

Memo

To: Plan Commission, Village Board

Fr: Trevor Fuller, Director of Planning and Community Development

Re: ACTION RE: APPROVAL OF CERTIFIED SURVEY MAP FROM MAU & ASSOCIATES ON BEHALF OF AJS LLC FOR PARCEL AL-25-1 LOCATED AT 1430 MARINE STREET

Date: 29 April 2021

A Certified Survey Map (CSM) was submitted from Mau & Associates, on behalf of AJS LLC., to divide parcel AL-25-1, located at 1430 Marine Street into four outlots, more generally the Jimmy Seas and Nuk's restaurant area.

The site contains approximately 4.1 acres. Any land division over 3 acres must adhere to the regulations found in Section 475-51D of the Village Ordinances, in addition to the standard land division regulations found in Chapter 460 of the Village Ordinances and States Statutes 236.

Site Review:

- The property is zoned GXR (Riverfront Office-Residential Mix), with a mix of restaurant and storage uses. The storage uses are existing non-conforming uses and will remain as such.
- The Comprehensive Plan calls for redevelopment of the site, with a mixed-use master planned development. There are no known site redevelopment plans to date.
- There is an environmentally sensitive area, 75' east of the OHWM (ordinary high water mark) of the Fox River. Construction of new buildings must be outside of this ESA or at the average setback of the neighboring existing buildings.
- Easements include:
 - A 10' utility easement exists on the western edge of the site.
 - A 30' easement exists in the eastern edge of the site to provide vehicular and pedestrian ingress and egress to and from the premises of the property owner. The easement was reviewed and approved by the Public Works Department to ensure it meets the requirements for public purpose as stated in Section 475-51D (see below) and Chapter 460 of the Village Ordinances.
 - A 25' x 56' patio easement is being added on the northwestern portion of Outlot 3 for the benefit of Outlot 2.
- All proposed new setbacks would be conforming or would not be made less conforming, with the exception of the sideyard setback of Outlot 4. The northern storage building on Outlot 4 is shown to have a 1' setback. This non-conforming setback was made upon the request of staff, so that the restaurant building on Outlot 3 would have a conforming setback.

Staff recommends approval of the CSM, as presented, subject to the approval of the easement for public use by Public Works Department.

The Plan Commission reviewed the request and recommended approval of the Certified Survey Map (CSM), contingent on staff recommendations and clarification with Brown County on identifying the bulkhead line.

The Village Board is asked to review the request and determine whether to approve, not approve, or approve with conditions the Certified Survey Map (CSM).

Section 475-51D. Platting and Division of Land. All regulations in Chapter 460 apply, unless otherwise expressly stated in this section (475-51).

- (1) All streets must be located on parcel(s) or rights-of-way separate from development lots and platted.*
- (2) Streets may be dedicated to the village or held privately and maintained by the applicant/owner, subject to any agreements with the village.*
- (3) Public access easements are required for all streets held privately.*
- (4) All civic space required by this section (475- 51) must be located on a separate parcel and platted. Civic space may be dedicated to the village or held privately and maintained by the applicant/owner, subject to any development agreements with the village.*
- (5) Alleys, drives, or service lanes are not required to be located on a separate parcel, unless they are dedicated to the village or provide access to multiple development parcels under potentially separate ownership.*

Certified Survey Map

Part of Private Claim 10, East Side of the Fox River,
Village of Allouez, Brown County, Wisconsin



Steven M. Bieda
PLS-2275
February 19, 2021
revised March 17, 2021

Legend

- 1.32" (o.d.) x 18" iron pipe with cap weighing 1.68 lbs/lin ft set
- 1" iron pipe found
- ⊙ PK nail found
- ⊕ Brown County monument - type noted

NOTES

Bearings referenced to the meander line of Private Claim 10, ESFR, assumed to be N63°46'06"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.

