

RESOLUTION NO. 48-2018

AMENDING RESOLUTION NO. 26-17 AND THE CONDITIONS AND RESTRICTIONS FOR THE SPEAKER CORPORATION PLANNED DEVELOPMENT DISTRICT ("SPEAKER CORPORATION PDD")

WHEREAS, Speaker Properties LLC, property owner (hereinafter the "Developer") has applied for an M-1: Limited Industrial Planned Development District (M-1/PDD) to be applied onto the subject parcels located in the Village of Germantown as generally described in Exhibit A attached hereto; and

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

WHEREAS, the Village of Germantown Plan Commission on December 11, 2017, reviewed the M-1/PDD rezoning application and forwarded a positive recommendation regarding both the rezoning and General Development Plan to the Village Board;

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

1. **PURPOSE AND INTENT.** The Speaker Corporation PDD (SC-PDD) is intended to provide for the orderly and attractive development and operation of a mix of professional office and light manufacturing and assembly uses where such activities are conducted within enclosed buildings developed within a low-density, campus-like setting. The SC-PDD will be comprised of stand-alone sites and buildings located within the SC-PDD that collectively support and serve the day-to-day office, research & design, manufacture and assembly, warehouse and distribution functions of the Speaker Corporation's overall business operation. The development sites and buildings will be designed, located and constructed with a consistent architectural theme, high-quality materials, generous landscaping, and in a manner that does not negatively impact surrounding properties and residents and that does protect and preserve the existing environmental features located within the SC-PDD. Further, it is intended that future development, land uses and activities within the SC-PDD be compatible with adjacent and surrounding residential and agricultural development, and, enhance the economic stability and quality of life in the Village of Germantown.

2. **GENERAL DEVELOPMENT PLAN (GDP)**. The General Development Plan (Exhibit B dated ~~December 11, 2017~~ May 8, 2018) for the Speaker Corporation PDD establishes the basic parameters for all development within the PDD, including the approximate size and orientation of buildings, density of development, setbacks, location of access roadways and driveways, and the general location and extent of landscaping and buffering. While all future development within the PDD shall be generally consistent with the GDP, the GDP does not grant specific site development or building approval. Detailed Site Development and Building Plans shall be prepared and submitted to the Village Plan Commission for review and approval prior to the issuance of any building permit(s) consistent with the requirements of Sections 17.27(5), (6) & (7) of the Zoning Code. Proposed modifications and/or revisions to the GDP shall be reviewed consistent with Section 17.27(9) of the Zoning Code.
 - a. **PHASING**.
 - i. Future development within the SC-PDD is intended to occur in phases with the construction of the Goldendale access driveway and sanitary sewer and water utilities installed prior to or concurrent with Phase 1 site and building development. However, the phasing plan shown on the GDP is intended to be a general guideline for future development within the SC-PDD. The phasing plan is not intended to be a rigid restriction on or requirement for the timing or sequencing of development within the SC-PDD.
 - ii. The general timing of and specific use, size, or relative location and orientation of Phase 4 “future development” on Lot 1 has not yet been determined. One potential development plan for Phase 4 that has been discussed is the potential relocation of the Speaker Corporation’s existing Whitney Drive facility to a new facility constructed on Lot 1.
 - b. **OUTLOTS**.
 - i. The four (4) “Outlots” shown on the GDP are areas that cannot be developed given the existence of sensitive environmental features, e.g. wetland, floodplain, navigable stream, and the Speaker Corporation’s desire to preserve and protect these features.
 - ii. Outlot #3 contains a small wetland area but will remain undeveloped to preserve and enhance the existing tree line along the common property line shared with the Neuland residential subdivision, and, within the open space buffer area south of the proposed Goldendale Road access driveway.

c. LOT 1 and OUTLOT #3 LANDSCAPING AND BUFFERING.

- i. The GDP indicates the approximate location, type, size and shape of undulating earth forms (berms), tree and other landscape plantings to be installed in those areas for purposes of providing an adequate visual buffer between the surrounding residential areas and the internal access driveway and future "Phase 4" development of Lot 1 (previously referred to as the "Mayer/Neu Property").
- ii. The Speaker Corporation intends to construct and install said tree plantings along the north perimeter of Lot 1 and tree plantings and berms along the south side of the access driveway on Outlot #3 prior to or concurrent with Phase 1 and Phase 2 development of Lot 2 and Lot 3 (as shown on the GDP). The specific time frame for implementation of the landscaping and buffer plan required herein shall be established in cooperation with the Plan Commission and as part of the plan landscaping and buffer approval.
- iii. A detailed landscaping and buffer plan shall be prepared and submitted for Village approval as required herein.
- iv. Additional landscaping to enhance the visual buffering, e.g. plantings, berms, fences, may be required as deemed necessary as part of a specific site development and building plan required at the time actual development occurs.

d. STORM WATER MANAGEMENT.

