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Department of Community Development
Taped and Televised

PLANNING COMMISSION
Christine Nuernberg Hall
Mequon City Hall
11333 N Cedarburg Road
February 10, 2020
6:00 PM

AGENDA

1) Call to Order, Roll Call

- a) Approval of Minutes from January 13, 2020

2) Public Hearing

- a) E-Collectique, LLC. The applicant is seeking conditional use grant approval to allow for a resale clothing and clothing accessories consignment store for the property located at 1550-1556 W. Mequon Road.
- b) Nearly New Consignment Shop. The applicant is seeking conditional use grant approval to allow for a resale clothing and clothing accessories consignment store for the property located 10042 N. Port Washington Road.

3) Consent

- a) Andrew Novak. The applicant is seeking approval for an accessory structure greater than 1,000 sq. ft. to allow for a 5,760 sq. ft. agricultural storage building for the property located at 10800 W. Mequon Road.
- b) MLG Capitol. The applicant is seeking certified survey map approval for a 3-lot land division for the property located north of Executive Drive, between Essex Place and Executive Court.
- c) Bonnilake Real Estate, LLC. The applicant is seeking certified survey map approval for a 4-lot land division for the property located at the southwest corner of N. Birchwood Lane and W. Hemlock Lane.

4) Regular Business

- a) Steckling Builders for Guo Medical Office. The applicant is seeking minor request approval for a revised canopy design for the existing office structure located at 10024 N. Port Washington Road.

CANCELED

- b) Design to Construct for Athlete Performance. The applicant is seeking a consultation for a new 33,390 sq. ft. athletic facility for the property located northwest of Executive Court (Currently Lot 1 of Mequon Business Park II).
- c) Mequon Medical, LLC & Project 4 Services. The applicant is seeking rezoning recommendation from R-2B to B-2 with PUD and certified survey map approval for a 2-lot land division to allow for a medical office clinic for the property located at 1310 W. Highland Road.
- d) Concord Development. The applicant is seeking a text amendment as it relates to I-43 freestanding signs.

5) Policy

- a) An Ordinance Amending Chapter 62 of the Mequon Municipal Code, Related to the Allowance of Auxiliary and Banner Signs in the B-2 (Community Commercial), B-4 (Business Park) and B-5 (Light Industrial) Commercial Zoning Districts.

6) Announcements

The next meeting is Monday, March 9, 2020 at 6:00 p.m.

7) Adjourn

Dated: February 10, 2020

/s/ John Wirth, Chair

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Notice is hereby given that a quorum of other governmental bodies may be present at this meeting to present, discuss and/or gather information about a subject over which they have decision-making responsibility, although they will not take formal action thereto at this meeting.

Persons with disabilities requiring accommodations for attendance at this meeting should contact the City Clerk's Office at 262-236-2914, twenty-four (24) hours in advance of the meeting.

Any questions regarding this agenda may be directed to the Department of Community Development's Office at 262-236-2904, Monday through Friday, 8:00 AM – 4:30 PM



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PLANNING COMMISSION
Regular Meeting
Monday, January 13, 2020
6:00 PM
Christine Nuernberg Hall

Minutes

1) Call to Order, Roll Call

Present:

Chair John Wirth
 Alderman/Vice Chair Robert Strzelczyk
 Commissioner Martin Choren
 Commissioner Stephanie Hawley
 Commissioner James Schaefer
 Commissioner Rebecca Schaefer
 Commissioner John Stoker
 Alternate Greg Bach
 Alternate Dan Gentges
 Alternate James Baka
 Commissioner Rick Lemke - **Absent**

Chair Wirth called the meeting to order at 6:00 p.m.

Roll Call was taken.

a) Approval of Minutes from December 2, 2019

Action

Ald. Strzelczyk made a motion to approve the minutes from December 2, 2019.

Commissioner Hawley seconded the motion.

A voice vote was taken; vote passed 8-0

Attachment: DRAFT PC -01.13.20 (4835 : Meeting Minutes from January 13, 2020)

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| RESULT: | APPROVED [UNANIMOUS] |
| MOVER: | Robert Strzelczyk, Alderman/Vice Chair |
| SECONDER: | Stephanie Hawley, Commissioner |
| AYES: | Wirth, Strzelczyk, Baka, Choren, Hawley, J. Schaefer, R. Schaefer, Stoker |

2) Consent

Three items were taken off the Consent Agenda; two remain: the Prahm CSM and ICAP Development CSM.

Action

Commissioner Stoker made a motion to approve the two consent agenda items.
Ald. Strzelczyk seconded the motion.
A voice vote was taken; vote passed 8-0

- a) **Jim Bruce.** The applicant is seeking certified survey map approval to allow for a 3-lot land division for the property located at 14221 Klug Lane.

Marnie Harris – 3109 W. Pioneer Road – lives adjacent to Lot 1 & Lot 2. She is opposed to this item as she was told that nothing would be built on this land besides a residence for the Bruce family.

Heidi Hren – 3121 W Pioneer Road – her property abuts proposed Lot 3 and she is opposed to this proposal. She wants the area preserved for wildlife. She is also concerned about the flooding in the area and that Highway C floods often. She does not believe that the road can handle construction traffic. She feels that there is too much building in Mequon and she wants to preserve the greenspace. Overall, she is opposed to this proposal as she wants to preserve the wildlife habitat, ecological productivity and the water quality of the Milwaukee River.

Lynn Bichler -14264 N. Klug Lane – supports this proposed land division but does not wish to speak.

Planner Vang stated that this request is for a 3-lot land division. The sites do contain a significant number of wetlands, floodway and floodplain. Once subdivided, each lot does have a buildable area and the lots meet the 5-acre minimum requirement of the R-1 single-family residential zoning district. The applicant has submitted a Wetland Delineation Report from the DNR which indicates where the floodway and the floodplain lines are; those areas are not buildable areas.

Asst. Eng. Henk stated that building in floodway is not allowed but building in floodplain is allowed with special approvals. The conditions for meeting approvals are listed in the board packet. It is a rigorous process and anything that is built in the floodplain needs to be compensated for elsewhere. The applicant is required to meet the requirements of the Tree Preservation Ordinance to ensure that the specimen trees are protected. She explained that Lot 1

& Lot 2 would have access from Pioneer Road and that Lot 3 would have access from Klug Lane. The fire department confirmed that they can access these homes if needed. She acknowledged that there was high water on Highway C a few years ago where residents needed to be evacuated and this was done safely.

Mayor Wirth confirmed with staff that by state law the applicant can divide the property and that staff, and the Planning Commission simply need to ensure that all the technique standards are met under city ordinances and state law.

Asst. Eng. Henk answered that fill is not allowed in the floodplain and that fill brought in for any other areas on the site are subject to building permit review

Action

Commissioner Stoker made a motion to approve the land division request per staff conditions. Commissioner Choren seconded the motion.

A roll call was taken; vote passed 8-0

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| RESULT: | APPROVED [UNANIMOUS] |
| MOVER: | John Stoker, Commissioner |
| SECONDER: | Martin Choren, Commissioner |
| AYES: | Wirth, Strzelczyk, Baka, Choren, Hawley, J. Schaefer, R. Schaefer, Stoker |

- b) William and Bonnie Prah Revocable Trust. The applicant is seeking certified survey map approval to allow for a one lot land division for the property located at 12519/12521 N. Granville Road.

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| RESULT: | APPROVED [UNANIMOUS] |
| MOVER: | John Stoker, Commissioner |
| SECONDER: | Robert Strzelczyk, Alderman/Vice Chair |
| AYES: | Wirth, Strzelczyk, Baka, Choren, Hawley, J. Schaefer, R. Schaefer, Stoker |

- c) Homesealed, LLC for Bank First. The applicant is seeking building plan amendment approval for exterior building changes for the property located at 11740 N. Port Washington Road.

Commissioner Jim Schaefer requested that this item be removed from the consent agenda. He stated that much of the top of the building is deteriorated and needs to be addressed. The current proposal from the applicant will not work at the top and he stated that trim is needed.

Planner Vang stated that staff has been on site several times and have asked the applicant to submit plans for the entire building. The applicant has expressed an interest in updating the first-floor windows and making changes to the portico under the canopy and to change the round

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columns to square columns; all which staff supports. She added that staff and Commissioner Jim Schaefer can work with the applicant regarding alternate materials/design for under the canopy.

Action

Commissioner Jim Schaefer made a motion to approve the item subject to the applicant submitting plans that supplement their existing plan including more details on the canopy to be approved at staff level.

Ald. Strzelczyk seconded the motion.

A voice vote was taken; vote passed 8-0

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| RESULT: | APPROVED WITH CONDITIONS [UNANIMOUS] |
| MOVER: | James Schaefer, Commissioner |
| SECONDER: | Robert Strzelczyk, Alderman/Vice Chair |
| AYES: | Wirth, Strzelczyk, Baka, Choren, Hawley, J. Schaefer, R. Schaefer, Stoker |

- d) ICAP Development. The applicant is seeking rezoning recommendation (PUD amendment) and certified survey map approval for a 3-lot land division for the property located at 10865-10911 N. Port Washington Road.

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| RESULT: | APPROVED [UNANIMOUS] |
| MOVER: | John Stoker, Commissioner |
| SECONDER: | Robert Strzelczyk, Alderman/Vice Chair |
| AYES: | Wirth, Strzelczyk, Baka, Choren, Hawley, J. Schaefer, R. Schaefer, Stoker |

- e) The Woods at Highland Park. The applicant is seeking final plat for Phase I and certified survey map approval for a 28-unit condominium development located at 12431 N. Green Bay Road and the parcel to the west; a one-acre portion of 12424 N. Green Bay Road and a 1.6-acre portion of 5555 W. Highland Drive.

Mayor Wirth stated that he removed this item from the consent agenda as he needs to recuse himself from this item and the following item regarding I-43 signage. Ald, Strzelczyk will chair these two items.

Action

Commissioner Jim Schaefer made a motion to approve the item.

Commissioner Stoker seconded the motion.

A voice vote was taken; vote passed 8-0 {Mayor Wirth recused, Commissioner Bach voted}

RESULT: APPROVED [7 TO 0]
MOVER: James Schaefer, Commissioner
SECONDER: John Stoker, Commissioner
AYES: Strzelczyk, Baka, Choren, Hawley, J. Schaefer, R. Schaefer, Stoker, Bach
RECUSED: Wirth

3) Regular Business

a) East Mequon III, LLC. The applicant is seeking I-43 signage approval for the property located at 12308 N. Corporate Parkway.

Planner Vang stated that the applicant is proposing three new I-43 signs which require Planning Commission (“PC”) approval. The PC previously approved two signs for this location. The applicant is also requesting two waivers:

- 1. Minimum height requirements for letters.
- 2. Sign Area.

The minimum height requirement for letters on signs facing I-43 is 18-inches. Based on a rendering of lettering at this height, staff feels that at this size the scale is out of context with the building elevation. Additionally, it also exceeds the allowable sign area by 30 square feet. The applicant then proposed 12-inch letters which is preferred by staff as it relates better to the building and is still visible. Staff supports the two waivers for the letter height and the size area.

The applicant, Dave Bauer from Bauer Sign & Lighting, stated that he was working to honor the brand logo standards from Trustmark as this is their corporate standard.

Action

Commissioner Stoker made a motion to approve the item subject to staff recommendations. Commissioner Choren seconded the motion.

A roll call vote was taken; vote passed 8-0 {Mayor Wirth recused; Commissioner Bach voted}

RESULT: APPROVED [7 TO 0]
MOVER: John Stoker, Commissioner
SECONDER: Martin Choren, Commissioner
AYES: Strzelczyk, Baka, Choren, Hawley, J. Schaefer, R. Schaefer, Stoker, Bach
RECUSED: Wirth

b) ICAP Development. The applicant is seeking building and site plan approval for a proposed Credit Union for the property located at 10945 N. Port Washington Road.

Asst. Dir. Zader stated that this item was in front of the Planning Commission last month for a consultation for a proposed Credit Union. The previous ICAP Development item tonight approved the CSM and a minor ordinance change that allows for smaller lot sizes due to added storm water ponds placed in outlots. The proposed building and site plan approval will be contingent on the Common Council approval of those approvals. All district requirements are met except for the open space ratio. The open space ratio was addressed in the original PUD approval which requires that individual sites may deviate from the required ratio, but that the overall open space ratio of 40% requirement must be met once the development is complete. It is a bit short on this site so it will need to be made up on another site.

The new site plan is similar to what was previously proposed. The angled parking stalls from the back of the drive-thru were removed which staff supports. The applicant did supply the projected number of employees and based on this number as well as square footage, there are 4 more stalls than are required by code. Overall the lighting plan does meet the ordinance requirements. Parking lot illumination candles slightly exceed the code.

The landscaping plan was reviewed by the independent consultant Terry Higgins, and he had a few recommendations:

- Provide street trees along Port Washington Road corridor at 35-foot intervals
- Meet species size requirements

At the last meeting there was not much consensus among the Commissioners about recommended changes to the building, but the following items were discussed:

- Color of the brick
- Potential for adding more windows along the front
- Possibly adding more building volume on the bottom section

The following items were changed by the applicant and are shown on the new rendering:

- More detail at the top of the building
- Recessed the brick portion around the proposed sign

Other suggestions by the Commissioners were not addressed because the applicant wanted to meet the brand standard of the Kohler Credit Union as much as possible.

Due to the large number of windows, a shading plan was provided as requested by staff. The concern is due to other proposals of buildings with ample window space and the windows eventually get covered by shades or other equipment.

Staff does welcome recommendations regarding elevations but is otherwise supportive of all the proposed plans subject to the conditions in the staff report.

The Architect from Milwaukee Group represented the Kohler Credit Union. She stated that she brought brick samples for the Commissioners to view as last time there was concerns about the brick color and she did not feel that the computer images adequately represented the actual color of the brick. She also had a retaining wall sample to review. The Commission viewed the different material samples.

There was discussion regarding the height of the front and a suggestion was made to drop the elevation by 1 foot. The applicant responded that they would entertain this suggestion. It was also suggested to make the four columns bigger/heavier for better balance.

Action

Commissioner Choren made a motion to approve the item per the conditions in the staff report, lowering the roof elevation by 1 foot, reducing the glass exposure and increase the size of the columns.

Ald. Strzelczyk seconded the motion.

A voice vote was taken; vote passed 8-0

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| RESULT: | APPROVED WITH CONDITIONS [UNANIMOUS] |
| MOVER: | Martin Choren, Commissioner |
| SECONDER: | Robert Strzelczyk, Alderman/Vice Chair |
| AYES: | Wirth, Strzelczyk, Baka, Choren, Hawley, J. Schaefer, R. Schaefer, Stoker |

- c) Steckling Builders for Guo Medical Office. The applicant is seeking minor request approval to omit the canopy over the entrance from the approved building plan for the existing office structure located at 10624 N. Port Washington Road.

Planner Vang that a canopy was approved as part of the building plan amendment approval in January 2019. Upon the completion of construction staff inspected the building and noted that the canopy was omitted. The agent indicated that it was omitted during construction due to cost. Staff did not want to approve this at staff level and wants the Planning Commission to decide whether this is permitted. Staff recommends that the canopy be required per the approved plan as it adds dimension to the front façade as well as indicates the point of entry. The applicant was asked to supply alternate options to staff, but they opted to ask for approval to omit the canopy.

The applicant, Rick Stecking with Stecking Builders, stated that he did the remodel on this building. He stated that the owner did not want to invest the money (about \$6,500) into the canopy as she is selling the building and she feels that the vestibule at the front of building is adequate and that it looks more modern and sleeker.