North



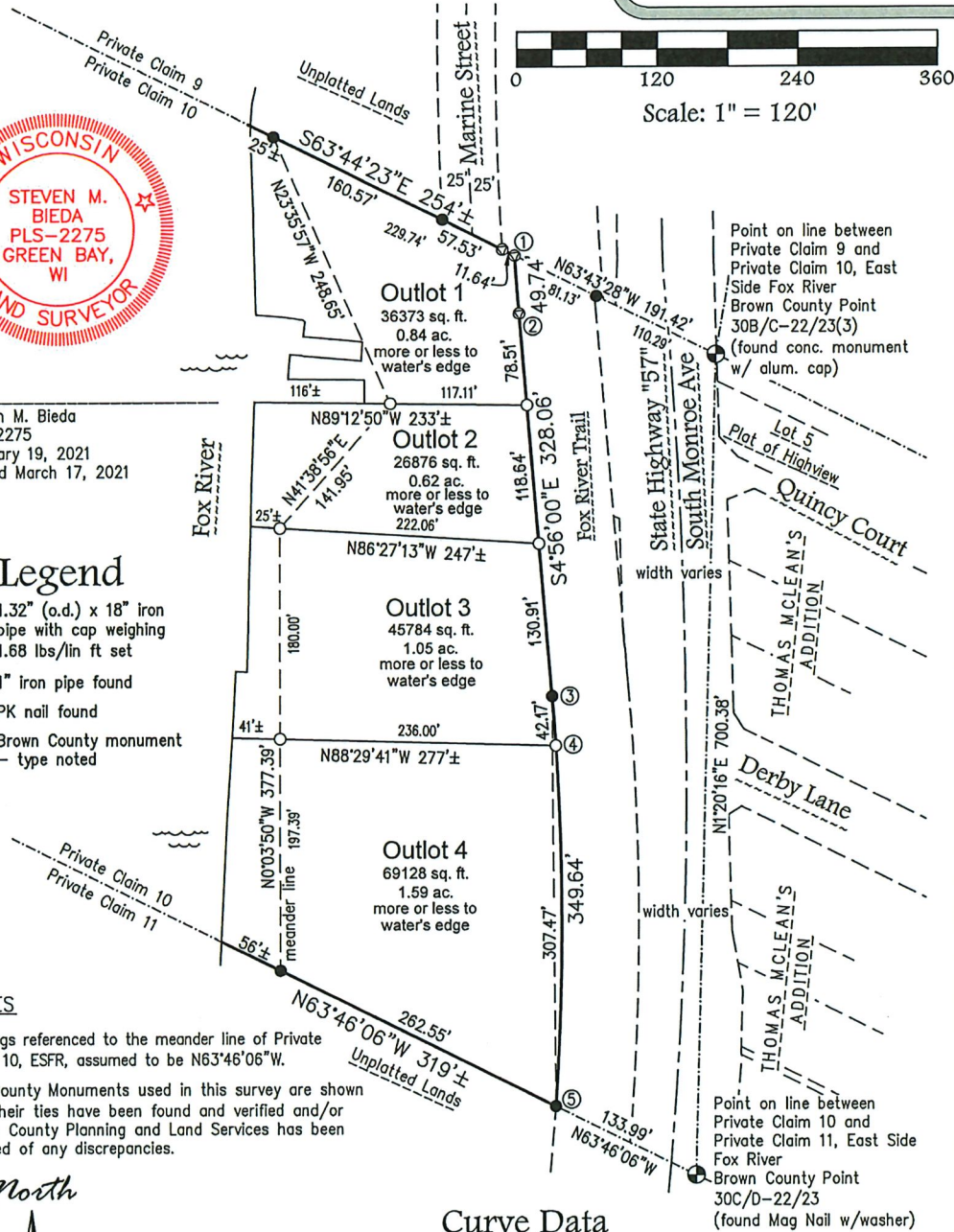
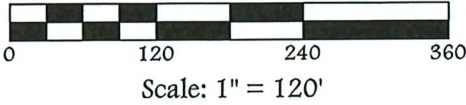
Curve Data