- i. The GDP indicates the approximate and anticipated location, size and shape of storm water management ponds necessary to serve future access driveway construction and site development within the SC-PDD.
- ii. The Speaker Corporation intends to construct and install said storm water management facilities as needed concurrent with Phase 1 and Phase 2 development of Lot 2 and Lot 3 (as shown on the GDP). Storm water management plans for the storm water facilities to be installed prior to or as part of construction of the internal driveway shall be presented to the Plan Commission for review. The specific time frame for implementation of storm water management shall be established in cooperation with the Plan Commission and as part of the plan approval. Supplemental storm water management plans and facilities will be required as part of each specific site development and building plan required at the time development occurs as required under Section 4.

3. **PERMITTED LAND USES**. Permitted Principal, Accessory, Conditional and Temporary Uses allowed within the SC-PDD are set forth below. Unless otherwise provided below, uses not specifically listed are prohibited.
 - a. **PRINCIPAL USES**
 - i. Light Manufacturing, Fabrication and Assembly Uses
 - ii. Professional Offices
 - iii. Research, Development and Testing Facilities
 - iv. Warehouse and Distribution Facilities ancillary to the primary function
 - v. Corporate Training, Meeting & Education Facilities
 - vi. Agricultural uses that involve crop production, cultivation and grazing (excluding large-scale livestock and poultry operations)
 - b. **ACCESSORY USES**
 - i. Off-street parking and loading areas
 - ii. Storage of vehicles, equipment, products or non-hazardous materials used in conjunction with a principal use within an attached or detached and completely enclosed building
 - iii. Auxiliary power generators (only to be run for exercise purposes between the hours of 9:00 a.m. and 5:00 p.m. and only be operated for functionality when there is a power outage)
 - iv. Land conservation practices
 - c. **CONDITIONAL USES**
 - i. Child day care facilities licensed by and in compliance with all applicable State and local regulations
 - ii. An unclassified or unspecified use not listed herein may be permitted provided that such use is similar in the operational characteristics as a principal use listed herein, and, is compatible with, directly supports, or is mutually beneficial to the operation of the existing uses within the SC-PDD. If the Plan Commission determines that an unclassified or unspecified use is similar in character to a principal use, the unclassified or unspecified use will only be allowed following review and approval by both the Plan Commission and the Village Board in accordance with the procedures established in Section 17.42 (Conditional Uses).
 - d. **TEMPORARY USES**
 - i. See Section 17.07(2a).

e. N121 W19996 Dalebrook Drive (Tax Key No. 173-989). The Speaker Corporation has an agreement with the current owner, John A. Wagie, of a 1.8-acre parcel located at N121 W19996 Dalebrook Drive (currently zoned Rs-3: Single-Family and used for residential purposes) to acquire said parcel for purposes of including it in the SC-PDD. That agreement includes a stipulation that the current owner may continue to utilize said parcel for residential purposes through June, 2019. Therefore, and notwithstanding the land combination and rezoning approvals granted by the Village that enable the Speaker Corporation to attach and include this 1.8-acre parcel into the SC-PDD and overall Speaker Corporation campus expansion plan, the Village will allow the existing 1.8-acre area and existing dwelling to continue to be used for residential purposes until July 1, 2019. After that date, the Speaker Corporation is responsible for ceasing said residential use, removing the existing dwelling and accessory structures, and restoring the site to the conditions and use reflected in the adopted GDP.

4. **SITE PLAN APPROVAL REQUIRED.** Consistent with the requirements of Section 17.27(5) through (7), all development within the SC-PDD shall be subject of detailed site development and building plans submitted for review and approval by the Plan Commission in accordance with the requirements and procedures in Section 17.43 prior to issuance of a building permit.

