



**Meeting Date:** June 20, 2011  
**Agenda Item:** 11

**VILLAGE OF HOWARD PLAN COMMISSION  
STAFF REPORT**

**REPORT TO:** Burt R. McIntyre, Village President  
Village Plan Commission

**REPORT FROM:** Dave Wiese, Executive Director of Community Development

**REPORT WRITTEN:** June 15, 2011

**REPORT SUBJECT:** **Review and take action on Resolution releasing and relocating the 12' utility easement and 100' buffer zone easement for the 29/41 Retail Centre Plat.** This is a recommendation to the Village Board.

**ACTION REQUESTED**

As part of the Final PDD approval, Menards is requesting to use a portion of the 100' buffer zone that was established as part of the original development when Woodman's was constructed. The current Menards store design/layout is the "P5" (Prototype-5.) Menards has indicated it is very important that they maintain consistency in the merchandising layout in all of its new stores. For example, Menards needs to ensure that a loyal guest at our Wausau store is familiar with the store layout when visiting the De Pere store (currently under construction). Menards has indicated they cannot rearrange the footprint of the building for this very reason.

Menards has also indicated they cannot move the entire store further south (closer to Woodman Drive). The prototypical distance from the south side of the building to the fence line is at least 150'. This distance is established to ensure the garden center has sufficient room for the prototypical merchandising plan. However, Menards has already agreed to compromise their layout within the Garden Center (only 109'-121' proposed) to ensure both the existing height and location of the berm.

**RECOMMENDATION**

If the Plan Commission is in favor of the Menards layout and in favor of the Final PDD as presented, a recommendation to the Village Board supporting the proposed resolution (Attachment I) would be in order.

**ATTACHMENT I**

- I. Resolution and Exhibit A**
- II. Existing 29/41 Plat Notes**

**ATTACHMENT I**

**VILLAGE BOARD RESOLUTION**

Resolved that a portion of the Utility Easement and Buffer Zone as depicted on the Plat of 29/41 Retail Centre, in the Village of Howard be relocated. Said relocation is depicted on Exhibit A and is hereby, approved by the Village Board of the Village of Howard, Brown County, Wisconsin.

Date Approved: \_\_\_\_\_ (PRINT NAME): \_\_\_\_\_  
Village President

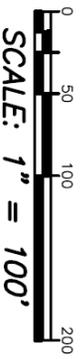
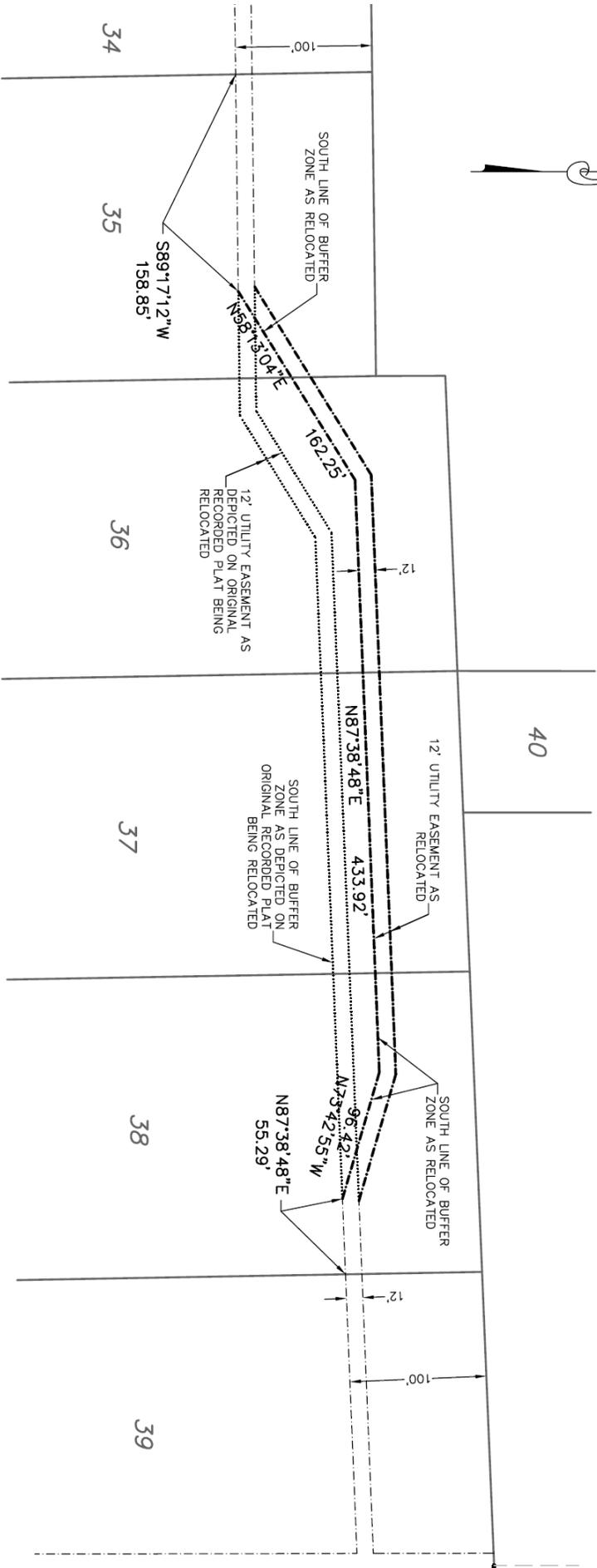
(SIGNATURE) \_\_\_\_\_ Date: \_\_\_\_\_  
Village President