CURVE	ARC LENGTH	RADIUS	CHORD LENGTH	CHORD BEARING	CENTRAL ANGLE	TANGENT BEARING
1-2	49.74	2897.93	49.74	S4°26'30"E	0°59'00"	N3°57'00"E
3-5	349.64	2259.01	349.29	S0°29'57"E	8°52'04"	S3°56'05"W
3-4	42.17	2259.01	42.16	S4°23'55"E	1°04'10"	--
4-5	307.47	2259.01	307.23	S0°02'08"E	7°47'54"	--

Client: AJS LLC
Tax Parcel: AL-25-1
Drafted By: BAB
File: A-13519CSM 021521.dwg
Data File: A-13519.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 Seven
Project No.: A-13519
Drawing No.: L-11374
Fieldwork Completed: 01/21/2021



Certified Survey Map

Part of Private Claim 10, East Side of the Fox River, Village of Allouez, Brown County, Wisconsin



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February 19, 2021
revised March 17, 2021

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- 1" iron pipe found
- ⊙ PK nail found
- ⊕ Brown County monument
- ▨ existing building
- FP — FP — floodplain limits
- FW — FW — floodway limits

NOTES

Bearings referenced to the meander line of Private Claim 10, ESRF, assumed to be N63°46'06"W.

Floodway and flood plain information is based on FEMA FIRM map 55009C0257F, dated August 18, 2009.



Scale: 1" = 80'