The feedback from the Commission is that approved plans; whether commercial or residential, are required to be followed as approved. The Commission provided feedback that they prefer the look of the canopy on the building as they feel that it pronounces the entrance and provides some cover from the elements. It was also suggested that the address be added to the building as shown on the approved plan as well.

Action

Ald. Strzelczyk made a motion to deny the request for a waiver and to require the canopy and address be installed per the approved plan.

Commissioner J. Schaefer seconded the motion.

A voice vote was taken; vote passed 8-0

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| RESULT: | DENIAL [UNANIMOUS] |
| MOVER: | Robert Strzelczyk, Stephanie Hawley |
| SECONDER: | James Schaefer, Commissioner |
| AYES: | Wirth, Strzelczyk, Baka, Choren, Hawley, J. Schaefer, R. Schaefer, Stoker |

- d) Fred Bersch & Paul Apfelbach. Rereferred from Common Council for reconsideration - Rezoning recommendation; from R-1/OA (Rural Residential Detached/Agricultural Overlay) to R-1B (Rural Residential Detached, 2.5 acre minimum), approval to allow for a 6-lot single family subdivision for the property located at the southwest corner of N. Birchwood Land and W. Hemlock Lane.

Mayor Wirth explained that the city ordinance requires that when there is a rezoning recommendation to the Common Council (“CC”) and the CC chooses not to adopt the rezoning recommendation by the Planning Commission (“PC”), then the item is rereferred to the PC for reconsideration.

Asst. Dir. Zader showed the proposed 4-lot concept on the overhead screen. Rezoning to R-1B zoning is required because the lot sizes are less than 5-acres; mostly in the 4-acre range. There would be a deed restriction that would limit development of this land to only 4-lots. He also stated that there was discussion at the CC meeting regarding whether the PC fully understood the dynamics of the lot sizes of the surrounding neighborhood. Asst. Dir. Zader stated the he felt this issue was covered pretty well; but this issue was questioned by the CC. He created a new map that clearly outlines the surrounding context:

- 4 lots to the north range from approx..1.72 – 2.15 acres
- Lots along Lake Shore Drive just adjacent to the parcel which range from approx. 2.7 – 4.6 acres
- 2 properties to the south; one is just under 2 acres and the other one is 4.16 acres.

He explained that there are two larger parcels in the area. One of them is zoned R-1B which is divisible and has the same type of deed restriction as the proposed parcel. That parcel can only be divided into 2 parcels. He explained that there are 5-acre and larger parcels to the north and some to the south but the surrounding context; other than the 2 along the freeway and the road; that the remaining lots are still smaller than the proposed 4 lots. Because this is a rereferral there is not staff recommendation.

Daniel Dunar - 13708 N Lake Shore Drive – he is opposed and feels that the Land Use Plan created 20 years should be honored. He does not feel that 4 lots are any more acceptable than 6 lots and that the developer is still asking for a special request. He does not feel that case by case decisions set precedents. He feels that the city needs to create clear criteria standards and transparent processes.

Louise Dernehl - 915 W. Ranchito Lane – is opposed as this parcel is covered in wetlands. She has concerns regarding the wells and water levels and the effect that more homes will have on these systems.

Chandra Schmida - 424 W. Hemlock – is opposed and does not wish to speak.

Frank Sandberg – 524 W. Shady Lane- is opposed and does not wish to speak.

Danielle Forina – 13833 N. Lakeshore Dive – is opposed. She lives across the street from the proposed parcel on Lake Shore Drive. Her concerns are the effect on the rural nature of the area, the wildlife and the water table. She feels that the rezoning change is not the intent of the original land use plan. She does not feel that new homes will fit in to the existing neighborhood.

Dan Bradley – 344 W. Bonniwell Road – he opposes this proposal and feels that the process is never-ending. He does not want this parcel to be rezoned as he feels that it sets a precedent and he worries about the other large parcels in the area also being rezoned. He stated that this area is a rural residential neighborhood and not a subdivision neighborhood. He asks that the decision be to maintain the 5-acre zoning and only allow 3 lots.

Barbara Sandberg - 524 Shady Lane – is opposed. She is concerned about the surface water in that area and stated that there is a lot of flooding. She is concerned about pervious surface on the vacant parcel and that it will cause more water run-off and effect on the watershed. She requests that the zoning not be changed.

The applicant was represented by Fred Bersch and Paul Apfelbach. Mr. Bersch stated that at the last CC meeting the issue of the aquifer and the quality of the water was discussed and he would like staff to address this issue. He stated that the property owner of this parcel has the right to request the rezoning. He explained that all the proposed lots are larger than any of the surrounding parcels and are consistent with the lots in the neighborhood. He talked about the depth of the neighboring wells and stated that the suggestion that one individual property owner would be responsible for the performance of other wells in the area is unprecedented. The Water Utility communicated to Mr. Bersch that they have been very successful in taking properties off the aquifer. He does not believe that either plan submitted is an unreasonable change to the rural character of the neighborhood. The applicant does not believe that 3-lots lay out well on this parcel, but 4-lots provide a nice layout. Lot 2 does have adequate building space despite the wetlands located in that area. He stated there is not any drainage from this parcel that travels north to Shady Lane. This property will not contribute to any additional water issues in the area. He explained that the Land Use Plan is not representative of the current land use in this neighborhood as most of the parcels are under the 5-acre minimum.

When questioned about the changes from 6-lots to 4-lots; Asst. Dir. Zader explained that the proposal changes from a subdivision to a certified survey map (“CSM”) approval and include:

- Individual Storm water management plans.
- Fire cistern fee no longer applicable.
- No other subdivision conditions apply

He explained that the setback condition can be added as part of the rezoning on 4-lots but not for 3-lots.

A few of the Commissioners communicated that the Land Use Plan from 20 years ago should still be applicable and that the property owner had the opportunity to ask for a rezoning change several years ago. Other Commissioners stated that this rezoning does not set a precedent as most of the surrounding parcel sizes are smaller and do not adhere to the 5-acre minimum dictated in the Land Use Plan.

Asst. Dir. Zader explained that the rezoning request would cause a change to the Land Use Plan and is not considered an exception or special waiver. The Land Use Plan currently states that all the parcels in this area are supposed to be 5-acres and many parcels; as parcel sizes were noted earlier, are not in accordance with Land Use Plan.

Mayor Wirth stated that good standards to evaluate when considering a rezoning is the surrounding neighborhood. He feels that this rezoning request is consistent with the neighborhood. The Land Use Plan from 20 years ago has many good standards that still apply today (rural parcels shall be a minimum of 5- acres, conservation subdivisions, etc.). but it is a generation later and sometimes there are appropriate changes. The larger parcels in this area are completely different situations; precedent is not being set. He believes this is reasonable planning, the decision respects the rights of the property owner and is compatible with the neighborhood.

Action

Ald. Strzelczyk made a motion to approve the item as a 4-lot land division with a deed restriction and to increase the setback on the southeast lot of 50-feet.

Commissioner Stoker seconded the motion.

A roll call vote was taken; vote passed 6-2 (No votes: R. Schaefer, J. Schaefer)

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| RESULT: | APPROVED WITH CONDITIONS [6 TO 2] |
| MOVER: | Robert Strzelczyk, Alderman/Vice Chair |
| SECONDER: | John Stoker, Commissioner |
| AYES: | Wirth, Strzelczyk, Baka, Choren, Hawley, Stoker |
| NAYS: | J. Schaefer, R. Schaefer |

4) Policy

a) Development Agreement Policy Review

Eng. Dir. Lundeen stated that after the December meeting there was a request for a policy discussion regarding the Development Agreement (“DA”). Many of the terms and practices for negotiating development agreements are outlined in the staff report. After review at the staff level, many modifications are recommended.

First is the template agreement which is distributed to all developers as they come forward; this would be adopted as an exhibit to the Standard Specifications for Land Development and would be included as part of the Development Agreement. Development Agreements are typically

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reviewed every two years but can be reviewed at any time as needed for review for any amendments to be made.

The other suggested change would be that the developer would need to populate the agreement and provide it at the time of application submittal. Typically, the negotiation starts after the application has been made and has resulted in what has been presented in the past where terms of the agreement are still being discussed at the approval meeting. The responsibility would be on the developer/applicant to populate the template and identify any deviations from the template agreement to be addressed by Planning Commission and ultimately the Common Council as it moves forward.

No recommendations are being made to the fundamental form of the document which in the city consists of full public improvements prior to final plat. Open for discussion is the inclusion of a table addressing the number of model homes that would be allowed based on the number of lots; or the phase, of a subdivision. Additionally, a deviation of allowance of up to 10% of that number is recommended. It would need to be justified and provided at the time the application request is made. One change that would be considered is one model home prior to binder course. Up until this point it has been a standard requirement that all model homes be constructed after binder course construction. Due to the constraints on developments and late starts; if the binder course cannot be installed prior due to weather conditions, there could be consideration for one model home if it is constructed closest to the primary access. This condition is based on the inspectors and emergency personnel having ability to access the model home.

Another consideration for review is the standards as they relate to traffic volume for the consideration of bypass lanes. There have been several requests recently and in response the revised standards will define the number of lots or anticipated traffic volumes on the existing roadway.

Eng. Dir. Lundeen concluded by reminding the Commission that Development Agreements are negotiations and while striving for transparency and policy language as guidance, there still will be requests by developers for deviations for this Commission and the Council to consider based upon their individual projects.

There was discussion by the Commission regarding different conditions that could be included to hold developers responsible for their developments to ensure they are accessible for inspectors and emergency vehicle access. This conversation also included the placement of the model home on a development site and that developers request flexibility for model homes to be located on lots that are not closest to the primary access. Commissioner feedback is supportive for allowances for subdivisions participating in for Parade of Homes. The discussion also included the issue of developers building contracted homes and not spec/model homes. They acknowledged that it is difficult to establish set policies to eliminate all exceptions.

There were a few developers in the audience that spoke and supported the template and the process of being open to negotiation prior to the approval meetings. They feel that there will be a much better understanding at the beginning of the process, and this will help in eliminating

negotiations of unresolved issues the PC and CC meetings. They stated that some flexibility and common sense needs to be exercised in the negotiation process.

Commission overall feedback:

- Support early application process and that a completed template is necessary for application submittal.
- Support revised model homes chart, possibly more allowed in Town Center district.
- Support flexible model home placement based on language specifications that the need for adequate access.
- Bypass lanes will have renewed standards included in DA.

It was stated that there needs to be a further conversation regarding street trees and changes to that have been made regarding developer responsibility.

5) Regular Business

- a) Mequon I, LLC/VH Mequon II, LLC. The applicant is seeking preliminary plat, open space plan, development agreement and fill permit approval to allow for an 82-lot single-family subdivision for the property located at 10565 N. Wauwatosa Road and lands to the west (The Enclave II).

Asst. Dir. Zader stated that this was recently approved in November 2019 for a rezoning. A map of the area was shown and he gave an explanation of the changes of adding 5 acres and adding new land to the PUD. The applicant is seeking preliminary plat, open space plan and development agreement approval. The preliminary plat was shown as some changes have been made. Another change is that the post office has relented on their request for bulk mailboxes and there will be individual mailboxes on the site. Pedestrian and bike path changes have been made as requested. One issue that is still outstanding is a traffic calming device to be installed; staff and the applicant are working together to resolve this. There is a berm along the east side of the development that is 6-8 feet in height and the Planning Commission has always required berms to be limited to 4 feet in height. Staff requests that berm be reduced in size.

The applicant will be back in front of the Commission for street tree plan and landscape plan approvals. The street tree plan will go in front of the Street Tree Board before it is before the Commission. Staff did communicate that street trees along Wauwatosa Road are required in accordance with city ordinance requirements.

Based on the previous discussion of the policy changes to the Development Agreement standards the applicant will be allowed 3 model homes. The first phase in the front of the development is 26 lots. There is a requirement as part of the second phase that there be a connection to the subdivision to the north.

The open space is similar to Enclave I and Highlander subdivisions. It includes a playground, pocket areas and trails around the development. There is one very large specimen tree on the site and the City Forester said that it is about 250 years old. There is a split in the tree, but the forestry department will spend some money in an effort to keep the tree healthy and alive.

Staff recommends approval based on the conditions in the report and the approval from Common Council in February.

Mayor Wirth stated that he has received several complaints regarding Enclave 1 subdivision that there is no paper box and there are papers flying all over. He requests that the mailbox include a paper box.

Action

Commissioner Stoker made a motion to approve the item with the condition that all mailboxes include a paper box.

Commissioner Choren seconded the motion.

A voice vote was taken; vote passed 8-0

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| RESULT: | APPROVED WITH CONDITIONS [UNANIMOUS] |
| MOVER: | John Stoker, Commissioner |
| SECONDER: | Martin Choren, Commissioner |
| AYES: | Wirth, Strzelczyk, Baka, Choren, Hawley, J. Schaefer, R. Schaefer, Stoker |

- b) Farmdale Estates. The applicant is seeking development agreement amendment approval for a six-lot single-family subdivision for the property located at the northwest corner of Mequon and Farmdale Roads.

Commissioner Stoker recused himself.

Asst. Eng. Henk stated that staff has worked with the applicant on the Development Agreement and they agree on almost everything except for two issues:

1. Wants the flexibility to construct model home on any lot.
2. The acceleration and deceleration lanes be removed.

Staff recommends the model home be constructed on Lot 1 or Lot 6 as these lots are closest to the primary access point.

The issue of the acceleration and deceleration lanes was discussed at the June meeting and it was determined that they should be required; but this item can be re-evaluated and discussed at this meeting. The bypass lane has been removed from requirement.

The applicant is represented by John Graham. He stated that the lanes are not necessary for this development as there will only be 6 lots and there is not much traffic there. He also stated that the additional pavement there is wasteful to the environment as well as makes for an unattractive entrance.

Mr. Graham stated that there is a private road that already has 12 inches of stone with another layer of stones to be added in the spring before the binder course and it is completely strong and safe to be driven on. They do not feel that they should be limited to which lot they can construct their model home.

Attachment: DRAFT PC -01.13.20 (4835 : Meeting Minutes from January 13, 2020)

Asst. Dir. Zader stated that once a sign was placed at the site notifying a proposed development in the area, he received phone calls regarding the concern of the amount of traffic in that area. He stated that this item will be in front of the Council in February and the binder course will be down in March; there is not a lot of time that there will be an unfinished road.

There was discussion regarding acceleration and deceleration lanes.

Action

Ald. Strzelczyk made a motion to approve the item, the model home may be constructed on any lot and that the acceleration and deceleration lanes shall be constructed to the standard specifications of land development in effect at the time of construction. Commissioner Hawley seconded the motion.
A voice vote was taken; vote passed 8-0 {Stoker recused, Commissioner Bach voted}

| | |
|------------------|---|
| RESULT: | APPROVED WITH CONDITIONS [7 TO 0] |
| MOVER: | Robert Strzelczyk, Alderman/Vice Chair |
| SECONDER: | Stephanie Hawley, Alternate |
| AYES: | Wirth, Strzelczyk, Baka, Choren, Hawley, J. Schaefer, R. Schaefer, Bach |
| RECUSED: | Stoker |

- c) Residence at Foxtown. REMOVE FROM TABLE. The applicant is seeking fill permit and development agreement amendment approval for a proposed 23 single-family home development for the property located immediately east of 11050 N. Weston Drive.

Action

Ald. Strzelczyk made a motion to remove from table. Commissioner B. Schaefer seconded the motion.
A voice vote was taken; vote passed 8-0

Asst. Dir. Zader stated this request is due to the applicant disagreeing with the approved development agreement and the request for 6 homes to be constructed prior to the construction of the binder course. The applicant’s reasons for the request are for efficiency as the lots are in a row and very close together. Staff believes that the request is based on the applicant’s desire to have more homes to better demonstrate the feel of the neighborhood. The applicant submitted renderings of 6 homes versus 3 homes. Staff maintains the recommendation for 3 homes per the conditions in the staff report.

