT, TOWN OF LAWRENCE, BROWN COUNTY, WISCONSIN

LINE	BEARING	DISTANCE
L1	N42°53'57"E	38.26'
L2	N32°28'21"E	119.58'
L3	S23°21'45"W	119.86'
L4	N11°35'19"E	210.10'
L5	S78°24'41"E	120.00'
L6	N11°35'19"E	138.73'
L7	N75°15'50"E	33.96'
L8	S11°05'06"E	141.94'
L9	N11°05'06"W	88.28'
L10	S08°44'10"W	52.88'
L11	S28°57'05"W	70.78'
L12	S36°25'58"W	121.37'
L13	S09°35'01"E	42.42'
L14	S24°16'56"W	71.05'
L15	S67°36'27"W	56.31'
L16	N76°52'30"E	53.00'
L17	N11°58'30"E	38.49'
L18	S69°54'51"W	65.49'
L19	S62°00'06"E	79.18'
L20	S36°08'46"W	41.43'
L21	N43°36'28"W	59.72'
L22	N50°45'32"W	55.38'
L23	N23°55'34"E	70.96'
L24	S61°33'31"E	49.50'
L25	S46°05'37"W	69.07'
L26	N21°47'28"W	112.83'
L27	S81°51'23"W	81.93'
L28	S35°44'17"E	54.52'
L29	S78°13'16"W	38.24'
L30	S88°18'44"E	71.61'
L31	S66°02'41"W	44.57'
L32	N76°39'32"W	79.98'
L33	N79°48'32"W	146.43'
L34	N02°20'37"W	94.55'
L35	S79°14'39"E	207.33'
L36	N74°26'24"E	244.62'
L37	N14°55'22"E	112.06'
L38	N55°08'10"E	55.78'
L39	S76°49'15"E	38.04'
L40	N84°00'44"E	62.95'
L41	S11°33'00"W	55.21'
L42	S75°59'27"E	62.83'
L43	S00°44'06"E	45.50'
L44	S66°59'04"E	48.34'
L45	N25°56'53"E	129.61'
L46	N33°54'13"W	50.67'
L47	S30°58'29"E	84.41'
L48	S18°18'28"E	55.69'
L49	S41°31'57"W	137.66'
L50	S04°14'31"E	61.52'
L51	S25°18'01"E	95.93'
L52	N02°42'46"E	66.60'
L53	S17°49'29"W	183.86'
L54	N48°37'08"E	107.37'
L55	N84°56'37"E	71.68'
L56	S64°57'47"E	105.57'
L57	N83°56'29"E	191.51'
L58	S58°39'39"E	107.91'
L59	N70°29'48"E	90.27'
L60	S74°37'15"W	139.23'
L61	N89°34'14"W	161.46'
L62	S61°24'08"W	111.43'
L63	S37°00'45"W	59.51'
L64	S24°09'39"E	146.65'
L65	S06°17'20"E	195.58'
L66	S27°10'30"W	56.43'
L67	N51°01'21"W	63.84'
L68	N27°06'41"W	185.38'
L69	S17°24'29"W	62.00'
L70	N12°04'06"W	118.04'
L71	S46°57'07"W	53.80'
L72	N75°32'10"E	71.76'

CURVE	ARC LENGTH	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1	246.66'	350.00'	40°22'44"	S31°16'29"E	241.59'
LOT 1	21.64'	350.00'	3°32'34"	S49°41'34"E	21.64'
LOT 2	225.02'	350.00'	36°50'10"	S29°30'12"E	221.16'
C2	211.42'	300.00'	40°22'44"	S31°16'29"E	207.08'
C3	174.62'	265.00'	37°45'18"	S29°57'46"E	171.48'
C4	220.75'	335.00'	37°45'18"	S29°57'46"E	216.78'
C5	482.47'	335.00'	82°31'01"	N07°34'54"W	441.84'
LOT 2	164.34'	335.00'	28°06'25"	S34°47'12"E	162.69'
LOT 3	318.13'	335.00'	54°24'36"	N06°28'19"E	306.31'
C6	381.65'	265.00'	82°31'01"	N07°34'54"W	349.51'
C7	90.35'	600.00'	8°37'42"	N37°59'27"E	90.27'
C8	84.63'	530.00'	9°08'58"	N38°15'06"E	84.54'
C9	90.30'	435.00'	11°53'37"	S81°12'39"W	90.14'

Attachment: Preliminary CSM (7846 : Recommendation regarding a Proposed Extraterritorial Four Lot Certified Survey Map at 2500 BLK Frenc

CERTIFIED SURVEY MAP NO. _____

SHEET 5 OF 8

ALL OF LOT 1 OF VOLUME 51 OF CERTIFIED SURVEY MAPS PAGE 147–149 AS MAP No. 7489, AS DOCUMENT No. 2252503 AND A PART OF LOT 75 ACCORDING TO THE RECORDED PLAT OF THE SUBDIVISION OF WILLIAM’S GRANT, LOCATED IN LOTS 74 & 75 ACCORDING TO THE RECORDED PLAT OF THE SUBDIVISION OF WILLIAM’S GRANT, TOWN OF LAWRENCE, BROWN COUNTY, WISCONSIN

SURVEYOR’S CERTIFICATE

I, Douglas E. Woelz, Wisconsin Professional Land Surveyor S–1284, certify that I have surveyed, divided and mapped all of Lot 1 of Volume 51 of Certified Survey Maps Page 147–149 as Map No. 7489, as Document No. 2252503 and a part of Lot 75 according to the recorded plat of the subdivision of William’s Grant, located in Lots 74 & 75 according to the recorded plat of the subdivision of William’s Grant, Town of Lawrence, Brown County, Wisconsin containing 2,672,280 square feet (61.347 acres) more or less of land and more particularly described as follows:

Commencing at the Southwest corner of said Lot 78; thence N38°04’30”E, 2729.85 feet along the Northwesternly line of Lots 66 thru 78 of said recorded plat of the subdivision of William’s Grant to the Northwesternly extension of the Northerly line of said Lot 1 of Volume 51 of Certified Survey Maps Page 147–149 as Map No. 7489, as Document No. 2252503; thence S51°17’35”E, 369.22 feet along said Northwesternly extension to the Northwest corner of said Lot 1, also being the Point of Beginning; thence continuing S51°17’35”E, 1786.50 feet along said Northerly line to the start of a Meander line to a tributary of Ashwaubenon Creek, said Point being N51°17’35”W, 581 feet more or less from said Tributary; thence S38°32’09”W, 539.52 feet along said Meander line to the Southerly line of said Lot 1 and the terminus of said Meander line, said Point being N51°27’51”W, 801 feet more or less from said Tributary; thence S51°27’51”E, 886.25 feet along the Southerly line of Lots 1 & 2 of said Volume 51 of Certified Survey Maps Page 147–149 as Map No. 7489, as Document No. 2252503; thence S35°42’00”W, 537.58 feet to the Southerly line of said Lot 75; thence N51°38’00”W, 2359.54 feet along said Southerly line to the Southeasterly corner of Lands described in Document No. 2732269; thence N37°51’33”E, 26.50 feet along the Southeasterly line of said described Lands to the Northeasterly corner thereof; thence N51°38’00”W, 326.93 feet along the Northeasterly line of said described Lands to the Easterly right-of-way line of French Road (frontage road to I.S.H. ”41”; thence N37°31’33”E, 1063.28 feet along said Easterly right-of-way line to the Point of Beginning. Also including all those Lands lying between the above described meander line and the centerline of the tributary to Ashwaubenon Creek and the respective lot lines extended to said centerline.

That I have made this survey by the direction of the Town of Lawrence (Client) and CCLW, LLC, a Wisconsin Limited Liability Company, being the Owner(s) of said land.

I further certify that this map is a correct representation of the exterior boundary lines of the land surveyed and the division of that land, and that I have complied with section 236.34 of the Wisconsin Statutes, Town of Lawrence and Brown County Subdivision Ordinance in surveying, dividing and mapping the same.

Given under my hand and seal this _____ day of _____, 20____.

Douglas E. Woelz, WI Professional Land Surveyor S–2327

Attachment: Preliminary CSM (7846 : Recommendation regarding a Proposed Extraterritorial Four Lot Certified Survey Map at 2500 BLK Frenc)

CERTIFIED SURVEY MAP NO. _____

SHEET 6 OF 8

ALL OF LOT 1 OF VOLUME 51 OF CERTIFIED SURVEY MAPS PAGE 147–149 AS MAP No. 7489, AS DOCUMENT No. 2252503 AND A PART OF LOT 75 ACCORDING TO THE RECORDED PLAT OF THE SUBDIVISION OF WILLIAM'S GRANT, LOCATED IN LOTS 74 & 75 ACCORDING TO THE RECORDED PLAT OF THE SUBDIVISION OF WILLIAM'S GRANT, TOWN OF LAWRENCE, BROWN COUNTY, WISCONSIN

UTILITY EASEMENT PROVISIONS

An easement for electric, natural gas, and communications service is hereby granted by CCLW, LLC, a Wisconsin Limited Liability Company, Grantor(s) to,

WISCONSIN PUBLIC SERVICE CORPORATION, a Wisconsin Corporation, WISCONSIN BELL, INC. doing business as AT&T Wisconsin, a Wisconsin corporation, and TIME WARNER ENTERTAINMENT COMPANY, LP, Grantees,

their respective successors and assigns, to construct, install, operate, repair, maintain and replace from time to time, facilities used in connection with overhead and underground transmission and distribution of electricity and electric energy, natural gas, telephone and cable TV facilities for such purposes as the same is now or may hereafter be used, all in, over, under, across, along and upon the property shown within those areas on the plat designated as "Utility Easement" and the property designated on the plat for streets and alleys, whether public or private, together with the right to install service connections upon, across, within and beneath the surface of each lot to serve improvements, thereon, or on adjacent lots; also the right to trim or cut down trees, brush and roots as may be reasonably required incidental to the rights herein given, and the right to enter upon the subdivided property for all such purposes. The Grantees agree to restore or cause to have restored, the property, as nearly as is reasonably possible, to the condition existing prior to such entry by the Grantees or their agents. This restoration, however, does not apply to the initial installation of said underground and/or above ground electric facilities, natural gas facilities, or telephone and cable TV facilities or to any trees, brush or roots which may be removed at any time pursuant to the rights herein granted. Structures shall not be placed over Grantees' facilities or in, upon or over the property within the lines marked "Utility Easement" without the prior written consent of Grantees. After installation of any such facilities, the grade of the subdivided property shall not be altered by more than six inches without written consent of grantees. This Utility Easement Provision does not prevent or prohibit others from utilizing or crossing the Utility Easement as the Utility easement(s) are non-exclusive.

The grant of easement shall be binding upon and inure to the benefit of the heirs, successors and assigns of all parties hereto.

NOTES:

A SHORELAND PERMIT FROM THE BROWN COUNTY ZONING ADMINISTRATOR'S OFFICE IS REQUIRED FOR LOT 3 PRIOR TO CONSTRUCTION, FILL OR GRADING ACTIVITY WITHIN 300 FEET OF A STREAM.

LOTS 2, 3 & 4 INCLUDE WETLAND AREAS THAT MAY REQUIRE PERMITS FROM THE WISCONSIN DEPARTMENT OF NATURAL RESOURCES, ARMY CORP OF ENGINEERS, BROWN COUNTY PLANNING COMMISSION, OR THE BROWN COUNTY ZONING ADMINISTRATOR'S OFFICE PRIOR TO ANY DEVELOPMENT ACTIVITY.

THE WDNR SURFACE WATER VIEWER MAP IDENTIFIES WETLAND INDICATOR SOIL TYPES WITHIN THE SUBJECT PROPERTY. DUE TO WETLANDS INDICATOR SOILS, AND/OR WATERWAYS WITHIN THE SUBJECT PROPERTY, COORDINATE WITH WISCONSIN DEPARTMENT OF NATURAL RESOURCES REGARDING POTENTIAL PROTECTIVE AREAS.

THE PROPERTY OWNERS, AT THE TIME OF CONSTRUCTION, SHALL IMPLEMENT THE APPROPRIATE SOIL EROSION CONTROL METHODS OUTLINED IN THE WISCONSIN CONSTRUCTION SITE EROSION AND SEDIMENT CONTROL TECHNICAL STANDARDS (AVAILABLE FROM THE WISCONSIN DEPARTMENT OF NATURAL RESOURCES) TO PREVENT SOIL EROSION. HOWEVER, IF AT THE TIME OF CONSTRUCTION THE TOWN HAS AN ADOPTED SOIL EROSION CONTROL ORDINANCE, IT SHALL GOVERN OVER THIS REQUIREMENT. THIS PROVISION APPLIES TO ANY GRADING, CONSTRUCTION, OR INSTALLATION-RELATED ACTIVITIES.

ESA RESTRICTIVE COVENANT:

LOTS 2, 3 & 4 CONTAIN AN ENVIRONMENTALLY SENSITIVE AREA (ESA) AS DEFINED IN THE BROWN COUNTY SEWAGE PLAN. THE ESA INCLUDES WETLANDS, ALL LAND WITHIN 35 FEET OF WETLANDS 2 ACRES OR GREATER, FLOODWAY, ALL LAND WITHIN 35 FEET OF THE FLOODWAY OR 75 FEET BEYOND THE ORDINARY HIGH WATER MARK – WHICHEVER IS GREATER, NAVIGABLE WATERWAYS, ALL LAND WITHIN 75 FEET OF THE ORDINARY HIGH WATER MARK OF NAVIGABLE WATERWAYS AND STEEP SLOPES OF 20% OR GREATER ASSOCIATED WITH ANY AFOREMENTIONED WATER OR NATURAL RESOURCE FEATURES AND A 20-FOOT SETBACK FROM TOP AND BOTTOM OF STEEP SLOPES. DEVELOPMENT AND LAND DISTURBING ACTIVITIES ARE RESTRICTED IN THE ESA UNLESS AMENDMENTS ARE APPROVED BY THE BROWN COUNTY PLANNING COMMISSION AND THE WISCONSIN DEPARTMENT OF NATURAL RESOURCES.

LOT DRAINAGE RESTRICTIVE COVENANT:

THE LAND ON ALL SIDE AND REAR LOT LINES OF ALL LOTS SHALL BE GRADED BY THE LOT OWNER AND MAINTAINED BY THE ABUTTING PROPERTY OWNERS TO PROVIDE FOR ADEQUATE DRAINAGE OF SURFACE WATER.

SHEET 7 OF 8

ALL OF LOT 1 OF VOLUME 51 OF CERTIFIED SURVEY MAPS PAGE 147-149 AS
MAP No. 7489, AS DOCUMENT No. 2252503 AND A PART OF LOT 75 ACCORDING
TO THE RECORDED PLAT OF THE SUBDIVISION OF WILLIAM'S GRANT, LOCATED IN
LOTS 74 & 75 ACCORDING TO THE RECORDED PLAT OF THE SUBDIVISION OF
WILLIAM'S GRANT, TOWN OF LAWRENCE, BROWN COUNTY, WISCONSIN

CERTIFICATE OF TREASURER

As duly elected Brown County Treasurer, I hereby certify that the records in our office show no unredeemed taxes and no unpaid or special assessments affecting any of the lands included in this Certified Survey Map as of the date listed below.

County Treasurer	Date
Paul D. Zeller	

EXTRATERRITORIAL REVIEW
CITY OF DE PERE

Pursuant to the City of De Pere, all requirements for approval have been fulfilled. This Certified Survey Map was approved this _____ day of _____, 20____.

Authorized Signature

Date _____

Printed Name, Title

NOTES:

THIS CSM IS ALL OF PARCEL NO.S L-454 and L-455-1.

THE PROPERTY OWNER OF RECORD IS CCLW, LLC, A WISCONSIN LIMITED LIABILITY COMPANY.

THIS PROPERTY IS CONTAINED WHOLLY WITHIN LANDS DESCRIBED
IN DOCUMENT NO. 2144083.

WDNR NOTES:

THE PARCEL HAS MAPPED WETLANDS AND/OR WETLAND INDICATOR SOILS PRESENT. IF THE CURRENT OR FUTURE LANDOWNER HAS PLANS FOR LAND DISTURBANCE, CONSTRUCTION WORK, GRADING/FILLING, ETC., THE FIRST STEP IS FOR THE LANDOWNER TO HIRE A WETLAND PROFESSIONAL TO REVIEW THE AREA FOR THE PRESENCE OF WETLANDS. A PROJECT THAT RESULTS IN FILLING OF WETLANDS (THROUGH LAND DISTURBING ACTIVITIES) WILL NEED TO COMPLY WITH WETLAND REGULATIONS. FOR MORE INFORMATION ON WETLANDS, PLEASE VISIT [HTTP://DNR.WI.GOV/TOPIc/WATERWAYS/CONSTRUCTION/WETLANDS.HTML](http://DNR.WI.GOV/TOPIc/WATERWAYS/CONSTRUCTION/WETLANDS.HTML).

A PUBLIC (NAVIGABLE) WATERWAY MAY EXIST ON THE PROPERTY. PERMITS MAY BE REQUIRED FOR PROPOSED PROJECTS IN/AROUND A PUBLIC WATERWAY. FOR MORE INFORMATION ON WATERWAY ACTIVITIES, PLEASE VISIT THE DEPARTMENT'S HOMEPAGE ON WETLAND/WATERWAY ACTIVITIES AT [HTTP://DNR.WI.GOV/Topic/Waterways/](http://DNR.WI.GOV/Topic/Waterways/).

FOR PLANNED LAND DISTURBANCES OVER 1 ACRE, PLEASE VISIT
[HTTP://DNR.WI.GOV/TOPIC/STORMWATER/](http://DNR.WI.GOV/TOPIC/STORMWATER/) TO LEARN IF YOU NEED A STORM WATER CONSTRUCTION
 SITE PERMIT.

FOR FEDERAL WETLAND REGULATIONS, PLEASE CONTACT THE ARMY CORPS OF ENGINEERS AT 920-448-2824 TO LEARN IF A FEDERAL WETLAND APPROVAL IS REQUIRED FOR SITE DEVELOPMENT.

CERTIFIED SURVEY MAP NO. _____

SHEET 8 OF 8

ALL OF LOT 1 OF VOLUME 51 OF CERTIFIED SURVEY MAPS PAGE 147–149 AS
MAP No. 7489, AS DOCUMENT No. 2252503 AND A PART OF LOT 75 ACCORDING
TO THE RECORDED PLAT OF THE SUBDIVISION OF WILLIAM’S GRANT, LOCATED IN
LOTS 74 & 75 ACCORDING TO THE RECORDED PLAT OF THE SUBDIVISION OF
WILLIAM’S GRANT, TOWN OF LAWRENCE, BROWN COUNTY, WISCONSIN

OWNER CERTIFICATE(S)

CCLW, LLC, a Wisconsin Limited Liability Company, as Owner(s), I/We hereby certify that
I/we caused the land described on this Certified Survey Map to be surveyed, divided,
mapped and dedicated as represented on this Certified Survey Map. I/We also certify that
this Certified Survey Map is required to be submitted to the following for approval.

Town of Lawrence
City of De Pere–extraterritorial
Brown County

Dated this _____ day of _____, 20____.

Authorized Signature & Title
CCLW, LLC

Authorized Signature & Title
CCLW, LLC

Printed Name & Title

Printed Name & Title

State of Wisconsin)
_____)ss
_____ County)

Personally appeared before me on the _____ day of _____, 20____, the
above named persons to me known to be the persons who executed the foregoing
instrument, and acknowledged the same.

Notary Public
_____ County, _____

My commission expires _____

TOWN OF LAWRENCE APPROVAL

Approved by the Town Board of the Town of Lawrence on this _____ day of
_____, 20____.

Dr. Lanny J. Tibaldo, Town Chairperson

Date

Cindy Kocken, Town Clerk

Date

BROWN COUNTY PLANNING COMMISSION APPROVAL

Approved by the Brown County Planning Commission this _____ day
of _____, 20____.

Dan Teaters, Senior Planner, Brown County Planning Commission

Attachment: Preliminary CSM (7846 : Recommendation regarding a Proposed Extraterritorial Four Lot Certified Survey Map at 2500 BLK Frenc)



City of De Pere, Wisconsin

Request For Plan Commission Action

MEETING DATE: February 5, 2019

DEPARTMENT: Planning

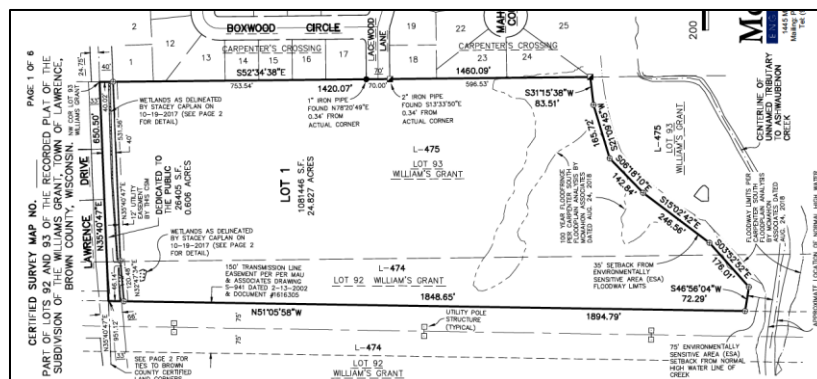
FROM: Peter Schleinz

SUBJECT: Recommendation regarding a Proposed Extraterritorial One Lot Certified Survey Map at 2700 BLK Lawrence Drive in the Town of Lawrence (Part of Parcels L-474 & L-475). Submitted by Doug Woelz, PLS, McMahon Associates, authorized representative for Town of Lawrence, property owner.*

ATTACHMENTS:

- CSM - Lawrence Land - Plan Commission Report (DOCX)
- Application Form (PDF)
- Preliminary CSM (PDF)

- ITEM 6:** Recommendation regarding a Proposed Extraterritorial One Lot Certified Survey Map at 2700 BLK Lawrence Drive in the Town of Lawrence (Part of Parcels L-474 & L-475). Submitted by Doug Woelz, PLS, McMahon Associates, authorized representative for Town of Lawrence, property owner.*

SITE MAP**PROPOSED CERTIFIED SURVEY MAP AREA**

- REQUESTED ACTION:** Extraterritorial Certified Survey Map Review
- COMMON DESCRIPTION:** 2700 BLK Lawrence Drive, located between Mahogany Trail and Little Rapids Road in the Town of Lawrence.
- PARCEL NUMBER(S):** Part of Parcels L-474 & L-475

EXISTING ZONING: Agricultural-Farmland Preservation District (AG-FP) or Town of Lawrence (formerly Exclusive Agriculture District). Proposed for residential development.

SURROUNDING LAND USES: Residential to the north.
Agricultural to the south, east, and west, some residential to the west.

COMPREHENSIVE PLAN: Residential for Town of Lawrence.

APPLICANT/OWNER NAME: Doug Woelz, PLS, Town of Lawrence
McMahon Associates Property owner
Authorized representative 2400 Shady Court
1445 McMahon Drive De Pere, WI 54115
Neenah, WI 54956

SITE HISTORY: After a review of air photographs, the site has remained vacant for agricultural use since 1938.

In January 2019, both a CSM and a preliminary plat were submitted to the City for review for the same subject area. The intent of the CSM is to divide a portion of the Town owned land, which is necessary to create the boundary for the residential plat development. Plan Commission will review both the CSM and the plat in sequential order on January 28, 2019.

The land division is within the Sewer Service Area for the Town of Lawrence. There are known environmentally sensitive areas on the property, which will be addressed by Brown County Planning Commission. The CSM does not create any new lots.

STAFF REVIEW: When reviewing a Certified Survey Map, staff considers State Statutes 236, Section 46-8 of the De Pere Platting and Division of Land Code, the future land use recommendation of the Comprehensive Plan, surrounding land uses, and desired development patterns.

- The proposed CSM does not create any new land division. Rather, an area of platted land is broken off from two unplatted remnant parcels. The unplatted remnants are outlined in blue on the Site Map for this report
- The lot exceeds the minimum lot size of 10,000 square feet and the lot exceeds the minimum street frontage of 85 feet, in anticipation of future residential development
- There is one issue that must be addressed for the CSM:
 - The City of De Pere Certificate should be modified to reference the date the Clerk/Treasurer signs the document AND the date the City of De Pere approved the document

The Certified Survey Map meets the criteria of State Statutes 236 and Section 46-8 of the De Pere Platting and Division of Land Code. The

proposed land division provides opportunities for infill development and does not impact the Comprehensive Plan negatively. The proposed lot sizes, street frontages, and setbacks meet acceptable City requirements.

REVIEW PROCESS:

For extraterritorial certified survey map petitions the Plan Commission provides either an approval, rejection with reason, or approval with conditions decision. The Common Council also reviews and provides a final decision of approval or rejection. Common Council is expected to take action on February 5, 2019.

STAFF RECOMMENDATION:

Staff recommends APPROVAL of the certified survey map, subject to:

1. Meeting all other state and local regulations, including Brown County Planning Commission.
2. The City of De Pere Certificate should be modified to reference the date the Clerk/Treasurer signs the document AND the date the City of De Pere approved the document.



CITY OF DE PERE

APPLICATION FOR
CSM REVIEW

Fee: \$ 368.00

Receipt #: 138797

Date: 1-08-18

Read all instructions provided before completing. If additional space is needed, attach additional pages. Type or use black ink.

SECTION 1: Applicant / Permittee Information

Applicant Name (Ind., Org. or Entity) McMahon Associates	Authorized Representative Doug Woelz	Title Land Surveyor	
Mailing Address 1445 McMahon Drive	City Neenah	State Wisconsin	ZIP Code 54956
Email Address Dwoelz@mcmgrp.com	Phone Number (incl. area code) 920-751-4200	Fax Number (incl. area code) 920-751-4284	

SECTION 2: Landowner Information (complete these fields when project site owner is different than applicant)

Name (Ind. Org. or Entity) Town of Lawrence	Contact Person Patrick Wetzel	Title Administrator	
Mailing Address 2400 Shady Court	City De Pere	State Wisconsin	ZIP Code 54115
Email Address PatrickW@townoflawrence.org	Phone Number (incl. area code) 920-347-3710	Fax Number (incl. area code)	

SECTION 3: Project or Site Location

Project Address/Description Part of Lots 92 & 93 Plat of the Sub of Williams Grant Town of Lawrence	Parcel No. Part of L-474 & L-475
--	-------------------------------------

SECTION 4: CSM Information

Existing Zoning:	
Present Use of Parcel:	Farmland
Proposed Use of Lots:	Residential

Please submit 1 hard copy and 1 PDF copy of the CSM if the property is located within the City
or if the property is located within the extraterritorial jurisdiction.

SECTION 5: Certification and Permission

Certification: I hereby certify that I am the owner or authorized representative of the owner of the property which is the subject of this Permit Application. I certify that the information contained in this form and attachments is true and accurate. I certify that the project will be in compliance with all permit conditions. I understand that failure to comply with any or all of the provisions of the permit may result in permit revocation and a fine and/or forfeiture under the provisions of applicable laws.

Permission: I hereby give the City permission to enter and inspect the property at reasonable times, to evaluate this notice and application, and to determine compliance with any resulting permit coverage.

Name of Owner/Authorized Representative (please print) Douglas E. Woelz	Title Land Surveyor	Phone Number 920-751-4200
Signature of Applicant 		Date Signed 1-4-2019

TO BE COMPLETED BY CITY STAFF

CSM Review authorized by the De Pere Municipal Code, Chapter 46.

Attachment: Application Form (7847 : Recommendation regarding a Proposed Extraterritorial One Lot Certified Survey Map at 2700 BLK



TRANSMITTAL

DATE: January 4, 2019

To: Town of Lawrence
2400 Shady Court
De Pere, Wisconsin 54115
Attn: Patrick Wetzel

SUBJECT: Town of Lawrence
Certified Survey Map for land swap
with CCLW, LLC

MCM No. L0017 9-18-00563.08

E-MAIL: _____

SENT VIA: ☒ E-mail ☒ CDS
☐ UPS / FedEx ☐ Other _____

PHONE: _____

FROM: Doug Woelz/McMahon Associates

E-MAIL: Dwoelz@mcmgrp.com

WE ARE SENDING YOU THE FOLLOWING:

QUANTITY:	DATE:	TITLE/DESCRIPTION:
3	1-4-19	Certified Survey Map
1	1-4-19	Planning & Zoning / Site Review Application
1	1-4-19	City of De Pere Application for CSM Review
1	1-4-19	\$368.00 Check – Review Fee
1	1-4-19	BROWN COUNTY PLANNING COMMISSION REVIEW APPLICATION
1	1-4-19	\$650.00 Check – Review Fee

REMARKS:

Please place the enclosed Certified Survey Map on your agenda for review and notify our office as to your review schedules. I will plan to attend any meetings necessary to answer any questions. Originals of the CSM will be provided for signatures and recording after all review comments have been obtained.

Copy to: Brown County Planning

THANK YOU,

COPY TO:

City of De Pere – Community
Development
335 S. Broadway
De Pere, Wisconsin 54115

SIGNED:

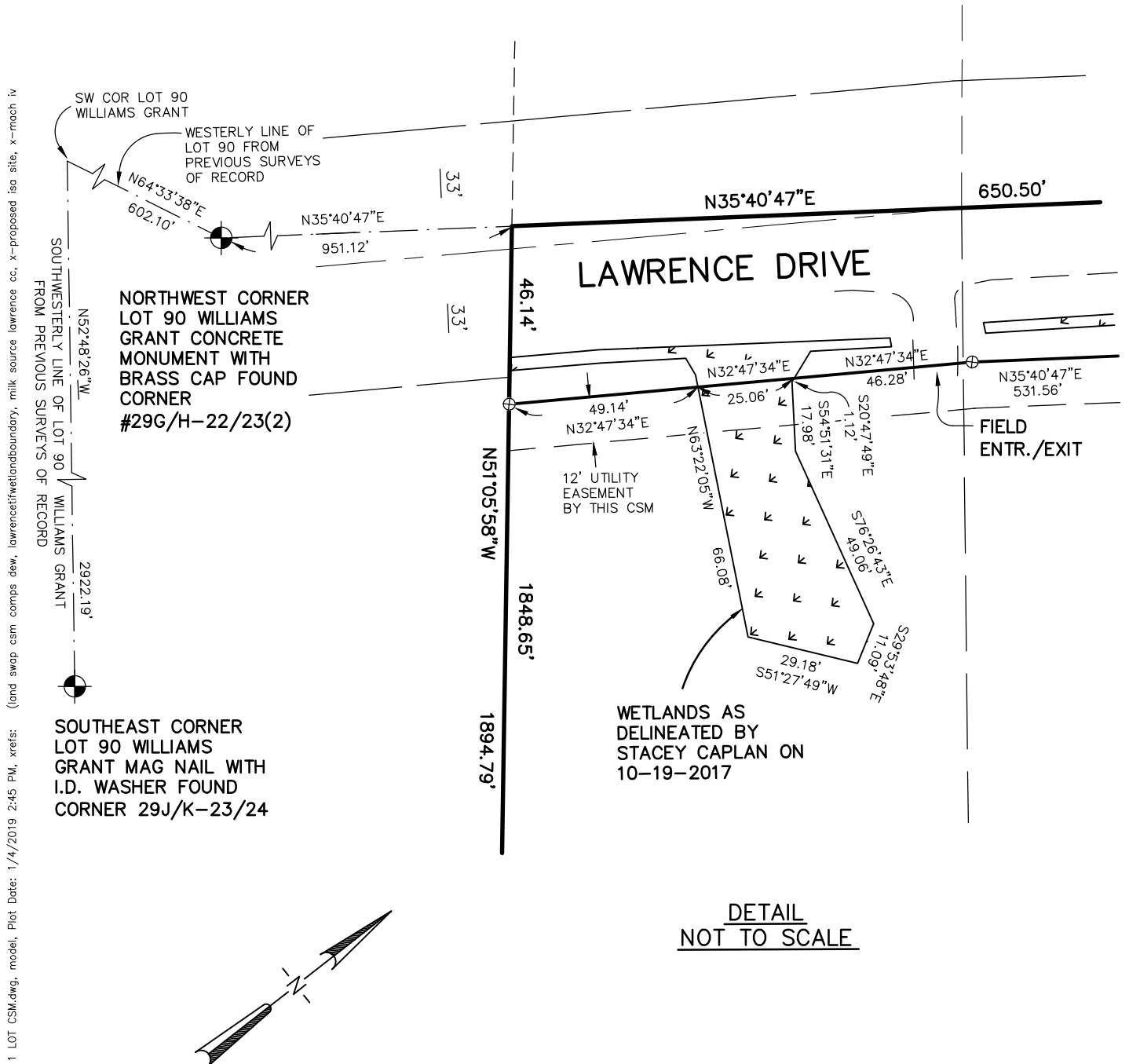
Douglas E. Woelz

If Enclosures Are Not As Noted, Kindly Notify Us At Once

CERTIFIED SURVEY MAP NO. _____

PAGE 2 OF 6

PART OF LOTS 92 AND 93 OF THE RECORDED PLAT OF THE SUBDIVISION OF THE WILLIAMS GRANT, TOWN OF LAWRENCE, BROWN COUNTY, WISCONSIN.