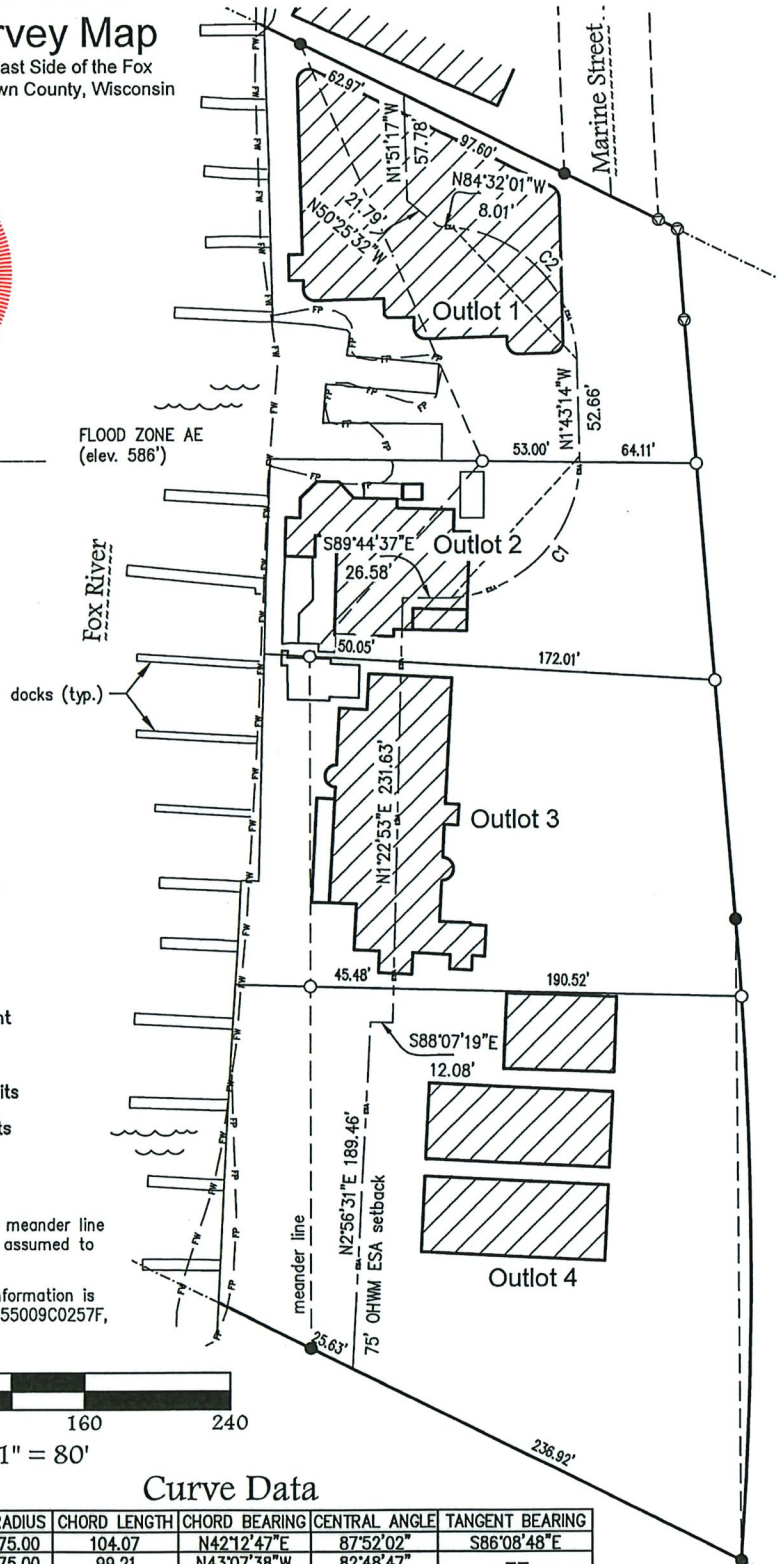
Curve Data

CURVE	ARC LENGTH	RADIUS	CHORD LENGTH	CHORD BEARING	CENTRAL ANGLE	TANGENT BEARING
C1	115.02	75.00	104.07	N42°12'47"E	87°52'02"	S86°08'48"E
C2	108.42	75.00	99.21	N43°07'38"W	82°48'47"	—

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Sheet Two of Seven
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February 19, 2021
revised March 17, 2021

North



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- 1.32" (o.d.) x 18" iron pipe with cap weighing 1.68 lbs/lin ft set
- 1" iron pipe found
- ⊙ PK nail found
- ⊕ Brown County monument
- ▨ existing building
- fence line
- wood fence line