The applicant, Tom Zabjek, stated that they are selling a community and a neighborhood and not just a single house. He feels this is a unique product and the timing is crucial to being able to have product to sell at a good time of year.

Asst. Dir. Zader stated that something more specific is needed to justify a deviation from policy. Every developer faces the same issues of timing and market issues.

Attachment: DRAFT PC -01.13.20 (4835 : Meeting Minutes from January 13, 2020)

Mr. Zabjek asked for any explanation of condition #7 in the staff report.

Asst. Eng. Henk explained condition #7 is a standard condition which applies to the filing, excavating and berms permit. If the conditions of the permit are not being followed, staff has the right to stop work at any point. This is a city ordinance so it would apply even if it is not listed as a condition.

Mayor Wirth agreed with Mr. Zabjek that it is vague, and he stated this will be a friendly amendment of the motion.

There was discussion regarding the request to allow 6 homes instead of 3 homes to be constructed. Many of the Commissioners agree that this is a unique product with homes in very close proximity and they support the deviation from the policy. Some Commissioners stated that the Town Center zoning district should have different requirements, and this does not send a precedent for the rest of the city. The financial risk to the city was discussed as well.

Mr. Zabjek stated that they issued a Letter of Credit for 125% of the cost of the infrastructure.

Asst. Eng. Henk explained that two Letters of Credit have been provided:

- 1. A Road Bond (protects roadways) based on \$1,000/lot
- 2. Drainage Financial Guarantee

She explained that improvements not completed at the time of final plat are covered under the development agreement amendment. Any infrastructure that is not in at the time of final plat is covered by the 125% Letter of Credit. The amount of lots does not affect this.

Action

Ald. Strzelczyk made a motion to approve 6 homes prior to binder course construction, the friendly amendment to the language of condition #7 and the conditions included in the staff report.

Commissioner Stoker seconded the motion.

A voice vote was taken; vote passed 8-0

| | |
|------------------|---|
| RESULT: | APPROVED WITH CONDITIONS [UNANIMOUS] |
| MOVER: | Robert Strzelczyk, Alderman/Vice Chair |
| SECONDER: | John Stoker, Commissioner |
| AYES: | Wirth, Strzelczyk, Baka, Choren, Hawley, J. Schaefer, R. Schaefer, Stoker |

6) Announcements

The next meeting is February 10, 2020 at 6:00 p.m.

7) Adjourn

Attachment: DRAFT PC -01.13.20 (4835 : Meeting Minutes from January 13, 2020)

Action

Commissioner R. Schaefer made a motion to adjourn.

Commissioner Stoker seconded the motion.

A voice vote was taken; vote passed 8-0

Meeting concluded at 10:00 PM.

Respectfully Submitted,

Jac Zader

DRAFT

Attachment: DRAFT PC -01.13.20 (4835 : Meeting Minutes from January 13, 2020)



11333 N. Cedarburg Rd
Mequon, WI 53092-1930
Phone: 262-236-2902
Fax: 262-242-9655

www.ci.mequon.wi.us

Department of Community Development

TO: Planning Commission
FROM: PA PHOUALA VANG, PLANNER
DATE: February 10, 2020
SUBJECT: E-Collectique, LLC. The applicant is seeking conditional use grant approval to allow for a resale clothing and clothing accessories consignment store for the property located at 1550-1556 W. Mequon Road.

Applicant: E-Collectique, LLC
Status of Applicant: Owner
Requested: Conditional Use Grant
Proposed Use: Resale Clothing and Clothing Accessories Store
Existing Zoning: B-2
Land Use Plan: Community Commercial
Location: 1550-1556 W. Mequon Road
Tax Key: #15-019-16-003.00
District: #5

Background: The applicant requests conditional use grant approval for a resale clothing and clothing accessories store at 1500 W Mequon Road. On January 14, 2020, the Common Council approved a text amendment to allow for resale clothing and clothing accessories store as a conditional use in the B-2 business district. E-Collectique has an existing location in Thiensville which will remain open.

According to Section 3.05(1)(b) of the Zoning Code, the following findings shall be considered when analyzing a conditional use grant application:

1. The proposed use should not endanger the public health, safety or general welfare of the city and the immediate neighborhood.

The proposed use should not endanger the surrounding area; all of the activities will take place within the building and will be monitored at all times by staff. The proposed floor plan shows a sale area of 1,448 square feet. The code allows for a resale area up to 1,500 square feet.

2. The proposed use should not injure the value of adjoining or abutting property.

The Land Use Plan designates the site as Community Commercial. Surrounding properties are zoned B-2 Community Business, R-3 Single Family and IPS Institutional and Public Service. A clothing and cloth accessory resale store can be considered compatible with the Land Use Plan designation and expected uses in the area. The applicant has submitted design concepts for the window displays which require Planning Commission approval. Staff supports the aesthetics of the minimal window display design and the planned cohesive garments for the mannequins.

3. The proposed use shall be harmonious or compatibility with the area in which it is located.

The proposed activities of the resale store fit the character of the surrounding area. The daily hours of operation for each division of the business will be between the hours 10:00 AM – 6:00 PM, Monday-Sunday. A maximum of 11 staff members are on site during hours of operation. Per the parking requirements, the proposed use is required to have a total of 18 parking spaces based on the retail square footage and total staff members on site at any given time.

There are two other tenants in the building: a plastic surgeon office and a restaurant. Per the code, 29 stalls are required for the restaurant and 7 stalls are required for the medical office.

The total of 54 parking stalls are required for the three tenants. The site has a total of 53 stalls. The surgeon office is open by appointment only for approximately 16 hours per month with only one doctor and one additional staff member at any given time. The café is open until 2:00 PM with peak hours from 8:00 AM – 1:00 PM. The site is deficient by 1 stall per code requirement. Staff believes the number of stalls on site are adequate for the proposed and existing users based on the hours of operation for each tenant.

Planning staff believes the proposed use and activities should be harmonious with the surrounding uses. Traffic to the site will come from Mequon Road, which has adequate ingress/egress facilities to accommodate the traffic.

Staff Recommendation:

Planning staff recommends approving the conditional use grant based on the following criteria:

1. Staff review and approval of final floor and window display plans prior to issuance of permits. The applicant shall submit such plan within 60 days of Planning Commission action or the required plan(s) shall be submitted to Planning Commission for additional review and action and subject to all necessary fees.
2. The resale floor area shall not exceed 1,500 square feet.
3. All merchandise shall be displayed on permanent racks or shelving which may or may not be affixed to the floor or walls.
4. No outdoor display of merchandise.
5. All windows into the tenant space shall remain clear of merchandise or shelving unless approved by Planning Commission.
6. All interior walls and ceilings shall be finished with drywall or other city approved materials.
7. No sale of furniture or other household items.
8. No person may engage in business of selling secondhand articles in the City of Mequon without first having obtained the required license with the City Clerk.

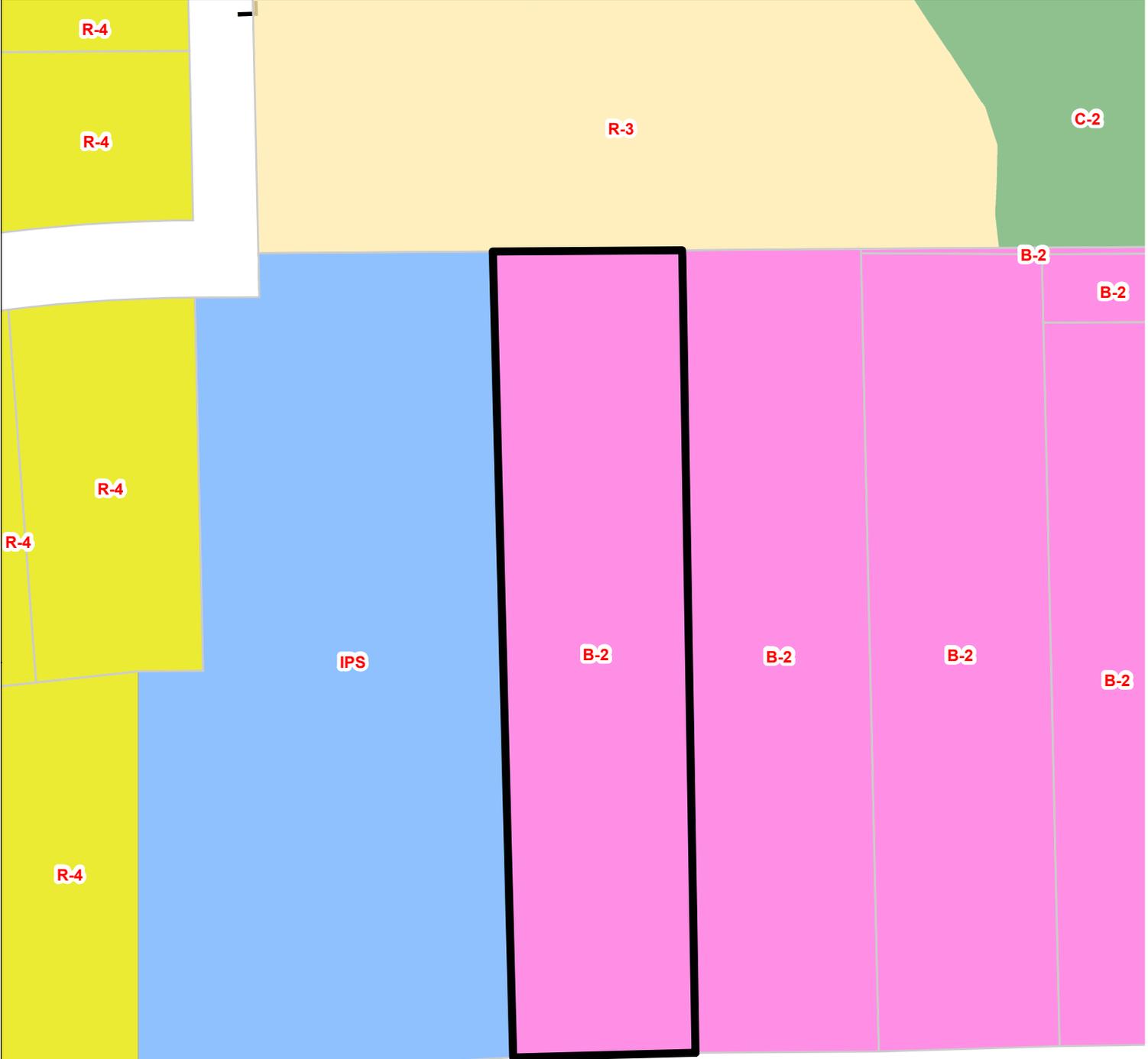
Attachments:
Packet Docs (PDF)

E-Collectique

2.a.a

- AC Arrival Corridor
- A-1 Agricultural Preserve
- A-2 General Agricultural
- B-1 Neighborhood Business
- B-2 Community Business
- B-3 Office & Service Business
- B-4 Business Park
- B-5 Light Industrial
- B-6 Rural Industrial
- B-7 Rural Business
- C-1 Shoreland/Wetland Conservancy
- C-2 General Conservancy
- CGO Central Growth Overlay
- FFO Flood Fringe Overlay
- FW Floodway
- IPS Institutional & Public Service

- LTD Limited Use
- OA Agricultural Overlay
- PUD Planned Unit Development Overlay
- P-1 Park & Recreation
- R-1 Single-Family Residential (5 Ac. Min.)
- R-1B Single-Family Residential (2.5 Ac. Min.)
- R-2 Single-Family Residential (2.0 Ac. Min.)
- R-2B Single-Family Residential (1.5 Ac. Min.)
- R-3 Single-Family Residential (1.0 Ac. Min.)
- R-4 Single-Family Residential (3/4 Ac. Min.)
- R-5 Single-Family Residential (1/2 Ac. Min.)
- R-6 Single-Family Residential (4 du/Ac)
- RM Multi-Family Residential
- TC Town Center
- TDR Transfer of Development Rights



Attachment: Packet Docs (4836 : E-Collectique, LLC)



MEQUON ROAD 112N

B-3/PUD

B-1

B-1

B-2

APPLICATION FOR BUSINESS OCCUPANCY PERMIT

Name of Business: E-Collectique, LLC

Business Address: 1550-1552 (Suites A & B) Mequon Road

Detailed Description of Occupancy Type or Work Performed:

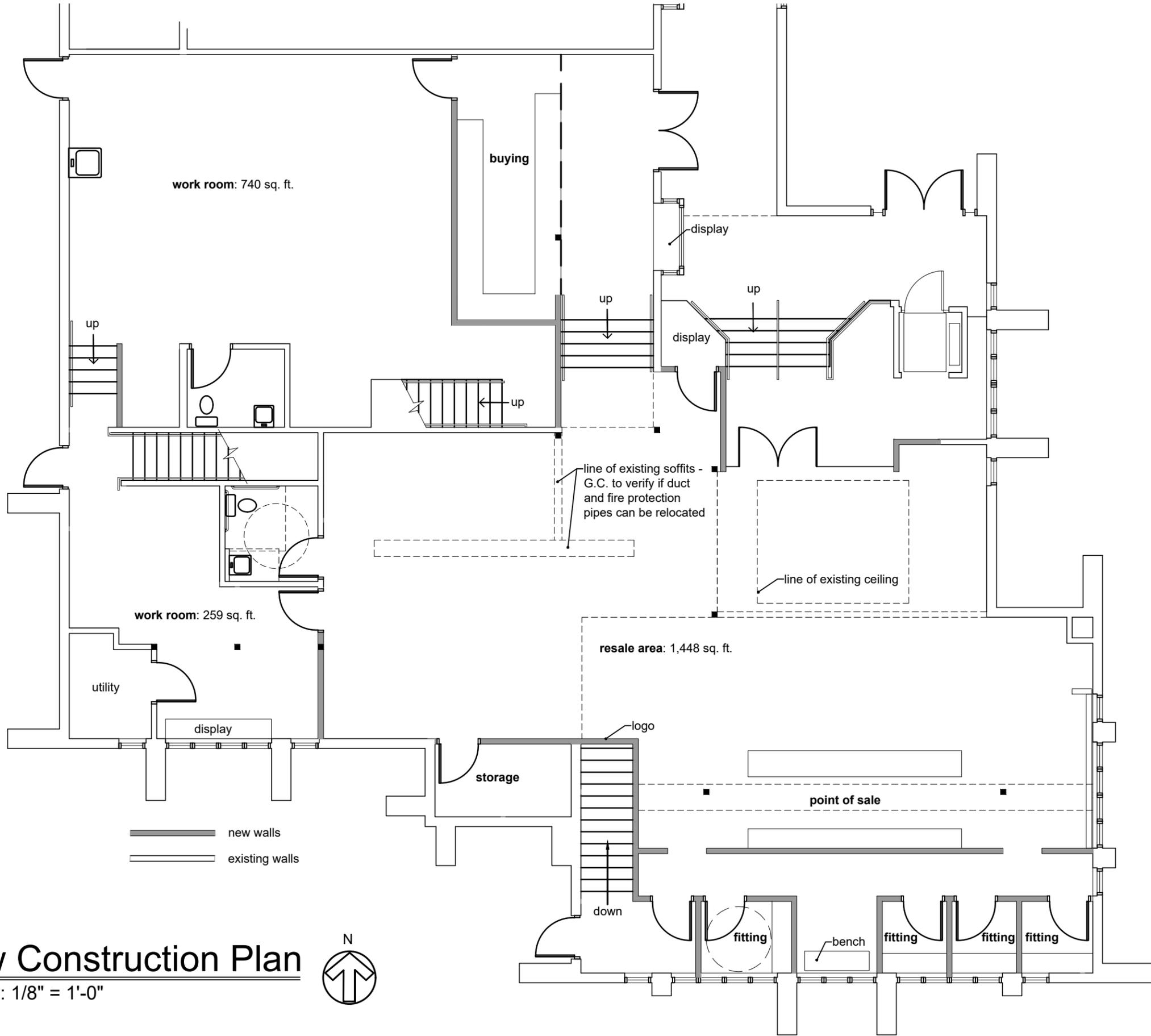
On July 1, 2019 the building at 1550-1556 Mequon Road will be acquired by Wisconsin Commercial Properties, LLC. WCP is owned and operated by Mikelle Flanner, a Fox Point native, and the owner of E-Collectique, LLC. The building is currently occupied by three businesses; two of which will remain with no change (suites C and D). Suites A and B plan to vacate and be replaced with corporate operations for E-Collectique, a multifaceted luxury goods business (est. 2005).