5. **PERIMETER LANDSCAPING & BUFFER PLAN REQUIRED.**

a. Notwithstanding the requirements in Section 4. above, the GDP indicates the approximate location, shape and size of landscape plantings to be designed-in-detail and installed at the north edge of the 'Mayer-Neu' property, directly south of the RR right of way, for the purposes of providing an adequate visual buffer between the surrounding residential areas to the north and any future development on the 'Mayer-Neu' parcel. A detailed landscape plan shall be submitted to the Village Plan Commission for review and approval no later than two (2) years after construction of the east-west driveway has commenced, or, July 1, 2020, whichever date is expected to occur first. The actual installation of the landscaping features, plantings, etc, subject of said landscape plan may be deferred until future development of this area has been approved by the Village. a detailed landscaping and buffer plan for the north perimeter of Lot 1 adjacent to the WSOR railroad and south perimeter of Outlot 3 as shown on the GDP shall be prepared and submitted to the Plan Commission for review and approval prior to commencement of construction of the Goldendale Road access driveway and utility installation. Said landscaping and buffer plan shall take into

~~consideration existing topography, existing vegetation, existing visibility and existing distance separation from the surrounding residential areas to the south (Neuland Subdivision) and to the north (Isabell Farms Subdivision) to determine the type, amount, density, height, and other characteristics of the undulating earth forms (berms) and tree plantings (where applicable) that will be necessary to provide an adequate visual buffer between said residential areas and the internal access driveway and future "Phase 4" development of Lot 1 (previously referred to as the "Mayer/Neu Property").~~ NOTE: the required "visual buffer" is not intended to be nor provide a 100 percent visual barrier of the view from all vantage points within the surrounding residential areas, but rather to provide an effective (albeit partial) obstructed view of the developed area, buildings and traffic traveling within the SC-PDD.

- b. The undulating earth forms (berms) should be designed consistent with the Village's berm regulations under Section 17.57.
- c. The existing tree line between the Neuland Subdivision and the west side of the proposed SMT building shall be enhanced with supplemental tree plantings and/or berming. Said landscaping enhancements shall be reflected in the required landscape plan to be submitted concurrent with Phase I development.

6. **ACCESS.** Access to development within the SC-PDD shall be from the private access driveway shown on GDP. No other direct access to/from Goldendale Road, Freistadt Road, Josephine, etc. shall be permitted. Direct access to/from these public roads to any undeveloped lots or outlots for agricultural and land conservation/maintenance purposes is permitted if no other reasonable means of access to these areas is available.

7. **SITE DEVELOPMENT AND BUILDING REQUIREMENTS.** Unless otherwise set forth below, all site development and building shall be in accordance with the lot, building and other applicable bulk requirements set forth in the underlying M-1: Limited Industrial Zoning District and other applicable Zoning Code regulations.

a. **LOT AND BUILDING REQUIREMENTS**

- i. Lot Area (minimum) 15 acres
 - ii. Lot Width (minimum) 300 feet
 - iii. Lot Frontage (minimum) 50 feet
 - iv. Principal & Accessory Building Setbacks (minimum)
 - 1. Goldendale Road 100 feet
 - 2. Freistadt Road 100 feet
 - 3. WSOR Railroad 100 feet
 - 4. Residential District 200 feet
 - 5. Front/Street yard 50 feet (from internal access road)
 - 6. Side yard 25 feet
 - 7. Rear yard 25 feet
 - v. Building Height (maximum)
 - 1. Principal Building 45 feet
 - 2. Accessory building 25 feet
 - vi. Parking Setbacks (minimum)
 - 1. Goldendale Road 50 feet
 - 2. Freistadt Road 50 feet
 - 3. WSOR Railroad 50 feet
 - 4. Residential District 50 feet
 - 5. Front/Street yard 25 feet
 - 6. Side yard 25 feet
 - 7. Rear yard 25 feet
 - vii. Lot Coverage (maximum) 50 percent impervious area maximum across the entire 144.2-acre PDD area and 70 percent maximum lot coverage of a single lot.
- b. **PARKING** (see Section 17.45).
- i. Stall Area (minimum) 162 sqft
 - ii. Stall Number not to exceed (1) stall/shift/employee

- c. ARCHITECTURAL DESIGN AND BUILDING ORIENTATION.
 - i. The relative location and orientation of a building on a site, building architecture and design, and the use and placement of windows and other functional and decorative architectural devices should be considered and used to minimize potential light trespass or any other potentially negative impact on adjacent and surrounding residential property.