LEGEND

- ⊗ - 1.315" O.D. X 24" IRON PIPE WEIGHING 1.68 lbs./lineal ft. SET
- - 1" IRON PIPE FOUND (1.315" O.D.)
- - 2" IRON PIPE FOUND (2.375" O.D.)
- ⊙ - CERTIFIED LAND CORNER BROWN COUNTY
- () - RECORDED BEARING AND/OR DISTANCE
- S.F. - SQUARE FEET

McMAHON
ENGINEERS ARCHITECTS

1445 McMAHON DRIVE NEENAH, WI 54956
Mailing: P.O. BOX 1025 NEENAH, WI 54957-1025
Tel: (920) 751-4200 Fax: (920) 751-4284
www.mcmgrp.com

DRAFTED BY: DOUG WOELZ

Packet Pg. 49

Attachment: Preliminary CSM (7847 : Recommendation regarding a Proposed Extraterritorial One Lot Certified Survey Map at 2700 BLK Lawren)

dwoelz, W:\PROJECTS\10017\91800563\CADD\Civil3D\Survey Documents\CSM\Lawrence Carpenter South 1 Lot CSM.dwg, model, Plot Date: 1/4/2019 2:45 PM, xrefs: (land swap csm comps dew, lawrencetifwetlandboundary, milk source lawrence cc, x-proposed iso site, x-mach iv topo points)

CERTIFIED SURVEY MAP NO.

SURVEYOR'S CERTIFICATE

Commencing at the Southeast Corner of Lot 90 of said Williams Grant; Thence N52°48'26"W, 2922.19 feet along the Southwesterly line of said Lot 90 to the Southwest corner thereof; Thence N64°33'38"E, 602.10 feet along the Westerly line of said Lot 90 to the Northwest corner thereof; Thence N35°40'47"E, 951.12 feet along the Westerly line of Lots, 91 and 92 of Williams Grant to the Northerly line of a Transmission Line Easement per Document No. 1616305 located by Mau & Associates on Drawing No. S-941 dated 2-13-2002 and the Point of Beginning; Thence continuing N35°40'47"E, 650.50 feet along the Westerly line of Lots 92 and 93 of said Williams Grant to the Northwest corner of said Lot 93; Thence S52°34'38"E, 1460.09 feet along the Northerly line of said Lot 93; Thence S31°15'38"W, 83.51 feet; Thence S21°09'45"W, 165.72 feet; Thence S06°18'10"E, 142.84 feet; Thence S15°02'42"E, 246.56 feet; Thence S03°52'52"E, 176.01 feet; Thence S46°56'04"W, 72.29 feet to the Northerly line of said Transmission Line Easement per Document No. 1616305 and as located by Mau & Associates on 02-13-2002; Thence N51°05'58"W, 1894.79 feet along said Northerly line to the Point of Beginning.

I further certify that this map is a correct representation of the exterior boundary lines of the land surveyed and the division of that land, and that I have complied with section 236.34 of the Wisconsin Statutes, Town of Lawrence and Brown County Subdivision Ordinance in surveying, dividing and mapping the same.

Given under my hand and seal this _____ day of _____, 20____.

Douglas E. Woelz, WI Professional Land Surveyor S-2327

CERTIFICATE OF TREASURER

As duly elected Brown County Treasurer, I hereby certify that the records in our office show no unredeemed taxes and no unpaid or special assessments affecting any of the lands included in this Certified Survey Map as of the date listed below.

County Treasurer	Date
Paul D. Zeller	

EXTRATERRITORIAL REVIEW
CITY OF DE PERE

Pursuant to the City of De Pere, all requirements for approval have been fulfilled. This Certified Survey Map was approved this _____ day of _____, 20____.

Authorized Signature _____

Date _____

Printed Name, Title

CERTIFIED SURVEY MAP NO. _____
PART OF LOTS 92 AND 93 OF THE RECORDED PLAT OF THE SUBDIVISION OF THE WILLIAMS
GRANT, TOWN OF LAWRENCE, BROWN COUNTY, WISCONSIN.

OWNER CERTIFICATE

Town of Lawrence, as Owners, We hereby certify that we caused the land described on this
Certified Survey Map to be surveyed, divided, mapped and dedicated together with the
granting of a 12 foot utility easement 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.

Town of Lawrence
City of De Pere
Brown County

Dated this _____ day of _____, 20____.

Patrick Wetzel,
Town Administrator

Cindy Kocken
Town Clerk

State of Wisconsin)
_____)ss
_____ County)

Personally appeared before me on the _____ day of _____, 20____, the
above named persons to me known to be the persons who executed the foregoing
instrument, and acknowledged the same.

Notary Public
_____ County, _____

My commission expires _____

TOWN OF LAWRENCE APPROVAL

Approved by the Town Board of the Town of Lawrence on this _____ day of
_____, 20____.

Dr. Lanny J. Tibaldo, Town Chairperson

Date

Cindy Kocken, Town Clerk

Date

BROWN COUNTY PLANNING COMMISSION APPROVAL

Approved by the Brown County Planning Commission this _____ day of
_____, 20____.

Dan Teaters, Senior Planner, Brown County Planning Commission

Attachment: Preliminary CSM (7847 : Recommendation regarding a Proposed Extraterritorial One Lot Certified Survey Map at 2700 BLK Lawren)

CERTIFIED SURVEY MAP NO. _____

PART OF LOTS 92 AND 93 OF THE RECORDED PLAT OF THE SUBDIVISION OF THE WILLIAMS GRANT, TOWN OF LAWRENCE, BROWN COUNTY, WISCONSIN.

NOTES

THIS CSM IS PART OF TAX PARCEL NO.S, L-474 and L-475.

THE PROPERTY OWNER OF RECORD IS: TOWN OF LAWRENCE

THIS PROPERTY IS CONTAINED WHOLLY WITHIN LANDS DESCRIBED IN DOCUMENT NO. 2809353.

THE PROPERTY OWNERS, AT THE TIME OF CONSTRUCTION, SHALL IMPLEMENT THE APPROPRIATE SOIL EROSION CONTROL METHODS OUTLINED IN THE WISCONSIN CONSTRUCTION SITE EROSION AND SEDIMENT CONTROL TECHNICAL STANDARDS (AVAILABLE FROM THE WISCONSIN DEPARTMENT OF NATURAL RESOURCES) TO PREVENT SOIL EROSION. HOWEVER, IF AT THE TIME OF CONSTRUCTION THE TOWN HAS AN ADOPTED SOIL EROSION CONTROL ORDINANCE, IT SHALL GOVERN OVER THIS REQUIREMENT. THIS PROVISION APPLIES TO ANY GRADING, CONSTRUCTION, OR INSTALLATION-RELATED ACTIVITIES."

FOR PLANNED LAND DISTURBANCES OVER 1 ACRE, PLEASE VISIT [HTTP://DNR.WI.GOV/TOPIC/STORMWATER/](http://DNR.WI.GOV/TOPIC/STORMWATER/) TO LEARN IF YOU NEED A STORM WATER CONSTRUCTION SITE PERMIT.

FOR FEDERAL WETLAND REGULATIONS, PLEASE CONTACT THE ARMY CORPS OF ENGINEERS AT 920-448-2824 TO LEARN IF A FEDERAL WETLAND APPROVAL IS REQUIRED FOR SITE DEVELOPMENT.

A SHORELAND PERMIT FROM BROWN COUNTY ZONING ADMINISTRATOR'S OFFICE IS REQUIRED FOR LOTS 1 & 2 PRIOR TO CONSTRUCTION, FILL, EXCAVATION, OR GRADING ACTIVITY WITHIN 300 FEET OF A STREAM.

THE LOCATION OF THE APPROXIMATE ORDINARY HIGH WATER MARK SHALL BE THE POINT ON THE BANK OF THE NAVIGABLE STREAM UP TO WHICH THE PRESENCE AND ACTION OF SURFACE WATER IS SO CONTINUOUS AS TO LEAVE A DISTINCTIVE MARK BY EROSION, DESTRUCTION OF TERRESTRIAL VEGETATION, OR OTHER RECOGNIZED CHARACTERISTICS.

LOT 1 INCLUDES A WETLAND AREA THAT MAY REQUIRE PERMITS FROM THE WISCONSIN DEPARTMENT OF NATURAL RESOURCES, ARMY CORP OF ENGINEERS, BROWN COUNTY PLANNING COMMISSION, OR THE BROWN COUNTY ZONING ADMINISTRATOR'S OFFICE PRIOR TO ANY DEVELOPMENT ACTIVITY.

A PUBLIC (NAVIGABLE) WATERWAY IS ON AND/OR WITHIN 500 FT OF THE PROPERTY. PERMITS MAY BE REQUIRED FOR PROPOSED PROJECTS IN/AROUND A PUBLIC WATERWAY. FOR MORE INFORMATION ON WATERWAY ACTIVITIES, PLEASE VISIT THE DEPARTMENT'S HOMEPAGE ON WETLAND/WATERWAY ACTIVITIES AT [HTTP://DNR.WI.GOV/TOPIC/WATERWAYS/](http://DNR.WI.GOV/TOPIC/WATERWAYS/).

ESA RESTRICTIVE COVENANT:

LOT 1 CONTAINS AN ENVIRONMENTALLY SENSITIVE AREA (ESA) AS DEFINED IN THE BROWN COUNTY SEWAGE PLAN. THE ESA INCLUDES WETLANDS, ALL LAND WITHIN 35 FEET OF WETLANDS 2 ACRES OR GREATER, NAVIGABLE WATERWAYS, ALL LAND WITHIN 75 FEET OF THE ORDINARY HIGH WATER MARK OF NAVIGABLE WATERWAYS, AND STEEP SLOPES OF 20% OR GREATER ASSOCIATED WITH ANY AFOREMENTIONED WATER OR NATURAL RESOURCE FEATURES AND A 20-FOOT SETBACK FROM TOP AND BOTTOM OF STEEP SLOPES. DEVELOPMENT AND LAND DISTURBING ACTIVITIES ARE RESTRICTED IN THE ESA UNLESS AMENDMENTS ARE APPROVED BY THE BROWN COUNTY PLANNING COMMISSION AND THE WISCONSIN DEPARTMENT OF NATURAL RESOURCES.

PER US ARMY REGULATORY GUIDANCE LETTER NO. 05-02, DATED JUNE 14, 2005: ALL APPROVED WETLAND DETERMINATIONS COMPLETED AND/OR VERIFIED BY THE US ARMY CORPS OF ENGINEERS MUST BE IN WRITING AND WILL REMAIN VALID FOR A PERIOD OF FIVE YEARS, UNLESS NEW INFORMATION WARRANTS REVISION OF THE DETERMINATION BEFORE THE EXPIRATION DATE, OR A DISTRICT ENGINEER IDENTIFIES SPECIFIC GEOGRAPHIC AREAS WITH RAPIDLY CHANGING ENVIRONMENTAL CONDITIONS THAT MERIT RE-VERIFICATION ON A MORE FREQUENT BASIS.

CERTIFIED SURVEY MAP NO. _____

PART OF LOTS 92 AND 93 OF THE RECORDED PLAT OF THE SUBDIVISION OF THE WILLIAMS GRANT, TOWN OF LAWRENCE, BROWN COUNTY, WISCONSIN.

UTILITY EASEMENT PROVISIONS

An easement for electric, natural gas, and communications service is hereby granted by CCLW, LLC, a Wisconsin Limited Liability Company, Grantor(s) to,

WISCONSIN PUBLIC SERVICE CORPORATION, a Wisconsin Corporation, WISCONSIN BELL, INC. doing business as AT&T Wisconsin, a Wisconsin corporation, and TIME WARNER ENTERTAINMENT COMPANY, LP, Grantees,

their respective successors and assigns, to construct, install, operate, repair, maintain and replace from time to time, facilities used in connection with overhead and underground transmission and distribution of electricity and electric energy, natural gas, telephone and cable TV facilities for such purposes as the same is now or may hereafter be used, all in, over, under, across, along and upon the property shown within those areas on the plat designated as "Utility Easement" and the property designated on the plat for streets and alleys, whether public or private, together with the right to install service connections upon, across, within and beneath the surface of each lot to serve improvements, thereon, or on adjacent lots; also the right to trim or cut down trees, brush and roots as may be reasonably required incidental to the rights herein given, and the right to enter upon the subdivided property for all such purposes. The Grantees agree to restore or cause to have restored, the property, as nearly as is reasonably possible, to the condition existing prior to such entry by the Grantees or their agents. This restoration, however, does not apply to the initial installation of said underground and/or above ground electric facilities, natural gas facilities, or telephone and cable TV facilities or to any trees, brush or roots which may be removed at any time pursuant to the rights herein granted. Structures shall not be placed over Grantees' facilities or in, upon or over the property within the lines marked "Utility Easement" without the prior written consent of Grantees. After installation of any such facilities, the grade of the subdivided property shall not be altered by more than six inches without written consent of grantees. This Utility Easement Provision does not prevent or prohibit others from utilizing or crossing the Utility Easement as the Utility easement(s) are non-exclusive.

The grant of easement shall be binding upon and inure to the benefit of the heirs, successors and assigns of all parties hereto.



City of De Pere, Wisconsin

Request For Plan Commission Action

MEETING DATE: February 5, 2019

DEPARTMENT: Planning

FROM: Peter Schleinz

SUBJECT: Recommendation regarding a Proposed Extraterritorial 39 Lot and 1 Outlot preliminary plat of Carpenter's Crossing South at 2700 BLK Lawrence Drive in the Town of Lawrence (Part of Parcels L-474 & L-475). Submitted by Joel Ehrfurth, Mach IV, authorized representative for Town of Lawrence, property owner.*

ATTACHMENTS:

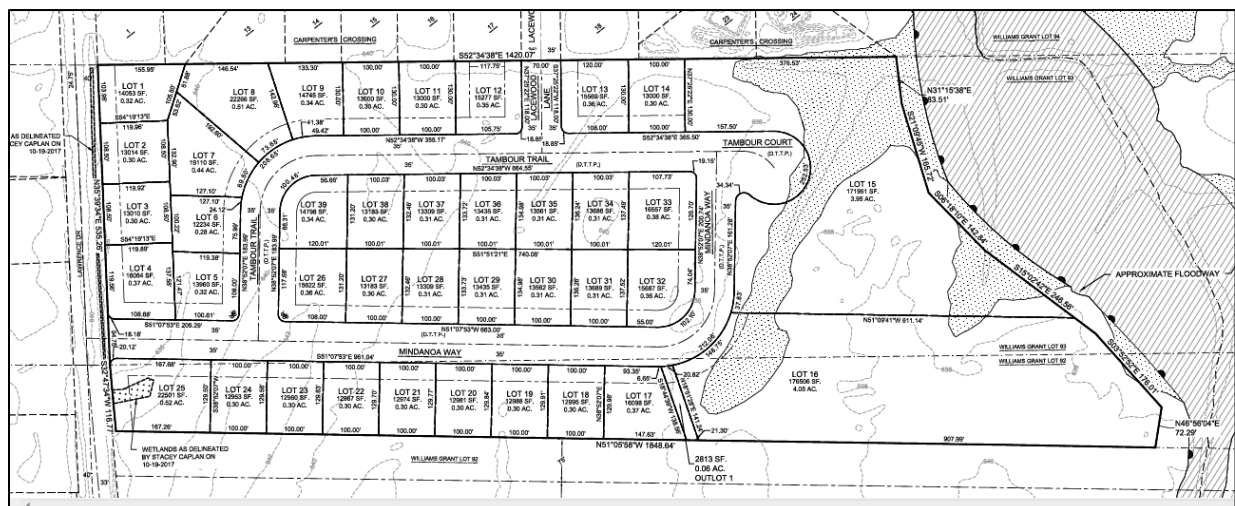
- Ex PrePlat - Carpenter's Crossing South - Plan Commission Report (DOCX)
- Application Form (PDF)
- Preliminary Plat (PDF)

- ITEM 7:** Recommendation regarding a Proposed Extraterritorial 39 Lot and 1 Outlot preliminary plat of Carpenter's Crossing South at 2700 BLK Lawrence Drive in the Town of Lawrence (Part of Parcels L-474 & L-475). Submitted by Joel Ehrfurth, Mach IV, authorized representative for Town of Lawrence, property owner.*

SITE MAP



PROPOSED PRELIMINARY PLAT AREA



REQUESTED ACTION:	Extraterritorial Preliminary Plat Approval.	
COMMON DESCRIPTION:	2700 BLK Lawrence Drive, located between Mahogany Trail and Little Rapids Road in the Town of Lawrence.	
PARCEL NUMBER(S):	Part of Parcels L-474 & L-475	
EXISTING ZONING:	Agricultural-Farmland Preservation District (AG-FP) for Town of Lawrence (formerly Exclusive Agriculture District). Proposed for residential development.	
SURROUNDING LAND USES:	Residential to the north. Agricultural to the south, east, and west, some residential to the west.	
COMPREHENSIVE PLAN:	Residential for Town of Lawrence.	
APPLICANT/OWNER NAME:	Joel Ehrfurth Mach IV Authorized representative 2260 Salscheider Ct Green Bay, WI 54313	Town of Lawrence Property Owner 2400 Shady Ct De Pere, WI 54115
SITE HISTORY:	After a review of air photographs, the site has remained vacant for agricultural use since 1938. In January 2019, both a CSM and a preliminary plat were submitted to the City for review for the same subject area. The intent of the CSM is to divide a portion of the Town owned land, which is necessary to create the boundary for the residential plat development. Plan Commission will review both the CSM and the plat in sequential order on January 28, 2019. The land division is within the Sewer Service Area for the Town of Lawrence. There are known environmentally sensitive areas on the property, which will be addressed by Brown County Planning Commission. The CSM does not create any new lots.	
STAFF REVIEW:	When reviewing a preliminary plat, staff considers State Statutes 236 Sections 46-3 through 46-7 of the De Pere Platting and Division of Land Code, the future land use recommendation of the Comprehensive Plan, surrounding land uses, and desired development patterns. • An area of platted land is broken off from the two unplatted remnant parcels. The unplatted remnants are outlined in blue on the Site Map for this report • The property has one outlot that is proposed to become part of a public park/trail system. • The 39 lots are intended for single family residential development	

- The street pattern provides a connection to Lawrence Drive and to the existing residential area to the north via Lacewood Lane
- The lots exceed the City Municipal Code minimum requirements for a lot size of 8,000 square feet and street frontage of 75 feet, in anticipation of future residential development
- There is one issue that must be addressed for the CSM:
 - The City of De Pere Certificate should be modified to reference the date the Clerk/Treasurer signs the document AND the date the City of De Pere approved the document

In summary, the preliminary extraterritorial plat meets the criteria of State Statutes 236 and Sections 46-3 through 46-7 of the De Pere Platting and Division of Land Code. The proposed land division does not impact the Comprehensive Plan negatively. The proposed lot size, street frontage, and setbacks meet acceptable City requirements.

REVIEW PROCESS:

For extraterritorial preliminary plat petitions, the Plan Commission provides either an approval, rejection with reason, or approval with conditions decision. The Common Council also reviews preliminary extraterritorial plats. The Common Council is expected to review the City plat on February 5, 2019.

**STAFF
RECOMMENDATION:**

Staff recommends APPROVAL of the preliminary extraterritorial plat and forwarding the plat to the Common Council for preliminary approval, subject to:

1. Meeting all other state and local regulations, including the Town of Lawrence, City of De Pere, and Brown County Planning Commission.
2. The City of De Pere Certificate should be modified to reference the date the Clerk/Treasurer signs the document AND the date the City of De Pere approved the document.



CITY OF DE PERE
APPLICATION FOR
PLAT REVIEW

RECEIVED
 JAN 11 2019

Fee: \$ 2930.
 Receipt #: 00138910
 Date: 11 Jan 2019

Read all instructions provided before completing. If additional space is needed, attach additional pages. Type or use black ink.

SECTION 1: Applicant / Permittee Information

Applicant Name (Ind., Org. or Entity) Mach IV Engineering & Surveying	Authorized Representative Joel Ehrfurth	Title Principal Engineer	
Mailing Address 2260 Salsche	City Green Bay	State WI	ZIP Code 54313
Email Address jehrfurth@machiv.com	Phone Number (incl. area code) 920 569-5765	Fax Number (incl. area code) 920 569-5767	

SECTION 2: Landowner Information (complete these fields when project site owner is different than applicant)

Name (Ind. Org. or Entity) CCLS, LLC	Contact Person Pat Kaster	Title Owner	
Mailing Address 2170 Velp Ave	City Green Bay	State WI	ZIP Code 54303
Email Address patkaster@riv.com	Phone Number (incl. area code) 920 497-5090	Fax Number (incl. area code)	

SECTION 3: Project or Site Location

Project Address/Description Carpenter's Crossing South	Parcel No. L-474 & L-475
---	-----------------------------

SECTION 4: Plat Review

Review Type:	☒ Preliminary Plat ☐ Final Plat	
Fee:	Preliminary Plat Fee: \$278 + (39 # of lots x \$68) Final Plat Fee: \$195	\$2,930.00
Present Use of Parcel:	Agriculture	
Proposed Use of Lots:	Residential	

Please submit 1 hard copy and 1 PDF copy of the Plat if the property is located within the City or if the property is located within the extraterritorial jurisdiction.

SECTION 5: Certification and Permission

Certification: I hereby certify that I am the owner or authorized representative of the owner of the property which is the subject of this Permit Application. I certify that the information contained in this form and attachments is true and accurate. I certify that the project will be in compliance with all permit conditions. I understand that failure to comply with any or all of the provisions of the permit may result in permit revocation and a fine and/or forfeiture under the provisions of applicable laws.

Permission: I hereby give the City permission to enter and inspect the property at reasonable times, to evaluate this notice and application, and to determine compliance with any resulting permit coverage.

Name of Owner/Authorized Representative (please print) Joel Ehrfurth	Title Engineer	Phone Number 920 569-5765
Signature of Applicant 		Date Signed January 14, 2019

TO BE COMPLETED BY CITY STAFF

Plat Review authorized by the De Pere Municipal Code, Chapter 46.	☒
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Attachment: Application Form (7848) : Recommendation regarding a Proposed Extraterritorial 39 Lot and 1 Outlot preliminary plat of Carpent

Packet Pg. 60



City of De Pere, Wisconsin

Request For Plan Commission Action

MEETING DATE: February 5, 2019

DEPARTMENT: Planning

FROM: Peter Schleinz

SUBJECT: Recommendation regarding a Precise Implementation Plan (PIP) Plan for a proposed single family development within part of the unrecorded Garrity's Glen South plat at 2500 BLK Lawrence Drive (parts of Parcels WD-L482, WD-L483 & WD-L484). Submitted by Pat Kaster, TLKM Development LLC, authorized agent R&M Garrity Farm LLC, property owner.*

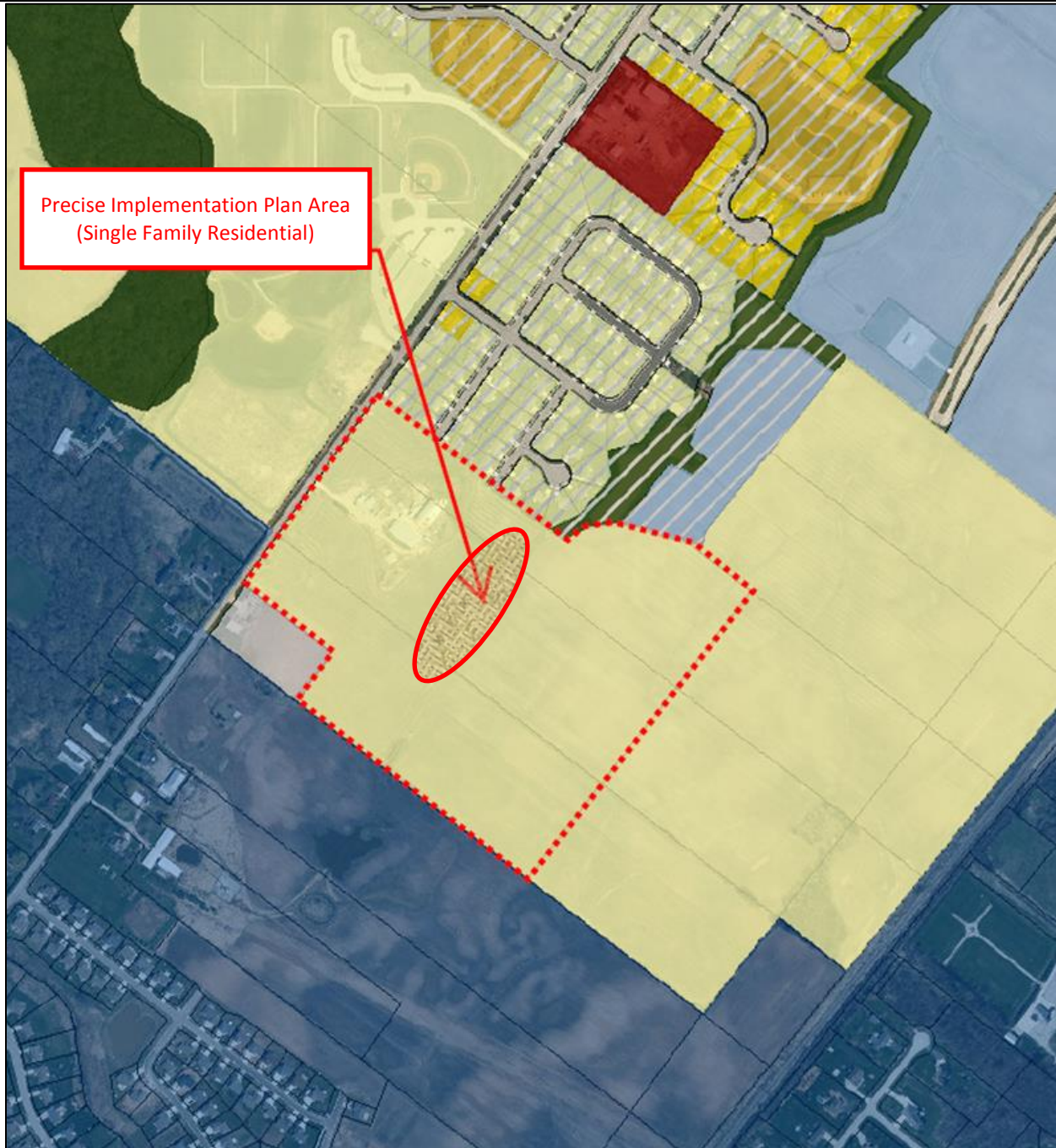
ATTACHMENTS:

- PIP for Garrity's Glen South - Report to Plan Commission (DOCX)
- Application Form (PDF)
- PIP Area Map (PDF)
- Precise Implementation Plan (PDF)

- Item 8: Recommendation regarding a Precise Implementation Plan (PIP) Plan for a proposed single family development within part of the unrecorded Garrity's Glen South plat at 2500 BLK Lawrence Drive (parts of Parcels WD-L482, WD-L483 & WD-L484). Submitted by Pat Kaster, TLKM Development LLC, authorized agent R&M Garrity Farm LLC, property owner.*

SITE MAPS





REQUESTED ACTION: Precise Implementation Plan (PIP) request.

The project reflects a rezoning and General Development Plan for the proposed Garrity's Glen South plat, which was approved by Plan Commission and Common Council in November & December, 2018.

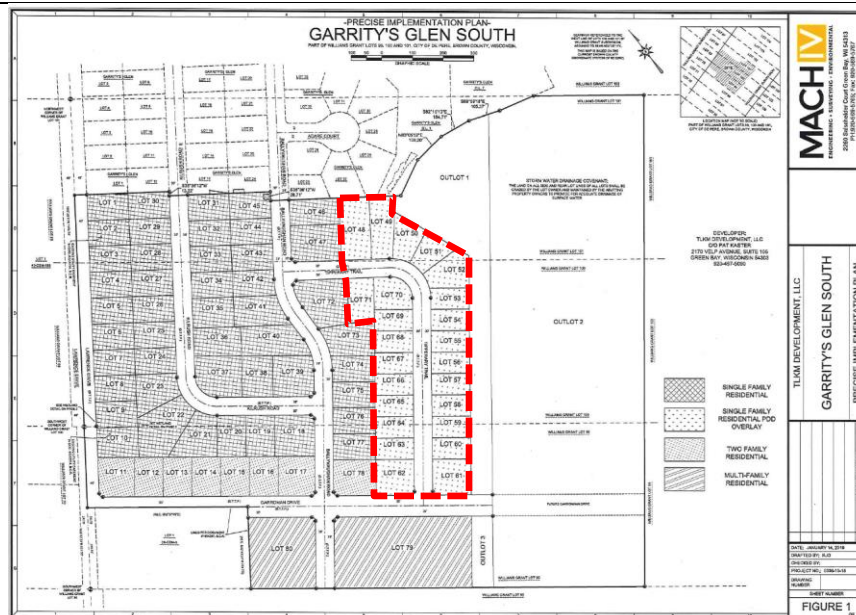
COMMON DESCRIPTION: 2500 BLK Lawrence Drive, located generally between County Clare Road and the south City of De Pere limits.

PARCEL NUMBERS: Parts of WD-L482, WD-L483 and WD-L484

**City of De Pere
Staff Comments**

**Plan Commission
February 5, 2019**

EXISTING ZONING:	Subject Area is zoned R-1 PDD (Planned Development District). <i>The remainder of the proposed Garrity's Glen South plat is zoned R-1, R-2, and R-3.</i>	
PROPOSED ZONING:	No proposed rezoning. This application is a follow up Precise Implementation Plan to the R1-PDD Rezoning that occurred for Lots 48-71 in December of 2018.	
SURROUNDING LAND USES:	Residential and natural areas to the north. Agricultural and industrial to the south. Agricultural to the east. Southwest Park to the west.	
COMPREHENSIVE PLAN:	Neighborhood Residential (Including Multi-Family). Business park near Outlot 2.	
APPLICANT / OWNER:	Pat Kaster TLKM Development LLC Authorized Representative 2170 Velp Avenue, Suite 106 Green Bay, WI 54303	R&M Garrity Farm LLC ETAL Property Owner 3173 Trenton Lane Green Bay, WI 54313-4025
SITE HISTORY:	After a review of air photographs, the property and nearby areas were used for agricultural purposes. Adjacent residential development to the north occurred in the late 2000's. The site is located adjacent to the City of De Pere and Town of Lawrence municipal limits. On November 26, 2018, Plan Commission reviewed and recommended approval of a proposed preliminary plat for the area titled, "Garrity's Glen South." Common Council approved the preliminary Plat on December 18, 2018. In November 26, 2018, Plan Commission reviewed and recommended approval of a rezoning for the proposed preliminary plat titled, "Garrity's Glen South." The rezoning approval included approving a General Development Plan to allow proposed single family lots 48-71 to have smaller street frontages, lot sizes, and side yard setbacks. Common Council approved the rezoning and General Development Plan on December 18, 2018. When a rezoning with a PDD overlay is approved, a Precise Implementation Plan must be submitted for approval within <u>five years</u> of an approved rezoning with a PDD overlay and General Development Plan. This proposal falls within the five year timeline.	
REVIEW:	When reviewing a Site Plan and PIP request, staff considers the future land use recommendation of the Comprehensive Plan, surrounding land uses and desired development patterns, as well as the criteria identified in Zoning Code Section 14-60 (assuming there is a site plan involved).	



The site is zoned R-1-PDD, and the Precise Implementation Plan has been written to meet all of the requirements of the R-1 District, with the following exceptions for proposed Garry's Glen South **Lots 48-71** only:

1. The minimum allowed street frontage will be 70 feet instead of 85 feet.
 - a. This benefits Lots 49-60 & 63-69.
2. The minimum allowed lot size will be 8,500 square feet instead of 10,000 square feet.
 - a. This benefits Lots 53-60 & 63-69.
3. The minimum allowed side yard setbacks will be 8 feet instead of 10 feet.
 - a. This benefits Lots 48-71.

The Planned Development District was established in order to provide for lot sizes that are slightly smaller than Code requirements, and with the intent of the neighborhood creating a Home Owners Association that addresses landscaping, maintenance, etc. The association is not facilitated by the City. The association PDD area does not offer any exceptions from Municipal Code other than the three referenced above.

Typically a Precise Implementation Plan includes a site plan for the Plan Commission to review and approve. This application does not have a site plan because the Plan Commission does not oversee the design standards of single family homes in R-1 Districts. However, for informational purposes, the Precise Implementation Plan document (attached) includes photos of concept homes that may be developed.

The developer understands that the lots may be smaller and narrower than typical and specially designed housing is needed. The developer demonstrated, during the rezoning and General Development Plan

phase of the project, that there is housing market that is demanding a lifestyle where property maintenance is minimized and smaller lots are desired, yet individual lot ownership is available.

The Precise Implementation Plan proposals fit within the design of the Garrity's Glen South plat. The storm water management, street interconnectivity, and all other requirements of a typical subdivision will be addressed with the final plat approval. Plan Commission reviews the final plat on February 5, 2019.

STAFF COMMENTS:

Development Services: None

NOTE: Due to the site being zoned R-1 PDD, there is not a separate site plan for review by multiple departments. Thus, staff comments reflect text correction recommendations from staff for the Precise Implementation Plan document.