E-Collectique plans to relocate administration, e-commerce, product acquisition/preparation, and a select retail division to 1550-1556 Mequon Road in the Summer of 2019. The total occupied space is approximately 6,083sft. E-Collectique presents a clean, modern image that compliments the high-end aesthetic of the local Mequon retail and service community. Current clients already live in Mequon and surrounding areas. Additionally, the unique business model presented by E-Collectique attracts customers from Chicago, Green Bay, Madison and other areas, contributing to the local economy.

E-Collectique is a woman-owned and operated business that specializes in ultra-high-end fashion, jewelry, and accessories. A worldwide repeat-client list includes fashion designers, socialites, politicians, and celebrities. This is due to E-Collectique's unique ability to find, appraise, and acquire incredibly rare and highly sought-after items. Today, E-Collectique has grown into the largest local source for brands such as Alexander McQueen, Chanel, Hermes, Louis Vuitton, and more. The Mequon location plans to focus on these luxury items. Please refer to the company website, e-collectique.com, and the e-commerce storefront, E-Collectique 1stdibs, for further insight into how E-Collectique will bring the type of community and commercial opportunities Mequon is looking to attract.

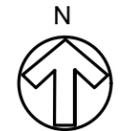
E-Collectique acquires, curates and sells items from its current location, 3 miles away on South Main Street, Thiensville. Over the course of its six years of operation, from that location, the brand has grown from an owner-operated business to a staff of over thirteen and growing. The Thiensville location will continue to operate as the primary retail center for E-Collectique.

E-Collectique will complement the City of Mequon's community and contribute to its current growth initiative.



New Construction Plan

SCALE: 1/8" = 1'-0"



Interior Remodeling for E-Collectique

Mequon, WI
Attachment: Packet Docs (4836 : E-Collectique, LLC)

January 23, 2020

Interior Remodeling For
E-COLLECTIQUE
Mequon, WI

Attachment: Packet Docs (4836 : E-Collectique, LLC)

Perspective Views
January 3, 2020



View Looking Southeast



View Looking Northwest

E-COLLECTIQUE - 1550 W Mequon Road - Front Display Windows

WEST

EAST



Display 2:
1-2 dressed mannequins



Display 1:
1 - 2 dressed mannequins.



Display 2

Display 1

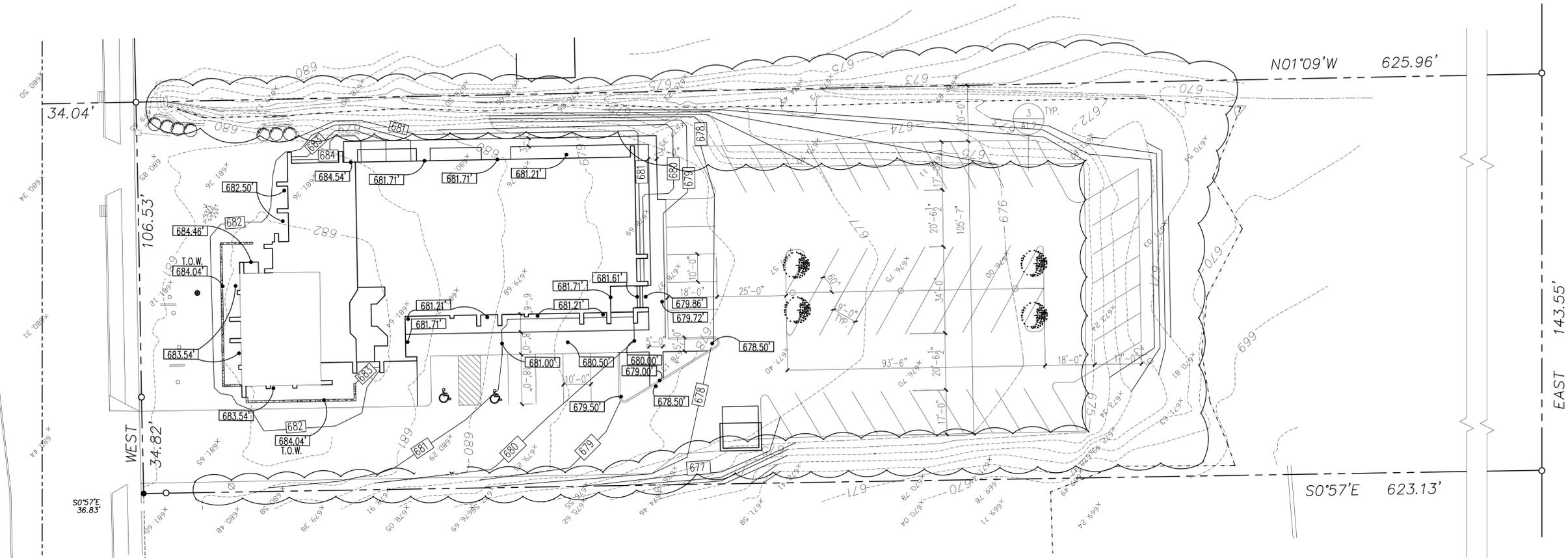


Existing Thiensville Store.
Please use these displays
as reference.

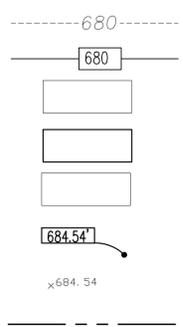
Attachment: Packet Docs (4836 : E-Collectique, LLC)

X:\VOLUME PROJECTS\2019\201961 - ECOCOLLECTIVE INTERIOR ALTERATION\AUTOCAD DRAWINGS\PLANS\From Continuum\ORIGINAL AUTOCAD DWGS\02105_A1-0_SITELAN.dwg 1-30-20 10:35:16 AM User

TWP_24x36_TEMPLATE.dwg



SITE PLAN
 SCALE: 1" = 20'-0"



NEW RETAIL CENTER
 GIGI OF MEQUON
 1550 WEST MEQUON ROAD
 MEQUON, WISCONSIN

| Rev. | Date | Description | By |
|----------------|------|---------------|----|
| Revisions | | | |
| SITE PLAN | | | |
| Drawn: TEV | | Approved: SKP | |
| Date: 3/07/03 | | | |
| Project Number | | 02105 | |

Sheet Number
 A 1.1

PARKING CALCULATION FOR E-COLLECTIQUE

| ZONING CODE | |
|---------------------------|---|
| Use [Multi-tenant] | Parking Requirement |
| Resale Clothing Store | One per 200 SF of gross leasable space plus one space per employee |
| Restaurant | One space per 100 square feet of gross floor area plus one space per employee for the work shift with the largest number of employees |
| Medical office | Five patron parking spaces per doctor, plus one parking space per employee with the largest number of employees |

| PROPOSED RESALE STORE (Hours: 10:00 AM – 6:00 PM) | |
|---|------------------------------|
| Gross floor space | 1,448 SF of retail sale area |
| Max. employees on one shift | 11 employees |
| Parking Requirement | 18 stalls |

| EXISTING CAFÉ (Hours: 8:00 AM – 2:00 PM) | |
|--|-------------------|
| Gross floor space | 1,977 square feet |
| Max. employees on one shift | 7 employees |
| Parking Requirement | 29 stalls |

| EXISTING PLASTIC SURGEON OFFICE (Hours: By Appointment Only: ~16 hours/month) | |
|--|-----------------------|
| Gross floor space | 2,095 SF |
| Max. employees on one shift | 1 doctor + 1 employee |
| Parking Requirement | 7 stalls |

| PARKING CALCULATION | |
|-------------------------|-----------------------------|
| Parking Required | 54 stalls |
| Parking on Site | 53 stalls |
| Code Requirement | Deficient by 1 stall |

CONDITIONAL USE GRANT

Articles of Agreement made and entered into this 10th day of February, 2020 by and between Wisconsin Commercial Properties LLC, owner of the property located at 1550-1556 W Mequon Road, and the City of Mequon Planning Commission.

Before the Planning Commission of the City of Mequon, Ozaukee County, Wisconsin, in regard to the premise located in Section 19, Range 22 East, in Township 9 North, Ozaukee County, State of Wisconsin, further described as follows:

LEGAL DESCRIPTION

Exhibit A

WHEREAS, the Zoning Code and Zoning District Map of the above named municipality, pursuant to State Statues, provide that the premises may not be used of right for the purpose hereinafter described but that upon petition such use may be approved by the municipality as a Conditional Use Grant in particular circumstances as defined by the standards in the Zoning Ordinance; and

Petition therefore having been made, and public hearing held thereon, and the Planning Commission of the City of Mequon having determined that by reason of the particular nature, character, and circumstances of the proposed use, grant of such use upon the terms and conditions hereinafter prescribed would be consistent with the requirements of the Zoning Ordinance.

Now, therefore, **IT IS GRANTED**, subject to compliance with the terms and conditions hereinafter stated that the Premises may be used for the purpose of resale clothing and clothing accessories store.

GRANTED by action of the Planning Commission of the City of Mequon this 10th day of February 2020.

John Wirth, Mayor, Planning Commission Chairperson

Acknowledgment:

STATE OF WISCONSIN))SS
OZAUKEE COUNTY)
Personally came before me, this ____ day of _____, 2020, the above named John Wirth, Mayor, to me known to be the person who executed the foregoing instrument and acknowledged the same.

Notary Public, Ozaukee County, Wisconsin
My Commission (expires) _____

Planning Commission Secretary

Acknowledgment:

STATE OF WISCONSIN))SS
OZAUKEE COUNTY)
Personally came before me, this ____ day of _____, 2020, the above named _____, Planning Commission Secretary, to me known to be the person who executed the foregoing instrument and acknowledged the same.

Notary Public, Ozaukee County, Wisconsin
My Commission (expires) _____

RETURN TO:

City of Mequon
11333 North Cedarburg Road 60W
Mequon, WI 53092

PARCEL NO.:

15-019-16-003.00

Attachment: Packet Docs (4836 : E-Collectique, LLC)

The **CONDITIONS** of this Grant are:

1. This grant shall become effective upon the execution and recording by the owners and operators of the Premises of an acceptance hereof in such form as to constitute an effective covenant running with the land.
2. This grant shall expire and become void unless, pursuant to the building and zoning codes of the City, the approved use is commenced or the building permit is obtained within twelve (12) months of the date of Planning Commission approval noted above, or actual construction is commenced within twelve (12) months of the date on which the building permit was issued.
3. This grant is subject to amendment and termination in accordance with the provisions of the Zoning Code of this municipality.
4. Construction and operation of the use granted shall be in strict conformity to the approved site, building, and operations plans filed in connection with the Petition for this Grant, and annexed hereto.
5. Any of the conditions of this Grant which would normally be the responsibility of tenants of the Premises shall be made a part of their lease by the Owner, which lease shall contain provisions for posting of the pertinent conditions to notify employees thereof.
6. This grant shall automatically be null and void if this use is discontinued for a period of twelve (12) months.
7. The Grantee and its successors in interest shall hold the City of Mequon harmless from any claims or losses to the City or its residents including reasonable attorney fees arising from or related to use of the facilities.
8. Any change to the approved use or change to the building or site plan will require an amendment to the Conditional Use. Minor changes to the building and site plan shall be approved by the Department of Community Development.
9. **Conditions on the Operations:**
 - a. Hours of operation: 10:00 AM- 6:00 PM, Daily.

Performance standards relating to parking, noise, vibration, odor, smoke, dust, and light: As per City ordinance and as further designated under letter (e.) below.

- b. Water supply requirements:
 - Public
- d. Provisions for sewage disposal:
 - Public
- e. Other:
 - If the conditional use shall become hazardous, harmful, noxious, offensive or a nuisance to the surrounding neighborhood, or if material problems shall arise with respect to noise, traffic circulation, ingress and egress, parking, unenclosed storage, lighting, maintenance, or any other condition which shall materially threaten health or safety or to become a nuisance condition, the Grantee shall correct or improve such condition, and toward that end, the Planning Commission, after public hearing, may alter, amend or add reasonable additional Conditional User Grant conditions in order to ameliorate such effects, or in the case of violation of the Conditional Use Permit, may revoke the Conditional Use Grant.
 - If, despite efforts to prescribe conditions which render the conditional use harmonious in the surrounding neighborhood, problems shall arise with respect to noise, traffic circulation, ingress and egress, parking, unenclosed storage, lighting, maintenance, or any other condition which shall materially threaten the peace and enjoyment of neighboring properties, or shall become hazardous, harmful, noxious, offensive or a nuisance to the surrounding neighborhood, or shall threaten health or safety, the Grantee shall correct or improve such condition, and toward that end, the Planning Commission, after public hearing, may alter, amend or add reasonable additional Conditional User Grant conditions in order to ameliorate such effects, and in the case of violation of the Conditional Use Permit, may revoke the Conditional Use Grant.
- a. **Conditions of the structures:**
 - a. Site Plan: As on file with Community Development Department, City of Mequon
 - b. Landscaping Plan: N/A
 - c. Elevations: As on file with Community Development Department, City of Mequon
 - d. Sign: As on file with Community Development Department, City of Mequon
 - e. Floor Plan: Exhibit B
 - f. Window displays: As on file with Community Development Department, City of Mequon
 - g. Exterior lighting of the site and building: As on file with Community Development Department, City of Mequon
 - h. Fence / Wall / Dumpster plan details: As on file with Community Development Department, City of Mequon
 - i. The building shall comply with the building code.

11. **Conditions on the site:**

- a. **Street access (number, location, design:** As on file with Community Development Department, City of Mequon
- b. **Off-Street Parking (location and design including screening thereof):** As on file with Community Development Department, City of Mequon
- c. **Outside storage of materials, products or refuse (location and screening thereof):** As on file with Community Development Department, City of Mequon
- d. **Parking, exterior lighting of the site, location design and power:** Any changes subject to Planning Commission approval.
- e. **Other:**
 - Staff review and approval of final floor and window display plans prior to issuance of permits. The applicant shall submit such plan within 60 days of Planning Commission action or the required plan(s) shall be submitted to Planning Commission for additional review and action and subject to all necessary fees.
 - The resale floor area shall not exceed 1,500 square feet.
 - All merchandise shall be displayed on permanent racks or shelving which may or may not be affixed to the floor or walls.
 - No outdoor display of merchandise.
 - All windows into the tenant space shall remain clear of merchandise or shelving unless approved by Planning Commission.
 - All interior walls and ceilings shall be finished with drywall or other city approved materials.
 - No sale of furniture or other household items.
 - No person may engage in business of selling secondhand articles in the City of Mequon without first having obtained the required license with the City Clerk.

Owner

Acknowledgment:

STATE OF WISCONSIN)

)SS

OZAUKEE COUNTY)

Personally came before me, this _____ day of _____, 2020, the above named _____,

Owner, to me known to be the person who executed the foregoing instrument and acknowledged the same.