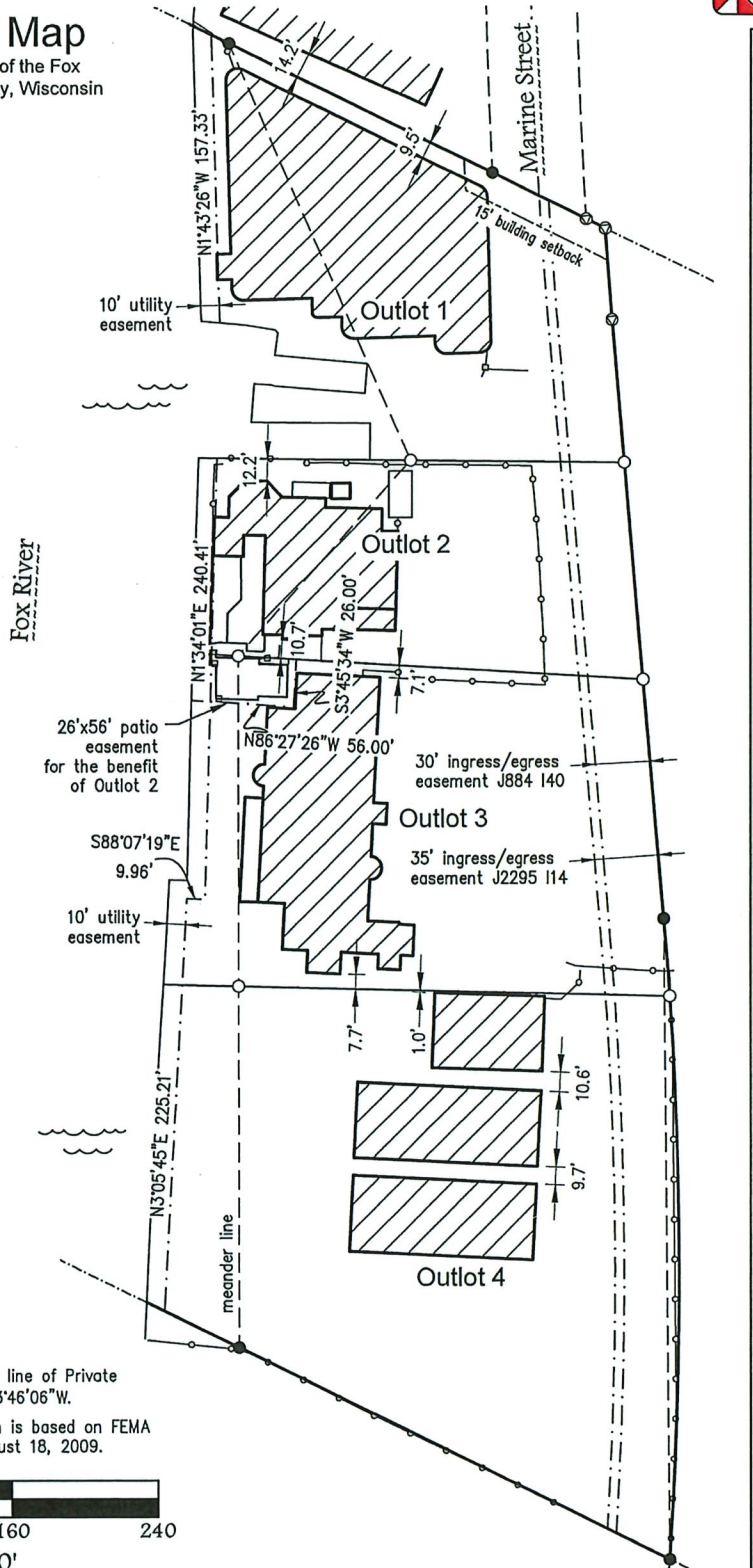
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Sheet Three of Seven
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Certified Survey Map

Part of Private Claim 10, East Side of the Fox River, Village of Allouez, Brown County, Wisconsin

SURVEYOR'S CERTIFICATE

Part of Private Claim 10, East Side of the Fox River, Village of Allouez, Brown County, Wisconsin, more fully described as follows:

Commencing at the Brown County Point on line between Private Claim 10 and Private Claim 11, East Side Fox River Brown County Point 30C/D-22/23; thence N63°46'06"W, 133.99 feet along the South line of Private Claim 10, East Side of the Fox River, to the West right of way of the Wisconsin Department of Natural Resources Fox River Trail and the Point of Beginning; thence continuing N63°46'06"W, 262.55 feet along said South line to a point being S63°46'06"E, 56 feet more or less from the waters of the Fox River and the start of a meander line; thence N0°03'50"W, 377.39 feet along said meander line to a point being S86°27'13"E, 25 feet more or less from the waters of the Fox River; thence N41°38'56"E, 141.95 feet along said meander line to a point being S89°12'50"E, 116 feet more or less from the waters of the Fox River; thence N23°35'57"W, 248.65 feet along said meander line to a point being S63°44'23"E, 25 feet more or less from the waters of the Fox River and the end of said meander line; thence S63°44'23"E, 229.74 feet along the North line of said Private Claim 10 to the West right of way of said trail; thence 49.74 feet along said trail right of way being the arc of a 2897.93 foot radius curve to the left whose long chord bears S4°26'30"E, 49.74 feet; thence S4°56'00"E, 328.06 feet along said trail right of way; thence 349.64 feet along said trail right of way being the arc of a 2259.01 foot radius curve to the right whose long chord bears S0°29'57"E, 349.29 feet to the point of beginning. Including all lands lying between the meander line and the waters of the Fox River.