REVIEW PROCESS:

For Precise Implementation Plan proposals the Plan Commission provides either an approval, rejection with reason, or approval with conditions decision. However, because the area is zoned single family residential, the review will be done along with the review of a final plat (Garrity's Glen South) on January 28, 2019. The Common Council also reviews and provides a final decision of approval or rejection. Common Council is expected to take action on February 5, 2019.

Property owners within 300' of the subject area were notified of the Planned Development District when the property was rezoned in 2018.

STAFF RECOMMENDATION:

Staff recommends APPROVAL of the Precise Implementation Plan that allows the following for proposed Garrity's Glen South Plat Lots 48-71 to each have a minimum 70-foot street frontage, a minimum 8,750 square foot lot area, and a minimum 8-foot side yard setback.

	CITY OF DE PERE APPLICATION FOR PLAT REVIEW CITY OF DE PERE RECEIVED JAN 11 2019	Fee: \$195.00
		Receipt #: 00138908
		Date: 11 Jan 2019

Read all instructions provided before completing. If additional space is needed, attach additional pages. Type or use black ink.

SECTION 1: Applicant / Permittee Information

Applicant Name (Ind., Org. or Entity) TLKM DEVELOPMENT, LLC	Authorized Representative PATRICIA KASTER	Title MANAGING MEMBER	
Mailing Address 2710 VELP ST	City GREEN BAY	State WI	ZIP Code 54303
Email Address PKASTER@R	Phone Number (incl. area code) 920.497.5090	Fax Number (incl. area code) 920.497.4881	

SECTION 2: Landowner Information (complete these fields when project site owner is different than applicant)

Name (Ind. Org. or Entity) R&M GARRITY FARM. LLC	Contact Person JOSEPH GAR	Title MANAGING MEMBER	
Mailing Address 4030 BOY ST	City TAMPA	State FL	ZIP Code 33607
Email Address JOSEPH.GAR	Phone Number (incl. area code) 813.281.8242	Fax Number (incl. area code) NA	

SECTION 3: Project or Site Location

Project Address/Description GARRITY GLEN SOUTH	Parcel No. L-482, L-483, L-484
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SECTION 4: Plat Review

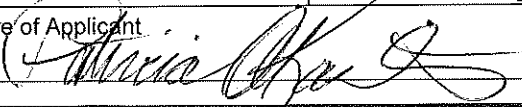
Review Type:	☐ Preliminary Plat ☒ Final Plat	
Fee:	Preliminary Plat Fee: \$278 + (# of lots x \$68) Final Plat Fee: \$195	\$195.00
Present Use of Parcel:	AGRICULTURAL	
Proposed Use of Lots:	RESIDENTIAL	

Please submit 1 hard copy and 1 PDF copy of the Plat if the property is located within the City or if the property is located within the extraterritorial jurisdiction.

SECTION 5: Certification and Permission

Certification: I hereby certify that I am the owner or authorized representative of the owner of the property which is the subject of this Permit Application. I certify that the information contained in this form and attachments is true and accurate. I certify that the project will be in compliance with all permit conditions. I understand that failure to comply with any or all of the provisions of the permit may result in permit revocation and a fine and/or forfeiture under the provisions of applicable laws.

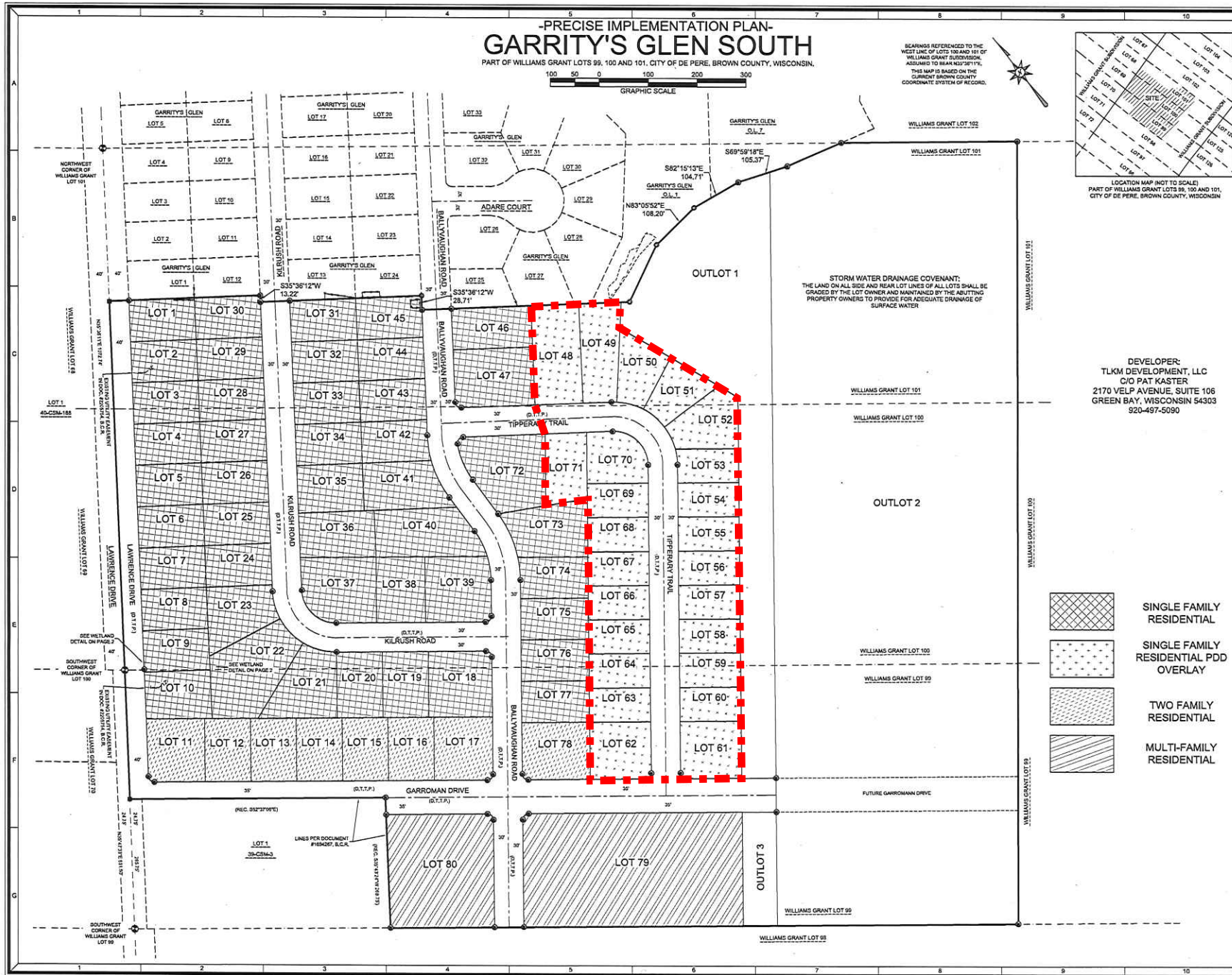
Permission: I hereby give the City permission to enter and inspect the property at reasonable times, to evaluate this notice and application, and to determine compliance with any resulting permit coverage.

Name of Owner/Authorized Representative (please print)	Title MANAGING M	Phone Number 920.497.5090
Signature of Applicant 		Date Signed 1-10-2019

TO BE COMPLETED BY CITY STAFF

Plat Review authorized by the De Pere Municipal Code, Chapter 46.	✓
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Attachment: Application Form (7849 : Recommendation regarding a Precise Implementation Plan (PIP) Plan for a proposed single family devel)



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2260 Salschneider Court Green Bay, WI 54313
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TLKM DEVELOPMENT, LLC

GARRITY'S GLEN SOUTH

PRECISE IMPLEMENTATION PLAN

NO.	REVISION DESCRIPTION

DATE: JANUARY 14, 2019
DRAFTED BY: RJJO
CHECKED BY:
PROJECT NO.: 0336-10-18
DRAWING NUMBER
SHEET NUMBER

FIGURE 1
OF 5

Attachment: PIP Area Map (7849) : Recommendation regarding a Precise Implementation Plan (PIP) Plan



GARRITY'S GLEN SOUTH PRECISE IMPLEMENTATION PLAN

DATE: January 14, 2019

PETITIONER: TLKM Development, LLC
2170 Velp Avenue Suite 106
Green Bay, WI 54303

PARCEL NUMBERS: Part of WD-L482, WD-L483, & WD-L484

EXISTING ZONING: R-1 Single Family Residential

PROPOSED ZONING:

Proposed zoning is shown in Figure 1. In summary, in approved, zoning will be as follows:

Lots 1-10, 18-47, 72-77 will remain R-1 zoning

Lots 11-17 & 78 are proposed as R-2 Two Family

Lots 48-71 are proposed as R-1 Single Family with a Planned District Development (PDD) overlay.

Lots 79-80 are proposed as R-3 Multifamily

The overlay lots will conform to R-1 Single Family lots with the following exceptions:

Minimum Lot Width: 70' (R1 is 85')

Minimum Lot Size 8,750 sf (R1 is 10,000)

Side Yard Setbacks: 8' (R1 is 10')

BACKGROUND:

The applicant proposes the above rezoning in order to develop the property into a mixed use residential development. The PDD overlay will allow for a portion of the site to be developed as a home owner's association. The intent is to provide a market product that features a maintenance free lifestyle for the owners. The association will allow individual home ownership, will be easier for prospective buyers to finance, and provide exterior maintenance to the association members. Furthermore, the slightly denser development provided by the PDD will act as a buffer to transition the future commercial/industrial development likely to occur to the east. The result for the City will be a development that has homes that are well maintained, retain their value, and for all practical purposes function the same (in terms of demands on city services) as standard R-1 districts. Outlot 1 and 3 are designated for storm water management infrastructure. The storm water management infrastructure will likely be shared with the future development to the east.

Boundaries

The proposed development is located on portions of three tax parcels (WD-L482, WD-L483, & WD-L484). The western portions of the site will be subdivided via a plat. The balance of the parcels will remain with the current owner. The Final Plat is enclosed.

Generalized Site Plan

The proposed zoning is shown in Figure 1 and the proposed Final Plat is enclosed. The homes in the PDD Overlay area are conceptually shown in Figure 2 and 3. Examples of the proposed multifamily units are shown in Figure 4 and 5.

PRECISE IMPLEMENTATION PLAN:

Precise implementation plan. The Precise Implementation Plan consists of that portion of the General Development Plan for which specific development approval is requested and may not be approved until after final approval of the General Development Plan is secured. Such plan shall be clearly marked "Precise Implementation Plan" in bold letters and shall provide the following information:

- a) An accurate identification of the area of the Precise Implementation Plan as it relates to the General Development Plan.
Refer to Figure 1.
- b) A subdivision plat as required by Section [Chapter] 236, Wisconsin Statutes [Wis. Stats. ch. 236], of the area of the Precise Implementation Plan showing all existing utilities and recorded easements.
Final Plat is enclosed
- c) The topography of the area of the Precise Implementation Plan showing contours at an interval of no more than 5 feet.

With the exception of the R-3 Multifamily sites, the grading for the proposed development is proposed as public facilities and as such, would be designed in accordance with application City standards by the City. No deviations from City design standards are proposed. The City will depict proposed grades during the infrastructure design.

The R-3 Multifamily sites will be subject to City Site Plan Review and will conform to City grading requirements. The regional storm water management facilities will be designed to incorporate these sites.

- d) A detailed site development plan showing at a scale no smaller than 1" = 200' the specific designation of proposed land utilization, including the pattern of public and private roads, driveways, walkways, and parking facilities; detailed lot layout, and the arrangements of building groups other than single family residences; the use intended for any nonresidential buildings; and the specific treatment of any common open spaces.

Refer to Figure 1.

- e) A proposed grading plan for the area of the Precise Implementation Plan.
With the exception of the R-3 Multifamily sites, the grading for the proposed development is proposed as public facilities and as such, would be designed in accordance with application City standards.

The R-3 Multifamily sites will be subject to City Site Plan Review and will conform to City grading requirements as it is assumed the regional storm water management facilities will be designed to incorporate these sites.

- f) Specific landscape plans for all common open space, amenities or housing groups other than private single family lots, including fences, walls, signs, and lighting.

The R-1 lots will be sold to private owners and their individual landscape areas will conform to City standards for an R-1 zoning district. The R-2 lots will be sold to private owners and their individual landscape areas will conform to City standards for an R-2 zoning district.

Landscaping of the homes in the R1/PDD overlay will be constructed at the time the homes are built. The landscaping is provided at that time is intended to create an equitable uniform curb appeal across that portion of the development. The R-3 Multifamily sites will be subject to City Site Plan Review and will conform to City landscape requirements. Example landscape areas for similar R1/PDD and multifamily sites are shown in Figures 2-5.

Landscaping in the terraces associated with the roadways will conform to City standards and will include street trees if required by the City.

- g) Architectural plans for any nonresidential buildings, multiple family structures or building clusters other than conventional single family homes on individual lots in sufficient detail to indicate the floor area, bulk, and visual character of such buildings.

Sample homes in the PDD overlay district are shown in Figure 2 and 3. The proposed conceptual multifamily buildings are shown in Figure 4 and 5.

- h) Detailed storm drainage, sanitary sewage disposal, and water system plans approved by the Board of Public Works.

The infrastructure is proposed as public facilities and as such, would be designed in accordance with application City standards. No deviations from City design standards are proposed.

- i) Proposed engineering standards for all roads, parking areas, and walkways.

The roads and walkways are proposed as public facilities and as such, would be designed in accordance with application City standards. No deviations from City design standards are proposed. The R-3 multifamily sites will be subject to City Site Plan reviews and no deviations from City standards are anticipated..

- j) Agreements, bylaws, covenants, and other documents providing for permanent preservation and maintenance of common open areas and amenities.

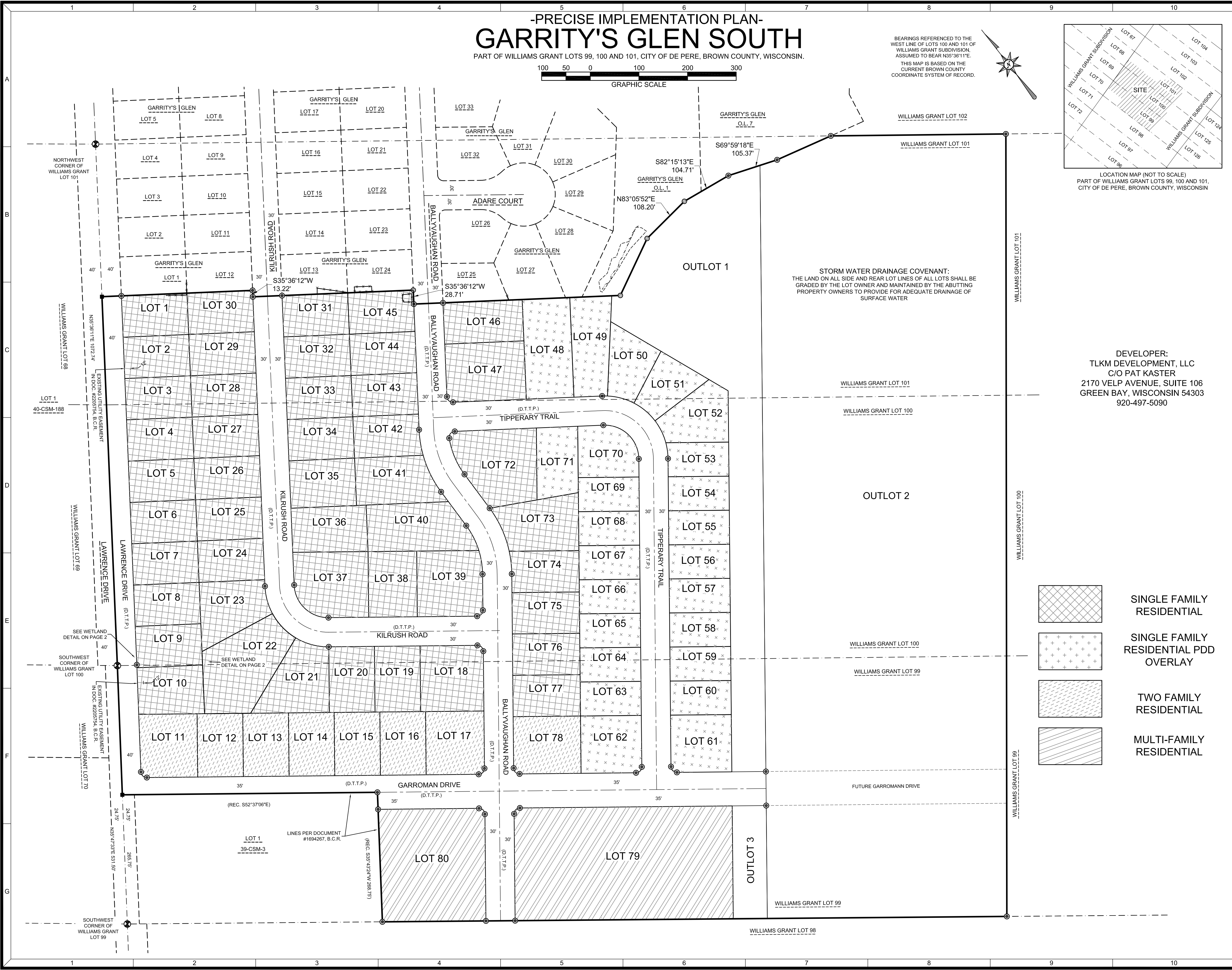
The proposed home owner's association bylaws are enclosed. No further agreements, bylaws, or covenants are proposed. The bylaws would apply to lots in the PDD overlay. The R1 lots will have restrictive covenants, restrictive covenants are enclosed.

- k) A schedule and map as to the intended phasing of development if more than one phase is intended.

The proposed development is projected to occur in a single phase.

- l) Any other information deemed appropriate and necessary by the Plan Commission.

NA



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TLKM DEVELOPMENT, LLC

GARRITY'S GLEN SOUTH

PRECISE IMPLEMENTATION PLAN

REVISION DESCRIPTION					NO.

DATE: JANUARY 14, 2019	
DRAFTED BY: RJO	
CHECKED BY:	
PROJECT NO.: 0336-10-18	
DRAWING NUMBER	

SHEET NUMBER	
FIGURE 1	
OF 5	



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REVISION DESCRIPTION

SHEET NUMBER

OF



GARRITY'S GLEN SOUTH

R-1/PDD CONCEPT PHOTOS

DATE: JANUARY 14, 2019	
DRAFTED BY: RJO	
CHECKED BY:	
PROJECT NO.: 0336-10-18	
DRAWING NUMBER	
SHEET NUMBER	
FIGURE 3 OF	





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TLKM DEVELOPMENT, LLC

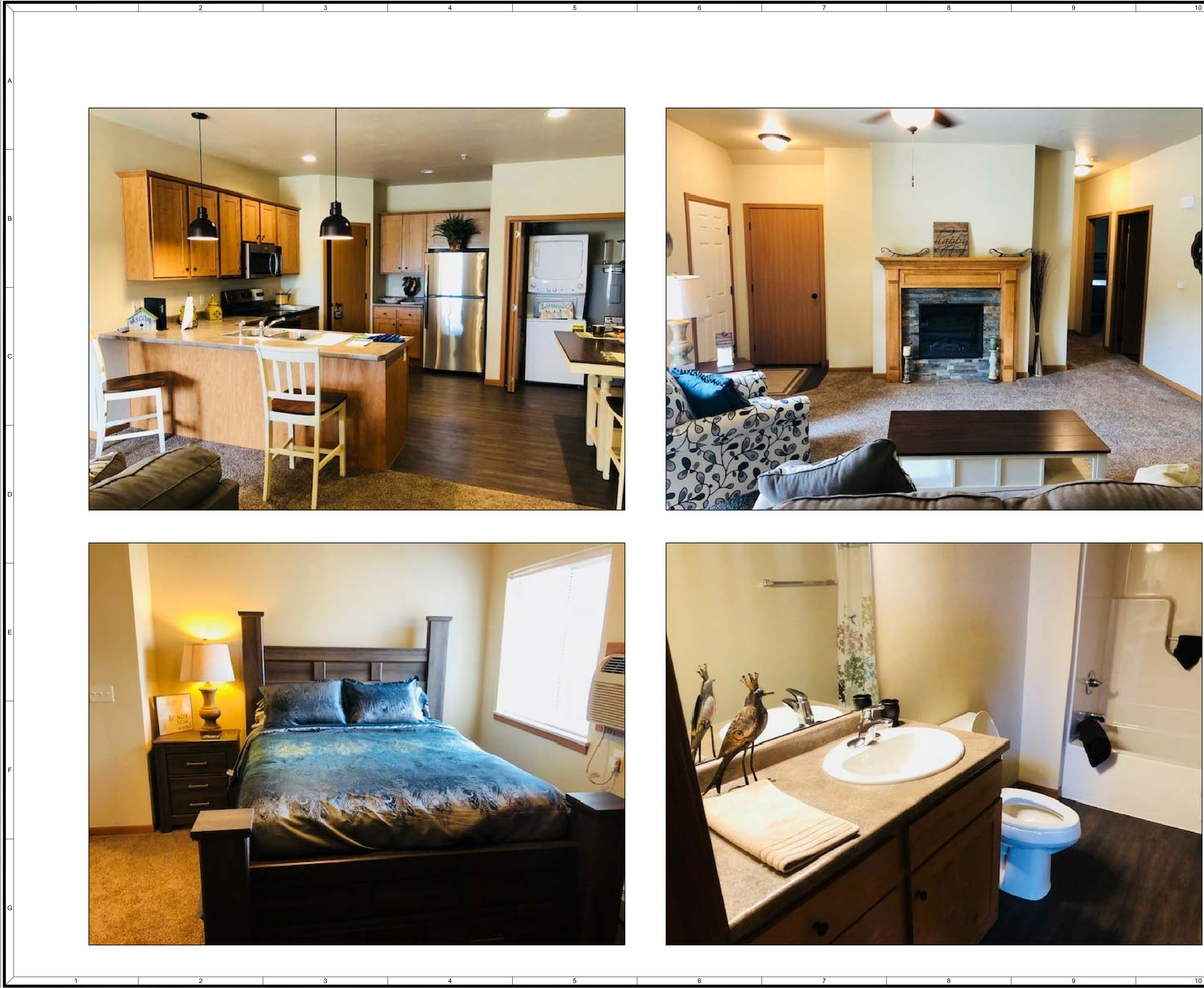
GARRITY'S GLEN SOUTH

R-3 CONCEPT PHOTOS

NO.		REVISION DESCRIPTION

DATE: JANUARY 14, 2019
DRAFTED BY: RJO
CHECKED BY:
PROJECT NO.: 0336-10-18
DRAWING NUMBER
SHEET NUMBER

FIGURE 4
OF 5



TLKM DEVELOPMENT, LLC

GARRITY'S GLEN SOUTH

R-3 CONCEPT PHOTOS

NO.		REVISION DESCRIPTION

DATE: JANUARY 14, 2019	
DRAFTED BY: RJO	
CHECKED BY:	
PROJECT NO.: 0336-10-18	
DRAWING NUMBER	
SHEET NUMBER	

FIGURE 5
OF 5



PART OF WILLIAMS GRANT LOTS 99, 100 AND 101, CITY OF DE PERE, BROWN COUNTY, WISCONSIN.



ARTICLES OF INCORPORATION

OF

GARRITY’S GLEN SOUTH LOTS 48-71 HOMEOWNERS ASSOCIATION, INC.

Garrity’s Glen South Lots 48-71 Homeowners Association, Inc., a nonstock, nonprofit corporation organized under Chapter 181 of the Wisconsin Statutes, hereby adopts the following Articles of Incorporation:

ARTICLE I NAME

The name of the corporation is Garrity’s Glen South Lots 48-71 Homeowners Association, Inc. (hereinafter referred to as the “Association”).

ARTICLE II PERIOD OF EXISTENCE

The period of existence of the Association is perpetual.

ARTICLE III PURPOSE

The Association is organized to serve as an association of property owners for Lots 48-71, inclusive, within the Garrity’s Glen South Subdivision (the “Subdivision”), located in the City of De Pere, Brown County, Wisconsin, and to exercise the powers, carry out the responsibilities, and otherwise engage in any lawful activity authorized and permitted by Chapter 181 of the Wisconsin Statutes.

ARTICLE IV MEMBERS

The Association shall have members. Membership provisions (including the designation of classes, if any, and the method of acceptance of members of each such class) shall be set forth in the Bylaws of the Association (the “Bylaws”). The respective voting rights of the members of the Association shall be as set forth in the Bylaws and that certain Declaration of Covenants, Conditions and Restrictions for Garrity’s Glen South Lots 48-71 Homeowners Association recorded in the office of the Register of Deeds for Brown County, Wisconsin (the “Declaration”).

ARTICLE V PRINCIPAL OFFICE

The address of the principal office of the Association is 2170 Velp Avenue, Suite 106, Green Bay, WI 54303. The principal office is located in Brown County, Wisconsin.

ARTICLE VI REGISTERED AGENT

The name and address of the initial registered agent of the Association is Patricia A. Kaster, 2170 Velp Avenue, Suite 106, Green Bay, WI 54303.

ARTICLE VII BOARD OF DIRECTORS

The affairs of the Association shall be managed by a board of directors. The number of directors constituting the initial board of directors (the "Initial Directors") shall be three (3). Thereafter, the number and manner of election or appointment of directors and their terms of office shall be as provided in the Bylaws. The names and addresses of the Initial Directors are as follows:

Patricia A. Kaster
2170 Velp Avenue, Suite 106
Green Bay, WI 54303

Deborah L. Meacham
1042 Coprinus Ct.
Green Bay, WI 54313

Dennis P. Layden
2678 Vissers Court
Green Bay, WI 54313

ARTICLE VIII ACTION BY BOARD OF DIRECTORS WITHOUT A MEETING

Any action required or permitted by these Articles or the Bylaws to be taken by the board of directors of the Association may be taken without a meeting if a written consent, setting forth the action so taken, is signed by two-thirds (2/3) of the directors then in office.

ARTICLE IX INCORPORATOR

The name and address of the incorporator are Attorney Mark A. Bartels, One Law Group, S.C., 444 Reid St., Suite 200, De Pere, WI 54115.

**ARTICLE X
AMENDMENT OF ARTICLES AND BYLAWS**

Any amendment to these Articles of Incorporation or the Bylaws that alters or abrogates the rights of the Declarant (as defined in the Declaration) or the Declarant's successors or assigns shall be null, void, and of no force or effect unless it is approved in writing by the Declarant. This Article X may not be amended or deleted without the approval in writing of the Declarant.

Dated at De Pere, Wisconsin, this ____ day of January, 2019.

Mark A. Bartels, Incorporator

STATE OF WISCONSIN)
) ss.
COUNTY OF BROWN)

On this ____ day of January, 2019, to me personally known and being first sworn, acknowledged that he signed the above document for the purposes recited therein.

Name: Christine M. Pawlak
Notary Public, State of Wisconsin
My Commission expires 6-15-19

This document drafted by
and should be returned to:

Attorney Mark A. Bartels
One Law Group, S.C.
444 Reid St., Suite 200
P.O. Box 5637
De Pere, WI 54115
(920) 336-5766

**DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS
FOR
GARRITY'S GLEN SOUTH LOTS 48-71 HOMEOWNERS ASSOCIATION**

THIS DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR GARRITY'S GLEN SOUTH LOTS 48-71 HOMEOWNERS ASSOCIATION is made this _____ day of _____, 2019, by TLKM DEVELOPMENT, LLC, a Wisconsin limited liability company.

RECITALS:

A. Declarant is the owner of the Property and desires to establish and assure a uniform plan for provision of the Services to the Lots.

B. To provide for the provision of Services to the Lots, the Declarant has formed (or will form) the Association under the Wisconsin Nonstock Corporation Law. The Association shall have the responsibility for (i) administering and providing the Services, and (ii) setting budgets and fixing assessments to pay the expenses in connection with such duties.

C. During the marketing of the Lots, the Declarant has retained certain rights set forth in this Declaration, which rights shall include, without limitation, the right, before the Turnover Date, to manage the affairs of the Association or to designate the Directors of the Association, as described in Article 8 and in the Bylaws of the Association.

DECLARATION

NOW, THEREFORE, the Declarant imposes this Declaration of Covenants, Conditions, and Restrictions for Garrity's Glen South Lots 48-71 Homeowners Association as a deed restriction on the Property to run with the land and declares:

**ARTICLE 1
DEFINITIONS**

These words, when used in this Declaration shall, unless the context shall prohibit, have these meanings:

1.01 ALA-CARTE FEES: The Fees assessed by the Association against Lots whose Owners request and are provided with one or more of the Ala-carte Lawn Services under Section 4.02 of this Declaration.

1.02 ALA-CARTE LAWN SERVICES: Spring clean-up, fall clean-up, turf edging, plant and shrub herbicide application, tree and shrub trimming, flower bed weeding, mulch replacement, core aeration, gutter cleaning, startup and winterization of Lot Irrigation System, and other similar services associated with the maintenance of the exterior yard area of a Lot.

1.03 ARTICLES OF INCORPORATION: The Articles of Incorporation of the Association, as amended from time to time.

1.04 ASSOCIATION: The Garrity's Glen South Lots 48-71 Homeowners Association, Inc., a Wisconsin nonstock corporation, its successors and assigns.

1.05 BASIC LAWN MAINTENANCE SERVICES: Lawn cutting, lawn trimming, and application of fertilizer and herbicide to the lawns on Lots according to standards adopted by the Association.

1.06 BOARD OF DIRECTORS or BOARD: The Board of Directors of the Association and any board, group, or entity of the successor or assign to the Association serving in a comparable capacity to the Board of Directors of the Association.

1.07 BYLAWS: The Bylaws of the Association, as amended from time to time.

1.09 CHARGES: The Common Assessment, any Special Assessment and/or any Alacarte Fee levied by the Association and/or any other charges or payments that an Owner must pay or for which an Owner is liable under the Governing Documents.

1.10 CITY: The City of De Pere.

1.11 COMMON ASSESSMENT: The amounts that the Association shall assess and collect from the Owners to pay the Common Expenses and accumulate reserves for such expenses, as described in Article 6.

1.12 COMMON EXPENSES: The expenses of the administration (including management and professional services) of the Association; the cost of providing all Services required to be furnished by the Association; premiums for insurance policies maintained by the Association under this Declaration; any other expenses designated as Common Expenses under this Declaration; and any other expenses lawfully incurred by the Association for the common benefit of the Owners.

1.13 COUNTY: Brown County, Wisconsin.

1.14 DECLARANT: TLKM DEVELOPMENT, LLC, a Wisconsin limited liability company, its successors and assigns,

1.15 DECLARATION: This instrument with all exhibits, as amended or supplemented from time to time.

1.16 DIRECTORS: The Director or Directors of the Association from time to time as appointed or elected as provided in this Declaration or the Bylaws.

1.17 GOVERNING DOCUMENTS: Collectively, this Declaration, the Articles of Incorporation, Bylaws, and the Rules and Regulations, as any or all may be amended from time to time.

1.18 FIRST MORTGAGEE: The holder of a bona fide first mortgage or equivalent security interest covering a Lot.

1.19 HOME: The portion of a Lot improved with a single-family home and any decks, steps and other similar improvements that serve the Home.

1.20 LOT: A subdivided lot designated on Exhibit A as a "Lot," as amended and supplemented from time to time.

1.21 LOT IRRIGATION SYSTEM: The irrigation system on the Owner's Lot.

1.22 OWNER: A record owner, whether one or more persons, of fee simple title to a Lot, including a contract seller, but excluding those having such interest merely as security for performing an obligation. The Declarant shall be deemed to be an Owner with respect to each Lot owned by the Declarant.

1.23 PERSON: A natural individual, corporation, partnership, trustee or other legal entity capable of holding title to real property.

1.24 PROPERTY: The real property legally described in Exhibit A as amended and supplemented from time to time, together with all improvements thereon and rights appurtenant thereto.

1.25 RECORD: To record in the office of the Recorder of Deeds for the County.

1.26 RULES AND REGULATIONS: The rules and regulations that govern the operation and use of the Lots, as such rules and regulations may be adopted from time to time by the Directors to implement and carry out the provisions and intent of this Declaration. Rules and Regulations shall be limited to matters necessary to facilitate the provision of the Services by the Association.

1.27 SERVICES: The Basic Lawn Maintenance Services, the Snow and Ice Removal Services, and the Ala-carte Lawn Services.

1.28 SNOW AND ICE REMOVAL SERVICES: The removal of snow and ice from Lot driveways and sidewalks, up to, but not including the front stoop of the Home.

1.29 SPECIAL AMENDMENT: An amendment to this Declaration made by the Declarant for any reason set forth in Section 10.01 herein, which shall not be subject to the approval of the Association or any Owner of any Lot or Home on the Property.

1.30 TURNOVER DATE: The date on which the right of the Declarant to manage the affairs of the Association is terminated under Section 8.02.

1.31 VOTING MEMBER: The individual who may vote in person or by proxy at meetings of the Owners, as more fully set forth in Article 5.