Notary Public, Ozaukee County, Wisconsin

Receipt of a true Copy of this instrument on behalf of the petitioner acknowledged the _____ day of _____, 2020

COMMON COUNCIL
OF THE
CITY OF MEQUON

ORDINANCE 2019-1559

An Ordinance Amending Chapter 58, Zoning Code, Allowing for the Establishment of Resale Businesses in the City's B-2 (Community Commercial) and B-5 (Industrial) Zoning Districts

THE COMMON COUNCIL OF THE CITY OF MEQUON, OZAUKEE COUNTY, STATE OF WISCONSIN, ORDAINS AS FOLLOWS:

SECTION I

Section 58-8 of the Mequon Code of Ordinances is amended as follows:

58-8 Definitions

Antique Store - a retail establishment that sells furniture or other merchandise which is at least 100 years old or articles collected and recognized by a formal organization established to research, promote and provide information about such articles.

Resale Clothing and Clothing Accessories - A retail store which sells used clothing and accessories including but not limited to shoes, handbags and jewelry. All items for sale shall be purchased, exchanged or on consignment. No donations shall be accepted on site and no donated items shall be offered for sale. No furniture, household merchandise or architectural salvage shall be offered for sale.

Resale Furniture and Household Merchandise - A retail store which sells used furniture and other household items. No donations shall be accepted on site and no donated items shall be offered for sale. No clothing, clothing accessories or architectural salvage shall be offered for sale.

Architectural Salvage - An architectural salvage center is an establishment that buys and sells building parts salvaged from demolished or remodeled structures. No donations shall be accepted on site and no donated items shall be offered for sale. No clothing or clothing accessories shall be offered for sale.

SECTION II

Section 58-295 (e) (23) of the Mequon Code of Ordinances is amended as follows:

Sec. 58-295. - B-2 community business district.

(e) *Conditional uses.*

- (23) Resale Clothing and Clothing Accessories shall be subject to the following conditions:
- The resale floor area shall not exceed 1,500 square feet.

- All merchandise shall be displayed on permanent racks or shelving which may or may not be affixed to the floor or walls.
- No outdoor display of merchandise.
- All windows into the tenant space shall remain clear of merchandise or shelving unless approved by Planning Commission.
- All interior walls and ceilings shall be finished with drywall or other city approved materials.
- No sale of furniture or other household items.

SECTION III

Section 58-598(e) of the Mequon Code of Ordinances is amendment as follows:

Sec. 58-298. - B-5 light industrial district.

(e) *Conditional uses.*

(21) Resale Furniture and Household Merchandise

- The resale floor area shall not exceed 3,000 square feet.
- No outdoor display of merchandise.
- All windows into the tenant space shall remain clear of merchandise or shelving unless approved by Planning Commission.
- No sale of clothing or clothing accessories.

(22) Architectural Salvage

- The resale floor area shall not exceed 3,000 square feet.
- No outdoor display of merchandise.
- All windows into the tenant space shall remain clear of merchandise or shelving unless approved by Planning Commission.
- No sale of clothing or clothing accessories.

SECTION IV

The terms and provisions of this ordinance are severable. If any term or provision of this ordinance is found to be invalid by a court of competent jurisdiction, the remaining terms and provisions shall remain in full force and effect.

SECTION V

All ordinances and parts of ordinances that contravene this ordinance are repealed.



11333 N. Cedarburg Rd
Mequon, WI 53092-1930
Phone: 262-236-2902
Fax: 262-242-9655

www.ci.mequon.wi.us

Department of Community Development

TO: Planning Commission
FROM: PA PHOUALA VANG, PLANNER
DATE: February 10, 2020
SUBJECT: Nearly New Consignment Shop. The applicant is seeking conditional use grant approval to allow for a resale clothing and clothing accessories consignment store for the property located 10042 N. Port Washington Road.

Applicant: Nearly New Consignment Shop
Status of Applicant: Agent
Requested: Conditional Use Grant
Proposed Use: Resale Clothing and clothing accessories store
Existing Zoning: B-2
Land Use Plan: Community Commercial
Location: 10042 N. Port Washington Road
Tax Key: 15-107-04-020.00
District: #7

Background:

The applicant requests conditional use grant approval for a resale clothing and clothing accessories store at 10042 N Port Washington Road. On January 14, 2020, the Common Council approved a text amendment to allow for resale clothing and cloth accessories store as a conditional use in the B-2 business district. Nearly New Consignment Shop is an existing business relocating to Mequon.

According to Section 3.05(1)(b) of the Zoning Code, the following findings shall be considered when analyzing a conditional use grant application:

1. The proposed use should not endanger the public health, safety or general welfare of the city and the immediate neighborhood.

The proposed use should not endanger the surrounding area; all the activities will take place within the building and will be monitored at all times by staff. The proposed floor plan shows a sale area of 1,450 square feet. The code allows for a resale area up to 1,500 square feet.

2. The proposed use should not injure the value of adjoining or abutting property.

The Land Use Plan designates the site as Community Commercial. Surrounding properties are zoned B-2 Community Business District and B-3 Office and Service District. A clothing and cloth accessory resale store can be considered compatible with the Land Use Plan designation and expected uses in the area. Window displays require Planning Commission approval. No window displays are proposed at this time. Traffic to the site will come from Port Washington Road, which has adequate ingress/egress facilities to accommodate the increased traffic.

A maximum of 3 staff members are on site during hours of operation. Per the parking requirements, the proposed use is required to have a total of 10 parking stalls based on the size of the of the retail area and number of employees. According to staff records, there are currently three tenants in the building: Hong Anh, Well Body Whole Self Care and Hair by Renee. The site has a total of 45 parking stalls. Per the code requirement, the site is deficient by 22 stalls. However, at the time of the Hong Anh conditional use grant approval, Planning Commission approved a reduced number of stalls for Hong Anh and Well Body. Based on that approval, the proposed use would only make the site deficient by 2 stalls. At the time of the Hong Anh approval, a parking lot expansion was discussed. It was determined at the time of the approval that the parking lot could remain as is and all future uses would be evaluated to determine if adequate parking is available. No changes to the parking was required and the conditional use grant was approved based on the tenant demand at the time versus parking code requirements.

During a recent site visit, staff noted that the parking was at approximately 85-90% capacity. Due to the number of existing tenants and the size of the building, any new user going into the vacant 1,700 square foot space is likely to cause a deficiency with the parking requirements. Based on the previous Planning Commission approval, the proposed use would only cause a 2-stall parking deficiency. The Planning Commission may approve the conditional use based on the 2-stall deficiency if they believe 45 stalls is enough parking for the site. If Planning Commission does not feel that the existing parking will accommodate the proposed use, the Commission should consider adding a requirement that the parking lot be reconfigured to accommodate additional stalls. Changes to the parking may also require waivers to the open space ratio and parking setback requirement.

3. The proposed use shall be harmonious or compatibility with the area in which it is located.

The proposed activities of the resale store fit the character of the surrounding area. The hours of operation are as follows:

| Hours of Operation | |
|---------------------------|--------------------|
| Tuesday-Friday | 10:00 AM – 5:00 PM |
| Saturday | 10:00 AM – 4:00 PM |
| Monday & Sunday | Closed |

Planning staff believes the proposed use and activities should be harmonious with the surrounding uses.

Staff Recommendation:

Planning staff recommends approval of the conditional use grant based on the following criteria:

1. Staff review and approval of final floor and window display plans prior to issuance of permits. The applicant shall submit such plan within 60 days of Planning Commission action or the required plan(s) shall be submitted to Planning Commission for additional review and action and subject to all necessary fees.
2. Planning Commission consideration of modification to the parking lot in order to accommodate additional stalls.
3. The resale floor area shall not exceed 1,500 square feet.
4. All merchandise shall be displayed on permanent racks or shelving which may or may not be affixed to the floor or walls.
5. No outdoor display of merchandise.

6. All windows into the tenant space shall remain clear of merchandise or shelving unless approved by Planning Commission.
7. All interior walls and ceilings shall be finished with drywall or other city approved materials.
8. No sale of furniture or other household items.
9. No person may engage in business of selling secondhand articles in the City of Mequon without first having obtained the required license with the City Clerk.

Attachments:

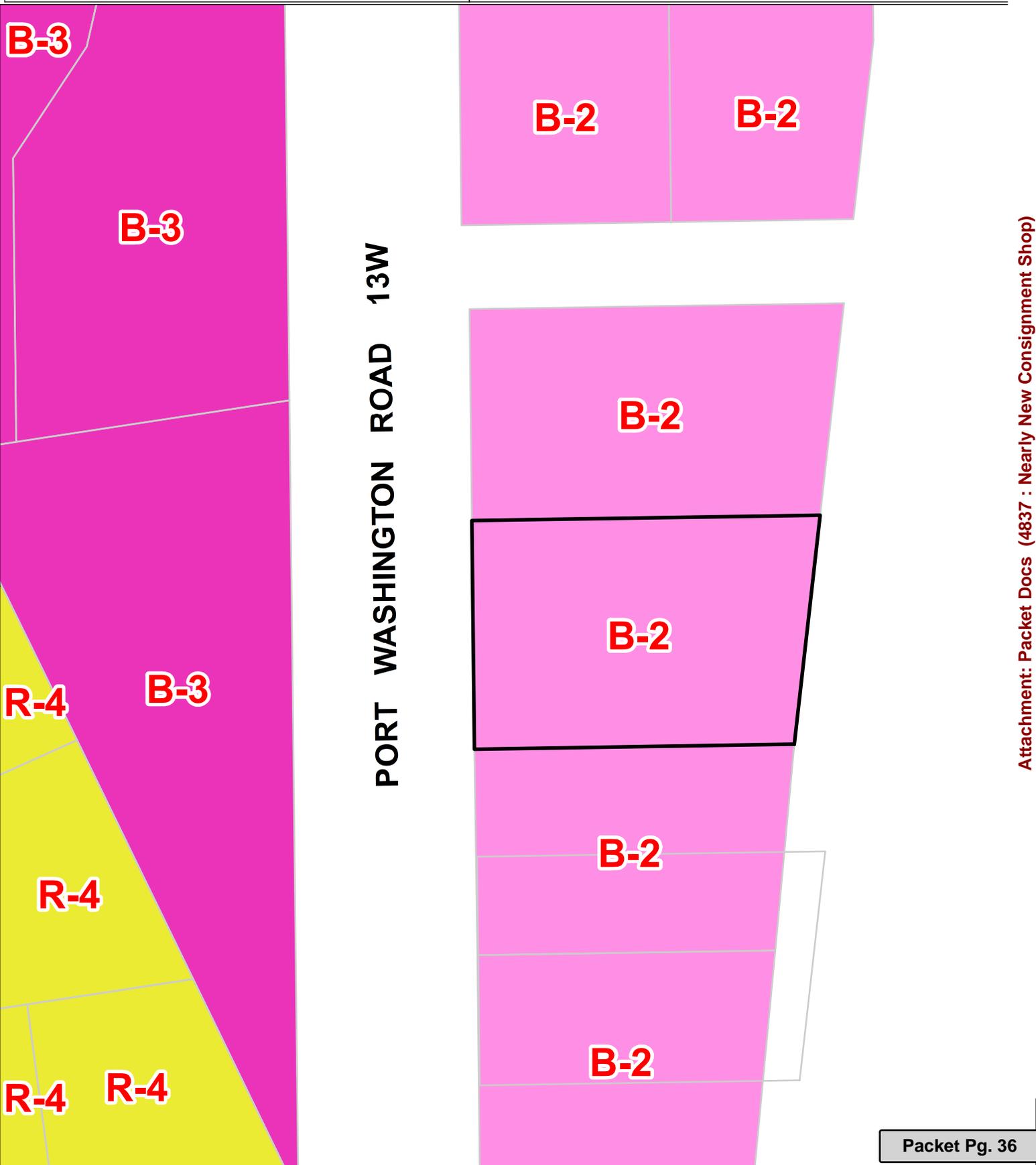
Packet Docs (PDF)

Nearly New Consignment Shop LLC

2.b.a

| | |
|-----|--------------------------------|
| AC | Arrival Corridor |
| A-1 | Agricultural Preserve |
| A-2 | General Agricultural |
| B-1 | Neighborhood Business |
| B-2 | Community Business |
| B-3 | Office & Service Business |
| B-4 | Business Park |
| B-5 | Light Industrial |
| B-6 | Rural Industrial |
| B-7 | Rural Business |
| C-1 | Shoreland/Wetland Conservancy |
| C-2 | General Conservancy |
| CGO | Central Growth Overlay |
| FFO | Flood Fringe Overlay |
| FW | Floodway |
| IPS | Institutional & Public Service |

| | |
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| LTD | Limited Use |
| OA | Agricultural Overlay |
| PUD | Planned Unit Development Overlay |
| P-1 | Park & Recreation |
| R-1 | Single-Family Residential (5 Ac. Min.) |
| R-1B | Single-Family Residential (2.5 Ac. Min.) |
| R-2 | Single-Family Residential (2.0 Ac. Min.) |
| R-2B | Single-Family Residential (1.5 Ac. Min.) |
| R-3 | Single-Family Residential (1.0 Ac. Min.) |
| R-4 | Single-Family Residential (3/4 Ac. Min.) |
| R-5 | Single-Family Residential (1/2 Ac. Min.) |
| R-6 | Single-Family Residential (4 du/Ac) |
| RM | Multi-Family Residential |
| TC | Town Center |
| TDR | Transfer of Development Rights |



Attachment: Packet Docs (4837 : Nearly New Consignment Shop)

Nearly New Consignment Shop LLC
6803 N. Green Bay Ave.
Glendale, WI 53209
Since 1957

January 13th, 2020

To the City of Mequon,

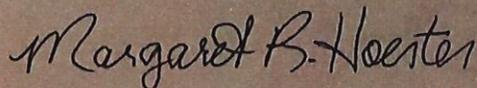
My name is Margaret Hoerter. I am writing this letter to get approval to take occupancy at 10042 N. Port Washington Rd., in Mequon, WI 53092. I have a map attached to show you the approximate layout of the space that is provided. It is 1700SF, and the display area is around 1450SF. I believe I meet all the requirements to move my business to MeQuon.

The only changes that need to be made at the location, is to add three fitting rooms. One will be wheel-chair accessible. The ¾ walls will be made of drywall. They will be sized to the required dimensions. Paint and carpet will be added to the store.

Nearly New has been in business for 62 years. I actually worked for the original owner, who retired at age 82. We are celebrating 63 years February 14th of this year. We are very proud to have a small business that has lasted 62 years. My hope is to continue it's great success for many more years to come in Mequon.

The hours of operation are as follows:
Tuesday-Friday 10am-5pm, Saturdays 10am-4pm
We are closed Sundays and Mondays.
There are currently 3 employees beside myself.