I, hereby certify that the foregoing is a copy of a resolution adopted by the Village Board of the Village of Howard, Brown County, Wisconsin.

(SIGNATURE) \_\_\_\_\_  
Village Clerk

# EXHIBIT A

RELOCATED BUFFER ZONE AND UTILITY EASEMENT IN  
PART OF THE PLAT OF 29/41 RETAIL CENTRE,  
VILLAGE OF HOWARD, BROWN COUNTY, WISCONSIN



## ATTACHMENT II

### NOTES:

- 1 Highway setback restriction:  
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 Wisconsin Department of Transportation or its assigns. Contact the Wisconsin Department of Transportation for more information. The phone number may be obtained by contacting the County Highway Department.
- 2 Woodmans Food Market, Inc. as owner, dedicates and conveys without any warranties, ownership of the following common elements to WRC Howard, Inc., by this plat:
  - A Outlots 2 and 3; the retention ponds, storm and surface water systems and outlet structures, (except the storm sewer pipe located within Outlots 2 and 3); the trees, shrubbery, flowers, and other landscaping from time to time planted on and growing within Outlots 2 and 3.
  - B WRC Howard, Inc., shall be responsible for the maintenance and repair of all of these common elements.
- 3 Outlots 1 and 4 are reserved for possible conveyance to the Department of Transportation for future right-of-way. Compensation for Outlots 1 and 4 will be determined. No improvements are allowed within this area. Improvements include, but are not limited to signs, septic systems, wells, parking lots, drainage facilities, driveways, etc.
- 4 This plat is subject to State Highway Access Restriction.
- 5 No buildings or structures are allowed within the 100 foot buffer zone easement.
- 6 The 100 year flood lines were computed from existing contours and the hydraulic gradient as shown on the Flood Insurance Rate Map of the Village of Howard, Brown County, Wisconsin, Community Panel Number 550023 0005 B, dated Feb. 17, 1982.
- 7 Only single family homes are allowed on lots 1 - 31, and Lot 40.
- 8 The lots of this land division may experience noise at levels exceeding the levels in s. Trans. 405.04, Table 1. These levels are based on federal standards. Owners of these lots are responsible for abating noise sufficient to protect these lots.
- 9 Sidewalk easements on this plat shall have precedence over other overlapping easements.
- 10 The construction of fences along Douerman Street are prohibited on residential lots, unless required for swimming pools.
- 11 All berms and sidewalks shall be maintained by the lot owner.
- 12 The Village of Howard shall have the right to maintain and/or modify the detention/retention ponds if necessary.
- 13 Curb cuts and driveway openings shall be required for the commercial development sites, and shall be approved by the Village Public Works Department.
- 14 Nothing on this plat shall be construed to supersede the State/Municipal Agreements between the Department of Transportation and the Village of Howard signed by Secretary Charles Thompson on February 28, 2000, and recorded in the Brown County Register of Deeds Office as Document Numbers 1750950 and 1750951.
- 15 Additional Covenants, Restrictions and/or Conditions pertaining to this Plat will be filed upon recording of this Plat.

### RESTRICTIVE COVENANTS:

- 1 Lot 31, Outlet 2, Outlet 3, and Outlet 4 contain an Environmentally Sensitive Area, (ESA), as defined in the Brown County Sewage Plan. Development and land disturbing activities are restricted within the ESA, unless amendments are approved by the Brown County Planning Commission and the Wisconsin Department of Natural Resources. The Environmentally Sensitive Area includes all wetlands, land within the 100 year flood fringe, and land within 75 feet of Beaver Dam Creek.
- 2 There shall be no vehicular access to Douerman Street from lots 2, 3, 6, 7, 10, 11, 14, 15, 18, 19, 25, 28, and Outlet 1.
- 3 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.
- 4 There shall be a 20 foot building setback from the top of bank associated with the former meander area of Beaver Dam Creek.