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

- e. HVAC MECHANICALS.
 - i. All electrical, heating, cooling and other mechanical structures, and air handling units, regardless of location and whether roof or ground-mounted, shall be concealed by landscaping and/or by decorative architectural screening materials which are an integral part of the building design. Roof-mounted units shall be screened from view from adjacent public roadways including Isabelle Farms Drive, Meadow Brook Court and Prairie Ridge Court.

- f. WASTE AND RECYCLING FACILITIES & ENCLOSURES.
 - i. All waste and recycling dumpsters shall be screened in the same architectural style and materials of the principal building on the property and include landscaping. Dumpsters should be screened from all residential areas, public rights-of-way or adjacent properties.

- g. OUTSIDE STORAGE.
 - i. Incidental and short-term storage of vehicles, trailers, materials and finished products visible from residential properties and public rights-of-way shall be screened. The type of screening shall be in the same architectural character of the building on the property.

- h. EXTERIOR LIGHTING.
 - i. All exterior site and building lighting shall utilize “dark sky compliant” fixtures and technology, and, be consistent with the Village’s “Outdoor Lighting Guidelines”. Lighting plans and equipment specifications are reviewed and approved by the Plan Commission as part of the Site Plan approval process.

8. **SIGNAGE.**

- a. One (1) monument sign shall be permitted to be installed at each access driveway intersection at Goldendale Road and Freistadt Road consistent with the Village's sign regulations and reviewed and approved by the Plan Commission.
- b. Signage for each development site and building shall be permitted consistent with the Village's sign regulations and reviewed and approved by the Plan Commission.

9. **APPLICABILITY OF MUNICIPAL CODE.** Unless otherwise set forth herein, all other applicable zoning and development regulations contained in the Germantown Municipal Code (e.g. Shoreland-Wetland Zoning, Floodplain Zoning, Subdivision) shall apply to development and land use within the SC-PDD. In the event a requirement, restriction or limitation set forth herein conflicts with a similar requirement, restriction or limitation found in another section of the Municipal Code, the most stringent requirement, restriction or limitation shall apply.

10. **EASEMENTS.**

In the event that the existing parcels that comprise the SC-PDD are not combined, storm water management facility, driveway cross-access and/or other easements regarding such facilities may be required.

11. **LAND DIVISIONS.**

The GDP indicates that specific lots upon which future development within the SC-PDD will occur, and, specific outlots that will remain undeveloped. If the creation of these lots and outlots into separate parcels is intended as shown (vs. being developed as separate "building sites" within one large property), the process of dividing the land into separate lots (or combining the parcels into one parcel) will be required prior to or concurrent with site plan approval for development. For example, prior to or concurrent with the submittal of detailed site plans for Phase 1 development on what is referred to as the "Roskopf Property", a certified survey map (CSM) land division application would be prepared and submitted to create the lots as presented in the adopted GDP Lot 2, Lot 3 and Outlot 4 as shown on the GDP dated December 11, 2017.

Introduced by: Trustee Myers

Adopted: June 18, 2018

Vote: Ayes: 9 Nays: 0


Dean M. Wolter, Village President

ATTEST:

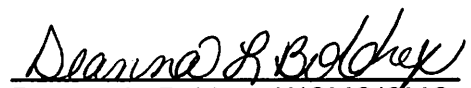

Deanna L. Boldrey, WCMC/CMC
Village Clerk

EXHIBIT A

**Speaker Corporation Planned Development District (PDD)
Boundary Legal Description**

The following parcels comprise the entire Speaker Corporation Planned Development District (PDD):

(Tax Key #173-992 and Tax Key #173-993; a.k.a. "Mayer/Neu Property")

Part of the Northwest 1/4 and Southwest 1/4 of the Southwest 1/4 of Section 17, Town 9 North, Range 20 East, in the Village of Germantown, Washington County, Wisconsin, bounded and described as follows:

Commencing at the Northwest corner of said 1/4 Section; thence South 01°14'33" East along the West line of said 1/4 of said Section 123.85 feet to the South line of the Wisconsin & Southern Railroad lands and the point of beginning of the lands hereinafter described; thence: South 77°11'31" East along said South line 1343.65 feet to a point; thence South 01°17'44" East along the West line of Lot 1 of Certified Survey Map No 6215 a distance of 1283.76 feet to a point; thence South 75°00'27" West along the North line the of Neuland Subdivision 403.42 feet to a point, thence North 43°39'33" West along said North line 180.00 feet to a point; thence North 54°19'33" West along said North line 380.00 feet to a point; thence North 38°28'33" West along said North line 49.79 feet to a point; thence South 87°00'27" West along said North line 250.00 feet to a point; thence South 14°59'33" East along said North line 40.00 feet to a point; thence South 82°45'51" West along said North line 218.24 feet to a point on the West line of SW 1/4, Section 17; thence North 01°14'33" West along said West line 1374.37 feet to the point of beginning. Along with Part of the Northwest 1/4 and Southwest 1/4 of the Southwest 1/4 of Section 17, Town 9 North, Range 20 East, in the Village of Germantown, Washington County, Wisconsin, described as follows: Commencing at the Southwest corner of said 1/4 Section; thence North 89°53'45" East along the South line of said 1/4 of said Section 1301.98 feet to the point of beginning of the lands hereinafter described; thence North 01°04'33" West 217.16 feet to a point; thence South 89°57'33" West 3.57 feet to the Southeast corner of Lot 6, Block 1 of Neuland Subdivision; thence North 01°02'33" West along the East line of said Lot 392.27 feet to a point on the south line of Dalebrook Drive; thence North 88°57'27" East along said south line 5.05 feet to a point; thence South 01°17'44" East along the West line of Lot 1 of Certified Survey Map No. 6215 a distance of 549.55 feet to a point on aforesaid South line; thence South 89°53'45" West along said South line 3.78 feet to the point of beginning. Said lands containing 39.74 acres more or less.

(Lot 1 of CSM #6702 and Tax Key #173-987; a.k.a. "Roskopf Property")

Lot 1 of Certified Survey Map #6702 as recorded in Volume 51 on Page 221 of Certified Survey Maps of Washington County, Section 17, Town 9 North, Range 20 East, in the Village of Germantown, Washington County, Wisconsin. Said lands containing 47.43 acres more or less.

(Lot 2 of CSM #6702 Tax Key #174-985; Phylmack LLC Property)

Lot 2 of Certified Survey Map #6702 as recorded in Volume 51 on Page 221 of Certified Survey Maps of Washington County, Section 17, Town 9 North, Range 20 East, in the Village of Germantown, Washington County, Wisconsin. Said lands containing 57.08 acres more or less.

W200 N12108 Josephine Drive (Tax Key No. 173-032)

W200 N12122 Josephine Drive (Tax Key No. 173-033)

Lot 1 and Lot 2 of Block 5 in NEULAND Subdivision, and lands in the Southwest One-quarter (1/4) of Section Seventeen (17), in Township Nine (9) North, Range Twenty (20) East, in the Village of Germantown, Washington County, Wisconsin, bounded and described as follows: Beginning at the Southwest corner of said Lot 1 and the easterly line of Josephine drive; thence North 01°16'33" West along the West line of said Lot 1 a distance of 191.93 feet to a point on the West line of said Lot 2; thence North 03°28'03" West along said West line 97.13 feet to a point on the North line of said Lot 2; thence North 75°00'27" East along said North line 173.33 feet to a point on the West line of Lot 1 of Certified Survey Map No. 6215; thence South 01°17'44" East along said West line 330.76 feet to a point on the North line of Dale Brook Drive; thence South 88°57'27" West along said North line 164.78 feet to the point of beginning. Containing 51,304 square feet or 1.1777 acres.

N121 W19996 Dalebrook Drive (Tax Key No. 173-989)

Being a part of the Southwest One-quarter (1/4) of Section Seventeen (17), in Township Nine (9) North, Range Twenty (20) East, in the Village of Germantown, Washington County, Wisconsin, bounded and described as follows: Commencing at the Southwest corner of said Section; thence North 89°53'45" East along the South line of 1/4 Section 1305.77 feet to a point; thence North 01°17'44" West along the West line of Lot 1 of Certified Survey Map No. 6215 and its Southerly extension 549.55 feet to the point of beginning of lands described hereinafter; thence continue North 01°17'44" West 362.00 feet to a point; thence North 88°42'16" East 222.00 feet to a point on the West line of said Lot 1; thence South 01°17'44" East along said West line 362.00 feet to a point; thence South 88°42'16" West 222.00 to the point of beginning. Containing 80,364 square feet or 1.8449 acres.

EXHIBIT B

**Speaker Corporation Planned Development District (PDD)
General Development Plan**

{Attach General Development Plan Dated May 8, 2018}