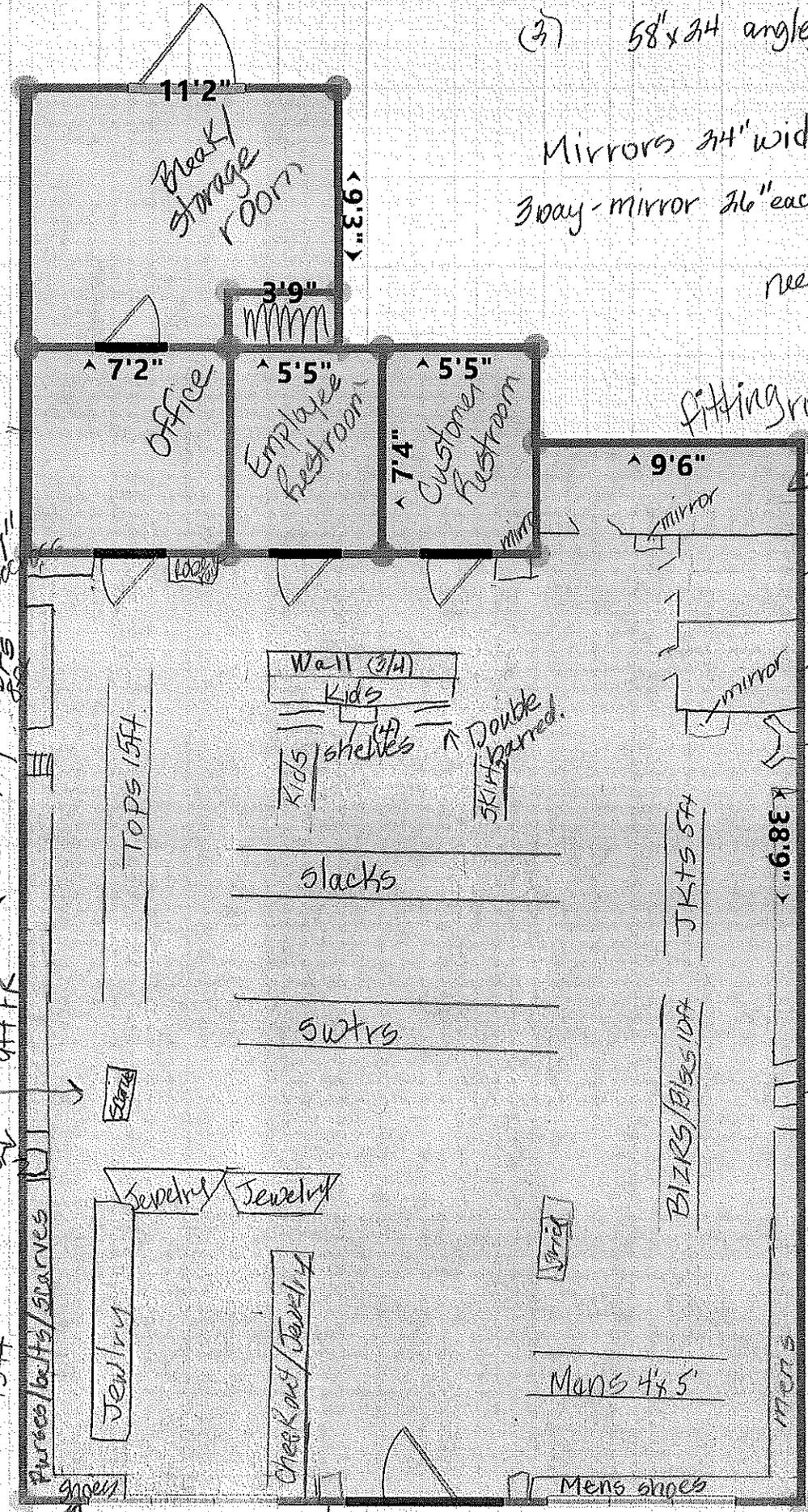
Thank You,



Margaret Hoerter
327 Grand Ave.
Thiensville, WI 53092

floor racks 43" wide x 60"

- (1) Jewelry cases 5.75' x 2' 6.9' x
- (2) 58" x 24" angle jewelry ca



Mirrors 24" wide.
 3way-mirror 36" each panel.
 need (8) mirrors floor
 + (6) fitting ro

Coats 12ft.

fr. 9ft + 7ft

drs wardrobe 8ft

3) 52" x 72" (13ft)

fitting rooms
 wheel chair access
 47"
 141" total fitting room

Coats 12ft
 3way mirror
 mirror 2 1/2ft

need 10ft wardrobe for mens wa

under window

mirror < 28'5" > mirror

↑ wardrobe

PARKING CALCULATION FOR NEARLY NEW CONSIGNMENT SHOP LLC

| ZONING CODE | |
|-----------------------|---|
| Use [multi-tenant] | Parking Requirement |
| Resale Clothing Store | One per 200 SF of gross leasable space plus one space per employee |
| Restaurant | One space per 100 square feet of gross floor area plus one space per employee for the work shift with the largest number of employees |
| Personal Service | One per 200 SF of gross floor area plus one space per employee for the work shift with the largest number of employees |

| Use | Code Parking Requirement | Code Requirement + Planning Commission Approved* |
|-----------------|--------------------------|--|
| Proposed Resale | 10 stalls | 10 stalls |
| Hong Anh | 42 stalls | 27 stalls* |
| Well Body | 13 stalls | 8 stalls* |
| Hair by Renee | 2 stalls | 2 stalls |
| | | |
| Total | 67 stalls | 47 stalls |

| | Code Requirement | Planning Commission Approval |
|---------------------|---|--|
| Parking Required | 67 stalls | 47 stalls |
| Parking on Site | 45 stalls | 45 stalls |
| Parking Requirement | Deficient by 22 stalls per code. | Deficient by 2 stalls per Planning Commission action for Hong Anh approval. |

Attachment: Packet Docs (4837 : Nearly New Consignment Shop)

CONDITIONAL USE GRANT

Articles of Agreement made and entered into this 10th day of February, 2020 by and between Outlook MGMT Group, owner of the property located at 10042 N Port Washington Road, and the City of Mequon Planning Commission.

Before the Planning Commission of the City of Mequon, Ozaukee County, Wisconsin, in regard to the premise located in Section 32, Range 22 East, in Township 9 North, Ozaukee County, State of Wisconsin, further described as follows:

LEGAL DESCRIPTION

Exhibit A

WHEREAS, the Zoning Code and Zoning District Map of the above named municipality, pursuant to State Statues, provide that the premises may not be used of right for the purpose hereinafter described but that upon petition such use may be approved by the municipality as a Conditional Use Grant in particular circumstances as defined by the standards in the Zoning Ordinance; and

Petition therefore having been made, and public hearing held thereon, and the Planning Commission of the City of Mequon having determined that by reason of the particular nature, character, and circumstances of the proposed use, grant of such use upon the terms and conditions hereinafter prescribed would be consistent with the requirements of the Zoning Ordinance.

Now, therefore, **IT IS GRANTED**, subject to compliance with the terms and conditions hereinafter stated that the Premises may be used for the purpose of resale clothing and clothing accessories store.

GRANTED by action of the Planning Commission of the City of Mequon this 10th day of February 2020.

John Wirth, Mayor, Planning Commission Chairperson

Acknowledgment:

STATE OF WISCONSIN))SS
OZAUKEE COUNTY)
Personally came before me, this ____ day of _____, 2020, the above named John Wirth, Mayor, to me known to be the person who executed the foregoing instrument and acknowledged the same.

Notary Public, Ozaukee County, Wisconsin
My Commission (expires) _____

Planning Commission Secretary

Acknowledgment:

STATE OF WISCONSIN))SS
OZAUKEE COUNTY)
Personally came before me, this ____ day of _____, 2020, the above named _____, Planning Commission Secretary, to me known to be the person who executed the foregoing instrument and acknowledged the same.

Notary Public, Ozaukee County, Wisconsin
My Commission (expires) _____

RETURN TO:

City of Mequon
11333 North Cedarburg Road 60W
Mequon, WI 53092

PARCEL NO.:

15-107-04-02.000

Attachment: Packet Docs (4837 : Nearly New Consignment Shop)

The **CONDITIONS** of this Grant are:

1. This grant shall become effective upon the execution and recording by the owners and operators of the Premises of an acceptance hereof in such form as to constitute an effective covenant running with the land.
2. This grant shall expire and become void unless, pursuant to the building and zoning codes of the City, the approved use is commenced or the building permit is obtained within twelve (12) months of the date of Planning Commission approval noted above, or actual construction is commenced within twelve (12) months of the date on which the building permit was issued.
3. This grant is subject to amendment and termination in accordance with the provisions of the Zoning Code of this municipality.
4. Construction and operation of the use granted shall be in strict conformity to the approved site, building, and operations plans filed in connection with the Petition for this Grant, and annexed hereto.
5. Any of the conditions of this Grant which would normally be the responsibility of tenants of the Premises shall be made a part of their lease by the Owner, which lease shall contain provisions for posting of the pertinent conditions to notify employees thereof.
6. This grant shall automatically be null and void if this use is discontinued for a period of twelve (12) months.
7. The Grantee and its successors in interest shall hold the City of Mequon harmless from any claims or losses to the City or its residents including reasonable attorney fees arising from or related to use of the facilities.
8. Any change to the approved use or change to the building or site plan will require an amendment to the Conditional Use. Minor changes to the building and site plan shall be approved by the Department of Community Development.
9. **Conditions on the Operations:**
 - a. Hours of operation: 10:00 AM- 5:00 PM, daily.

Performance standards relating to parking, noise, vibration, odor, smoke, dust, and light: As per City ordinance and as further designated under letter (e.) below.

- b. Water supply requirements:
 - Public
- d. Provisions for sewage disposal:
 - Public
- e. Other:
 - If the conditional use shall become hazardous, harmful, noxious, offensive or a nuisance to the surrounding neighborhood, or if material problems shall arise with respect to noise, traffic circulation, ingress and egress, parking, unenclosed storage, lighting, maintenance, or any other condition which shall materially threaten health or safety or to become a nuisance condition, the Grantee shall correct or improve such condition, and toward that end, the Planning Commission, after public hearing, may alter, amend or add reasonable additional Conditional User Grant conditions in order to ameliorate such effects, or in the case of violation of the Conditional Use Permit, may revoke the Conditional Use Grant.
 - If, despite efforts to prescribe conditions which render the conditional use harmonious in the surrounding neighborhood, problems shall arise with respect to noise, traffic circulation, ingress and egress, parking, unenclosed storage, lighting, maintenance, or any other condition which shall materially threaten the peace and enjoyment of neighboring properties, or shall become hazardous, harmful, noxious, offensive or a nuisance to the surrounding neighborhood, or shall threaten health or safety, the Grantee shall correct or improve such condition, and toward that end, the Planning Commission, after public hearing, may alter, amend or add reasonable additional Conditional User Grant conditions in order to ameliorate such effects, and in the case of violation of the Conditional Use Permit, may revoke the Conditional Use Grant.
- a. **Conditions of the structures:**
 - a. Site Plan: As on file with Community Development Department, City of Mequon
 - b. Landscaping Plan: N/A
 - c. Elevations: As on file with Community Development Department, City of Mequon
 - d. Sign: As on file with Community Development Department, City of Mequon
 - e. Floor Plan: Exhibit B
 - f. Exterior lighting of the site and building: As on file with Community Development Department, City of Mequon
 - g. Fence / Wall / Dumpster plan details: As on file with Community Development Department, City of Mequon
 - h. The building shall comply with the building code.

11. **Conditions on the site:**

Conditional Use Grant

- a. Street access (number, location, design: As on file with Community Development Department, City of Mequon
- b. Off-Street Parking (location and design including screening thereof): As on file with Community Development Department, City of Mequon
- c. Outside storage of materials, products or refuse (location and screening thereof): As on file with Community Development Department, City of Mequon
- d. Parking, exterior lighting of the site, location design and power: Any changes subject to Planning Commission approval.
- e. Other:
 - Staff review and approval of final floor plans prior to issuance of permits. The applicant shall submit such plan within 60 days of Planning Commission action or the required plan(s) shall be submitted to Planning Commission for additional review and action and subject to all necessary fees.
 - The resale floor area shall not exceed 1,500 square feet.
 - All merchandise shall be displayed on permanent racks or shelving which may or may not be affixed to the floor or walls.
 - No outdoor display of merchandise.
 - All windows into the tenant space shall remain clear of merchandise or shelving unless approved by Planning Commission.
 - All interior walls and ceilings shall be finished with drywall or other city approved materials.
 - No sale of furniture or other household items.
 - No person may engage in business of selling secondhand articles in the City of Mequon without first having obtained the required license with the City Clerk.

Owner

Acknowledgment:

STATE OF WISCONSIN)

)SS

OZAUKEE COUNTY)

Personally came before me, this ____ day of _____, 2020, the above named _____,

Owner, to me known to be the person who executed the foregoing instrument and acknowledged the same.

Notary Public, Ozaukee County, Wisconsin

Receipt of a true Copy of this instrument on behalf of the petitioner acknowledged the _____ day of _____, 2020

COMMON COUNCIL
OF THE
CITY OF MEQUON

ORDINANCE 2019-1559

An Ordinance Amending Chapter 58, Zoning Code, Allowing for the Establishment of Resale Businesses in the City's B-2 (Community Commercial) and B-5 (Industrial) Zoning Districts

THE COMMON COUNCIL OF THE CITY OF MEQUON, OZAUKEE COUNTY, STATE OF WISCONSIN, ORDAINS AS FOLLOWS:

SECTION I

Section 58-8 of the Mequon Code of Ordinances is amended as follows:

58-8 Definitions

Antique Store - a retail establishment that sells furniture or other merchandise which is at least 100 years old or articles collected and recognized by a formal organization established to research, promote and provide information about such articles.

Resale Clothing and Clothing Accessories - A retail store which sells used clothing and accessories including but not limited to shoes, handbags and jewelry. All items for sale shall be purchased, exchanged or on consignment. No donations shall be accepted on site and no donated items shall be offered for sale. No furniture, household merchandise or architectural salvage shall be offered for sale.

Resale Furniture and Household Merchandise - A retail store which sells used furniture and other household items. No donations shall be accepted on site and no donated items shall be offered for sale. No clothing, clothing accessories or architectural salvage shall be offered for sale.

Architectural Salvage - An architectural salvage center is an establishment that buys and sells building parts salvaged from demolished or remodeled structures. No donations shall be accepted on site and no donated items shall be offered for sale. No clothing or clothing accessories shall be offered for sale.

SECTION II

Section 58-295 (e) (23) of the Mequon Code of Ordinances is amended as follows:

Sec. 58-295. - B-2 community business district.

(e) *Conditional uses.*

- (23) Resale Clothing and Clothing Accessories shall be subject to the following conditions:
- The resale floor area shall not exceed 1,500 square feet.

- All merchandise shall be displayed on permanent racks or shelving which may or may not be affixed to the floor or walls.
- No outdoor display of merchandise.
- All windows into the tenant space shall remain clear of merchandise or shelving unless approved by Planning Commission.
- All interior walls and ceilings shall be finished with drywall or other city approved materials.
- No sale of furniture or other household items.

SECTION III

Section 58-598(e) of the Mequon Code of Ordinances is amendment as follows:

Sec. 58-298. - B-5 light industrial district.

(e) *Conditional uses.*

(21) Resale Furniture and Household Merchandise

- The resale floor area shall not exceed 3,000 square feet.
- No outdoor display of merchandise.
- All windows into the tenant space shall remain clear of merchandise or shelving unless approved by Planning Commission.
- No sale of clothing or clothing accessories.

(22) Architectural Salvage

- The resale floor area shall not exceed 3,000 square feet.
- No outdoor display of merchandise.
- All windows into the tenant space shall remain clear of merchandise or shelving unless approved by Planning Commission.
- No sale of clothing or clothing accessories.

SECTION IV

The terms and provisions of this ordinance are severable. If any term or provision of this ordinance is found to be invalid by a court of competent jurisdiction, the remaining terms and provisions shall remain in full force and effect.

SECTION V

All ordinances and parts of ordinances that contravene this ordinance are repealed.



TO: Planning Commission
FROM: PA PHOUALA VANG, PLANNER
DATE: February 10, 2020
SUBJECT: Andrew Novak. The applicant is seeking approval for an accessory structure greater than 1,000 sq. ft. to allow for a 5,760 sq. ft. agricultural storage building for the property located at 10800 W. Mequon Road.