1.32 WISCONSIN NONSTOCK CORPORATION LAW: Chapter 181 of the Wisconsin Statutes.

ARTICLE 2 SCOPE OF DECLARATION

2.01 RECITALS. The Recitals above are incorporated herein by reference.

2.02 PROPERTY SUBJECT TO DECLARATION. The Declarant expressly intends to and by Recording this Declaration, does subject the Property to this Declaration. All easements, restrictions, conditions, covenants, reservations, liens, charges, rights, benefits, and privileges granted, created, reserved or declared by this Declaration shall be deemed to be covenants appurtenant, running with the land, and shall at all times inure to the benefit of and bind any Person having at any time any interest or estate in the Property, or any Lot therein, and their respective heirs, successors, personal representatives or assigns, regardless of whether the deed or other instrument that creates or conveys the interest references this Declaration.

2.03 DURATION. Except as otherwise specifically provided, the easements, restrictions, conditions, covenants, reservations, liens, charges, rights, benefits, and privileges granted, created, reserved or declared by this Declaration shall be appurtenant to and shall run with and bind the land for forty (40) years from the date of Recording of this Declaration and for successive periods of ten (10) years each unless revoked, changed or amended in whole or in part by a Recorded instrument executed by the Owners of not less than seventy-five percent (75%) of the Lots then subject to the Declaration.

2.04 LOT CONVEYANCE. Once a Lot has been conveyed by the Declarant to a bona fide purchaser (other than the Declarant) for value, then any subsequent conveyance or transfer of ownership of the Lot shall be of the entire Lot and there shall be no conveyance or transfer of a portion of the Lot without the prior written consent of the Directors.

ARTICLE 3 RIGHT OF USE AND ENJOYMENT

3.01 RIGHT OF USE AND ENJOYMENT. Each Owner shall have the exclusive right to use and enjoy the Owner's Lot. Such rights shall run with the land, be appurtenant to and pass with title to every Lot, and shall be subject to and governed by the laws, ordinances and statutes of jurisdiction and the Governing Documents.

3.02 RESTRICTIONS ON USE. The use and enjoyment of the Lots shall at all times be subject to these provisions:

(a) The right of the Directors to adopt, promulgate, enforce, and from time to time amend the Rules and Regulations pertaining to the provision of Services.

(b) The right of the Directors to suspend the voting rights and the right of any Owner to receive Services for violating this Declaration or for an infraction of the Rules and Regulations for period(s) not to exceed sixty (60) days or until such violation is cured.

(c) The right of the Directors to suspend voting rights and the right of any Owner or Resident to receive Services for so long as any Charges for such Lot remains unpaid and overdue.

(d) The right and power of the Association to come onto any Lot to provide Services or enforce its rights and powers.

ARTICLE 4 ASSOCIATION SERVICES

4.01 SERVICES BY THE ASSOCIATION. The Association shall provide the following Services to the Lots as a Common Expense:

(a) Basic Lawn Maintenance Services.

(b) Snow and Ice Removal Services.

4.02 OPTIONAL ALA-CARTE LAWN SERVICES. The Association may provide Ala-Cart Lawn Services to a Lot if requested by the Owner. If the Association offers Ala-carte Lawn Services, the Directors shall, in their sole judgment, determine:

(a) The services, if any, that shall be included or excluded from Ala-carte Lawn Services.

(b) The vendor(s) that will be selected by the Association to provide the Ala-carte Lawn Services.

(c) The method of communicating with Owners regarding Ala-carte Lawn Services.

(d) The billing procedures used by the Ala-carte vendor(s), whether invoiced through the Association or directly to the Owner. Billing invoices shall include the date and amount each Owner shall pay for the Ala-carte Lawn Services.

(e) The Ala-Carte Fee for each Ala-carte Lawn Service to be offered by the Association, which Ala-Carte Fee shall be based on the actual cost of the Ala-Carte Lawn Service to the Association, plus an administrative fee.

The Board shall segregate revenue from Ala-carte Lawn Services from revenue received from other Charges. All expenses from Ala-carte Lawn Services, including administrative fees, shall be paid exclusively from revenue from Ala-carte Lawn Services received by the Association. All revenue from Ala-carte Lawn Services shall be used exclusively for expenses for Ala-carte Lawn Services. The Association may collect delinquent Ala-carte Lawn Service Fees in the same manner as other Charges.

ARTICLE 5 THE ASSOCIATION

5.01 IN GENERAL. The Declarant has caused or shall cause the Association to be incorporated as a nonstock corporation under the Wisconsin Nonstock Corporation Law. The Association shall be the governing body for the Owners for the administration and provision of Services to the Lots.

5.02 MEMBERSHIP. Each Owner shall be a member of the Association. There shall be one membership per Lot. Membership shall be appurtenant to and may not be separated from ownership of a Lot. Ownership of a Lot shall be the sole qualification for membership. The Association shall be given written notice of the change of ownership of a Lot within ten (10) days after such change.

5.03 VOTING MEMBERS. Subject to Section 8.02, voting rights of the members of the Association shall be vested exclusively in the Voting Members. One individual shall be designated as the "Voting Member" for each Lot. The Voting Member or his proxy shall be the individual who may vote at meetings of the Owners. If the record ownership of a Lot shall be in more than one person, or if an Owner is a trustee, corporation, partnership or other legal entity, then the Voting Member for the Lot shall be designated by such Owner or Owners in writing to the Directors and if in the case of multiple individual Owners no designation is given, then the Directors at its or their election may recognize an individual Owner of the Lot as the Voting Member for such Lot.

5.04 DIRECTORS. The Association shall be governed by a Board of Directors, the number of Directors being established by the Bylaws, but in no event being less than three (3) Directors. Before the Turnover Date, the Directors shall be appointed by Declarant from time-to-time, and such Directors need not be Owners or Voting Members. After the Turnover Date, the Directors shall consist of that number of individuals provided for in the Bylaws, each of whom shall be an Owner or Voting Member and who shall be elected by the Members of the Association under the Bylaws.

5.05 VOTING RIGHTS. Before the Turnover Date, the voting rights at each meeting of the Association shall be vested exclusively in the Declarant and the Owners (other than Declarant) shall have no voting rights. After the Turnover Date, the voting rights at any meeting of the Association shall be vested in the Voting Members and each Voting Member shall have one vote for each Lot that the Voting Member represents. After the Turnover Date, any action may be taken by the Voting Members at any meeting at which a quorum is present (as provided

in the Bylaws) upon the affirmative vote of a majority of the votes held by the Voting Members present at such meeting, except as otherwise provided herein or in the Bylaws.

5.06 DIRECTOR LIABILITY. The Directors of the Association shall not be personally liable to the Owners or the Association for any mistake of judgment or for any other acts or omissions of any nature whatsoever as such Directors, except for any acts or omissions found by a court to constitute criminal conduct, gross negligence or fraud. The Association shall indemnify and hold harmless the Declarant and each of the Directors, and its or their heirs, executors or administrators, against all contractual and other liabilities to the Association, the Owners or others arising out of contracts made by or other acts of the Director on behalf of the Owners or the Association or arising out of their status as Directors unless any such contract or act shall have been made criminally, fraudulently or with gross negligence. The foregoing indemnification shall include indemnification against all costs and expenses (including, but not limited to, counsel fees, amounts of judgments paid and amounts paid in settlement) actually and reasonably incurred in connection with the defense of any claim, action, suit or proceeding, whether civil, criminal, administrative, or other in which any such Director may be involved by virtue of such person being or having been such Director provided, however, that such indemnity shall not be operative regarding (a) any matter as to which such person shall have been finally adjudged in such action, suit or proceeding to be liable for criminal conduct, gross negligence or fraud in the performance of his duties as such Director, or (b) any matter settled or compromised, unless, in the opinion of independent counsel selected by or in a manner determined by the Directors, there is not reasonable ground for such person being adjudged liable for criminal conduct, gross negligence or fraud in the performance of his duties as such Director.

5.07 MANAGING AGENT. The Declarant (or an entity controlled by the Declarant) may be engaged by the Association to act as the managing agent for the Association ("Managing Agent") and as Managing Agent shall be paid a reasonable fee for its services as fixed by a written agreement between the Association and the Managing Agent. Any management agreement entered into by the Association prior to the Turnover Date shall have a term of not more than two (2) years and shall be terminable by the Association without payment of a termination fee on ninety (90) days' written notice.

ARTICLE 6 ASSESSMENTS

6.01 PURPOSE OF ASSESSMENT. The assessments levied by the Association shall be exclusively to provide the Services to the members of the Association, to administer the affairs of the Association, to pay the Common Expenses, and to accumulate reserves for any such Common Expenses or other expenses deemed necessary or appropriate by the Association.

6.02 ASSESSMENTS. Each year by December 1st, the Directors shall adopt and furnish each Owner with a budget for the ensuing calendar year that shall show the following with reasonable explanations and itemizations:

- (a) The estimated Common Expenses;

(b) The estimated amount to maintain adequate reserves for Common Expenses;

(c) The estimated net available cash receipts from sources other than assessments, plus estimated excess funds, if any, from the current year's assessments;

(d) The amount of the "Common Assessment" payable by the Owners, which is defined as the amount determined in (a) above, plus the amount determined in (b) above, minus the amount determined in (c) above; and

(e) That portion of the Common Assessment that shall be payable by each Owner subject to assessment each month until the next Common Assessment or revised Common Assessment becomes effective, which monthly amount shall be equal to the Common Assessment, divided by the number of Lots, divided by twelve (12), so each Owner shall pay equal Common Assessments for each Lot owned.

Anything herein to the contrary notwithstanding, this section shall apply regarding the period before the Turnover Date. Any annual budget prepared by the Directors before the Turnover Date ("Stabilized Budget") shall be based on the assumption that Homes have been built, sold and are occupied on all Lots. Regarding the period beginning on the date of Recording this Declaration and ending on December 31st of that year, each calendar year thereafter and the partial year ending on the Turnover Date and beginning on January 1 of such year (each a "Subsidy Year"), each Owner (other than the Declarant) shall pay as the Owner's monthly share of the Common Assessment an amount equal to the Common Expenses (under the then current Stabilized Budget) divided by the number of Lots, divided by twelve (12), so that each Owner (other than Declarant) will pay, with respect to each Lot owned, a monthly Common Assessment equal to what such Owner would be paying with respect to the Owner's Lot if Homes have been built, sold and are occupied and all Owners are current in payment of assessments. The amount payable by each Owner is subject to increase as provided in Section 6.04. The Declarant shall not be obligated to pay any Common Assessments to the Association before the Turnover Date; provided, however, if with respect to each Subsidy Year, (a) the Common Assessments billed to and payable by Owners (other than the Declarant), regardless of whether paid or not, are less than the Common Expenses actually incurred regarding such period, then the Declarant shall pay any difference to the Association ("Subsidy Payment"). From time to time before the Turnover Date, the Declarant may (but shall not be obligated to) advance to the Association funds to be used by the Association to pay its expenses ("Advanced Funds"). If Advanced Funds are paid with respect to a Subsidy Year and a Subsidy Payment is required with respect to a subsequent Subsidy Year, a portion or all of the Advanced Funds may be applied against the Subsidy Payment. A final accounting and settlement of the amount, if any, owed by the Declarant to the Association shall be made as soon as practicable after the Turnover Date. If, and to the extent that, the final accounting determines that the Advanced Funds, if any, are less than the amount owed by the Declarant to the Association under this Section, the Declarant shall pay the difference to the Association. If, and to the extent that, the final accounting determines that the Advanced Funds, if any, exceed the amount owed by the Declarant to the Association under this Section, then the Association shall pay such excess to the Declarant.

6.03 PAYMENT OF ASSESSMENT. By the 1st day of January of the ensuing calendar year and on first day of each month thereafter until the effective date of the next annual or revised Common Assessment, each Owner of a Lot subject to assessment shall pay to the Association, or as the Directors may direct, that portion of the Common Assessment payable by each Owner of a Lot under Section 6.02(e). For purposes hereof, a Lot shall only be subject to assessment hereunder from and after such time as an occupancy certificate has been issued by the City with respect to the Home constructed thereon. The failure or delay of the Directors to prepare or serve the annual or adjusted Common Assessment on any Owner shall not constitute a waiver or release of such Owner's obligation to pay the Common Assessment, as herein provided. Whenever the same shall be determined, and absent any annual estimate or adjusted estimate, the Owner shall continue to pay the Common Assessment at the then existing Common Assessment rate established for the previous period until the Common Assessment for that year is established. Such newly established Common Assessment shall be due ten (10) days after notice of such new Common Assessment shall have been given to the owners.

6.04 REVISED ASSESSMENT. If after the Turnover Date, the Common Assessment proves inadequate for any reason (including nonpayment or extinguishment of any Owner's assessment), then the Directors may increase the assessment payable under Section 6.02(e) by giving written notice thereof (together with a revised budget and explanation for the adjustment) to each Owner not less than ten (10) days before the effective date of the revised assessment. If before the Turnover Date, with respect to a Subsidy Year, the Common Assessment, plus the Subsidy Payment proves inadequate due to non-payment or extinguishment of assessments payable by Owners other than Declarant ("Delinquency Deficit"), then the Directors may increase the assessment payable under the last paragraph of Section 6.02 for the balance of the year and/or the subsequent year by giving written notice thereof (together with a revised budget and a statement of the anticipated Delinquency Deficit) to each Owner not less than ten (10) days before the effective date of the revised or following year's assessment.

6.05 SPECIAL ASSESSMENT. The Directors may levy a Special Assessment as provided in this Section: (a) to pay (or build up reserves to pay) expenses other than Common Expenses incurred (or to be incurred) by the Association from time to time for a specific purpose including, without limitation, to purchase or replace equipment owned or maintained by the Association; (b) with respect to periods after the Turnover Date, to cover an unanticipated deficit under the prior year's budget; or (c) to compensate the Association for the costs of enforcing this Declaration or the Rules and Regulations against any Lot as described in Section 7.07 herein (each a "Special Assessment"). Any Special Assessment levied for a purpose other than to recoup the cost of enforcing this Declaration or the Rules and Regulations, shall be levied against all of the Lots then subject to Special Assessment hereunder in equal shares. No Special Assessment (other than Special Assessment under (c) of this Section 6.05) shall be adopted without the affirmative vote of Voting Members representing at least two-thirds (2/3) of the votes cast on the question and only those Owners of Lots against which the proposed Special Assessment shall be levied may vote on the question. The Directors shall serve notice of a Special Assessment on all Owners by a statement in writing giving the specific purpose and reasons therefor in reasonable detail, and the Special Assessment shall be payable in such manner and on such terms as fixed by the Directors. Any Special Assessments collected under this Section (other than those to cover an unanticipated deficit under the prior year's budget or

those collected to cover enforcement costs under Subsection (c) hereof) shall be segregated in a special account and used only for the specific purpose set forth in the notice of Special Assessment.

6.06 PAYMENT OF ASSESSMENTS. Assessments levied by the Association shall be collected from each Owner by the Association and shall be a lien on the Owner's Lot and also shall be a personal obligation of the Owner in favor of the Association, all as more fully set forth in Article 7.

ARTICLE 7 COLLECTION OF CHARGES AND REMEDIES FOR BREACH OR VIOLATION

7.01 CREATION OF LIEN AND PERSONAL OBLIGATION. The Declarant covenants, and each Owner by acceptance of a deed for a Lot (whether or not it shall be so expressed in any such deed or other conveyance) is deemed to covenant and agrees to pay to the Association all Charges made with respect to the Owner or the Owner's Lot. Each Charge, together with interest thereon and reasonable costs of collection, if any, as hereinafter provided, shall become a continuing lien upon the Lot against which such Charge is made and also shall be the personal obligation of the Owner of the Lot at the time when the Charge becomes due in accordance with the Wisconsin Statutes. The lien or personal obligation created under this Section shall be in favor of and shall be enforceable by the Association. The Association has the right to Record a statement giving notice of the lien.

7.02 COLLECTION OF CHARGES. The Association shall collect from each Owner all Charges payable by such Owner under this Declaration.

7.03 NON-PAYMENT OF CHARGES. Any Charge not paid to the Association when due shall be deemed delinquent. If a Charge is not paid within thirty (30) days after the due date, it shall bear interest from the due date at eighteen percent (18%) per annum, or the maximum rate permitted by law, whichever is less, until paid. The Association may (a) bring an action against the Owner personally obligated to pay the Charge to recover the Charge (together with interest, costs and reasonable attorneys' fees for any such action, which shall be added to the amount of the Charge and included in any judgment rendered in such action), and (b) enforce and foreclose any lien that the Association has or that may exist for the Association's benefit. Such lien may be enforced by the Association in the same manner, to the same extent, and subject to the same procedures as in the case of a foreclosure of real property mortgage under the laws of Wisconsin. In addition, the Directors may add a late fee to any Charge not paid within thirty (30) days of its due date. No Owner may waive or otherwise escape personal liability for the Charges by nonuse of the Services or by abandonment or transfer of the Owner's Lot.

7.04 LIEN FOR CHARGES SUBORDINATED TO MORTGAGES. The lien for Charges provided for in Section 7.01 shall be subordinate to the First Mortgagee's mortgage on the Lot recorded before the date that any such Charge became due. Except as hereinafter provided, the lien for Charges provided for in Section 7.01 shall not be affected by any sale or transfer of a Lot. Where title to a Lot is transferred under a judgment of foreclosure of the First

Mortgagee's mortgage or by deed or assignment in lieu of foreclosure of the First Mortgagee's mortgage, such transfer of title shall extinguish the lien for unpaid Charges that became due after the recording of the First Mortgagee's mortgage on the Lot and before the date of the transfer of title; provided, however, the transferee of the Lot shall be personally liable for the Charges with respect to which a lien against the transferee's Lot has been extinguished under the preceding sentence where such Charges are reallocated among all the Owners under a subsequently adopted annual or revised Common Assessment or special assessment, and non-payment thereof shall cause a lien against the transferee's Lot, as provided in this Article.

7.05 SELF-HELP BY DIRECTORS. In the event of a violation or breach by an Owner of the provisions, covenants or restrictions of the Governing Documents, where such violation or breach may be cured or abated by affirmative action, then the Directors, upon not less than ten (10) days' prior written notice to the Owner, may enter upon that part of the Lot where the violation or breach exists to remove or rectify the violation or breach.

7.06 OTHER REMEDIES OF THE DIRECTORS. Besides or in conjunction with the remedies set forth above, to enforce the provisions in the Governing Documents, the Directors may levy a fine or one or more Special Assessments, or the Directors may bring an action at law or in equity by the Association against any person or persons violating or attempting to violate any such provision, either to restrain such violation, require performance thereof, to recover sums due or payable, or to recover damages or fines, and against the Lot to enforce any lien created under this Declaration; and failure by the Association to enforce any provision shall in no event be deemed a waiver of the right to do so thereafter.

7.07 COSTS AND EXPENSES. All costs and expenses incurred by the Directors in connection with any action, proceedings or self-help in connection with exercise of its or their rights and remedies under this Article, including, without limitation, court costs, attorneys' fees and all other fees and expenses, and all damages, liquidated or otherwise, together with interest thereon at eighteen percent (18%) per annum or the maximum rate permitted by law, whichever is less, until paid, shall be charged to and assessed against the defaulting Owner as a Special Assessment under Section 6.05(c) hereof, and the Association shall have a lien for all the same, upon the defaulting Owner's Lot as provided in Section 8.01.

7.08 ENFORCEMENT BY OWNERS. Enforcement of the provisions in the Governing Documents may be by any proceeding at law or in equity by the Association against any person or persons violating or attempting to violate any such provisions, either to restrain such violation or to recover damages, and against a Lot to enforce any lien created under this Declaration.

ARTICLE 8

DECLARANT'S RESERVED RIGHTS AND SPECIAL PROVISIONS COVERING DEVELOPMENT PERIOD

8.01 IN GENERAL. In addition to any rights or powers reserved to the Declarant under this Declaration or the other Governing Documents, the Declarant shall have the rights and powers in this Article. Anything in this Declaration or the other Governing Documents to the

contrary notwithstanding, the provisions in this Article shall govern. Except as otherwise specifically provided, this Article shall terminate and be of no further force and effect regarding the Declarant, after such time as the Declarant is no longer vested with or controls title to any portion of the Property.

8.02 DECLARANT CONTROL OF ASSOCIATION. Before the Turnover Date, the Directors shall be appointed by the Declarant and need not be Owners or Voting Members. The rights and powers of the Declarant to manage the affairs of the Association, or designate the Directors of the Association, shall terminate on the first to occur of: (a) such time as Declarant is no longer vested with or controls title to any portion of the Property; (b) the giving of written notice by the Declarant to the Association of the Declarant's election to terminate such rights; or (c) within sixty (60) days after the conveyance by the Declarant of seventy-five percent (75%) of the Lots in the Property. The date the Declarant's rights under this Section are terminated shall be called the "Turnover Date." After the Turnover Date, the Association shall be solely responsible for carrying out the obligations under this Declaration and shall hold Declarant harmless for any claims or liabilities arising from this Declaration after the Turnover Date. Further, after the Turnover Date, the Directors shall be constituted and elected as provided in the Bylaws. Before the Turnover Date, all of the voting rights at each meeting of the Owners shall be vested exclusively in the Declarant and the Owners shall have no voting rights. Notwithstanding anything to the contrary in this Article or elsewhere in this Declaration, so long as the Declarant is vested with or controls title to any portion of the Property, the acts of the Association shall have no effect until certified by the Declarant.

8.03 OTHER RIGHTS. The Declarant shall have the right and power to execute all documents and do all other acts and things affecting the Property that, in the Declarant's opinion, are necessary or desirable in connection with the rights of the Declarant under this Declaration.

8.04 ASSIGNMENT BY DECLARANT. All rights that are specified in this Declaration to be rights of the Declarant are mortgageable, pledgeable, assignable or transferable. Any successor to, or assignee of, the rights of the Declarant under this Declaration (whether as the result of voluntary assignment, foreclosure, assignment in lieu of foreclosure, or otherwise) shall hold and be entitled to exercise the rights of the Declarant under this Declaration as fully as if named as such party in this Declaration. No such successor or assignee of the rights of the Declarant under this Declaration shall have or incur any liability for the acts of any other party that previously exercised or subsequently shall exercise such rights.

8.5 PROHIBITED ACTIONS. Despite any transfer of control of the Association to Owners other than the Declarant, until the Declarant has sold every Lot within the Property, the Directors are prohibited from taking any action that would discriminate against the Declarant, or that would be detrimental to the sale or leasing of Lots owned by the Declarant, in the Declarant's sole discretion. The Directors shall continue the same level and quality of Services as that provided immediately before the transfer of control of the Association to Owners other than the Declarant until the Declarant is no longer vested with or controls title to any portion of the Property.

ARTICLE 9

INSURANCE

9.01 PROPERTY INSURANCE. The Association shall have the authority to and shall obtain commercial property insurance covering the full insurable replacement value of any equipment and other personal property owned by the Association.

9.02 LIABILITY INSURANCE. The Association shall have the authority to and shall obtain commercial liability insurance, including liability for injuries to and death of persons, and property damage, in such limits as the Directors shall deem desirable, and workers compensation insurance and other liability insurance as it may deem desirable, insuring each Owner, the Association, the Directors, the Declarant, the managing agent and their respective employees and agents, as their interests may appear, from liability resulting from, or in connection with, the Services. The Directors may obtain any other insurance that the Directors deem advisable including, without limitation, insurance covering the Directors from liability for good faith actions beyond the scope of their respective authorities and covering the indemnity in Section 5.06. Such insurance coverage shall include cross liability claims of one or more insured parties.

9.03 FIDELITY BONDS. Fidelity bonds indemnifying the Association, the Directors and the Owners for loss of funds resulting from fraudulent or dishonest acts of any employee of the Association or of any other person handling funds of the Association may be obtained by the Association in such amounts as the Directors may deem desirable.

9.04 PREMIUMS. The premiums for any insurance obtained under this Article shall be Common Expenses.

ARTICLE 10 AMENDMENT

10.01 SPECIAL AMENDMENTS. Anything herein to the contrary notwithstanding, the Declarant reserves the right and power to Record a Special Amendment to this Declaration at any time, and from time to time, that amends this Declaration (a) to comply with requirements of Fannie Mae, the Government National Mortgage Association, the Federal Home Loan Mortgage Corporation, the Veteran's Administration, or any other governmental agency, or any other public, quasi-public or private entity that performs (or may in the future perform) functions similar to those currently performed by such entities; (b) to induce any of such agencies or entities to make, purchase, sell, insure, guarantee or otherwise deal with first mortgages covering Lots; (c) to correct errors, ambiguities, omissions or inconsistencies in the Declaration or any exhibit; and/or (d) to bring the Declaration into compliance with applicable laws, ordinances or governmental regulations. To further the foregoing, a power coupled with an interest is reserved and granted to the Declarant to make or consent to a Special Amendment on behalf of each Owner. Each deed, mortgage, trust deed, other evidence of obligation, or other instrument affecting a Lot and the acceptance thereof shall be deemed to be a grant and acknowledgement of, and a consent to the reservation of, the power to the Declarant to make, execute and Record a Special Amendment. The right and power to make a Special Amendment under this Declaration

shall terminate when Declarant is no longer vested with or controls title to any portion of the Property.

10.02 AMENDMENT. Subject to and except as set forth in Section 10.01 and Article 11, this Declaration may be amended, abolished, modified, enlarged, or otherwise changed in whole or in part by the affirmative vote of Voting Members representing at least seventy-five percent (75%) of the total votes or by an instrument executed by Owners of at least seventy-five percent (75%) of the Lots; except, that (a) this Section 10.02 may be amended only by an instrument executed by all of the Owners and all First Mortgagees, and (b) Article 8 or any other provisions relating to the rights of the Declarant may be amended only with the written consent of the Declarant. No amendment shall become effective until properly Recorded.

ARTICLE 11 FIRST MORTGAGEES RIGHTS

11.01 NOTICE TO FIRST MORTGAGEES. Upon the specific, written request of a First Mortgagee or the insurer or guarantor of a First Mortgagee's mortgage, such party shall receive some or all of the following:

- (a) Copies of budgets, notices of assessment, or any other notices or statements provided under this Declaration by the Association to the Owner of the Lot covered by the First Mortgagee's mortgage;
- (b) Any audited or unaudited financial statements of the Association prepared for the Association and distributed to the Owners; provided, that, if an audited statement is not available, then upon the written request of the First Mortgagee or the insurer or guarantor of the First Mortgagee's mortgage, the Association shall permit such party to have an audited statement for the preceding fiscal year of the Association prepared at such party's expense;
- (c) Copies of notices of meetings of the Owners;
- (d) Notice of any proposed action that requires the consent of a specified percentage of Eligible First Mortgagees;
- (e) Notice of any default by the Owner of the Lot subject to the First Mortgagee's mortgage under the Governing Documents not cured within thirty (30) days of the default;
- (f) The right to examine the books and records of the Association at reasonable times;
- (g) In the case of a First Mortgagee, the right to be listed on the records of the Association as an "Eligible First Mortgagee" for purpose of Section 12.02 below; and

(h) A lapse, cancellation or material modification of any insurance policy or fidelity bond maintained by the Association.

The request of any such party shall specify which of the above items the requesting party desires to receive and shall indicate the address to which any notices or documents shall be sent by the Association.

11.02 CONSENT OF FIRST MORTGAGEES.

(a) In addition to any requirements or prerequisites provided for elsewhere in this Declaration, the consent of First Mortgagees holding, in the aggregate, the first mortgages on at least two-thirds (2/3) of the Lots (by number) that are subject to first mortgages held by First Mortgagees that specifically request to be treated as "Eligible First Mortgagees" under Section 11.01(g) above will be required for the Association to do or permit to be done any of the following:

(i) Adoption of an amendment to this Declaration that:

(A) Changes Article 6 or otherwise changes the method of determining the Common Assessments or other Charges that may be levied against an Owner;

(B) Changes Section 7.04 or Article 10;

(C) Changes this Article 11 or any other provisions of this Declaration that specifically grants rights to First Mortgagees;

(D) Materially changes insurance and fidelity bond requirements;

(E) Changes voting rights; or

(F) Imposes a right of first refusal or similar restriction on the right of an Owner to sell, transfer or otherwise convey his Lot.

(ii) The withdrawal of the Property from the provisions of this Declaration.

(b) Whenever required, the consent of an Eligible First Mortgagee shall be deemed granted unless the party seeking the consent is advised to the contrary, in writing, by the Eligible First Mortgagee within thirty (30) days after making the request for consent.

ARTICLE 12 MISCELLANEOUS

12.01 NOTICES. Any notice required to be sent to any Owner under this Declaration or the other Governing Documents shall be deemed to have been properly sent if (a) mailed, postage prepared, to the Owner's last known address as it appears on the records of the Association at the time of such mailing, (b) transmitted by facsimile or e-mail to the Owner's facsimile number or e-mail address as either appears on the records of the Association at the time of such transmittal, or (c) when personally delivered to the Owner's Home. The date of mailing, or the date of transmission if the notice is sent by facsimile or e-mail, shall be deemed the date of service.

12.02 CAPTIONS. The Article and Section headings are intended for convenience only and shall not be construed with any substantive effect in this Declaration.

12.03 SEVERABILITY. Invalidation of all or any portion of any of the easements, restrictions, covenants, conditions, or reservations, by legislation, judgment or court order shall in no way affect any other provisions of this Declaration that shall, and all other provisions, remain in full force and effect.

12.04 CONSTRUCTION. The Directors may construe the provisions of this Declaration, and, absent adjudication by a court of competent jurisdiction to the contrary, such construction shall be final and binding on all persons and entities benefited or bound by this Declaration.

12.05 INTERPRETATION. For this Declaration, (a) the words "include," "includes," and "including" are deemed followed by the words "without limitation;" (b) the word "or" is not exclusive; (c) the words "herein," "hereof," "hereby," "hereto," and "hereunder" refer to this Declaration as a whole; (d) the masculine gender shall be deemed to include the feminine and neuter, the singular the plural, and vice versa.

12.06 PERPETUITIES AND OTHER INVALIDITY. If any of the options, privileges, covenants or rights created by this Declaration would otherwise be unlawful or void for violation of (a) the rule against perpetuities or some analogous statutory provision, (b) the rule restricting restraints on alienation, or (c) any other statutory or common law rules imposing time limits, then such provisions shall continue only until twenty-one (21) years after the death of the survivor of the now living lawful descendants of George W. Bush, the former President of the United States.

[SIGNATURES APPEAR ON FOLLOWING PAGE]

DECLARANT:
TLKM DEVELOPMENT, LLC

By: L A ENTERPRISES, LLC

By: _____
 Name: Patricia A. Kaster
 Title: Managing Member

By: _____
 Name: Dennis P. Layden
 Title: Managing Member

STATE OF WISCONSIN :
 : SS.
 COUNTY OF BROWN :

Personally came before me this ____ day of _____, 2019, the above-named Patricia A. Kaster, Managing Member of L A Enterprises, LLC, a Wisconsin limited liability company, to me known to be the person who executed the foregoing instrument, and to me known to be such Managing Member of said limited liability company, and acknowledged that she executed the foregoing instrument as such Managing Member as the deed of said limited liability company, by its authority.

 Print Name: _____
 Notary Public, State of Wisconsin
 My Commission: _____

STATE OF WISCONSIN :
 : SS.
 COUNTY OF BROWN :

Personally came before me this ____ day of _____, 2019, the above-named Dennis P. Layden, Managing Member of L A Enterprises, LLC, a Wisconsin limited liability company, to me known to be the person who executed the foregoing instrument, and to me known to be such Managing Member of said limited liability company, and acknowledged that he executed the foregoing instrument as such Managing Member as the deed of said limited liability company, by its authority.

 Print Name: _____
 Notary Public, State of Wisconsin
 My Commission: _____

THIS INSTRUMENT WAS DRAFTED BY:

Attorney Mark A. Bartels
One Law Group, S.C.
444 Reid Street, Suite 200
P.O. Box 5637
De Pere, WI 54115-5637
(920) 336-5766

EXHIBIT A
LEGAL DESCRIPTION OF PROPERTY

Lots 48 through 71, inclusive, according to the recorded Plat of Garrity's Glen South, City of De Pere, Brown County, Wisconsin.

Tax Parcel Numbers: _____

**RECORD OF ACTION TAKEN BY
THE BOARD OF DIRECTORS OF
GARRITY'S GLEN SOUTH LOTS 48-71 HOMEOWNERS ASSOCIATION, INC.**

The undersigned, being all the directors of Garrity's Glen South Lots 48-71 Homeowners Association, Inc., a Wisconsin non-stock corporation (the "Corporation"), hereby consent to the adoption of the following actions taken without a meeting in accordance with Wisconsin Statutes Chapter 181:

RECITALS

A. The undersigned directors of the Corporation deem it to be in the best interests of the Corporation to adopt the attached Articles of Incorporation and Bylaws.

B. The undersigned deem it to be in the best interests of the Corporation to name the initial officers of the Corporation.