Parcel contains 145,995 square feet / 3.35 acres, more or less, to the meander line.
 Parcel contains 178,161 square feet / 4.09 acres, more or less, to the waters of the Fox River.
 Parcel subject to easements and restrictions of record.

That such plot 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 Village of Allouez, and the Brown County Planning Commission in surveying, dividing and mapping the same.

Steven M. Bieda
 PLS-2275
 February 19, 2021
 revised March 17, 2021



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 dates listed below.

Paul D. Zeller _____ Date
 Brown County Treasurer

CERTIFICATE OF THE BROWN COUNTY PLANNING COMMISSION

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

Dan Teaters
 Senior Planner

Client: AJS LLC
 Tax Parcel: AL-25-1
 Drafted By: BAB
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Sheet Four of Seven
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Certified Survey Map

Part of Private Claim 10, East Side of the Fox
River, Village of Allouez, Brown County, Wisconsin

CERTIFICATE OF THE VILLAGE OF ALLOUEZ

Approved for the Village of Allouez this ____ day of _____, 20__.

Carrie Zittlow
Village Clerk

NOTES

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 Village has adopted a soil erosion control ordinance, it shall govern over this requirement. This provision applies to any grading, construction, or installation-related activities.

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.

RESTRICTIVE COVENANTS

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.

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.

Outlots 1-4 contain an environmentally sensitive area (ESA) as defined in the Brown County Sewage Plan. The ESA includes 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. 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.

UTILITY EASEMENT PROVISIONS

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

AJS LLC, Grantor, to

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.



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Sheet Five of Seven
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Certified Survey Map

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River, Village of Allouez, Brown County, Wisconsin

LIMITED LIABILITY COMPANY OWNER'S CERTIFICATE

AJS LLC, a limited liability company duly organized and existing under and by virtue of the laws of the State of Wisconsin, does hereby certify that said limited liability company caused the easements to be granted and the land on this Certified Survey Map to be surveyed, divided, dedicated, and mapped as represented hereon. AJS LLC does further certify that this Certified Survey Map is required to be submitted to the Brown County Planning Commission and the Village of Allouez for approval or objection in accordance with current Land Subdivision Ordinances.

In Witness Whereof, the said AJS LLC has caused these presents to be signed by _____, its Member, on this ____ day of _____, 20__.

Member

Personally came before me this ____ day of _____, 20__, the above named Member of said Limited Liability Company and acknowledged that he executed the foregoing instrument as such Member as the deed of said Limited Liability Company, by its authority.

Notary Public
Brown County, Wisconsin

My Commission Expires _____

STATE OF WISCONSIN]
] SS
COUNTY OF BROWN]



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Sheet Six of Seven
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Certified Survey Map

Part of Private Claim 10, East Side of the Fox River, Village of Allouez, Brown County, Wisconsin

CERTIFICATE OF CORPORATE MORTGAGEE

_____, a corporation duly organized and existing under and by virtue of the laws of Wisconsin, (corporate name) mortgagee of the above described land, does hereby consent to the surveying, dividing, mapping and dedication of the land described on this Certified Survey Map/Plat and does hereby consent to the above certificate of _____, Owner(s) of said lands.

IN WITNESS WHEREOF, _____ has caused these presents to be signed by _____ (corporate name) its _____ (print title) and countersigned by _____ (print name) its _____ (print title) at _____ (city), Wisconsin, and its corporate seal to be hereunto affixed this _____ day of _____, 20__.

In the presence of:

(Corporate Seal)

President Date

Secretary or Cashier Date

Personally came before me this ____ day of _____, _____, the above named officers of said corporation to me known to be the persons who executed the foregoing instrument and to me known to be such officers of said corporation, and acknowledged that they executed the foregoing instrument as such officers as the deed of said corporation, by its authority.

Notary Public My Commission Expires _____
Brown County, Wisconsin

STATE OF WISCONSIN]
] SS
COUNTY OF BROWN]



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