Applicant: Andrew Novak
Status of Applicant: Owner
Requested: Minor Request – Accessory structure + 1,000 SF
Existing Zoning: R-1 (5-acre Rural Residential)
OA (Agricultural Overlay)
C-2 (General Conservancy)
FW (Floodway)

Land Use Plan: Rural Residential
Lot size: 16.44 acres
Location: 10800 W. Mequon Road
Tax Key: #14-019-16-002.00
District: #3

Background:

The applicant requests approval for a 5,760 square foot agricultural building. Planning Commission approval is required if an agricultural building exceeds 1,000 square feet. The accessory structure will be used for equipment and vehicles associated with farming and sale of trees. This site is zoned R-1 (5-acre single-family) with an Agricultural Overlay, which is intended to provide for, maintain, preserve and enhance agricultural land and uses.

R-1 District Standards:

The proposed structure will be located to the west of the existing structures. The building is setback 101 feet from Mequon Road and is offset 35 feet from the west property line, and in compliance with the R-1 requirements. The applicant should be aware that buildings housing domestic livestock or poultry must be located no closer than 100 feet to any lot line should the use change in the future. The overall height is approximately 25.5 feet and meets the code requirement which allows farm structures up to a height of 60 feet. The proposed building complies with the lot coverage requirement.

Agricultural Building:

The structure is designed with colonial red steel wall panels with a charcoal gray wainscot accent on all four elevations. The plan shows windows and overhead doors on the east elevation. The structure will have charcoal gray metal panel roof. The proposed structure is similar in design to existing agricultural buildings on site and other agricultural buildings that Planning Commission

has approved in the past. The existing vegetation on site will screen much of the building from the property to the west and from Mequon Road.

Engineering Report:

Bridget Henk, Assistant City Engineer, has reviewed the application and has the following comments:

Wetlands and floodplain appear to be present on site. The Wisconsin DNR surface water data viewer and aerial photos were used to confirm that wetlands are potentially present on the site; however, the proposed building addition is located a significant distance from wetland and floodplain indicators. A wetland delineation is not required. The property owner should be aware of the wetland limits and keep all grading and construction greater than 50-feet from the approximate edge of the wetlands.

The site proposes land disturbance greater than 4,000 square feet, therefore a City erosion control permit is required. The land disturbance is less than an acre and a WDNR WRAPP permit is not required.

The site proposes an increase of greater than 5,000 S.F. of impervious surface and site disturbance of less than an acre therefore a green infrastructure plan is required per the MMSD Chapter 13 rules.

A Filling and Excavation permit is required. The total amount of filling and excavation is anticipated to be less than 1,000 cubic yards and would not require Planning Commission review.

Staff Recommendation:

Since the proposed structure is consistent with prior approvals of accessory structures and appears to be harmonious with the surrounding area, staff recommends approval based on the following condition(s):

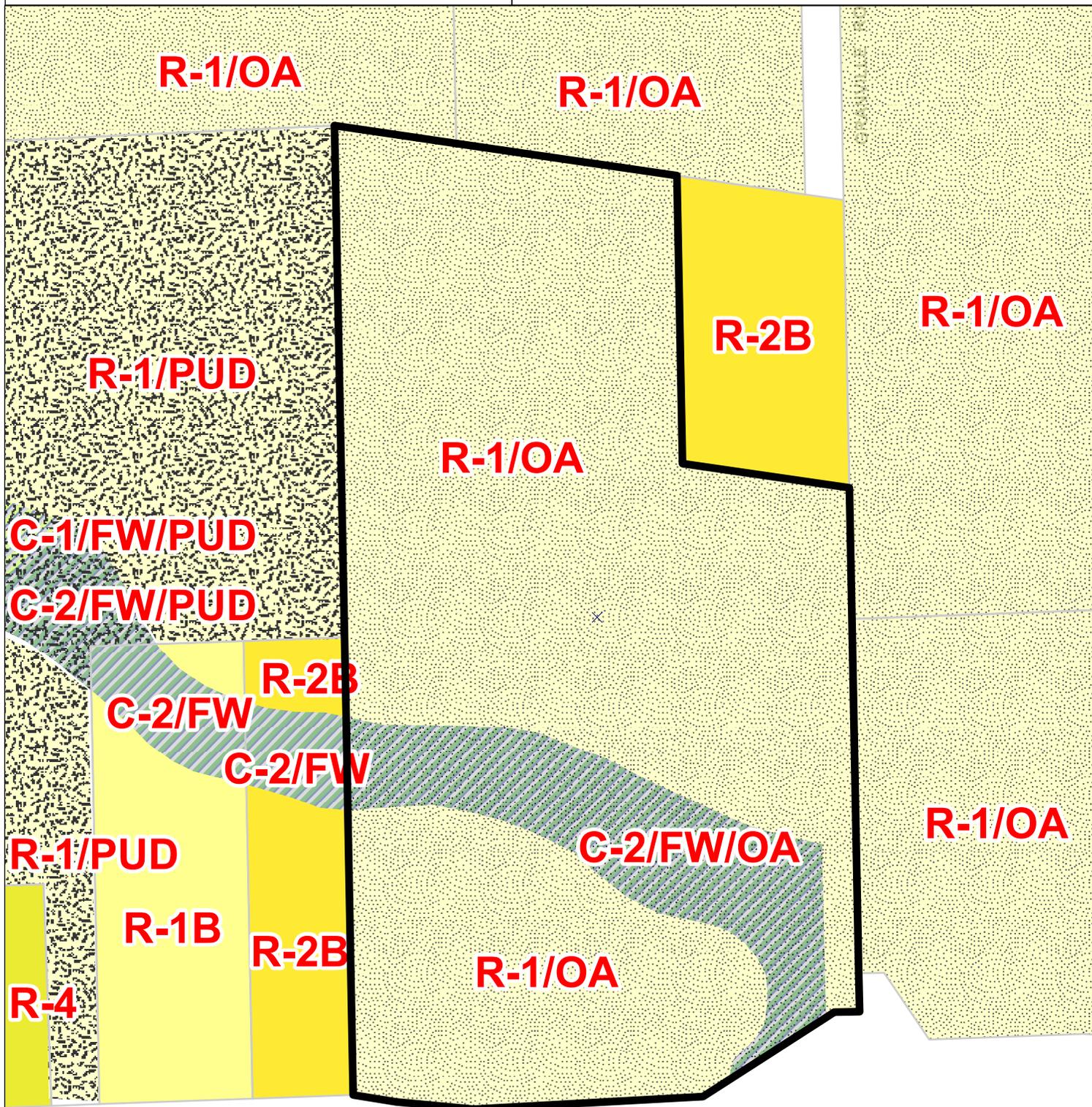
1. Final review and approval of site, floor and elevation plans.
2. The structure shall be used for agricultural related equipment storage and activities only.
3. Buildings housing domestic livestock or poultry must be located no closer than 100 feet to any lot line should the use change in the future.
4. Engineering Division review and approval of grading, drainage, and erosion control plans in conformance to City ordinances and the Standard Specifications for Land Development.
5. Application for and approval of a City Erosion Control Permit.
6. Application for and approval of a City Filling and Excavation Permit.
7. Approval of a green infrastructure plan for the site in conformance to MMSD Chapter 13, including execution of a Storm Water Facilities Maintenance and Easement Agreement
8. As a condition of approval and issuance of the permit, the city engineer will require in accordance with City ordinance 58-677(b) that the applicant deposit an escrow or letter of credit to guarantee a good faith execution of the approved control plan and any permit conditions. The escrow / letter of credit shall be in an amount equal to 125% of the estimated cost of construction and maintenance of the storm water management practices and the City will release the portion of the Financial Guarantee less any costs incurred by the city to complete installation of practices, upon submission of a certification in accordance with 58-678(h).

Attachments:
Packet Docs (PDF)

Andrew Novak

| | |
|-----|--------------------------------|
| AC | Arrival Corridor |
| A-1 | Agricultural Preserve |
| A-2 | General Agricultural |
| B-1 | Neighborhood Business |
| B-2 | Community Business |
| B-3 | Office & Service Business |
| B-4 | Business Park |
| B-5 | Light Industrial |
| B-6 | Rural Industrial |
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| R-6 | Single-Family Residential (4 du/Ac) |
| RM | Multi-Family Residential |
| TC | Town Center |
| TDR | Transfer of Development Rights |



MEQUON ROAD 112N

Attachment: Packet Docs (4844 : Andrew Novak)



Andrew Novak
10800 W. Mequon Road
Mequon, Wisconsin 53092
262-825-2877

January 6, 2020

City of Mequon – Planning Commission
11300 N. Buntrock Avenue
Mequon, WI 53092.
Attention: Ms. Pa Phuala Vang – Planner

Re: Building Permit Application
Additional Information Request

Dear Ms. Vang:

In accordance with your request, we are providing the following information related to my request to construct a barn on this property.

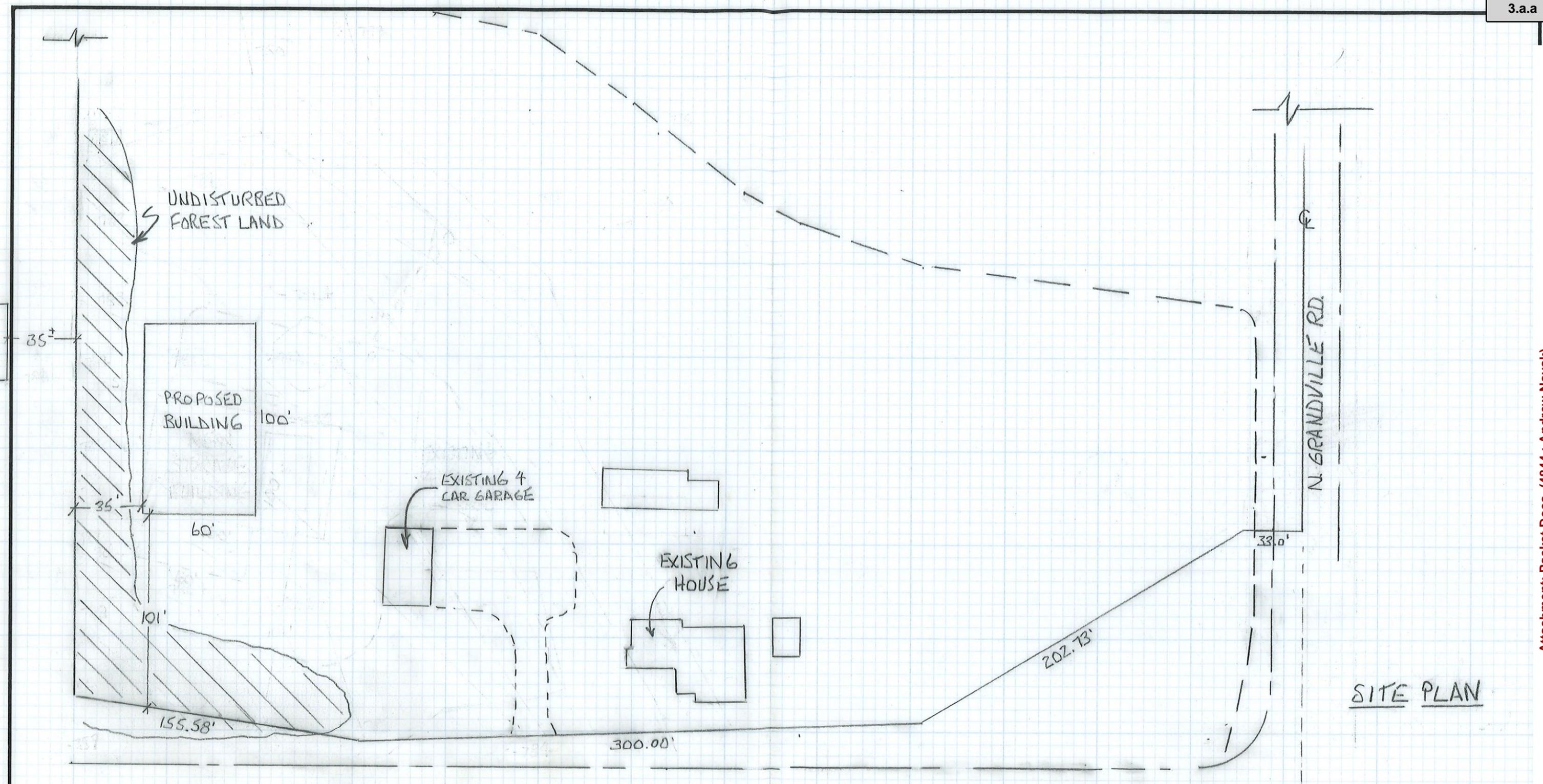
- 1) Setback from the center of Mequon Road will be 132 feet. Setback from the west lot line will be more than 30 feet.
- 2) The purpose of the building is to store materials, equipment and vehicles associated with the farming and sale of trees.
- 3) Height of the building will not exceed 28 feet.
- 4) Square footage of other buildings on the lot is as follows:

| | |
|------------------------|---------------|
| a. House | 1645 sq. ft. |
| b. 1 car garage | 240 |
| c. Chicken coup & shed | 984 |
| d. <u>4 car garage</u> | <u>880</u> |
| TOTAL | 3,749 sq. ft. |

Very truly yours,

Andrew Novak

Attachment: Packet Docs (4844 : Andrew Novak)



SITE PLAN

MEQUON RD

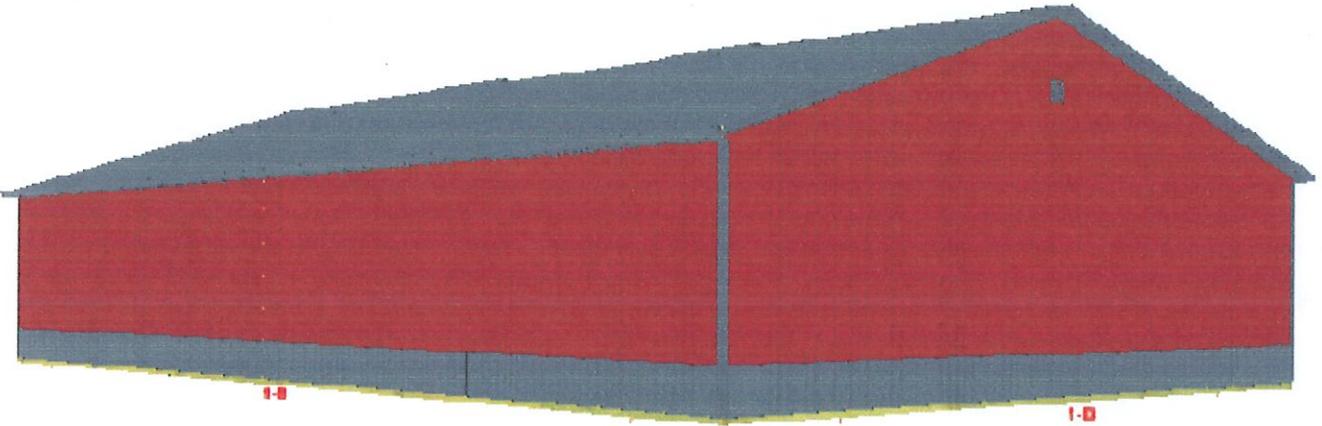
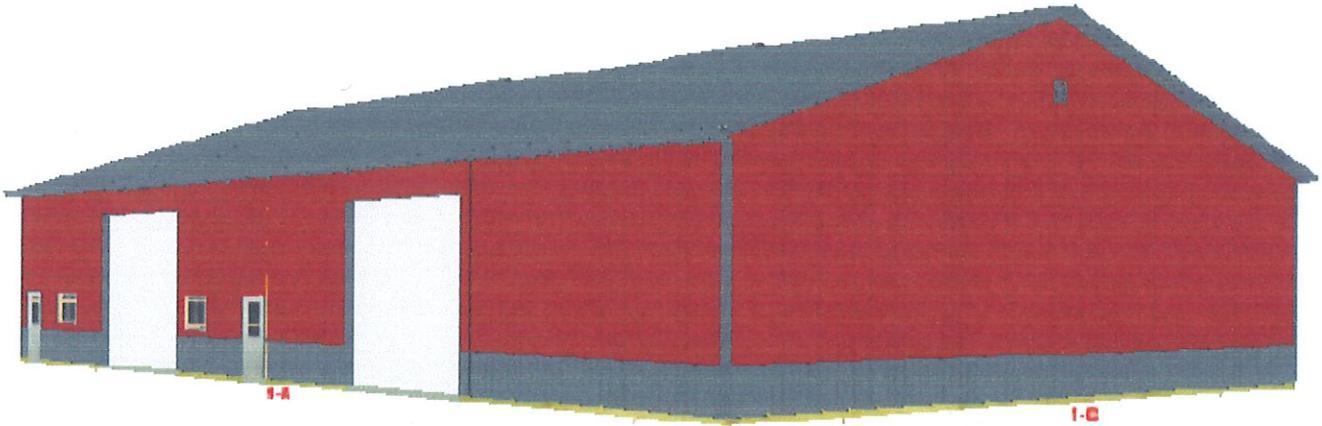
10800 W. MEQUON RD

| | | |
|-----------------|--------------|-----------------|
| SCALE: 1" = 50' | APPROVED BY: | DRAWN BY: |
| DATE: | | REVISED: |
| | | DRAWING NUMBER: |