RESOLUTIONS

1. That the Articles of Incorporation of the Corporation attached hereto as Exhibit A be, and hereby are, adopted.

2. That the Bylaws of the Corporation attached hereto as Exhibit B be, and hereby are, adopted.

3. That the following persons be, and they hereby are, named as officers of the Corporation:

President:	_____
Vice President:	_____
Secretary:	_____
Treasurer:	_____

The undersigned execute the foregoing Record of Action as of the ____ day of January, 2019.

DIRECTORS:

Name: Patricia A. Kaster

Name: Deborah L. Meacham

Name: Dennis P. Layden

EXHIBIT A
ARTICLES OF INCORPORATION

Attachment: Precise Implementation Plan (7849 : Recommendation regarding a Precise Implementation Plan (PIP) Plan for a proposed single

**EXHIBIT B
BYLAWS**

GARRITY'S GLEN SOUTH
City of De Pere, Brown County, Wisconsin

RESTRICTIVE COVENANTS

REAL ESTATE: Lots 1 thru 80, according to the recorded Plat of Garrity's Glen South, City of DePere, Brown County, Wisconsin

Use Restrictions: Lots 1-10, 18 – 47 & 72 - 77 shall be used for single-family residential purposes only. A lot may be used in conjunction with a single family improvement for private recreational type improvements such as a swimming pool, tennis court(s) or other recreational uses, subject to receipt of prior written approval from the Village of Howard and further subject to the other covenants contained herein and any other restrictions, easements, setbacks or reservations of record. No lot shall contain more than one (1) single family dwelling.

Lots 11-17 & 78 shall be used for duplex (2 family residential) purposes.

Lots 48 thru 71 shall be used for single family residential purposes under a Planned Development with a Home Owners Association for lawn care and snow removal.

Owners of Lots 48 thru 71 shall be a part of the Garrity's Glen South 48-71 Homeowners Association, Inc.

Lots 79 & 80 shall be used for Multi-family purposes and shall accommodate three 8-unit buildings for a total of 24 units.

Governmental Permits: All homes in Garrity's Glen South are subject to permits and fees as required by the Village of Howard, Brown County and any other that may apply. See notes and restrictions on plat.

Drainage Easements/

Plan Approval: Lots 1 thru 78 shall require complete copies of Plans (Construction Blueprints), including the plan for each level of home containing finished living space (above or below grade) all elevations and plot plan must be submitted to the Developer for approval prior to the start of construction and shall remain on file with Developer.

All homes to have a minimum 6/12 roof pitch

All homes to have a minimum 2 stall attached garage

All homes to have a hard surface driveway

All homes to be built on site

All homes to have a fully landscaped yard

All single family homes to have at least 25% of the front elevation in masonry (brick or stone)

All duplex (2 family residences) shall have a front elevation 100% masonry (brick or stone) on the front portion of living area and a part masonry on the front portion of the garage.

All homes to have a foundation below the frost line

All homes shall be placed on the lot to establish the top of foundation at a minimum of 24" above curb height, with adjustments being made for the contour of the road and existing homes.

Lots 79 & 80 shall have separate approval for the Multi-family buildings thereon.

The improvements on each Lot or any alteration thereof shall be subject to the approval of the Developer which has the authority to approve or reject the plat plan, design, floor plan, elevation and site location of improvements on any Lot. Such approval may be evidenced on the blueprint itself or on a separate written instrument signed by the Developer.

Subdivision of Lots: No Lot or Lots may be subdivided into any parcels, tracts or lots smaller than that which was originally conveyed by Developer to the initial purchaser(s). Developer reserves unto itself the rights to subdivide, redivide and or divide into parcels, tracts or lots, any or all of the real property owned by the Developer.

Building relocation: No building erected elsewhere may be moved onto any Lot or Lots within this plat.

Temporary Structures: No temporary structures (including, within exclusion of others, trailers, basement without residence above, tent, shack, garage or barn of any kind) will be permitted for dwelling purposes.

Grade: There has been a grading/drainage plan designed and approved for Garrity's Glen South. Every home built on each lot must be in compliance with said grading/drainage plan at all times. Final grade, after construction; the construction area and land occupied by public easement shall not be graded in such a manner as to interfere with drainage of storm water on said lot or neighboring lots

Developer makes no warrants or representations as to the ability of any lot in this plat being able to accommodate a walk-out or exposed lower level. Determination of said use must be made by a qualified professional. Lot/home owner is ultimately responsible to make sure the house is built according to the grading/drainage plan and in such a manner as to not disrupt grading/drainage for the subject lot nor for any adjacent property now or in the future.

Erosion control: Lot owner must make sure lot is in total compliance with all erosion control requirements at all times: before/during and after construction.

Start Date/Completion: There is not a construction limit between Lot purchase/ownership and start date. However, projects must be completed within one year of the start of construction (issuance of building permit by the Village of Howard). Every structure shall have a permanent finish on the exterior within six months of start. Completion of a project includes the dwelling and the Lot which shall be finally graded to meet existing grade requirements, landscaping, lawn, and hard surface driveway.

Lot Stakes/Corner Markers: Survey stakes (metal pipes in the ground) identify every Lot corner. Whether done by individual lot owner, their builder, or professional surveyor, the Lot owner is responsible to locate corner markers. The home must be placed within the legal limits of the Lot/plat and the requirements of the Village of Howard. Lot owners shall be solely responsible for maintaining all survey markers and must be sure they are not moved or removed during the construction of their individual homes. A disturbance of a survey stake by anyone is a violation of Section 236.32 of the Wisconsin Statutes.

Fill and Topsoil: Stockpiles of topsoil and fill placed on any Lot during road/infrastructure construction remain the property of the subdivision and are not a part of the sale of any individual Lot upon which it may be stockpiled. Any fill or topsoil hauled in or out of any Lot shall be at buyer's expense. Buyer shall be responsible to remove from their Lot and the subdivision any excess top soil or fill left from the construction on their respective Lot. Lot Owners/Builders are not allowed to 'DUMP' their excess dirt on any other lot in this subdivision. If they do so and developer has to have it removed, removal will be at the expense of the person who 'dumped' it.

Maintenance of Vacant Lot: The Lot owner is responsible for maintenance and upkeep of the lot prior to the start of construction, including but not limited to keeping the lot free of trash and debris and cutting long grass and weeds.

Suitability of Soil: During the development process, soil(s) may have been moved on to/off of/across lots in this development. Developer makes no representations or warranty whatsoever, express or implied, regarding the physical condition of any lot. Developer recommends prospective buyer have their lot inspected and tested (at buyer's expense) by a qualified professional regarding subsurface conditions or any other matter which may be of concern to buyer/builder.

Construction Debris/Curb Cuts: The lot owners shall dispose of all debris created during construction, including curb cuts and/or other concrete debris. Any cost incurred by Developer for removal of such debris shall be billed to the lot owner who was responsible for the removal of such debris.

Outbuildings: No storage sheds or outbuildings of any kind shall be allowed in Garrity's Glen South.

Animals: No horses, cattle, swine, sheep, goats or live poultry of any kind shall be kept on any lot in the plat.

Fences: No chain link or wire fences shall be permitted on any lot. All fences must be located by a professional surveyor and must comply with all restrictions imposed by the City of DePere

Notes, easements, restrictions: Notes, Easements and Restrictive Covenants placed on the plat, by this reference, become a part of this document.

Amendments/Changes: Variations from these restrictions may be approved in writing by the subdivision developer.

Duration: The covenants are restrictions of this Declaration and shall remain in effect for a period of twenty (20) years from the date hereof and thereafter shall automatically continue to be in effect for additional periods of five (5) years unless terminated or otherwise limited or enlarged by the recording of an instrument executed and acknowledged by the then owners of at least seventy-five percent (75%) of the lots covered by this Declaration.

Executed at Green Bay, Wisconsin this _____ day of _____ 2018

TLKM Development, LLC

Member

State of Wisconsin
Brown County

Subscribed and sworn to before me this
_____ day of May 2016

Notary Public: _____
Brown County, Wisconsin
Commission expires: _____

This document drafted by: Patricia A Kaster, Member TLKM Dev. LLC



City of De Pere, Wisconsin

Request For Plan Commission Action

MEETING DATE: February 5, 2019

DEPARTMENT: Planning

FROM: Peter Schleinz

SUBJECT: Recommendation regarding the proposed 80 Lot and three Outlot Final Plat of "Garrity's Glen South" at 2500 BLK Lawrence Drive (Parcels WD-L482, WD-L483 & WD-L484). Submitted by Pat Kaster, TLKM Development LLC, authorized representative for R&M Garrity Farm LLC, property owner.*

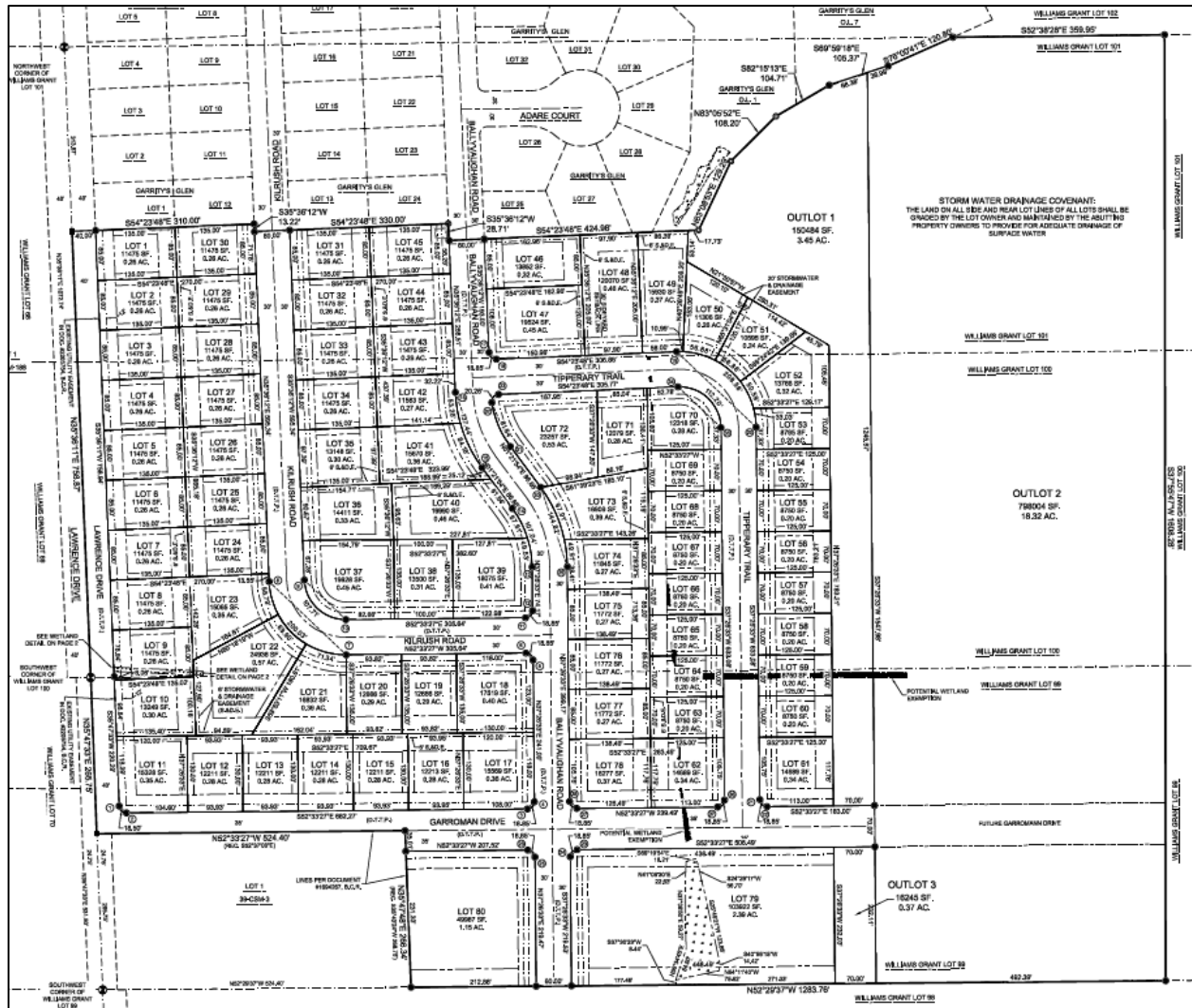
ATTACHMENTS:

- Final Plat - Garrity's Glen South - Plan Commission Report (DOCX)
- Application Form (PDF)
- Final Plat (PDF)

- ## SITE MAP



PROPOSED PRELIMINARY PLAT AREA



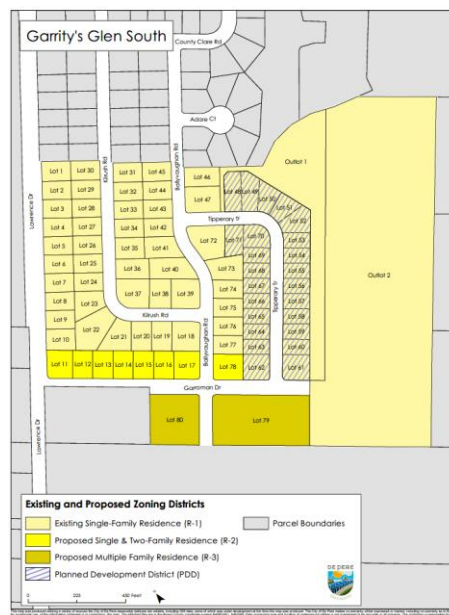
REQUESTED ACTION: Final Plat Approval

Final plat is associated with a Precise Implementation Plan that will be reviewed by Plan Commission on January 28, 2019.

COMMON DESCRIPTION: 2500 BLK Lawrence Drive, located generally between County Clare Road and the south City of De Pere limits.

PARCEL NUMBERS: WD-L482, WD-L483 and WD-L484

EXISTING ZONING: Proposed Lots 1-10, 18-47, 72-77 and Outlots 1-3 are zoned R-1.
Proposed Lots 48-71 are zoned R-1 PDD.
Proposed Lots 11-17 and 78 are zoned R-2.
Proposed Lots 79 and 80 are zoned R-3.



SURROUNDING LAND USES: Residential and natural areas to the north.
Agricultural and industrial to the south.
Agricultural to the east.
Southwest Park to the west.

COMPREHENSIVE PLAN: Neighborhood Residential (Including Multi-Family).
Business park near Outlot 2.

APPLICANT / OWNER: Pat Kaster
Authorized Representative
TLKM Development LLC
2170 Velp Avenue, Suite 106
Green Bay, WI 54303

R&M Garrity Farm LLC ETAL
Property Owner
3173 Trenton Lane
Green Bay, WI 54313-4025

SITE HISTORY: After a review of air photographs, the property and nearby areas were used for agricultural purposes. Adjacent residential development to the north occurred in the late 2000's. The site is located adjacent to the City of De Pere and Town of Lawrence municipal limits.

On November 26, the Plan Commission recommended approval of a preliminary plat and rezoning for the subject area, which included a Planned Development District overlay for a single family development. The Common Council approved the preliminary plat on December 4, 2018 and approved the rezoning and Planned Development District overlay on December 18, 2018.

On February 5, 2019 the Plan Commission is expected to review a Precise Implementation Plan, related to the PDD overlay, as well as the final plat.

STAFF REVIEW:

When reviewing a final plat, staff considers State Statutes 236, Section 46-8 of the De Pere Platting and Division of Land Code, the future land use recommendation of the Comprehensive Plan, surrounding land uses, and desired development patterns.

The final plat meets the criteria of State Statutes 236 and most criteria of Section 46-8 of the De Pere Platting and Division of Land Code. Lot sizes are sufficient for property zoned R-1, R-2 and R-3. The Planned Development District overlay area (proposed Lots 48-71) proposes the following differences from typical Municipal Code zoning:

- Minimum street frontages of 85 feet will be allowed to be 70 feet
- Minimum lot areas of 10,000 square feet will be allowed to be 8,750 square feet
- Side yard setbacks of 10 feet will be allowed to be 8 feet

The developer intends on creating a homeowners association in the Planned Development District overlay area to create a condominium-like neighborhood with minimal maintenance responsibilities of residents. The structures will be single-family houses on individual smaller lots and appear to be similar to the lots in the rest of the neighborhood.

Outlots 1 and 3 were created to allow for storm water management. Outlot 2 was created because it will remain owned by the current property owner, and not the developer.

Proposed Garromon Drive will eventually be extended to connect Lawrence Drive with American Boulevard. Garromon Drive is not designated to be a truck route for industrial vehicle ingress-egress.

Please note that the Garroman Drive right-of-way, near Lawrence Drive, is only 35-feet wide. That is because only half of the typical 70-foot wide right-of-way is owned by the developer and the other half of the right-of-way would be dedicated by the property owner to the south. This is not atypical when dealing with property development and multiple property owners. The City is currently working with the other property owner in order to acquire the right of way.

The City plat is reviewed by the City of De Pere. A courtesy review of technical measurements was performed by Brown County to expedite the efficient process of recording plats.

REVIEW PROCESS

For final City plat petitions, the Plan Commission provides either an approval, rejection with reason, or approval with conditions decision. The Common Council also reviews final City plats. The Common Council is expected to review the City plat on February 5, 2019.

The plat review for this project is part of a number of reviews that have been under consideration for Garrity's Glen South. Other reviews included:

- A. Residential Infrastructure Policy and TID Incentive
- B. Rezoning with PDD overlay and General Development Plan
- C. Preliminary Plat
- D. Precise Implementation Plan
- E. Final Plat

Items D & E are awaiting review and approval by Plan Commission and Common Council.

STAFF RECOMMENDATION: Staff recommends APPROVAL of the final City plat and forwarding the map to the Common Council for final approval, subject to:

1. Meeting all other state and local regulations.
2. Final Plat approval is subject to a successful approval of a Precise Implementation Plan for Lots 48-71.
3. Note #2 may need to be revised as the plat references a 30 foot side yard setback. The 30 foot setback must be enforced by the Home Owners Association as the City's Municipal Code enforces a 10 foot side yard setback (a 30 foot setback was not identified in the rezoning with PDD overlay, General Development Plan, and Precise Implementation Plan).
4. If the WDNR determines a navigable waterway does not exist on the plat, modify Restrictive Covenant #3 to not include navigable waterways. The body of water is a storm water management pond. Otherwise properly show all ESA's and setbacks on plat.
5. Update data that references "potential wetland exemption" to identify clearly if there is or is not an exemption, with the source of the determination referenced.
6. The Developer has verbally agreed to provide street trees during previous reviews. If street trees are planned, please provide documentation for review, like a landscape plan and proposed timing.
7. Provide documentation that there are no existing utility easements on the property.
8. 20 foot wide storm sewer/drainage easements will required along the following lot lines:
 - a. 10 foot on north side of Lot 30.
 - b. 20 foot (10 feet each side) between lots 12 & 13, 17 & 18, 39 & 40, 44 & 45, 66 & 67, 62 & 78, and 70 & 71.
9. Update 6 foot drainage easements as follows:
 - a. Lots 38 & 40.
10. Under Note 9), add the following sentence at the end "These grades are on file at the City of De Pere Engineering Department."

11. The following does not require change to the plat, however, please inform the developer of the following:
 - a. The developer/property owner shall be responsible to remove existing buildings and/or foundations in conflict with street construction. Foundation abandonment shall be completed per City Specifications.
 - b. Gravel piles and other debris shall be removed by the developer.

	CITY OF DE PERE APPLICATION FOR PLAT REVIEW		Fee: \$195.—
	CITY OF DE PERE RECEIVED JAN 11 2019		Receipt #: 00138908
			Date: 11 Jan 2019

Read all instructions provided before completing. If additional space is needed, attach additional pages. Type or use black ink.

SECTION 1: Applicant / Permittee Information

Applicant Name (Ind., Org. or Entity) TLKM DEVELOPMENT, LLC	Authorized Representative PATRICIA KASTER	Title MANAGING MEMBER	
Mailing Address 2710 VELP S	City GREEN BAY	State WI	ZIP Code 54303
Email Address PKASTER@R	Phone Number (incl. area code) 920.497.5090	Fax Number (incl. area code) 920.497.4881	

SECTION 2: Landowner Information (complete these fields when project site owner is different than applicant)

Name (Ind. Org. or Entity) R&M GARRITY FARM. LLC	Contact Person JOSEPH G	Title MANAGING MEMBER	
Mailing Address 4030 BOY S	City TAMPA	State FL	ZIP Code 33607
Email Address JOSEPH.GAR	Phone Number (incl. area code) 813.281.8242	Fax Number (incl. area code) NA	

SECTION 3: Project or Site Location

Project Address/Description GARRITY GLEN SOUTH	Parcel No. L-482, L-483, L-484
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SECTION 4: Plat Review

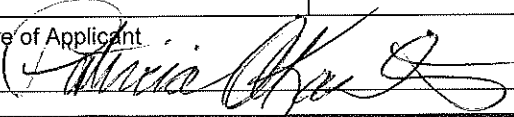
Review Type:	☐ Preliminary Plat ☒ Final Plat	
Fee:	Preliminary Plat Fee: \$278 + (# of lots x \$68) Final Plat Fee: \$195	\$195.00
Present Use of Parcel:	AGRICULTURAL	
Proposed Use of Lots:	RESIDENTIAL	

Please submit 1 hard copy and 1 PDF copy of the Plat if the property is located within the City or if the property is located within the extraterritorial jurisdiction.

SECTION 5: Certification and Permission

Certification: I hereby certify that I am the owner or authorized representative of the owner of the property which is the subject of this Permit Application. I certify that the information contained in this form and attachments is true and accurate. I certify that the project will be in compliance with all permit conditions. I understand that failure to comply with any or all of the provisions of the permit may result in permit revocation and a fine and/or forfeiture under the provisions of applicable laws.

Permission: I hereby give the City permission to enter and inspect the property at reasonable times, to evaluate this notice and application, and to determine compliance with any resulting permit coverage.

Name of Owner/Authorized Representative (please print)	Title MANAGING M	Phone Number 920.497.5090
Signature of Applicant 		Date Signed 1-10-2019

TO BE COMPLETED BY CITY STAFF

Plat Review authorized by the De Pere Municipal Code, Chapter 46.	
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Attachment: Application Form (7850 : Recommendation regarding the proposed 80 Lot and three Outlot Final Plat of "Garrity's Glen South" a



PART OF WILLIAMS GRANT LOTS 99, 100 AND 101, CITY OF DE PERE, BROWN COUNTY, WISCONSIN.



City of De Pere, Wisconsin

Request For Plan Commission Action

MEETING DATE: February 5, 2019

DEPARTMENT: Planning

FROM: Peter Schleinz

SUBJECT: Recommendation regarding a Site Plan for a new residential building (Units #9 & #10), with parking areas, in a condominium setting called Pelican Landing at 1015 N. Broadway Street (Parcels ED-3002 thru ED-3010). Submitted by Robert Gryboski, authorized representative for SWR Properties LLC, land owner.

ATTACHMENTS:

- Report to Plan Commission - Site Plan at 1015 N Broadway ST - Pelican Landing (DOCX)
- Application Form (PDF)
- Site Plan - site - elevation - soil loss - PRELIMINARY 2 - 22 Jan 2019 (PDF)

- ITEM 10:** Recommendation regarding a Site Plan for a new residential building (Units #9 & #10), with parking areas, in a condominium setting called Pelican Landing at 1015 N. Broadway Street (Parcels ED-3002 thru ED-3010). Submitted by Robert Gryboski, authorized representative for SWR Properties LLC, land owner.

SITE MAP



- REQUESTED ACTION:** Site Plan approval.
- Addition of a fifth residential twindominium structure (units 8 and 9) and parking areas with a private drive lane.*
- COMMON DESCRIPTION:** 1015 N. Broadway Street, located Between Randall Avenue and the North City Limits.
- PARCEL NUMBERS:** ED-3002 thru ED-3010
- EXISTING ZONING:** R-3 (General Residence District)
- SURROUNDING LAND USES:** Commercial and natural to the north.
Commercial, multi-family residential, and natural to the south.
St. Norbert Abbey and agricultural to the east.
Recreational and natural to the west.

COMPREHENSIVE PLAN: Multi-Family Residential

APPLICANT / OWNER:	Robert Gryboski Authorized representative SWR Properties LLC 1365 North Road, Suite A Green Bay, WI 54313	SWR Properties, LLC Property owner 1365 North Road, Suite A Green Bay, WI 54313
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SITE HISTORY: After a review of air photographs, year 1938 air photographs identified two buildings on the property near N. Broadway Street. By 1960 two more buildings were added at the rear of the property. By 2005 all buildings on the property were removed. In 2006, the vacant property was zoned B-2 with a Planned Development District (PDD) overlay in anticipation of mixed-use development for condo, office, and retail uses. The development never occurred.

In July 2017, the PDD overlay was eliminated and the property was rezoned to R-3 to comply with the Comprehensive Plan. The rezoning allowed for four twindominium buildings (Units #1-8) to be built on the site along with 8 garage units, private drives, and a pathway that connects to docks on the Fox River.

In November 2017, Plan Commission approved a site plan for the Pelican landing Condominium plat, which allowed for the development of the above-referenced buildings, garages, drives, and pathway.

In January, 2019, the petitioner requested that a fifth twindominium building (units #9-10) be added to the site with attached garages and additional private drives.

STAFF REVIEW: When reviewing a Site Plan request, staff considers the zoning code, future land use recommendation of the Comprehensive Plan and the surrounding land uses and desired development patterns.

The original site plan review for the Pelican Landing Condominium included four twindominium buildings (Units #1-8) along with eight garage units, private drives that connect to N. Broadway, and a pathway that connects to docks on the Fox River.

The proposed new site plan includes an extension of the private driveway and one residential twindominium structure (Building #5 with Units #9-10) with 2 attached garage areas. The proposed new structure is located at the northeast end of the property, near N. Broadway Street.

The size of the entire property (including the proposed development and existing development on both sides of the Fox River State Recreational Trail) is 398,915 s.f. (9.2 acres). The portion of the property on the developed/developing side of the Fox River State Recreational Trail is 271,772 s.f. (6.2 acres).

The proposed new structure is set back 25 feet from the front property

line along N. Broadway Street and 6 feet from the side yard (north) property line, which meets the minimum setback criteria for the R-3 Zoning District.

The two proposed garage areas on the east end of the primary structure are allowed as the garage areas are “attached” via two pergolas with roofs. If the pergolas did not exist the garages would need to be setback 60 feet from the property line.

The existing concrete at the subject site was supposed to be removed as part of the 2017 Pelican Landing site plan. The concrete was not removed, but will be removed and either landscaped or paved as part of the new development. The secondary drive at the northeast corner of the property that connects to N. Broadway Street will be removed and landscaped with the development.

The vehicular access to the property is at N. Broadway Street via a private driveway. Pedestrian access is at the Fox River State Recreational Trail, and also along a sidewalk at N. Broadway. There is not a walkway that connects between the individual residential units and the street fronted sidewalk.

The site is a proposed condominium, thus the buildings will have architectural treatments that are similar to single family houses, designed in duplex format. The Design Development section of the Zoning Code (14-60) requires buildings to be all brick and natural stone, or other materials approved by Plan Commission. In order for the residential units to express coastal style architecture (similar to the units near the Fox River State Recreational Trail), the developer is requesting that the Plan Commission approve the use of a shingle style architecture (premium vinyl cedar shake siding), in addition to stone and brick. This material could be determined to be acceptable as the neighborhood feel of the development is single and two-family, rather than multi-family.

The site plan complies with the following massing and setback requirements set by the R-3 Zoning District (Section 14-40)

- Land Use: Two Family dwellings (permitted)
- Lot Size: 398,915 s.f., which is 79,783 s.f. per twindominium (8,500 s.f minimum/twindominium required)
- Front Yard Setback: 25-feet (25-feet required)
- Interior Side Yard Setback: 6-foot setback was approved with previous site plan. (if previous approval was not included, the setback would be 6 feet plus 1 foot for every 2 feet of building height that exceeds 15 feet – the garage area is under 15 feet in the setback, and the house area is over 15 feet at 28’4”, outside of the setback)
- Rear Yard Setback: ~250-feet from trail (30-feet required)
- Building Height: 2 stories and 28-feet 4 inches (2.5 stories, not to exceed 30-feet maximum)

- Landscaping: A Landscaping Plan is included with this report plans; however, the developer may provide an updated Landscape Plan at the Plan Commission meeting. The landscaping presently screens the street, but staff recommends that daylily vegetation be added to the garage east façade, where it is not paved.

Minimal supplemental lighting is proposed on the site as it is a residential development. The screening of HVAC systems has been addressed with proposed onsite landscaping identified in the Landscape Plan. The site plan has limited erosion control information, storm water management plan information, and site drainage information because the data was addressed with the previous 2017 site plan.

Parking requirements (for the new addition only) include the need for 4; the new developed area includes 10 parking stalls, including indoor and outdoor parking. The remainder of the development provides an additional 72 stalls. The entire site totals 82 indoor and outdoor stalls, but all stalls are not shared.

The proposed building façade finishes include the following, which are similar to the other units in the development, but the materials do not comply with all of the City's Development and Design Standards:

- Stonework is full veneer De Pere stone
- House siding is "Certainteed" white shake shingles
- Metal roofs are bronze standing seam.
- Secondary garage area is "LP Smartside" wood siding, and the color is shadow (dark bronze)
- Pergola and brackets, which connect the garage area to the primary structure, are solid cedar timbers stained urban bronze to match metal roof, wood front door and shadow bronze siding
- Garage doors are upgraded to have applied moldings and are white
- Cupolas are white with bronze metal roof.

Photo of the front of existing unit #5 with similar colors and materials.



UNIT 9A
F#1600.0

UNIT 1A
F#1600.0

EXISTING
STORMWATER
MANAGEMENT
FACILITY

UNIT 10
GARAGE FLOOR
ELEV. #600.00
LOWER LEVEL
FLOOR ELEV. #59.55

UNIT 9B
F#1600.80
LOWER LEVEL
FLOOR ELEV. #59.55

PERGOLA CONNECTING
HOUSE TO GARAGE

UNIT 9A
F#1600.20
LOWER LEVEL
FLOOR ELEV. #59.55

BENCHMARK 35
CENTERED SQUARE ON
LIGHT POLE 15' ±
ELEV. = 59' ±

MATCH
EXISTING
ASPHALT

North Broadway

Lot 2

[illegible]

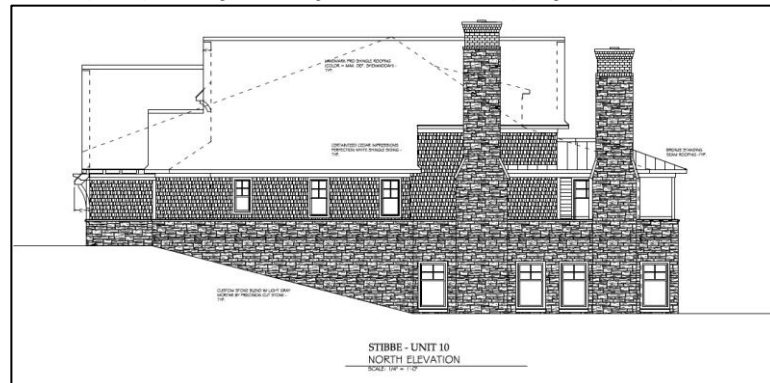
**East (front) twindominium façade view from N. Broadway Street
WITHOUT the extra garage areas.**



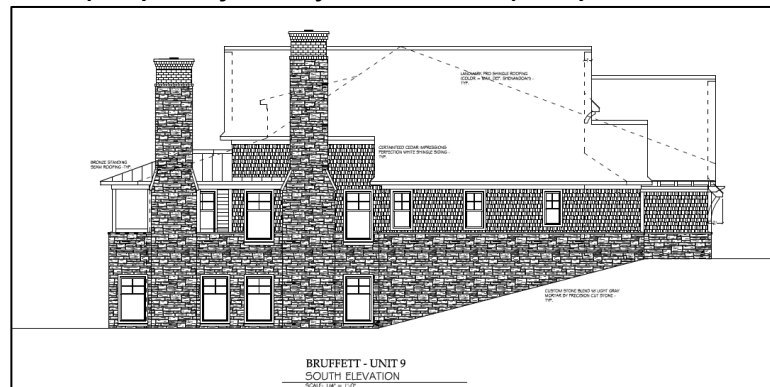
**West (rear) twindominium façade view from the existing buildings.
Looking toward N. Broadway Street.**



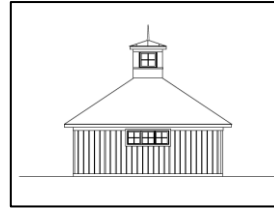
North (side) view from adjacent business (bicycle store).



South (side) view from adjacent business (Bank).



East view of garage area between front door and N. Broadway Street.



Front façade view without and with front garage areas superimposed, to provide concept of view from the street (landscaping not included).



The location, and colors of the garage areas at the front of the primary structure, although it may appear to meet most Municipal Codes due to being attached by pergolas, is of concern to City staff because of the aesthetic view it will create from the street. Of greatest concern from staff is the stark dark color of the garage areas with the white color of the residential units.

STAFF COMMENTS:

The following staff comments are conditions that need to be met, per City staff review.

Engineering:

1. Provide easement information on sanitary line that the facility plans to connect to. Provide a copy of the shared easement with the bank with the City; the easement should specifically allow Pelican Landing to connect to it.
2. Provide an erosion control plan that includes stockpile locations and protection (under review by staff).
3. Need a construction staging plan that calls out the order of operations and timing.
4. Provide a removals plan for the concrete at front of property.

5. Need WisDNR soil loss discharge calculations with corresponding map.
6. Legend doesn't have symbols for the following: storm sewer manhole, existing asphalt, inlet protection, any of the erosion mats, rip rap, and tracking pad.
7. Provide the City at least 1 month advance notice if ordering a water meter that is greater than 1".
8. Staff is concerned that the proposed retaining wall may be on neighboring property. Please work with Inspection staff for appropriate locations and permits.
9. Endwall structure with rip rap at new storm outfall still needs to be reviewed by staff.

Fire:

None.

Forestry:

None.

Health:

None.

Planning:

1. There are some minor discrepancies in the information shown on the Site Plans, Elevation Plans, and Landscape Plans. Correct with the submittal of the final site plans (e.g. – edge of driveway border, pergola shape, landscaping location).
2. Verify how the garbage collection will be addressed (private collection) with the private drive as a garbage truck will not drive in.
3. Municipal Code requires that buildings in R-3 zoning have exterior building materials that are brick, natural stone, or other materials approved by Plan Commission. Any material that is not brick or stone, including the use of shingles, siding, and wood on exterior walls, requires approval by Plan Commission.
4. The pergola connections between the two units and the two garage areas must be built in a way that allows the units and the garage areas to be considered one structure. Provide adequate plans and documentation to Inspection staff to confirm the connection is appropriate.
5. Provide copies of any revised landscaping plans for staff review and approval.
6. Indicate the front and side yard setbacks clearly on the site plans.
7. Provide dimensions for the driveway area. Include setbacks from the front and side property lines.
8. This site plan is part of a condominium. Provide a copy of any revised or approved condominium plat and declaration to the City.

Inspection:

None.

REVIEW PROCESS:

For Site Plan Requests, the Plan Commission either approves or denies the project. Conditions of approval must be resolved between the petitioner and staff before a final approval memo is issued and building permits are released. The site plan is not reviewed by Common Council.

STAFF RECOMMENDATION:

Staff recommends APPROVAL of the Site Plan request for a fifth new residential building (Units #9 & #10), with parking areas, in a condominium called Pelican Landing, subject to compliance with the conditions listed in the 'Staff Comments' section of this report.

Staff also recommends APPROVAL of the use of wood siding on the garage areas, shingles (premium vinyl cedar shake siding), in addition to the use of natural stone as an exterior façade material.

	CITY OF DE PERE APPLICATION FOR SITE PLAN REVIEW	Fee: \$ 305.00
		Receipt #: 138667
		Date: 1/3/19

Read all instructions provided before completing. If additional space is needed, attach additional pages. Type or use black ink.

SECTION 1: Applicant / Permittee Information

Applicant Name (Ind., Org. or Entity) SWR Properties, LLC	Authorized Representative Robert Gryboski	Title Member	
Mailing Address 1365 North Road, Ste A	City Green Bay	State WI	ZIP Code 54313
Email Address bob@gryboskibuilders.com	Phone Number (incl. area code) 920-609-1522	Fax Number (incl. area code) 920-494-2924	

SECTION 2: Landowner Information (complete these fields when project site owner is different than applicant)

Name (Ind. Org. or Entity)	Contact Person	Title	
Mailing Address	City	State	ZIP Code
Email Address	Phone Number (incl. area code)	Fax Number (incl. area code)	

SECTION 3: Project or Site Location

Project Address/Description 1015 N. Broadway St. De Pere, WI	Parcel No. ED-3010
---	-----------------------

SECTION 4: Project Information

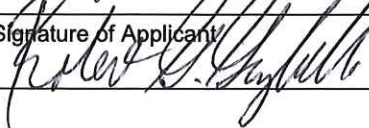
Existing Zoning:	Multi-Family		
Present Use of Parcel:	Vacant Lot		
Proposed Use of Parcel:	Duplex, Multi-Family		
Estimated Start Date:	March 2019	Estimated Completion Date:	January 2020

Please submit 1 hard copy 24x36, 1 hard copy 11x17 and 1 PDF copy of the submittal.

SECTION 5: Certification and Permission

Certification: I hereby certify that I am the owner or authorized representative of the owner of the property which is the subject of this Permit Application. I certify that the information contained in this form and attachments is true and accurate. I certify that the project will be in compliance with all permit conditions. I understand that failure to comply with any or all of the provisions of the permit may result in permit revocation and a fine and/or forfeiture under the provisions of applicable laws.

Permission: I hereby give the City permission to enter and inspect the property at reasonable times, to evaluate this notice and application, and to determine compliance with any resulting permit coverage.

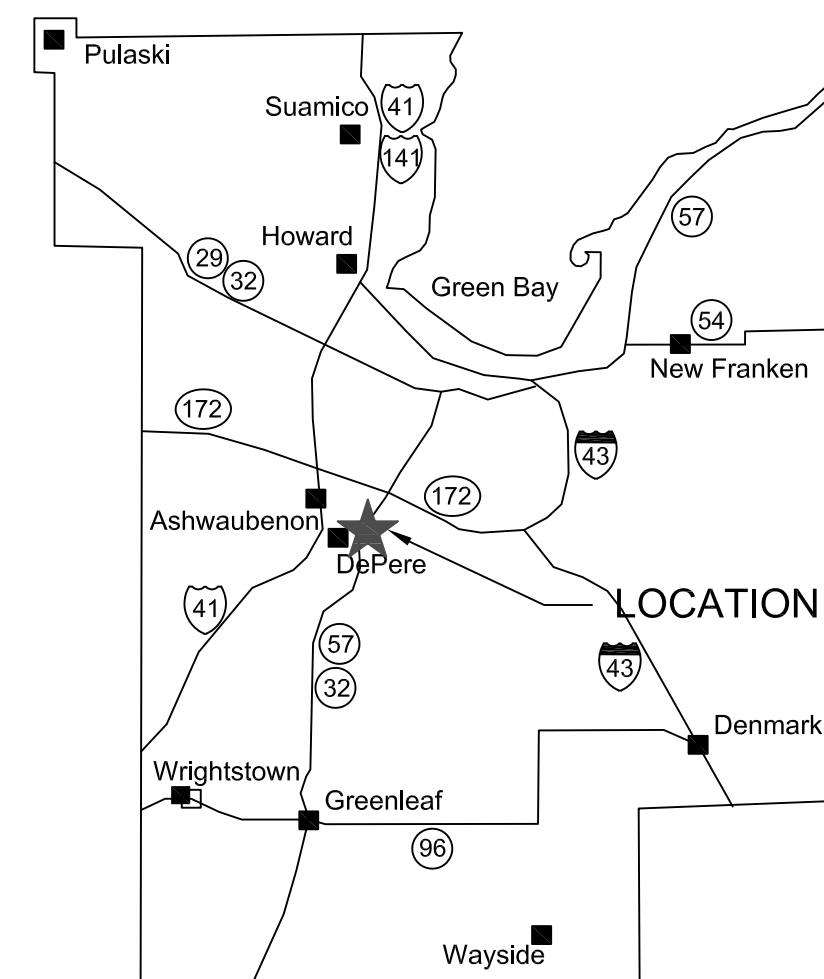
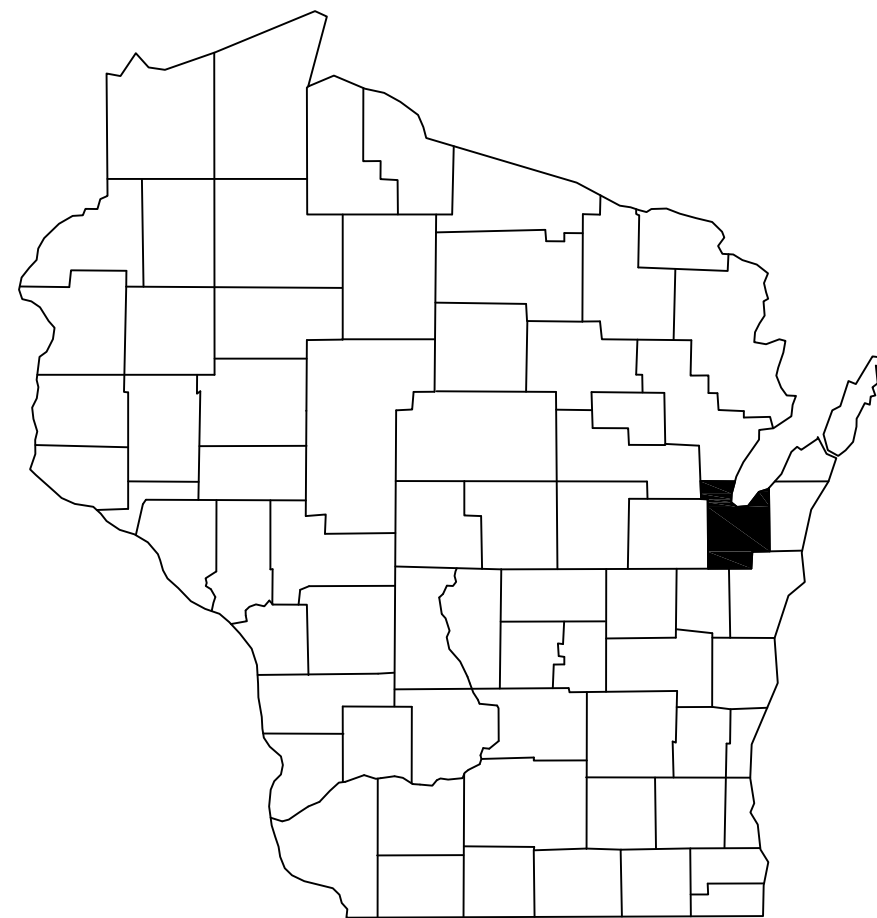
Name of Owner/Authorized Representative (please print) Robert E. Gryboski	Title member	Phone Number 920-609-1522
Signature of Applicant 		Date Signed 1/2/2019

TO BE COMPLETED BY CITY STAFF

CSM Review authorized by the De Pere Municipal Code, Chapter 46.

Attachment: Application Form (7851 : Recommendation regarding a Site Plan for a new residential building (Units #9 & #10), with parking a)

City of De Pere



Vicinity Map
(not to scale)

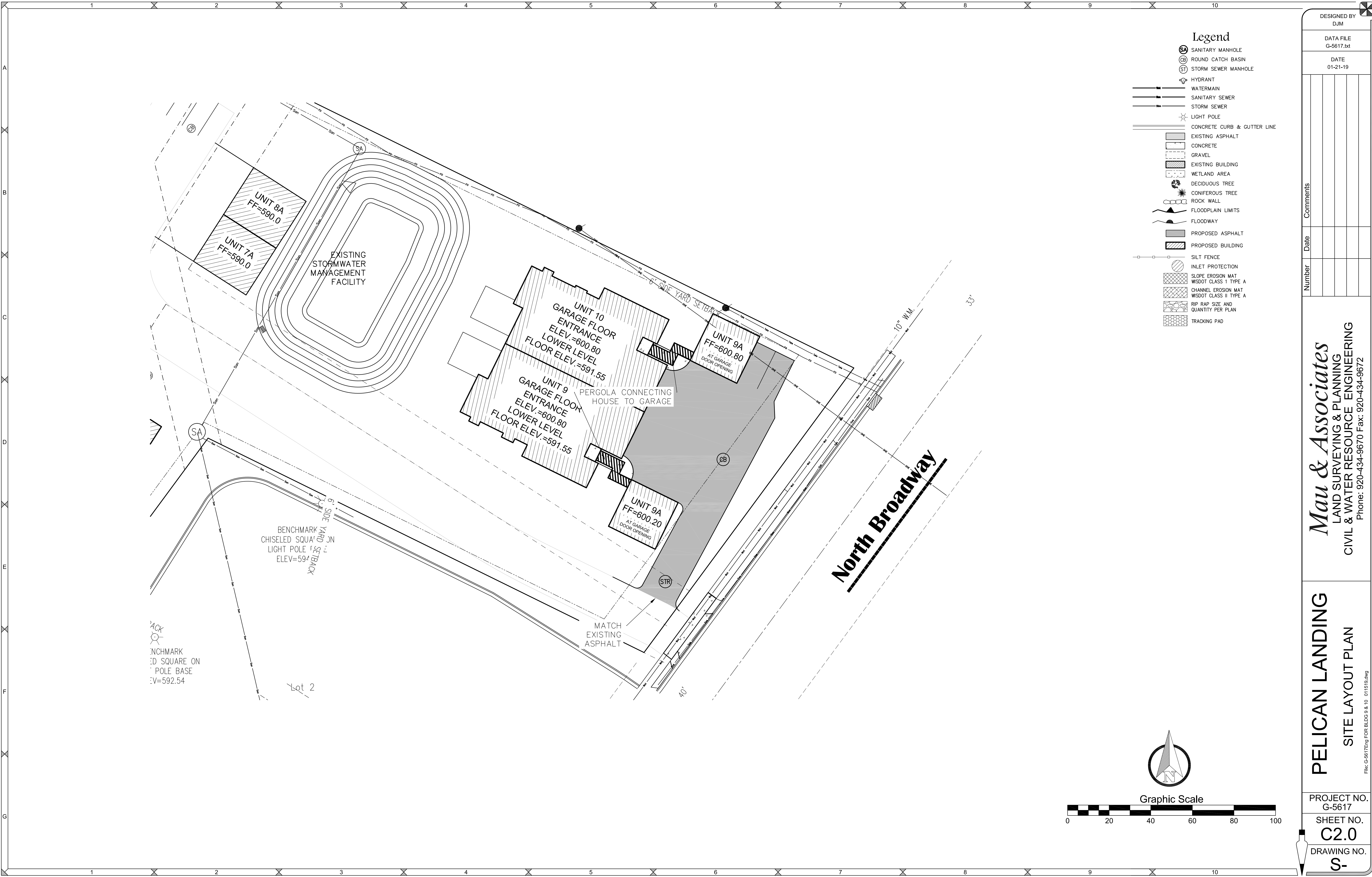
Phone: 920-434-9670 Fax: 920-434-9672

<u>Owner(s):</u> Gryboski Builders, Inc.
<u>Project Name:</u> Pelican Landing Units 9 & 10
<u>Project Description:</u> 2 unit condo building and 2 exterior garages
<u>Project Address:</u> 1015 N. Broadway Street

<u>Owner(s):</u> Gryboski Builders, Inc. Bob Gryboski 1365 North Road, Suite A Green Bay, WI 54313 920-494-2924
<u>Engineer:</u> Mau & Associates, LLP Contact: David J. Meister, P.E. 400 Security Boulevard Green Bay, WI 54313 (920) 434-9670

C1.0 TITLE SHEET
C2.0 SITE LAYOUT
C3.0 SITE DEMOLITION PLAN
C4.0 EROSION CONTROL PLAN
C5.0 GRADING & SITE UTILITY PLAN
C6.0 NOTES & DETAILS (1)
C6.1 NOTES & DETAIL (2)
C7.0 LANDSCAPING PLAN
1 of 1 SITE SURVEY

DATE: 01-21-19
PROJECT NO. G-5617
SHEET NO. C1.0
DRAWING NO. S-



DESIGNED BY
DJM

DATA FILE
G-5617.txt

DATE
01-21-19

Number	Date	Comments

Mau & Associates
LAND SURVEYING & PLANNING
CIVIL & WATER RESOURCE ENGINEERING
Phone: 920-434-9670 Fax: 920-434-9672

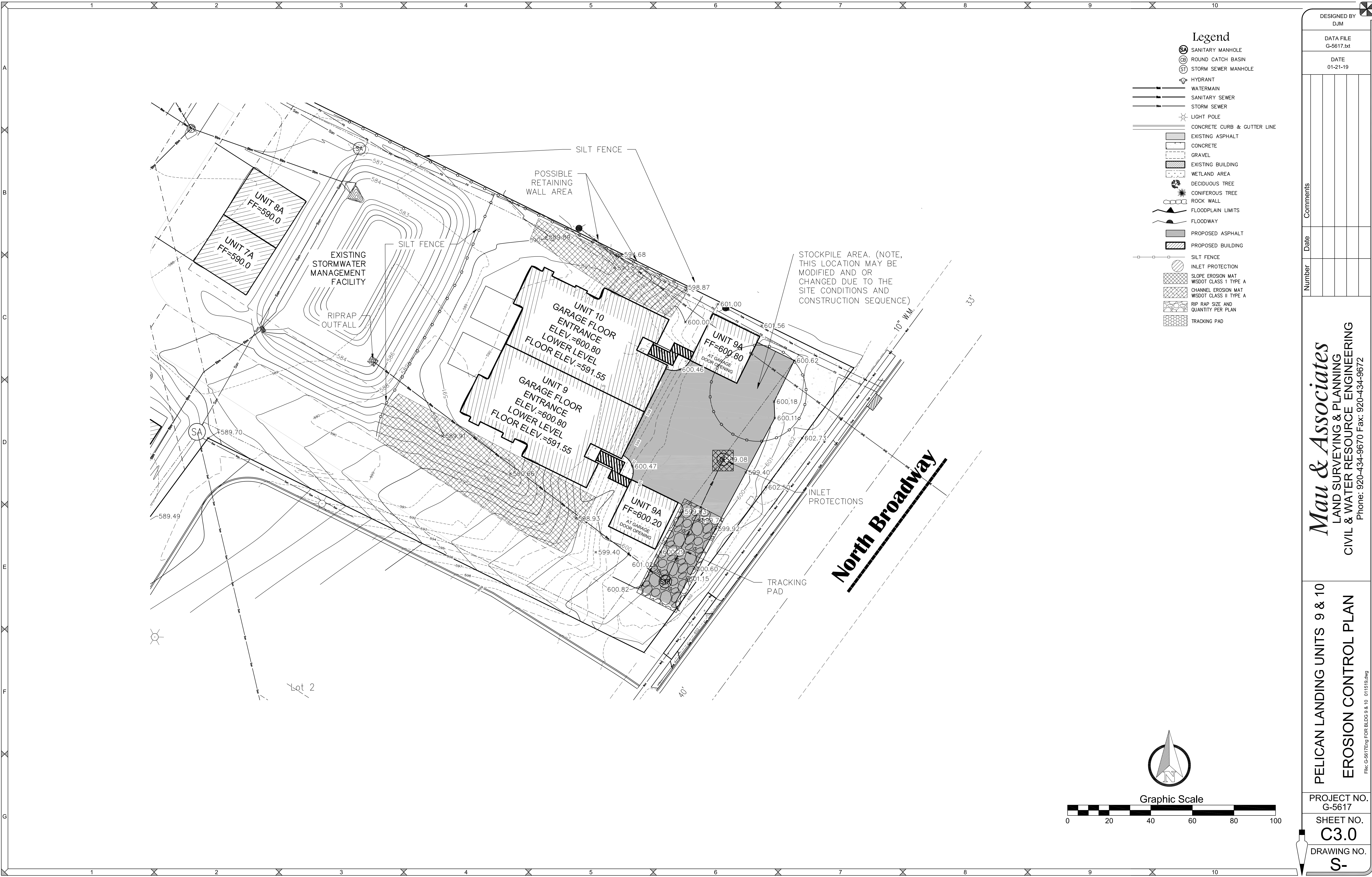
PELICAN LANDING
SITE LAYOUT PLAN

PROJECT NO.
G-5617

SHEET NO.
C2.0

DRAWING NO.
S-

File: G-5617Eng FOR BLDG 9 & 10 011919.dwg



DESIGNED BY
DJM

DATA FILE
G-5617.txt

DATE
01-21-19

Number	Date	Comments

Mau & Associates
LAND SURVEYING & PLANNING
CIVIL & WATER RESOURCE ENGINEERING
Phone: 920-434-9670 Fax: 920-434-9672

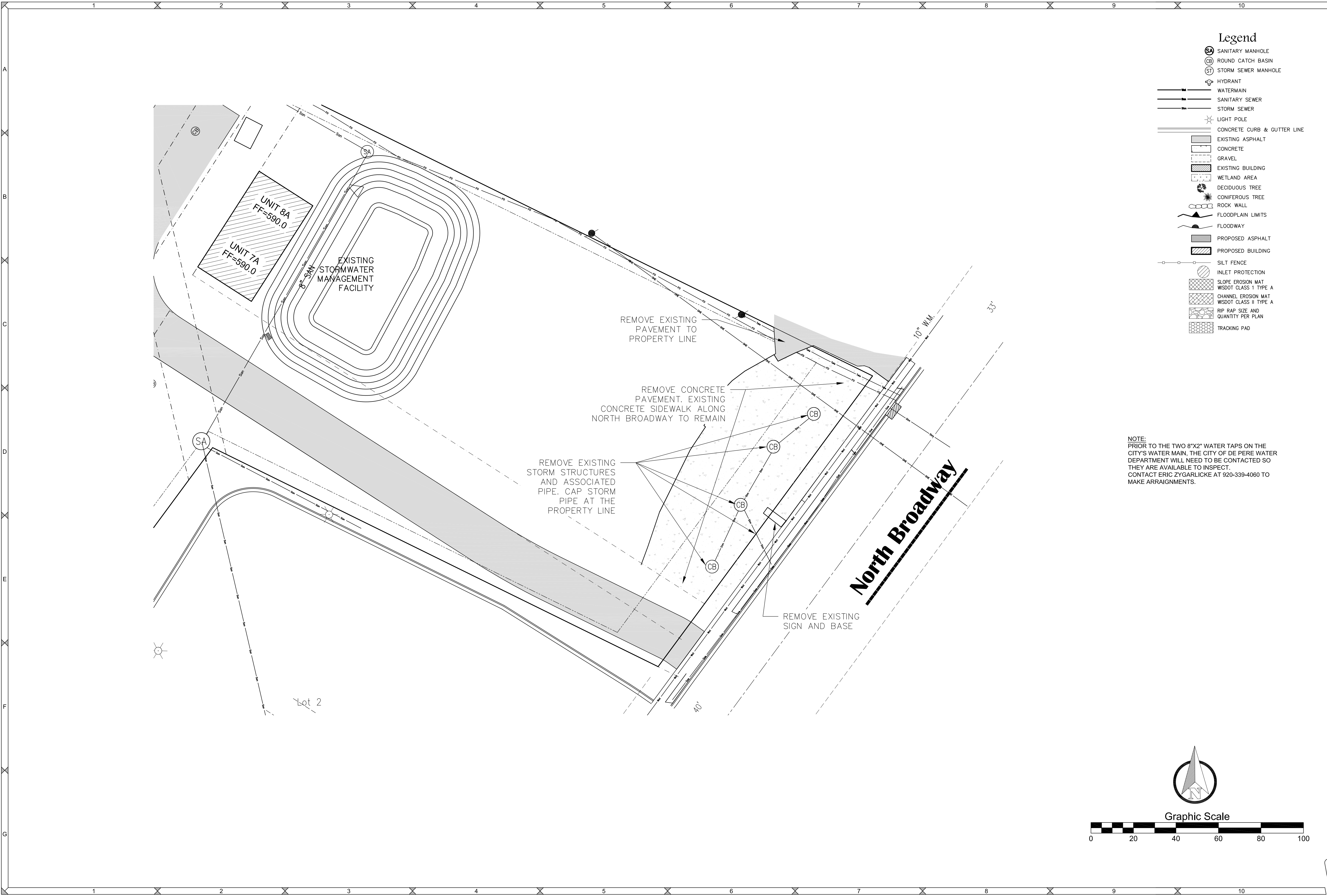
PELICAN LANDING UNITS 9 & 10
EROSION CONTROL PLAN

PROJECT NO.
G-5617

SHEET NO.
C3.0

DRAWING NO.
S-

File: G-5617Eng FOR BLDG 9 & 10 011919.dwg



DESIGNED BY
DJM

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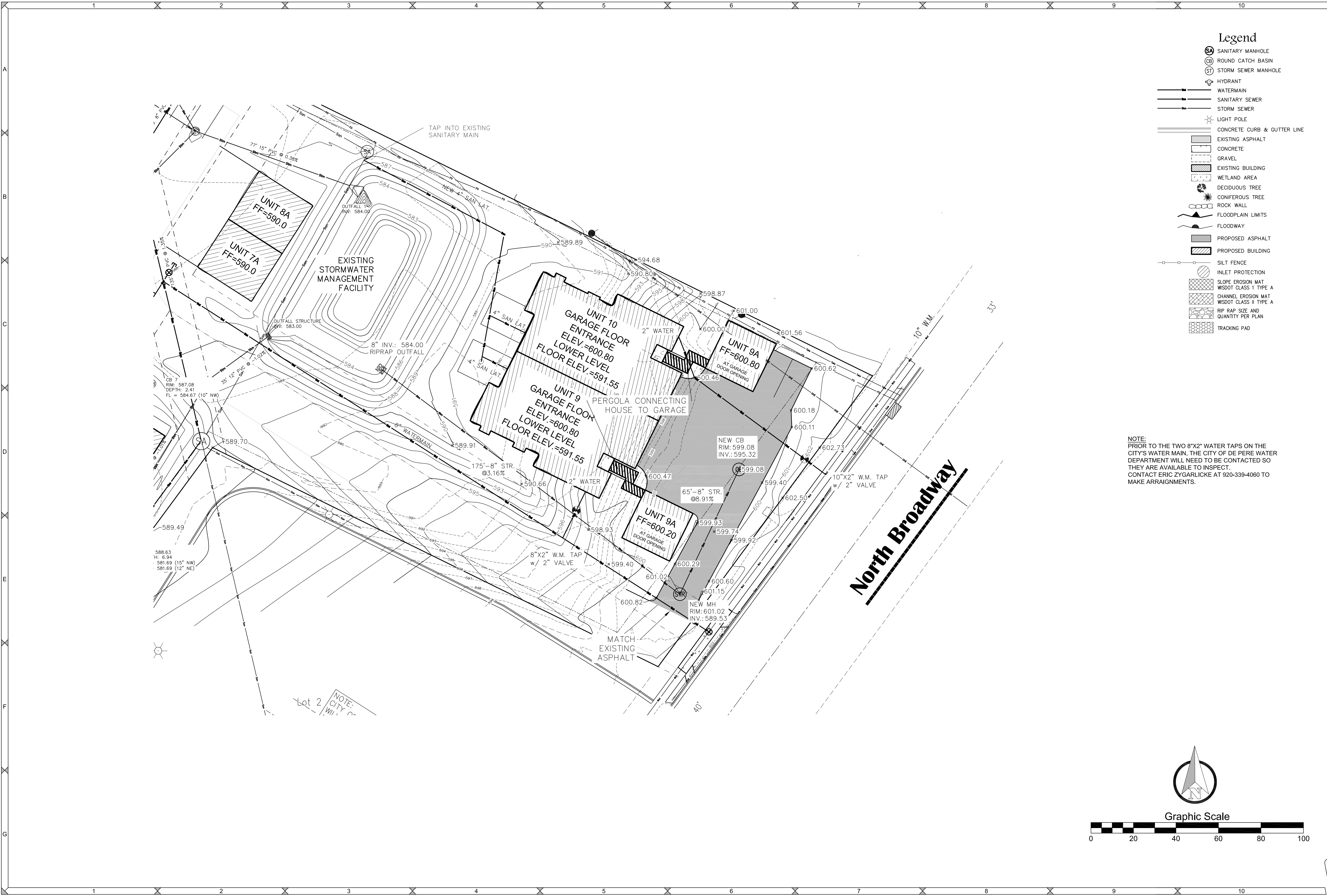
DATE
01-21-19

Number	Date	Comments

Mau & Associates
LAND SURVEYING & PLANNING
CIVIL & WATER RESOURCE ENGINEERING
Phone: 920-434-9670 Fax: 920-434-9672

PELICAN LANDING UNITS 9 & 10
DEMOLITION PLAN
File: G-5617Eng FOR BLDG 9 & 10 011519.dwg

PROJECT NO.
G-5617
SHEET NO.
C4.0
DRAWING NO.
S-



DESIGNED BY
DJM

DATA FILE
G-5617.txt

DATE
01-21-19

PELICAN LANDING

GRADING & SITE UTILITY PLAN

Mau & Associates

LAND SURVEYING & PLANNING

CIVIL & WATER RESOURCE ENGINEERING

Phone: 920-434-9670 Fax: 920-434-9672

PROJECT NO.
G-5617

SHEET NO.
C5.0

DRAWING NO.
S-

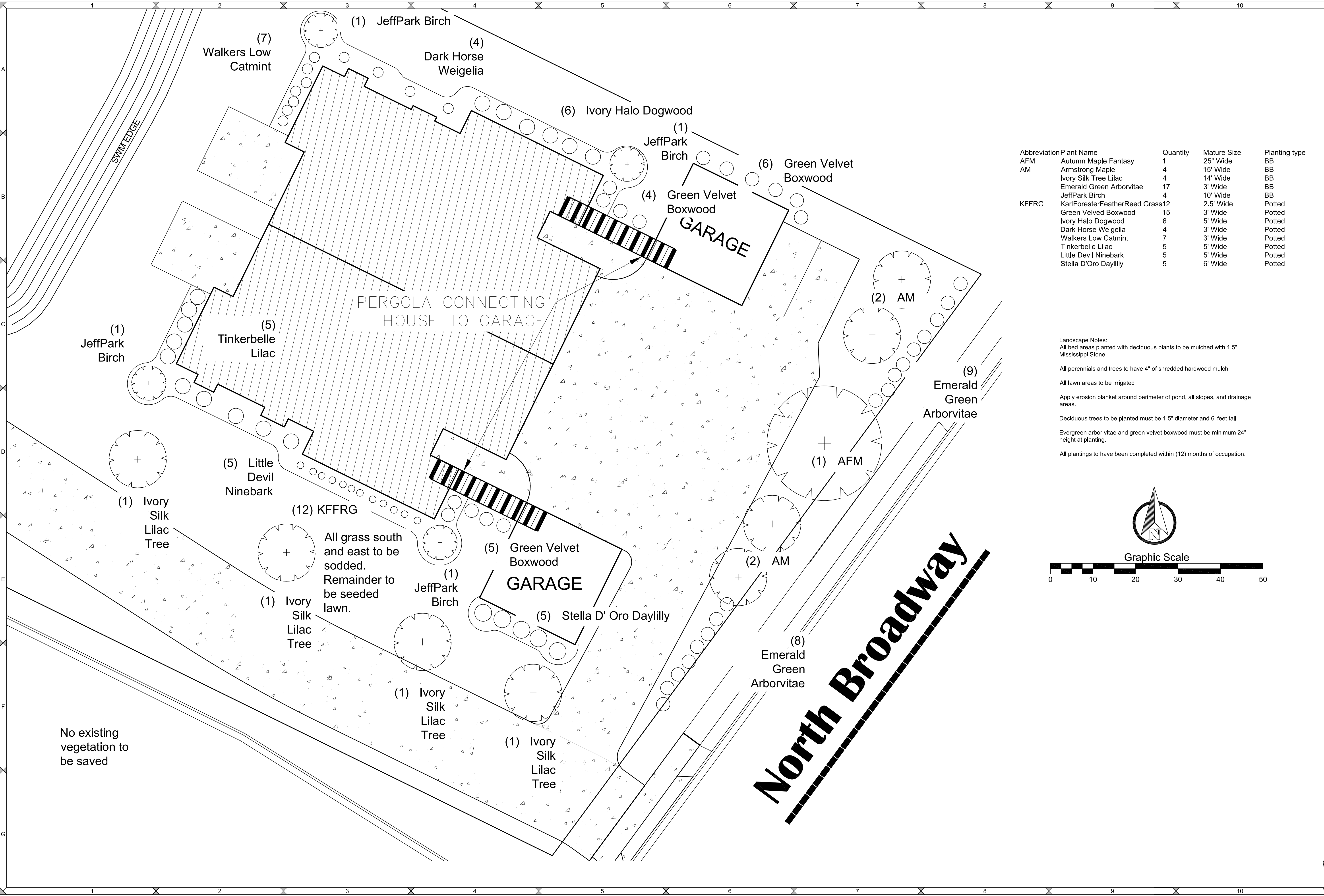




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G-5617

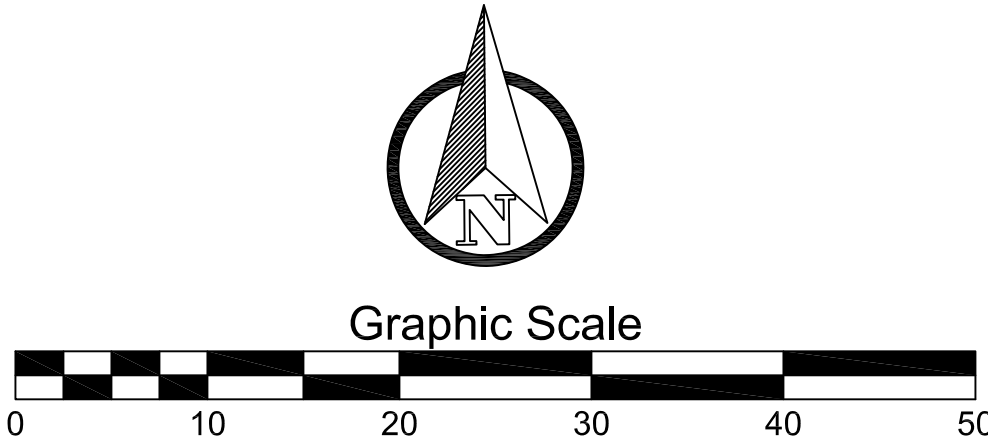
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C6.1

DRAWING NO.
S-



Abbreviation	Plant Name	Quantity	Mature Size	Planting type
AFM	Autumn Maple Fantasy	1	25' Wide	BB
AM	Armstrong Maple	4	15' Wide	BB
	Ivory Silk Tree Lilac	4	14' Wide	BB
	Emerald Green Arborvitae	17	3' Wide	BB
	JeffPark Birch	4	10' Wide	BB
KFFRG	KarlForesterFeatherReed Grass	12	2.5' Wide	Potted
	Green Velled Boxwood	15	3' Wide	Potted
	Ivory Halo Dogwood	6	5' Wide	Potted
	Dark Horse Weigelia	4	3' Wide	Potted
	Walkers Low Catmint	7	3' Wide	Potted
	Tinkerbelle Lilac	5	5' Wide	Potted
	Little Devil Ninebark	5	5' Wide	Potted
	Stella D'Oro Daylilly	5	6' Wide	Potted

Landscape Notes:
All bed areas planted with deciduous plants to be mulched with 1.5" Mississippi Stone
All perennials and trees to have 4" of shredded hardwood mulch
All lawn areas to be irrigated
Apply erosion blanket around perimeter of pond, all slopes, and drainage areas.
Deciduous trees to be planted must be 1.5" diameter and 6' feet tall.
Evergreen arbor vitae and green velvet boxwood must be minimum 24" height at planting.
All plantings to have been completed within (12) months of occupation.



DESIGNED BY
JEL

DATA FILE
G-5617.txt

DATE
1.21.19

Number	Date	Comments

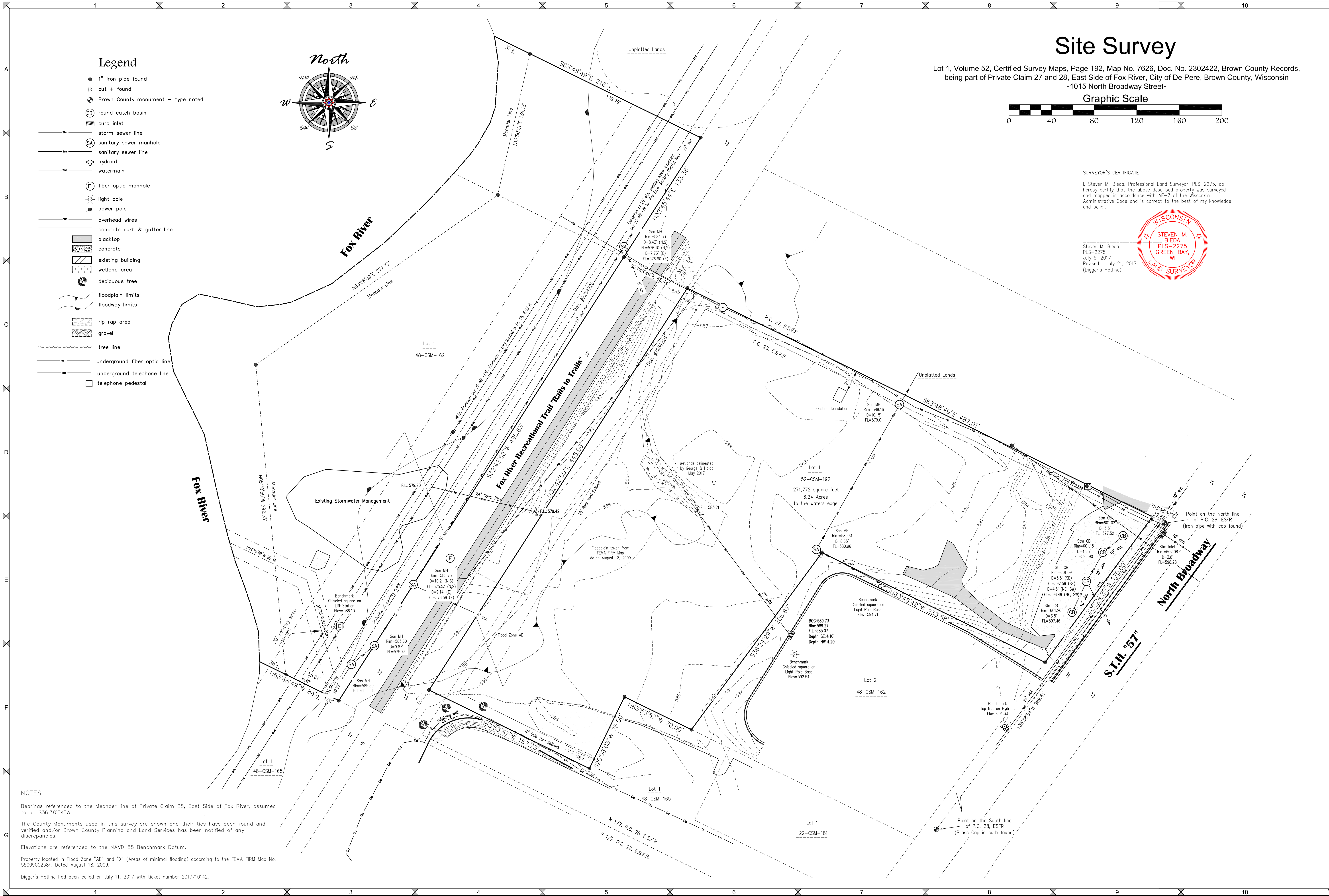
Mau & Associates
LAND SURVEYING & PLANNING
CIVIL & WATER RESOURCE ENGINEERING
Phone: 920-434-9670 Fax: 920-434-9672

PELICAN LANDING
LANDSCAPE PLAN

PROJECT NO.
G-5617

SHEET NO.
C7.0

DRAWING NO.
S-

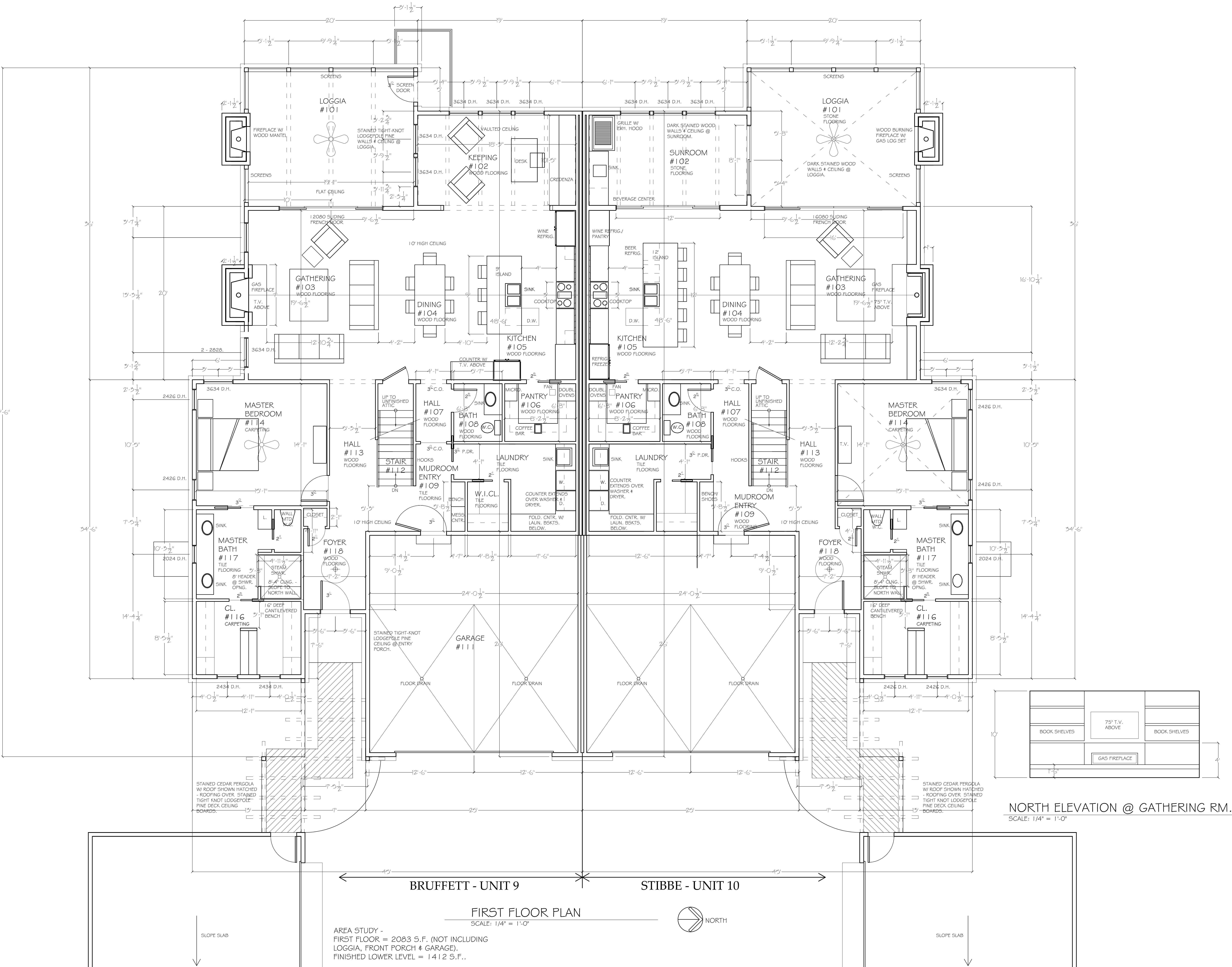


Site Survey

Mau & Associates, LLP
LAND SURVEYING & PLANNING
CIVIL & WATER RESOURCE ENGINEERING
Phone: 920-434-9670 Website: www.mau-associates.com
400 Security Blvd, Green Bay, WI 54313

Gryboski Builders

PROJECT NO.
G-5617
SHEET NO.
1 of 1
DRAWING NO.
S-2803



REVISED:

DATE:
1/21/19
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SHEET
A1.1

PRO. NO.

C. RENIER ARCHITECTS, INC.
348 MAIN AVENUE
DE PERE, WISCONSIN 54115
TEL: 920.333.0000 FAX: 920.333.0004

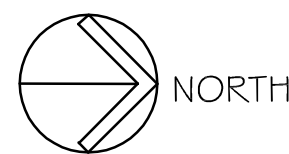
FIRST FLOOR PLAN - BUILDING #5
BRUFFETT - UNIT 9 & STIBBE - UNIT 10

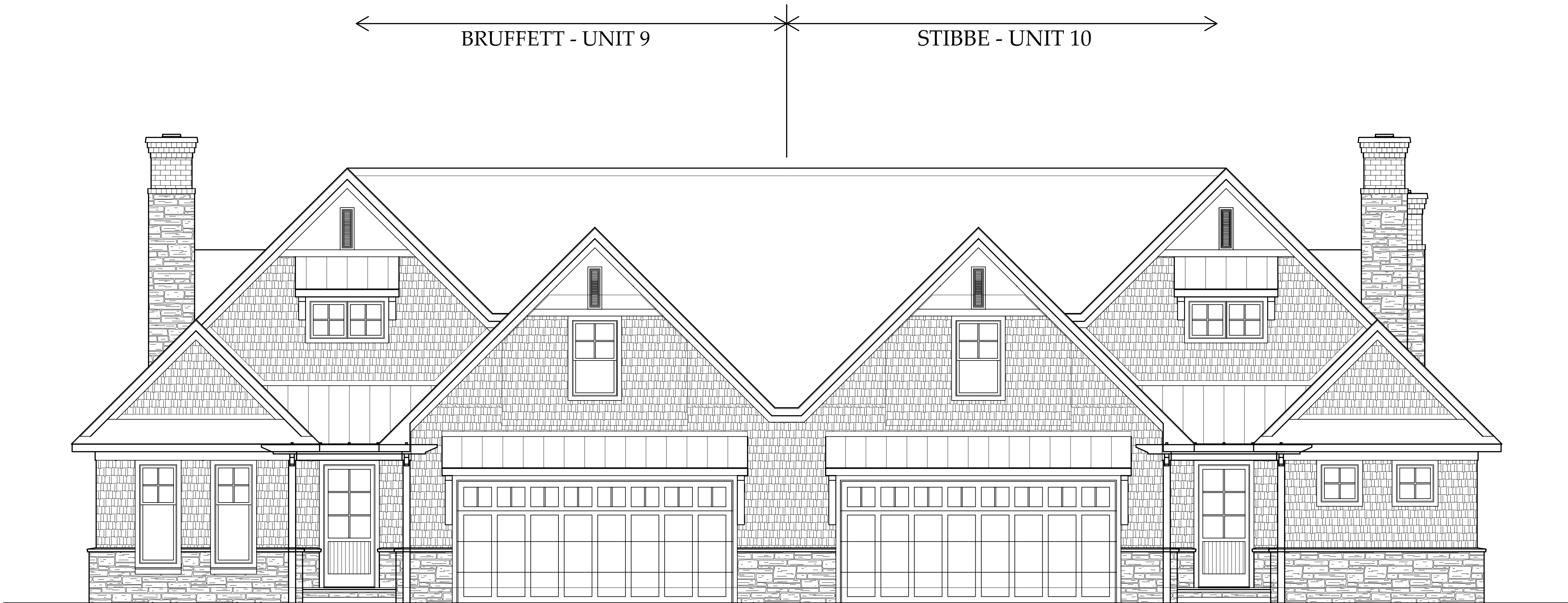
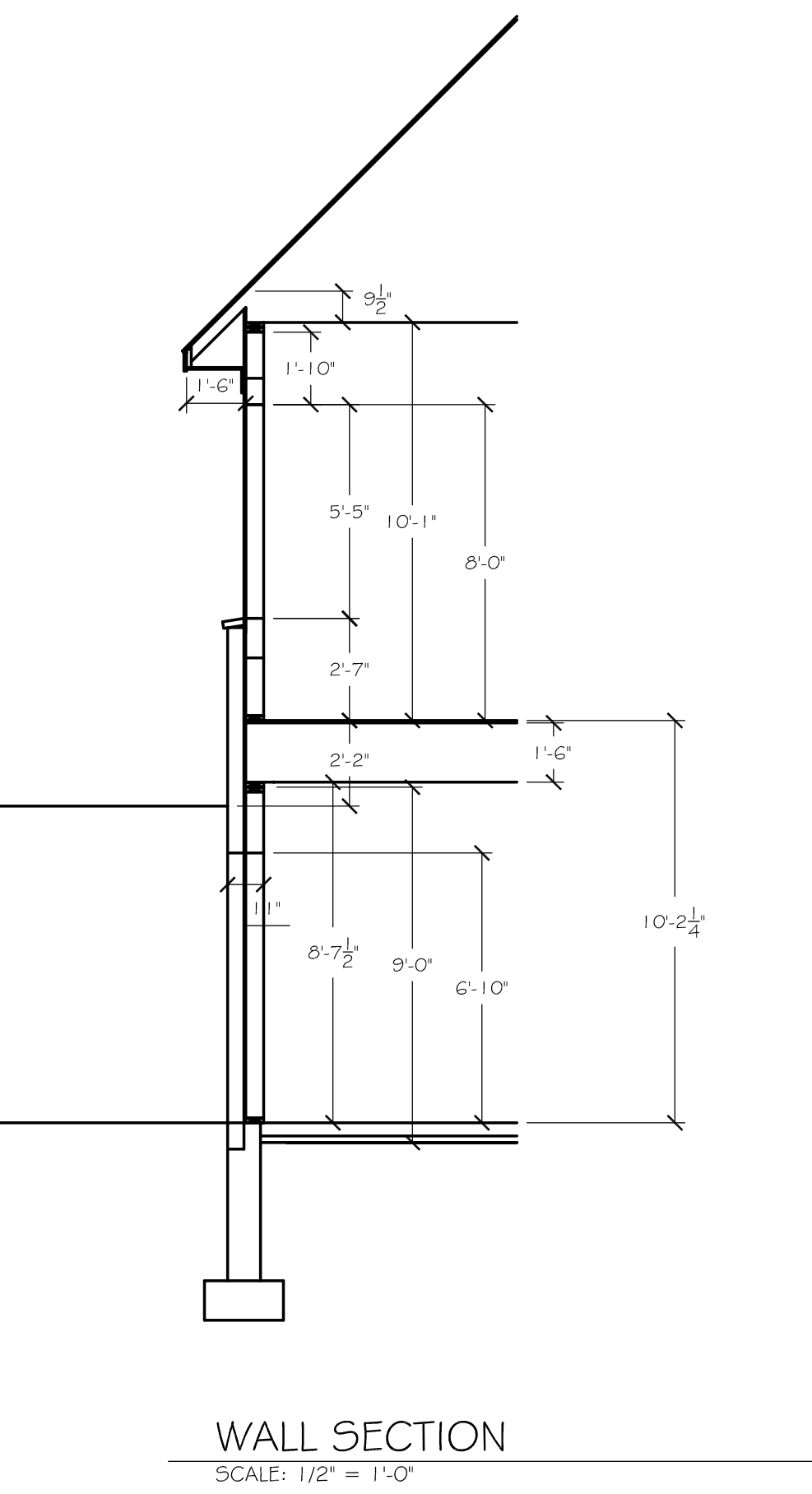
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PELICAN LANDING
1015 N. BROADWAY
DE PERE, WISCONSIN

Attachment: Site Plan - site - elevation - soil loss - PRELIMINARY 2 - 22 Jan 2019 (7851 - Recommendation regarding a Site Plan for a new residential building (Units #9 & #10), with parking a)

Packet Pg. 138





EAST ELEVATION
SCALE: 1/4" = 1'-0"



WEST ELEVATION
SCALE: 1/4" = 1'-0"

REVISED:

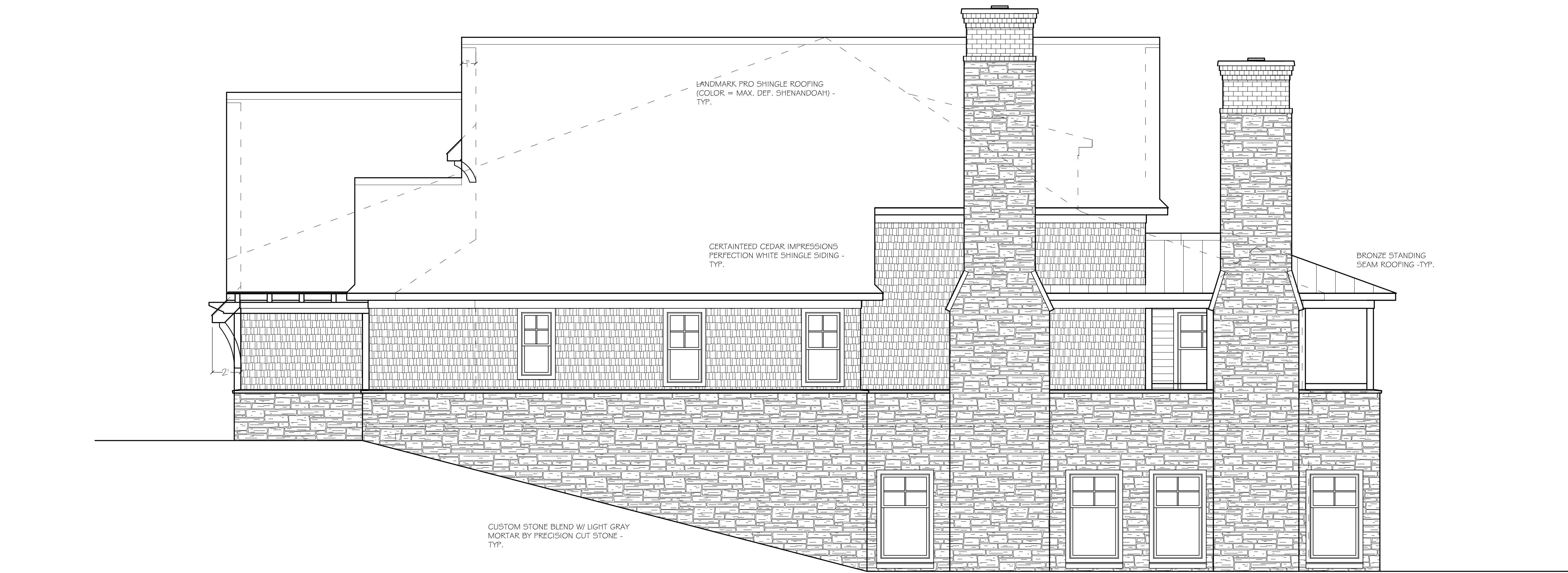
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C. RENIER ARCHITECTS, INC.
348 MAIN AVENUE
DE PERE, WISCONSIN 54115
TEL: 708.730.0500 FAX: 708.730.0504
Attachment: Site Plan - site - elevation - soil loss - PRELIMINARY 2 - 22 Jan 2019 7851 : Recommendation regarding a Site Plan for a new residential building (Units #9 & #10) with parking a)

EAST & WEST ELEVATIONS - BUILDING #5
BRUFFETT - UNIT 9 & STIBBE - UNIT 10

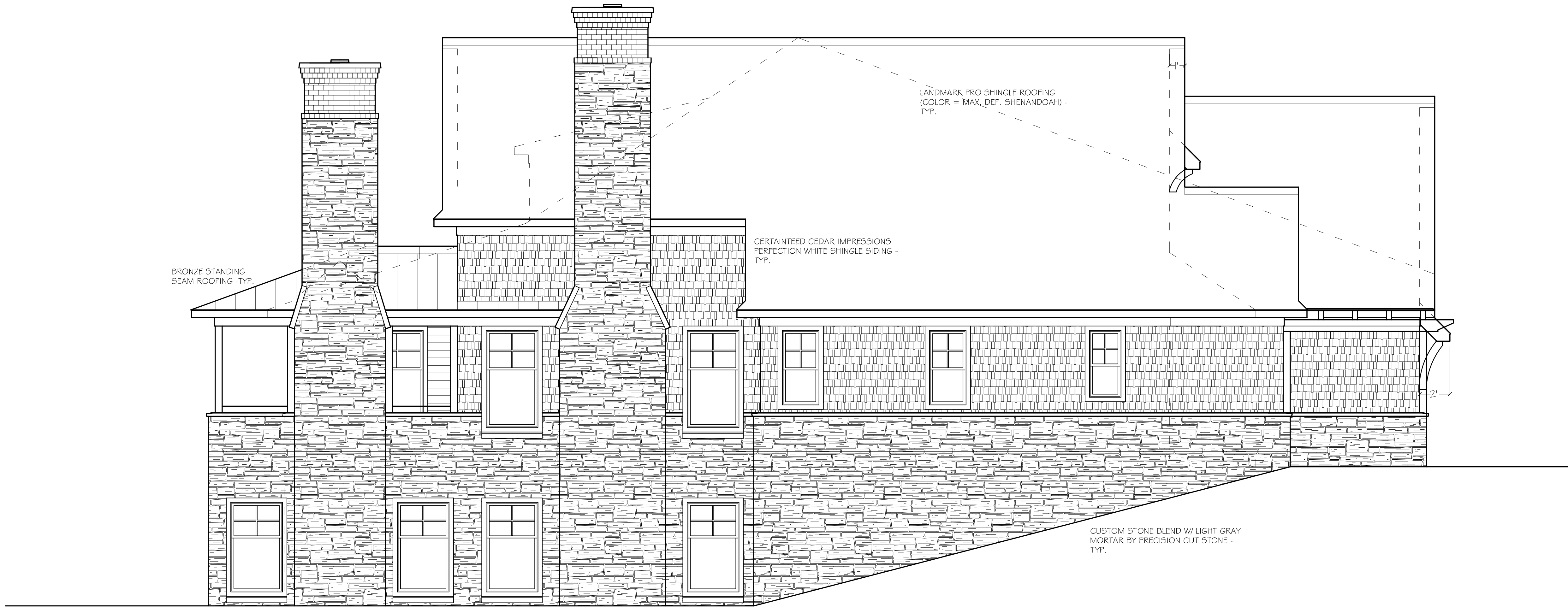
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PELICAN LANDING
1015 N. BROADWAY
DE PERE, WISCONSIN



STIBBE - UNIT 10
NORTH ELEVATION

SCALE: 1/4" = 1'-0"



BRUFFETT - UNIT 9
SOUTH ELEVATION

SCALE: 1/4" = 1'-0"

REVISED:

DATE:
1/17/19
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PRO. NO.

C. RENIER ARCHITECTS, INC.
348 MAIN AVENUE
DE PERE, WISCONSIN 54115
TEL: 920.326.0000 FAX: 920.326.0004

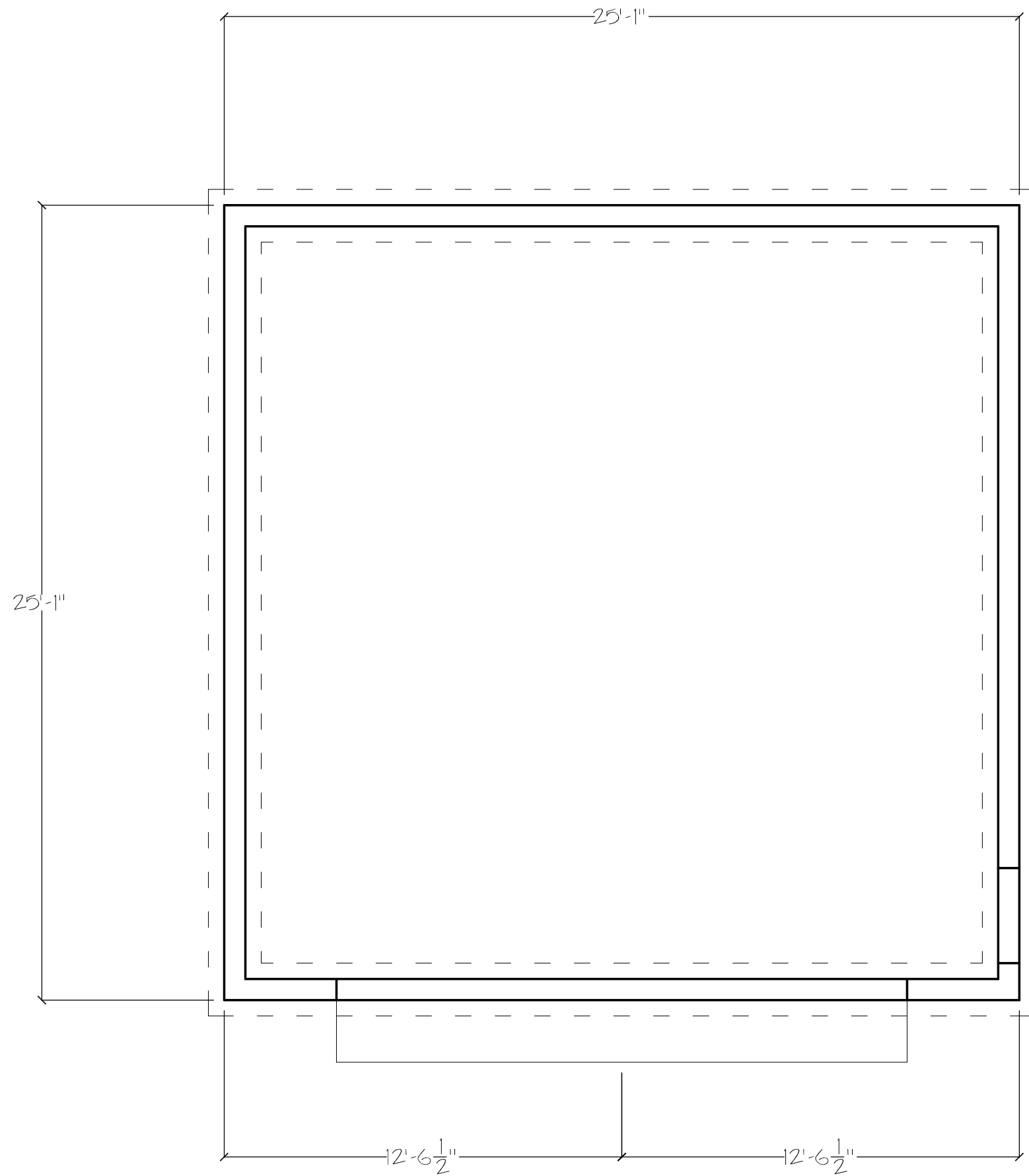
NORTH & SOUTH ELEVATIONS - BUILDING #5
BRUFFETT- UNIT 9 & STIBBE - UNIT 10

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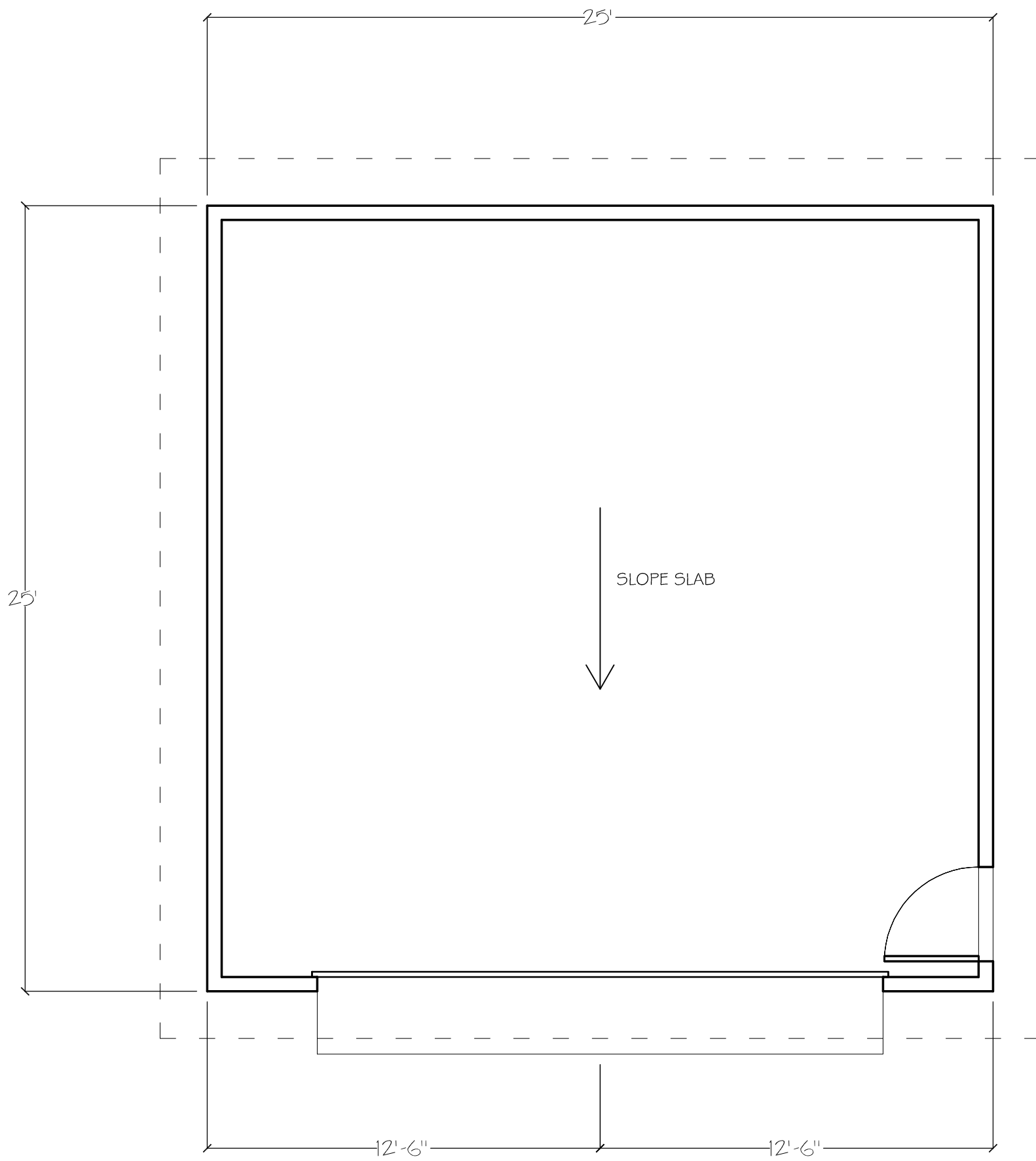
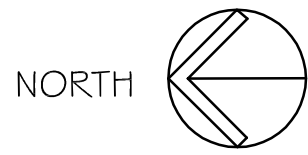
PELICAN LANDING
1015 N. BROADWAY
DE PERE, WISCONSIN

Attachment: Site Plan - site - elevation - soil loss - PRELIMINARY 2 - 22 Jan 2019 (7851 : Recommendation regarding a Site Plan for a new residential building (Units #9 & #10), with parking a)

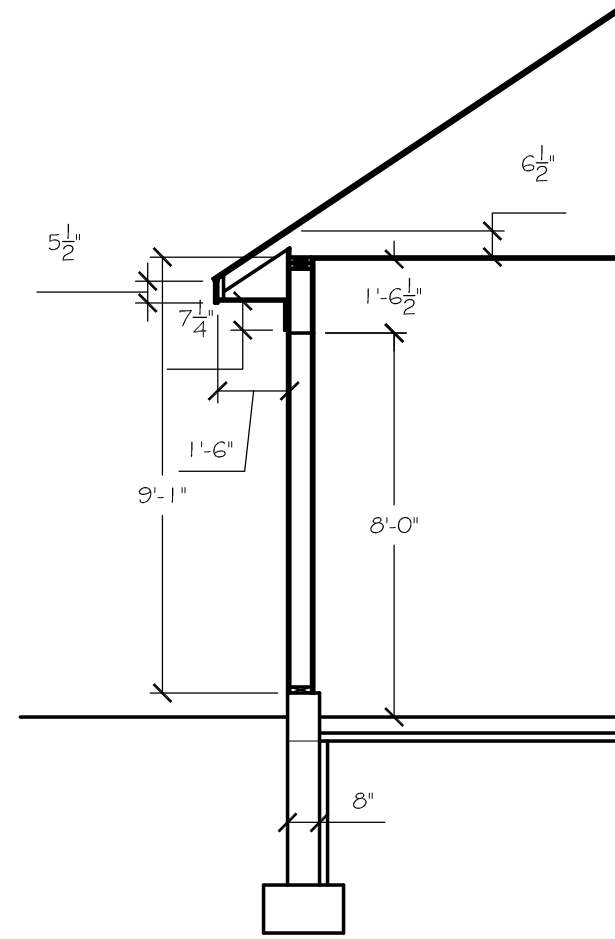
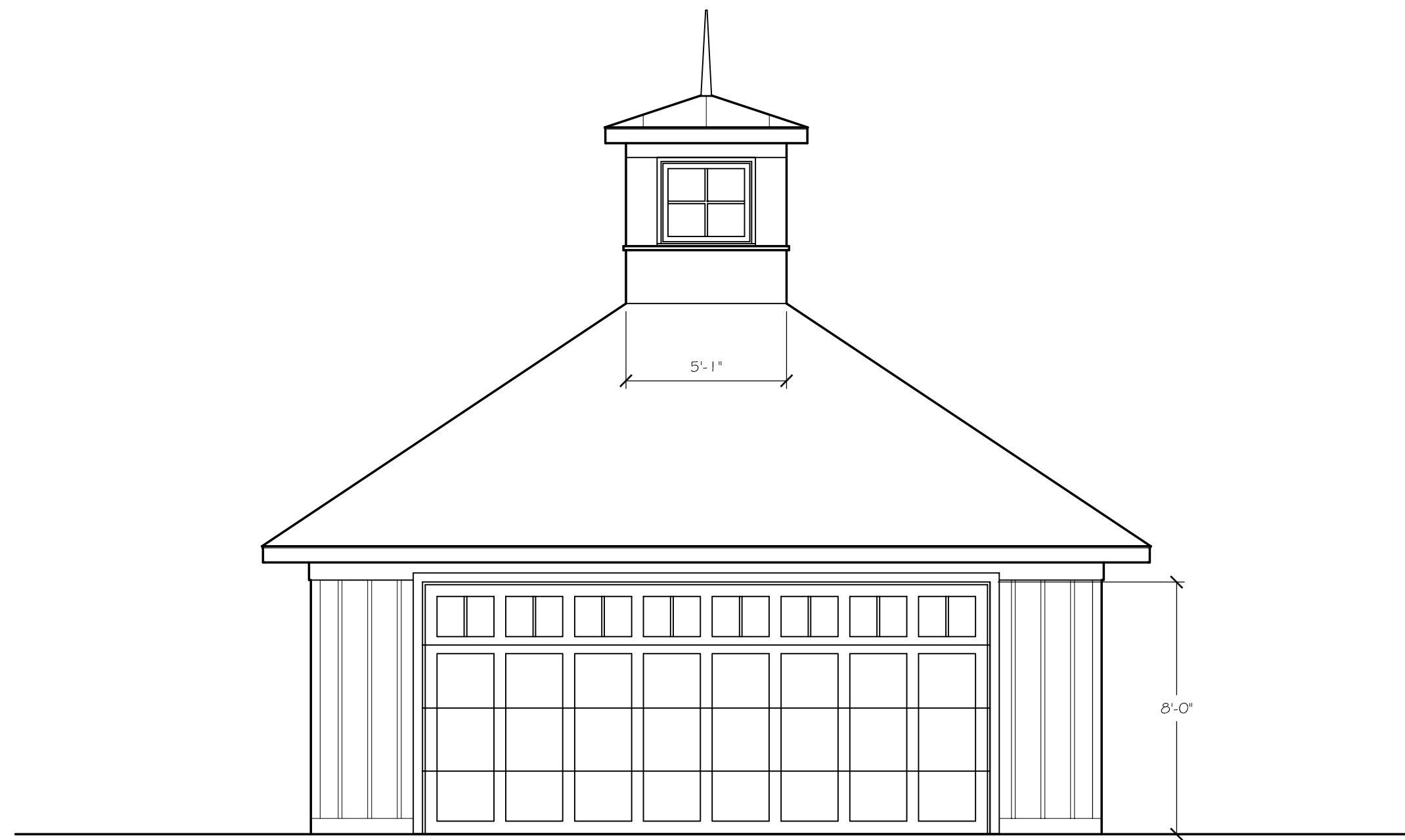
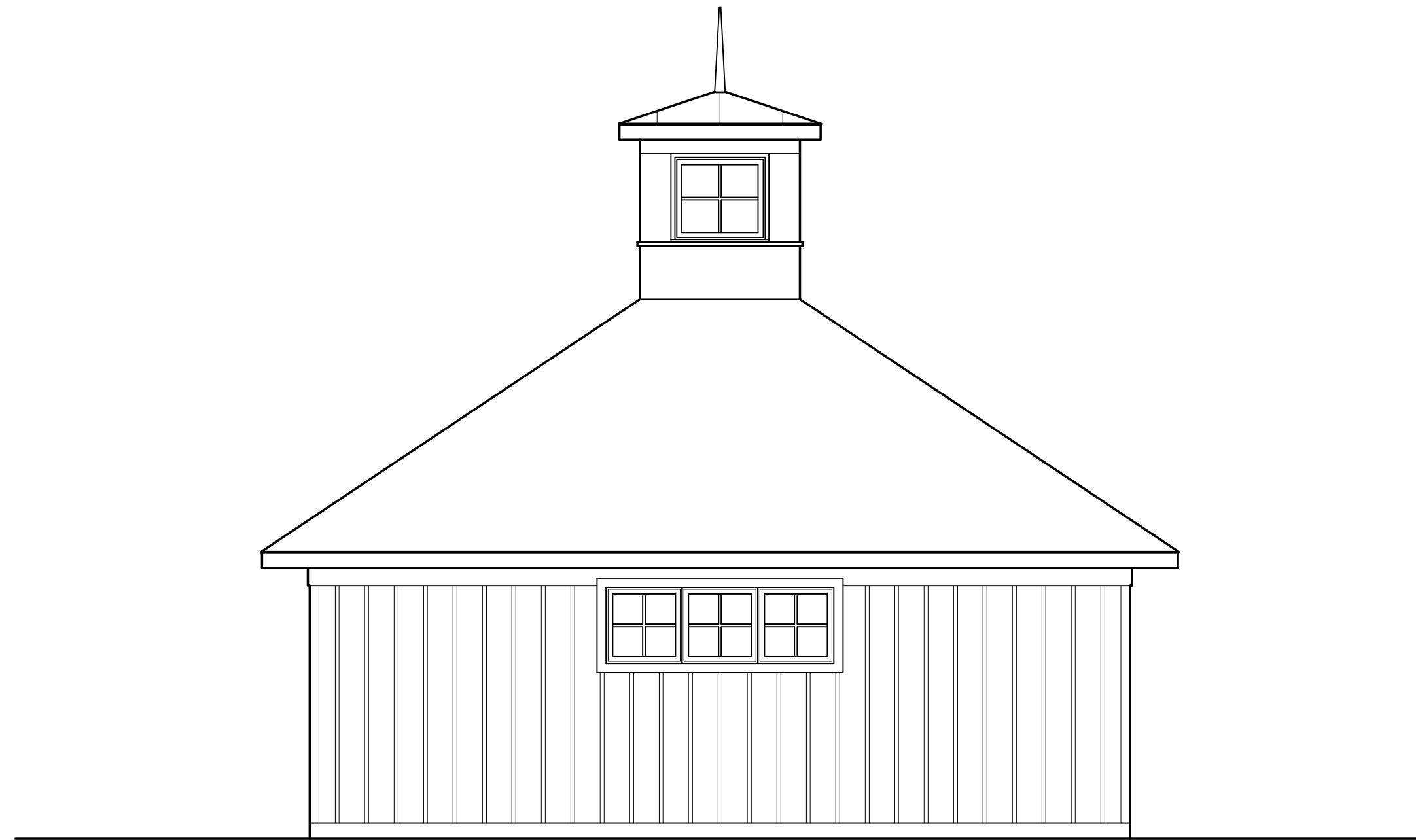
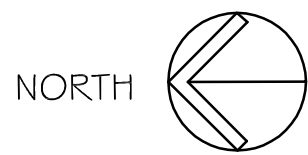
Notes or model reference
File: C:\Users\Renier Architects\Desktop\A2.aiaa.rvt



DETACHED GARAGE FOUNDATION PLAN
SCALE: 1/4" = 1'-0"



DETACHED GARAGE PLAN
SCALE: 1/4" = 1'-0"



REVISED:

DATE:
1/17/19
@ COPYRIGHT
SHEET
A4.1
PRO. NO.

TYPICAL DETACHED GARAGE

C. RENIER ARCHITECTS, INC.
348 MAIN AVENUE
DE PERE, WISCONSIN 54115

DRAWN: C.C.R.
CHECKED: C.C.R.
THIS DRAWING, AS AN INSTRUMENT OF
SERVICE, IS THE PROPERTY OF THE
FIRM OF C. RENIER ARCHITECTS, INC.
FOR OTHER WORKS EXCEPT BY WRIT.

PELICAN LANDING
1015 N. BROADWAY
DE PERE, WISCONSIN





Soil Loss & Sediment Discharge Calculation Tool

for use on Construction Sites in the State of Wisconsin

WDNR Official Version 1.0 (05-15-2015)



Developer: Gryboski Builders

Project: Pelican Landing Units 9 & 10

Date: 1/22/2019

County:

Version 1.0

Activity	Begin Date	End Date	Period % R	Annual R Factor	Sub Soil Texture	Soil Erodibility K Factor	Slope (%)	Slope Length (feet)	LS Factor	Land Cover C Factor	Soil loss A (tons/acre)	Sediment Control Practice	Sediment Discharge (tons/acre)
Bare Ground	3/1/2019	7/15/2019	50.0%	100	Silty Clay Loam	0.43	4.6%	30	0.27	1.00	5.7	Silt Fence	2.9
Bare Ground	7/15/2019	7/16/2019	0.6%	100	Silty Clay Loam	0.43	4.6%	30	0.27	1.00	0.1	Silt Fence	0.0
Seed with Mulch or E	7/16/2019	9/17/2019	34.9%	100	Silty Clay Loam	0.43	4.6%	30	0.27	0.10	0.4	Silt Fence	0.0
End	9/17/2019	-----	-----	-----	-----	-----	4.6%	30	0.27	-----	-----		0.0
		-----	-----	-----	-----	-----	4.6%	0	-----	-----	-----		0.0
		-----	-----	-----	-----	-----	0.0%	0	-----	-----	-----		0.0
TOTAL											6.2	TOTAL	3.0
												% Reduction Required	NONE

Notes:

See Help Page for further descriptions of variables and items in drop-down boxes.

The last land disturbing activity on each sheet must be 'End'. This is either 12 months from the start of construction or final stabilization.

For periods of construction that exceed 12 months, please demonstrate that 5 tons/acre/year is not exceeded in any given 12 month period.

NOTE: THIS TOOL ONLY ADDRESSED SOIL EROSION DUE TO SHEET FLOW. MEASURES TO CONTROL CHANNEL EROSION MAY ALSO BE REQUIRED TO MEET SEDIMENT DISCHARGE REQUIREMENTS.

Recommended Permanent Seeding Dates:

4/15-6/1 and
Thaw-6/30

8/1-8/21 Turf, introduced grasses and legumes
Native Grasses, forbs, and legumes

Designed By:	DJM
Date	1/22/2019



City of De Pere, Wisconsin

Request For Plan Commission Action

MEETING DATE: February 5, 2019

DEPARTMENT: Planning

FROM: Peter Schlein

SUBJECT: Recommendation regarding a proposed termination of a 1969 Restrictive Covenants for Public Benefit, located north from the Rockland Road & Enterprise Drive intersection (Parcels ED-2312, ED-344-104-4, ED-344-104-6, ED-344-104-2, ED-344-104-7, ED-344-104, ED-344-103-1, ED-344-104-1, ED-2309, ED-2314, ED-2310, ED-2308, ED-2307, ED-2306, ED-2305, ED-344-104-5, ED-344-104-3, ED-2311, ED-2315, ED-2313-1, ED-2313). Submitted by City of De Pere. *

ATTACHMENTS:

- 01-28-19 Restrictive Covenant Termination - De Pere - Plan Commission Report (DOCX)
- Restrictive Covenants - Area Impacted (PDF)
- Restrictive Covenants for Public Benefit (PDF)

- ITEM 11:** Recommendation regarding a proposed termination of a 1969 Restrictive Covenants for Public Benefit, located north from the Rockland Road & Enterprise Drive intersection (Parcels ED-2312, ED-344-104-4, ED-344-104-6, ED-344-104-2, ED-344-104-7, ED-344-104, ED-344-103-1, ED-344-104-1, ED-2309, ED-2314, ED-2310, ED-2308, ED-2307, ED-2306, ED-2305, ED-344-104-5, ED-344-104-3, ED-2311, ED-2315, ED-2313-1, ED-2313). Submitted by City of De Pere. *

Area affected by Restrictive Covenant for Public Benefit



**REQUESTED
ACTION:**

Termination of a Restrictive Covenants for Public Benefit.

The restrictive covenants, created in 1969, are no longer relevant because they are reflected in the current requirements of the I-3 Zoning District and Design & Development Sections of the Zoning Code.

**COMMON
DESCRIPTION:**

A general area located north from the Rockland Road and Enterprise Drive intersection.

PARCEL NUMBER(S): ED-2312, ED-344-104-4, ED-344-104-6, ED-344-104-2, ED-344-104-7, ED-344-104, ED-344-103-1, ED-344-104-1, ED-2309, ED-2314, ED-2310, ED-2308, ED-2307, ED-2306, ED-2305, ED-344-104-5, ED-344-104-3, ED-2311, ED-2315, ED-2313-1, ED-2313

EXISTING ZONING:	I-3 (General Industrial District) Parcel ED-2310 (only) also has a Planned Development District overlay.	
SURROUNDING LAND USES:	Commercial to the north and east State Recreational Trail and City compost site to the west. Residential to the south.	
COMPREHENSIVE PLAN:	Industrial Park and Institutional/Governmental Facilities	
APPLICANT/OWNER NAME:	City of De Pere Facilitator of Restrictive Covenants 335 S. Broadway De Pere, WI 54115	Fifteen affected property owners, including City of De Pere and Brown County.
SITE HISTORY:	After a review of air photographs, the majority of the development in the area occurred between 1992 and 2005. Prior to development the site was used for agricultural purposes. The entire subject area is zoned I-3. In 1969 a restrictive covenants was established by the property owners to make the property desirable for development in the City of De Pere. Due to the lack of a strong industrial zoning code at that time the restrictive covenants served a valid purpose. Since that time, the City has updated the I-3 and Design & Development Standards section of the Zoning Code that closely mimic the restrictive covenants. • A copy of the 1969 restrictive covenants are attached to this report In 1987 the "East Side Industrial Park" plat was recorded, which land divided the entire subject area for industrial and storm drainage uses. In 1999 the "East Side Industrial Park Second Addition" plat was recorded, which further land divided part of the area for industrial uses. In 2006 Parcel ED-2310, established a Planned Development Overlay District (PDD) to allow business type duplex units to exist with supporting warehouses. The PDD was modified in 2013. In 2018, due to changes in ownership to Parcel ED-2310 (with the PDD), Town & Country Development LLC requested that the City eliminate the 1969 restrictive covenants because the restrictive covenants placed unnecessary burdens on the property.	
STAFF REVIEW:	When reviewing a Certified Survey Map, staff considers the relevance of the information for enforcement in relationship to the properties that the restrictive covenants were intended to protect/limit. The following four tables identify each requirement/restriction found within the restrictive covenants and compares each use and regulation to the uses and regulations that already exist in the I-3 Zoning District (<i>all subject properties are zoned I-3</i>):	

Restrictive Covenants Uses that are Permitted	
1969 Permitted Uses	Does the I-3 Zoning District permit the use?
Manufacturing plants	Permitted
Assembly plants	
Laboratories	
Warehouses	
Truck terminals	
Utilities and railroad facilities	
Wholesaling of merchandise, when incidental to a permitted use.	Permitted, if approved by Plan Commission.
Establishments that can be operated without creating extremely objectionable noise, odor, dust smoke, gas fumes, or vapor, and that is not an offensive, dangerous or unwholesome use, and that it is a use compatible with the use and occupancy of the adjoining properties.	

Restrictive Covenants Uses that Require Council Approval	
1969 Council Approval Uses	Does the I-3 Zoning District require Council approval?
Primary metal industries	Council may permit as conditional use.
Rolling mills	
Foundries	
Metal refineries	
Forge plants	

Restrictive Covenants Uses that are Prohibited	
1969 Prohibited Uses	Does I-3 Zoning District prohibit the use?
Acid manufacture	Prohibited
Automobile or machinery wrecking, salvaging or rebuilding	Council may permit as conditional use.
Cement, lime, gypsum or plaster of Paris manufacture	Plaster related manufacture uses permitted.
Distillation of bones	Prohibited
Explosive manufacture, processing or storage	
Junk yard	Council may permit as conditional use.
Petroleum or coal products manufacture, processing or storage	
Smelting of tin, copper, zinc or iron ores	
Manufacture, processing, storage or distribution of animals or animal by-products, rendering plants, slaughter houses, meat packing, gelatin, glue, soap or fertilizer manufacturing plants.	
All uses permitted in "A" Residential District, "B" Residential District, "C" Residential District, Local Business District, and Commercial District.	Specific business and commercial uses permitted.

Restrictive Covenants Height, Area, and Other Regulations	
1969 Height, Area and Other Restrictions	Does the I-3 Zoning District have same the requirement?
Building height: Two stories or 35 feet	Same
Building ground area coverage: 60%	Ground area coverage (including parking) is 75%.
Front yard setback: 40 feet	25 feet
Side yard setback: 25 feet, or 50 feet when adjacent to residential zones	Same
Rear yard setback: 25 feet, or 50 feet when adjacent to residential zones	
Only landscaping and landscaping features allowed in front and exterior side setbacks	Same, except for parking setbacks.
All operations and storage must be inside or screened with a fence or shrubbery	Same
Only identity signs are allowed	Same, except directional signs permitted.
Off street parking requirements must follow Municipal Code	Same
Site plans must be reviewed by City Staff and Plan Commission for approval	

Based on the above summary of the restrictive covenants, the following is clear:

1. All restrictive covenants permitted uses are now permitted in the I-3 Zoning District.
 - a. No significant changes.
2. All restrictive covenants uses requiring Council approval now require Council approval as a Conditional Use Permit.
 - a. No significant changes.
3. Some restrictive covenants prohibited uses are now still prohibited in the I-3 Zoning District. However, certain uses may be permitted or permitted if approved with a Conditional Use Permit.
 - a. Somewhat different, but greater flexibility in uses for future development is allowed with the I-3 Zoning.
4. Most restrictive covenants regulations are now still the same in the I-3 Zoning District. However, certain development and design standards are slightly different.
 - a. Somewhat different, but greater flexibility in uses for future development is allowed with the I-3 Zoning and Development & Design Standards.

All property owners that are impacted by the limitations of the restrictive covenants were notified of the proposed termination via mail. No responses were received from the property owners.

Because the differences between the restrictive covenants and the Municipal Code are minimal and not negative, the current I-3 Zoning District offers more flexibility to developing and redeveloping property owners, and the outdated 1969 restrictive covenants are no longer used by staff on a regular basis, Development Services staff supports the termination of the Restrictive Covenants for Public Benefit.

REVIEW PROCESS: In order to terminate a City restrictive covenants petition, Plan Commission

provides either an approval or rejection recommendation. The Common Council then makes final decision (expected to occur on February 5, 2019). If termination is approved, the termination is recorded as a resolution with the Brown County Register of Deeds. A public hearing is not required.

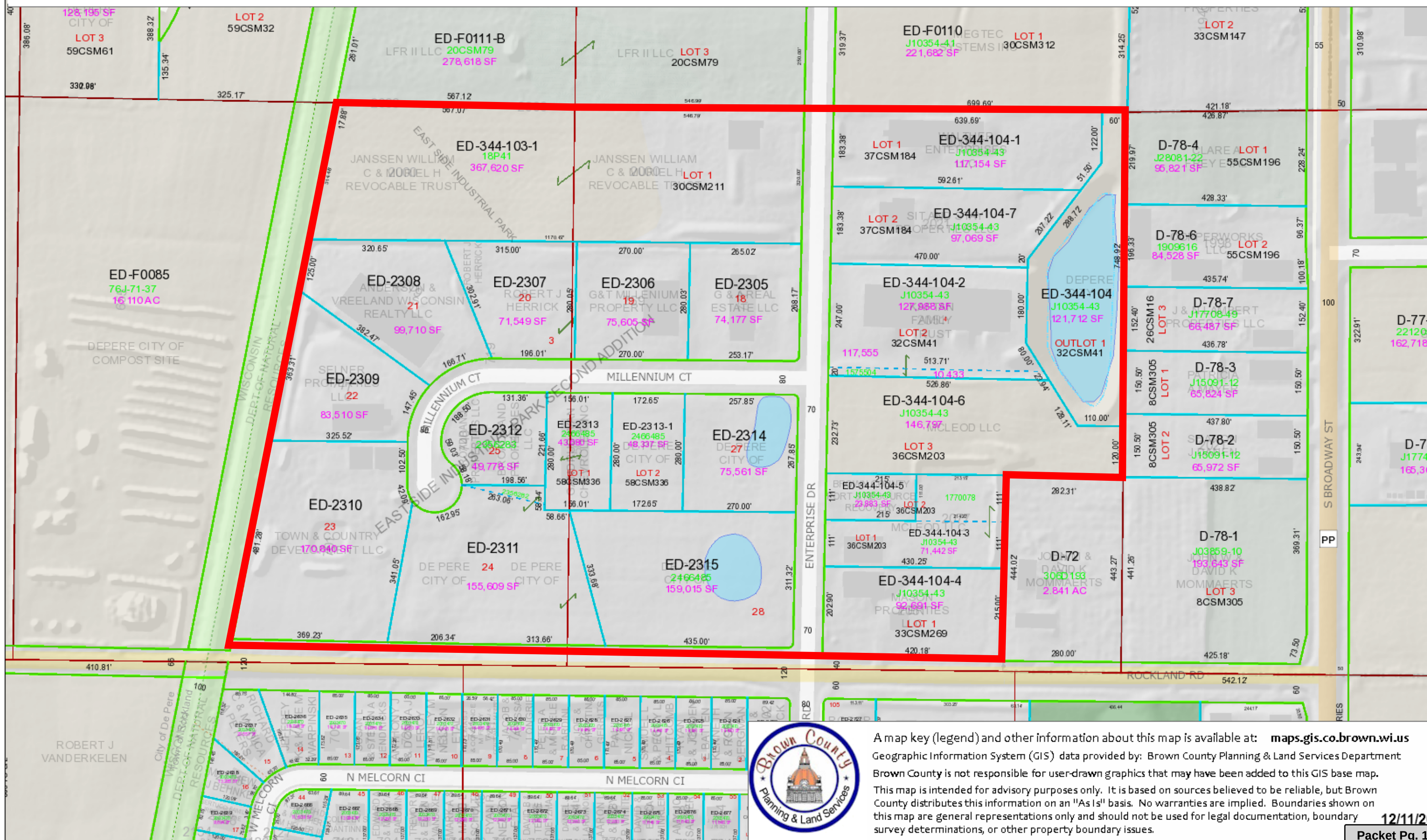
All affected property owners were notified of the Plan Commission and Council meeting dates and the notification included a summary of the topics that the restrictive covenants covered.

STAFF

RECOMMENDATION:

Staff recommends APPROVAL of the termination of a 1969 Restrictive Covenants for Public Benefit, located north from the Rockland Road & Enterprise Drive intersection.

AREA IMPACTED



Attachment: Restrictive Covenants - Area Impacted (7852 : Recommendation regarding a proposed termination of a 1969 Restrictive Covenant

700005

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RESTRICTIVE COVENANTS FOR PUBLIC BENEFIT

Re: The Southeast Quarter of the Southwest Quarter (SE 1/4 of SW 1/4), Section Thirty-four (34), Township Twenty-three (23) North, of Range Twenty (20) East, excepting the South 467 feet of the East 280 feet thereof, and also excepting the South 33 feet thereof, all in the City of De Pere, East Side of Fox River, Brown County, Wisconsin. And also all that part of the Southwest Quarter of the Southwest Quarter (SW 1/4 of SW 1/4) of Section thirty-four (34), Township Twenty-three (23) North, of Range Twenty (20) East, lying East of the railroad right-of-way of the Chicago, Milwaukee, St. Paul & Pacific Railroad, except the South 33 feet thereof, all in the City of De Pere, East Side of Fox River, Brown County, Wisconsin.

WHEREAS, the above described property is now owned by BERNARD U. ROELS, and his wife, E. L. POWELS, and his wife, HENRY J. FOWLER, and his wife, and MARTIN J. KRACH, and his wife; and that such owners are anxious to make the above described property as desirable as possible for the City of De Pere.

NOW, THEREFORE, it is hereby agreed and declared by the undersigned grantors that the following are restrictive covenants and agreements pertaining to the above described property and adjoining property, hereby granted by gift to the City of De Pere, grantee and beneficiary hereof, for public benefit:

1. Permitted Uses: The above described property may be used for the following general purposes: manufacturing plants, assembly plants, laboratories, warehouses, truck terminals, utilities and railroad facilities, wholesaling of merchandise, when incidental to a permitted use, and any other establishment that can be operated without creating extremely objectionable noise, odor, dust, smoke, gas fumes, or vapor, and that is not an offensive, dangerous or unwholesome use, and that it is a use compatible with the use and occupancy of the adjoining properties. Land and buildings on said property may be used for the following manufacturing purposes only upon receiving prior express approval from the Building Inspector and the Common Council: primary metal industries, rolling mills, foundaries, metal refineries and forge plants.

2. Prohibited Uses: The above described property shall not be used for the following purposes: acid manufacture, automobile or machinery wrecking, salvaging or rebuilding; cement, lime, gypsum or plaster of paris manufacture; distillation of bones; explosive manufacture, processing or storage; junk yard; petroleum or coal products manufacture, processing or storage; smelting of tin, copper, zinc or iron ores; manufacture, processing, storage or distribution of animals or animal by-products rendering plants, slaughter houses, meat packing, gelatine, glue, soap or fertilizer manufacturing plants; and all uses permitted in "A" Residence District, "B" Residence District, "C" Residence District, Local Business District, and Commercial District, according to the zoning code of the City of De Pere.

3. Height Regulations: No building shall be erected or structurally altered on said property to exceed Two (2) stories, or Thirty-five (35) feet, except signs, architectural feature and chimneys may extend above this height; and further excepting that buildings may exceed said height if an additional foot of front yard and side yards is allowed for each foot exceeding said height of Thirty-five (35) feet and upon receiving prior express approval from the Building Inspector and the Common Council of the City of De Pere.

4. Area Regulations:

(a) The maximum ground area occupied by all buildings shall not be more than Sixty (60) percent of the area of the lot or tract on which a building permit is sought;

(b) Front Yard: There shall be a front yard having a depth of not less than Forty (40) feet;

(c) Side Yards: There shall be a minimum side yard of not less than Twenty-five (25) feet on both sides of

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the building or buildings; except when adjoining a residential zone in which case a minimum of Fifty (50) feet is required;

(d) Rear Yard: There shall be a minimum rear yard of not less than Twenty-five (25) feet; except when adjoining a residential zone in which case a minimum of Fifty (50) feet is required; said rear yard requirements may be reduced, only upon receiving prior express approval of the Building Inspector and the Common Council of the City of De Pere, in situations where existing railroad facilities represent the rear lot line and such facilities are required to be closer to the proposed building or buildings than these regulations permit;

(e) All front and exterior side yard setback areas shall be open and unoccupied by structures of any kind, open storage of materials or parking of vehicles; except for landscaping and landscaping structures, including walls and identity signs when incorporated as a landscape feature, entranceways and flagpoles.

5. General Regulations:

(a) All operations and storage of all materials incidental to such operations on the above described property must be within a completely enclosed building, or in the alternative screened with an approved fence and shrubbery;

(b) Only identity signs shall be allowed;

(c) Off-street parking shall be provided in accordance with the requirement of Section 14.21 of Chapter XIV, of the Revised Municipal Code of the City of De Pere;

(d) A plot plan, detailing the front elevation, the setbacks, the off-street parking and loading facilities,

700005

proposed landscaping, and screened fence and shrubbery shall be submitted to the Building Inspector and the City Plan Commission of the City of De Pere.

These restrictions and agreements shall run with the land, binding the undersigned, their heirs and assigns and all subsequent owners of the above described property; and that these restrictions are granted to the City of De Pere for such use pursuant to the provisions of Section 62.22 (1 M), Wisconsin Statutes.

IN WITNESS WHEREOF, the undersigned have caused these presents to be signed and sealed this 22nd day of August, 1969.

In the Presence of:

Wayne Trachten

Bernard U. Roels
Bernard U. Roels

E. L. Pouwels
E. L. Pouwels

Harold B. Loppner

Henry J. Fowler
Henry J. Fowler

STATE OF WISCONSIN)
COUNTY OF BROWN) ss

Martin J. Krach
Martin J. Krach

Personally came before me this 22nd day of August, 1969, the above named Bernard U. Roels, E. L. Pouwels, Henry J. Fowler, and Martin J. Krach, to me known to be the persons who executed the foregoing instrument and acknowledged the same.

James M. Under Loop

Notary Public, Brown County, Wisconsin
My Commission: 10.15.72

REGISTER'S OFFICE

Brown County, Wls.

Received for record the 27th day
of August A. D. 1969 at
9⁵⁵ o'clock PM and recorded in
Vol. 866 of Records on page 336

-4-

Harold P. Lock

Register of Deeds

VOL. 866 PAGE 339



City of De Pere, Wisconsin

Request For Plan Commission Action

MEETING DATE: February 5, 2019

DEPARTMENT: Planning

FROM: Peter Schleinz

SUBJECT: Status Report of City of De Pere Zoning Ordinance and Sign Ordinance Rewrite -- January 2019.

ATTACHMENTS:

- Plan Commission Report - Zoning Code Update - January 2019(PDF)

City of De Pere MEMORANDUM



To: Plan Commission
From: Peter Schleinz, Senior Planner | Zoning Administrator
Date: January 2019

RE: **Status Report of City of De Pere Zoning Ordinance and Sign Ordinance Rewrite – January 2019**

On March 16, 2018, the City of De Pere entered into an agreement with a consultant, Duncan Associates, in order to cooperatively take on the task of rewriting the City's Zoning Ordinance and Sign Ordinance. This task is expected to be completed by the end of 2019. The role of the Plan Commission is to act as the steering committee that reviews and edits the rewritten ordinances prior to final approval by the Common Council.

To keep the Plan Commission updated about the status of the rewrite, staff provides monthly status reports. Periodically, the consultant will attend Plan Commission meetings to gather information and to present the draft ordinance in smaller sections to allow for a thorough analysis of the rewritten ordinances.

November – December 2018 Summary Status of Ordinance Rewrite Activities:

- In November and December, the Technical Advisory Group concluded a staff review of Module 1 of the new zoning code, which related to project review and staff operation procedures. Staff concluded that, rather than codifying the procedures a separate document would be created by staff to coincide with a summary chart (or list) of steps that are required when seeking a project review/approval. Staff and the consultant are working on the revised concept

Upcoming January – February 2019 Activities:

- In December, 2018 the consultant presented Module 2, which included the proposed new zoning categories for the Technical Advisory Group to consider
- At the beginning of February, 2019 staff will internally review Module 2
- The submittal of Module 3 and the concept zoning map are expected soon
- The review process has fallen slightly behind schedule due to the submittal and review of the modules. Public and Plan Commission review is expected to begin soon

If the Plan Commission has questions of staff or the consultant, staff will gladly retrieve additional information from the consultant.

Staff Recommendation

Receive the memo and place on file.

De Pere Zoning Ordinance Update
Project Timeline