Attachment: Packet Docs (4844 : Andrew Novak)

N138249

Elevation Views



Attachment: Packet Docs (4844 : Andrew Novak)

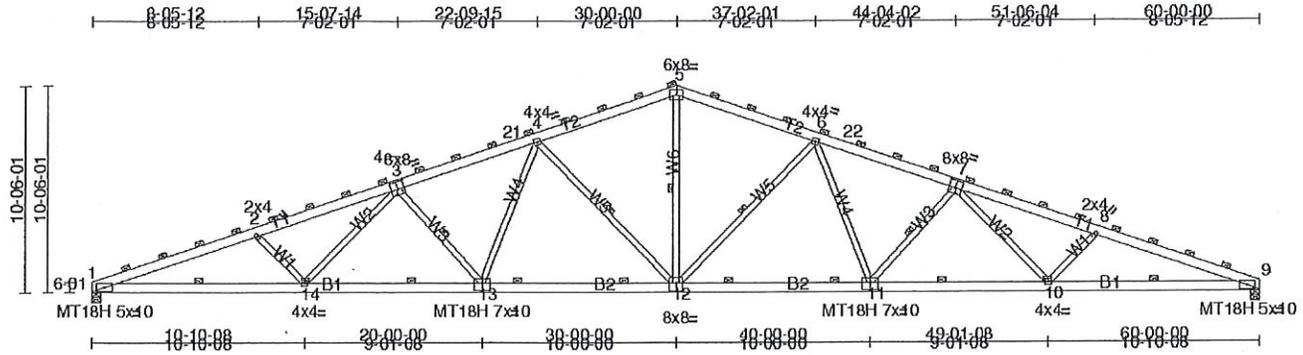
| | | | | | |
|---------------------|--------------|----------------------|----------|----------|--------------------------|
| Job QTREC0538437 | Truss PT1 | Truss Type COMMON | Qty 1 | Ply 1 | Job Reference (optional) |
|---------------------|--------------|----------------------|----------|----------|--------------------------|

Midwest Manufacturing, Eau Claire, WI

Run: 8.13 S Nov 13 2017 Print: 8.130 S Nov 13 2017 MiTek Industries, Inc. Wed Jan 17 10:57:44

Page: 1

ID:2W4LrkRkmdQCZ89m328z_zuUAO-J7ezcHIBndF91GFv4fvHSEDpEpnlvONtk9_sElzuTZr



Scale = 1:100

Plate Offsets (X, Y): [3:4-00,4-08], [7:4-00,4-08], [11:5-00,4-08], [12:4-00,5-00], [13:5-00,4-08]

| Loading | (psi) | Spacing | 4-00-00 | CSI | DEFL | in | (loc) | l/defl | L/d | PLATES | GRIP |
|--------------|-----------|-----------------|-----------------|-----------|----------|-------|-------|--------|-----|----------------|----------|
| TCLL (roof) | 20.0 | Plate Grip DOL | 1.15 | TC | Vert(LL) | -0.87 | 12 | >825 | 240 | MT18H | 197/144 |
| Snow (Ps/Pg) | 17.0/30.0 | Lumber DOL | 1.15 | BC | Vert(CT) | -1.09 | 12-13 | >658 | 180 | MT20 | 197/144 |
| TCDL | 4.0 | Rep Stress Incr | NO | WB | Horz(CT) | 0.31 | 9 | n/a | n/a | | |
| BCLL | 0.0 | Code | IBC2015/TPI2014 | Matrix-MR | | | | | | | |
| BCDL | 1.0 | | | | | | | | | Weight: 311 lb | FT = 15% |

LUMBER

TOP CHORD 2x6 SPF No.2 *Except* T1:2x6 SPF 2100F 1.8E
 BOT CHORD 2x6 SPF 2100F 1.8E
 WEBS 2x4 SPF Stud *Except* W4,W5,W6:2x4 SPF No.2

BRACING

TOP CHORD 2-0-0 oc purlins (2-5-4 max.).
 BOT CHORD 6-0-0 oc bradng.
 WEBS 1 Row at midpl 3-13, 4-12, 5-12, 6-12, 7-11

REACTIONS

(lb/size) 1=2842/5-08, (min. 3-13), 9=2842/5-08, (min. 3-13)
 Max Horiz 1=158(LC 14)
 Max Uplift 1=837(LC 8), 9=837(LC 9)
 Max Grav 1=3000(LC 2), 9=3000(LC 2)

FORCES

(lb) - Max. Comp./Max. Ten. - All forces 250 (lb) or less except when shown.
 TOP CHORD 1-2=-8205/2269, 2-3=-7713/2170, 3-21=-6364/1782, 4-21=-6168/1793, 4-5=-4885/1385, 5-6=-4885/1385,
 6-22=-6166/1793, 7-22=-6364/1782, 7-8=-7713/2170, 8-9=-8205/2270
 BOT CHORD 1-14=-2188/7714, 13-14=-1803/6679, 12-13=-1412/5591, 11-12=-1302/5591, 10-11=-1694/6679, 9-10=-2079/7714
 WEBS 2-14=-759/298, 3-14=-277/838, 3-13=-1159/432, 4-13=-326/982, 4-12=-1792/569, 5-12=-656/2299, 6-12=-1792/569,
 6-11=-326/982, 7-11=-1159/432, 7-10=-278/838, 6-10=-759/298

JOINT STRESS INDEX

1 = 0.78, 2 = 0.38, 3 = 0.83, 4 = 0.79, 5 = 0.74, 6 = 0.79, 7 = 0.83, 8 = 0.38, 9 = 0.78, 10 = 0.55, 11 = 0.71, 12 = 0.99, 13 = 0.71 and 14 = 0.55

NOTES

- Unbalanced roof live loads have been considered for this design.
- Wind: ASCE 7-10; Vult=100mph (3-second gust) Vasd=79mph; TCCL=2.4psf; BCDL=0.6psf; h=25ft; Cat. I; Exp C; enclosed; MWFRS (envelope); cantilever left and right exposed; end vertical left and right exposed; Lumber DOL=1.60 plate grip DOL=1.60 (Actual dead loads used per ANSI/TPI-1)
- TCLL, ASCE 7-10; Pr=20.0 psf (roof live load; Lumber DOL=1.15 Plate DOL=1.15); Pg=30.0 psf (ground snow); Ps=17.0 psf (roof snow; Lumber DOL=1.15 Plate DOL=1.15); Category I; Exp C; Fully Exp.; Ct=1.2; Unobstructed slippery surface
- Roof design snow load has been reduced to account for slope.
- Unbalanced snow loads have been considered for this design.
- WARNING:** This long span truss requires extreme care and experience for proper and safe handling and erection. For general handling and erection guidance, see Guide to Good Practice for Handling, Installing & Bracing of Metal Plate Connected Wood Trusses ("BCS"), jointly produced by WTCA and TPI. For project specific guidance, consult with project engineer/architect/general contractor. MiTek assumes no responsibility for truss manufacture, handling, erection, or bracing.
- The bottom chord dead load shown is sufficient only to cover the truss weight itself and does not allow for any additional load to be added to the bottom chord.
- Dead loads shown include weight of truss. Top chord dead load of 5.0 psf (or less) is not adequate for a shingle roof. Architect to verify adequacy of top chord dead load.
- All plates are MT20 plates unless otherwise indicated.
- This truss has been designed for a 10.0 psf bottom chord live load nonconcurrent with any other live loads.
- Provide mechanical connection (by others) of truss to bearing plate capable of withstanding 837 lb uplift at joint 1 and 837 lb uplift at joint 9.
- This truss is designed in accordance with the 2015 International Building Code section 2306.1 and referenced standard ANSI/TPI 1.
- Graphical purlin representation does not depict the size or the orientation of the purlin along the top and/or bottom chord.

LOAD CASE(S) Standard

Attachment: Packet Docs (4844 : Andrew Novak)



Doors & Windows

| Name | Size | Wall |
|---------------|-----------|------|
| Service Door | 36"x80" | 1-A |
| Overhead Door | 14' x 14' | 1-A |
| Overhead Door | 14' x 14' | 1-A |
| Service Door | 36"x80" | 1-A |
| Window | 48"x36" | 1-A |
| Window | 48"x36" | 1-A |

Attachment: Packet Docs (4844 : Andrew Novak)

Floor type (concrete, dirt, gravel) is NOT included in estimated price. The floor type is used in the calculation of materials needed. Labor, foundation, steel beams, paint, electrical, heating, plumbing, and delivery are also NOT included in estimated price. This is an estimate. It is only for general price information. This is not an offer and there can be no legally binding contract between the parties based on this estimate. The prices stated herein are subject to change depending upon the market conditions. The prices stated on this estimate are not firm for any time period unless specifically written otherwise on this form. The availability of materials is subject to inventory conditions. MENARDS IS NOT RESPONSIBLE FOR ANY LOSS INCURRED BY THE GUEST WHO RELIES ON PRICES SET FORTH HEREIN OR ON THE AVAILABILITY OF ANY MATERIALS STATED HEREIN. All information on this form, other than price, has been provided by the guest and Menards is not responsible for any errors in the information on this estimate, including but not limited to quantity, dimension and quality. Please examine this estimate carefully. MENARDS MAKES NO REPRESENTATIONS, ORAL, WRITTEN OR OTHERWISE THAT THE MATERIALS LISTED ARE SUITABLE FOR ANY PURPOSE BEING CONSIDERED BY THE GUEST. BECAUSE OF WIDE VARIATIONS IN CODES, THERE ARE NO REPRESENTATIONS THAT THE MATERIALS LISTED HEREIN MEET YOUR CODE REQUIREMENTS. THE PLANS AND/OR DESIGNS PROVIDED ARE NOT ENGINEERED. LOCAL CODE OR ZONING REGULATIONS MAY REQUIRE SUCH STRUCTURES TO BE PROFESSIONALLY ENGINEERED AND CERTIFIED PRIOR TO CONSTRUCTION.



POST-FRAME BUILDINGS



Commercial Suburban Agricultural



BRITE WHITE



WHITE



PRAIRIE WHEAT



LIGHT STONE



PINWOOD



BEIGE



TAN



CHOCOLATE



BRONZE



BURNISHED SLATE



BROWN



BLACK



ASH GRAY



LIGHT GRAY



CHARCOAL GRAY



MIDNIGHT GRAY



BRITE RED



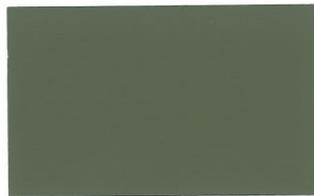
RED



COLONIAL RED



BURGUNDY



SAGE



EMERALD GREEN



SLATE BLUE



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*COPPER COLORED
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offers the **BEST CHOICE** of Steel Building Panels for the post frame industry; plus the largest selection of Soffit, Fascia, Gutter, Vents, Trim, Trim Coil and Custom Bent Trim.

Note: Color Chips show approximate tone. Color of actual product may vary. Final color approval should be made with actual material. Samples are available at www.menards.com

Attachment: Packet Docs (4844 : Andrew Novak)



11333 N. Cedarburg Rd
Mequon, WI 53092-1930
Phone: 262-236-2902
Fax: 262-242-9655

www.ci.mequon.wi.us

Department of Community Development

TO: Planning Commission
FROM: JAC ZADER, ASSISTANT DIRECTOR COMMUNITY DEVELOPMENT
DATE: February 10, 2020
SUBJECT: MLG Capitol. The applicant is seeking certified survey map approval for a 3-lot land division for the property located north of Executive Drive, between Essex Place and Executive Court.

Applicant: MLG Capitol
Status of Applicant: Agent
Requested: Final Land Division Approval
Existing Zoning: B-5 (Light Industrial)
PUD (Planned Unit Development)
C-2 (General Conservancy)
R-3 (1-acre single-family)
Land Use Plan: Business Park
Critical Environmental
Lot size: 18.9
Location: North of Executive Drive, between Essex Place and Executive Court.
Tax Key: #14-027-09-014.00
District: #4

Background:

The applicant requests certified survey map approval for the property located north of Executive Drive, between Essex Place and Executive Court. The proposed land division creates three lots and one outlot in Mequon II Business Park. There is one other item on the agenda related to this item. The consultation for a new athletic facility is proposed on Lot 12 of the CSM.

Zoning District Standards and Site Conditions:

The proposed certified survey map is consistent with the current zoning designation of B-5, requiring one (1) acre minimum lot size and 150 minimum average lot width and depth and the zoning designation of R-3, requiring one (1) acre minimum lot size and 150 minimum average lot width and depth.

Site Conditions:

Lot 10 is 9.49 acres with access off Commerce Street. Lot 11 is 2.92 acres and Lot 12 is 4.05 acres. Access to Lots 11 and 12 are off Executive Court. Outlot 1 is 2.446 acres and part of the planned unit development; however, the outlot is zoned R-3 (single-family). Per the development agreement, development is prohibited on the outlot. The development agreement states that the outlot acreage may be allocated to one or more parcels of the business park in calculating the floor area ratio or open space ratio for industrial use developments.

Engineering Report:

Bridget Henk, Assistant City Engineer, has reviewed the application and has the following comments:

The site is located within the City's sewer service area and connection to the public utility is required. There is currently sanitary sewer service and water service available on the site.

Wetlands appear to be present on site. A wetland delineation report and concurrence by the WDNR was provided with the CSM application. The wetland is considered exempt by the WDNR. Wetland regulations and setbacks are not applicable to exempt wetlands.

Other Technical Corrections:

The Engineering Division will provide a full technical review of the CSM.

Staff Recommendation:

Planning staff recommends **approval** of the land division subject to the following conditions:

1. Final staff review and approval of CSM.
2. Compliance with the Tree Preservation Ordinance.
3. No certified survey map shall be offered for recording or recorded after 180 days from the date of approval by the Planning Commission.
4. The applicant shall submit an electronic file for the proposed certified survey map in a format compatible with AutoCAD 2015 dwg or dxf in Wisconsin State Plane Coordinate system. South Zone (NAD 83).

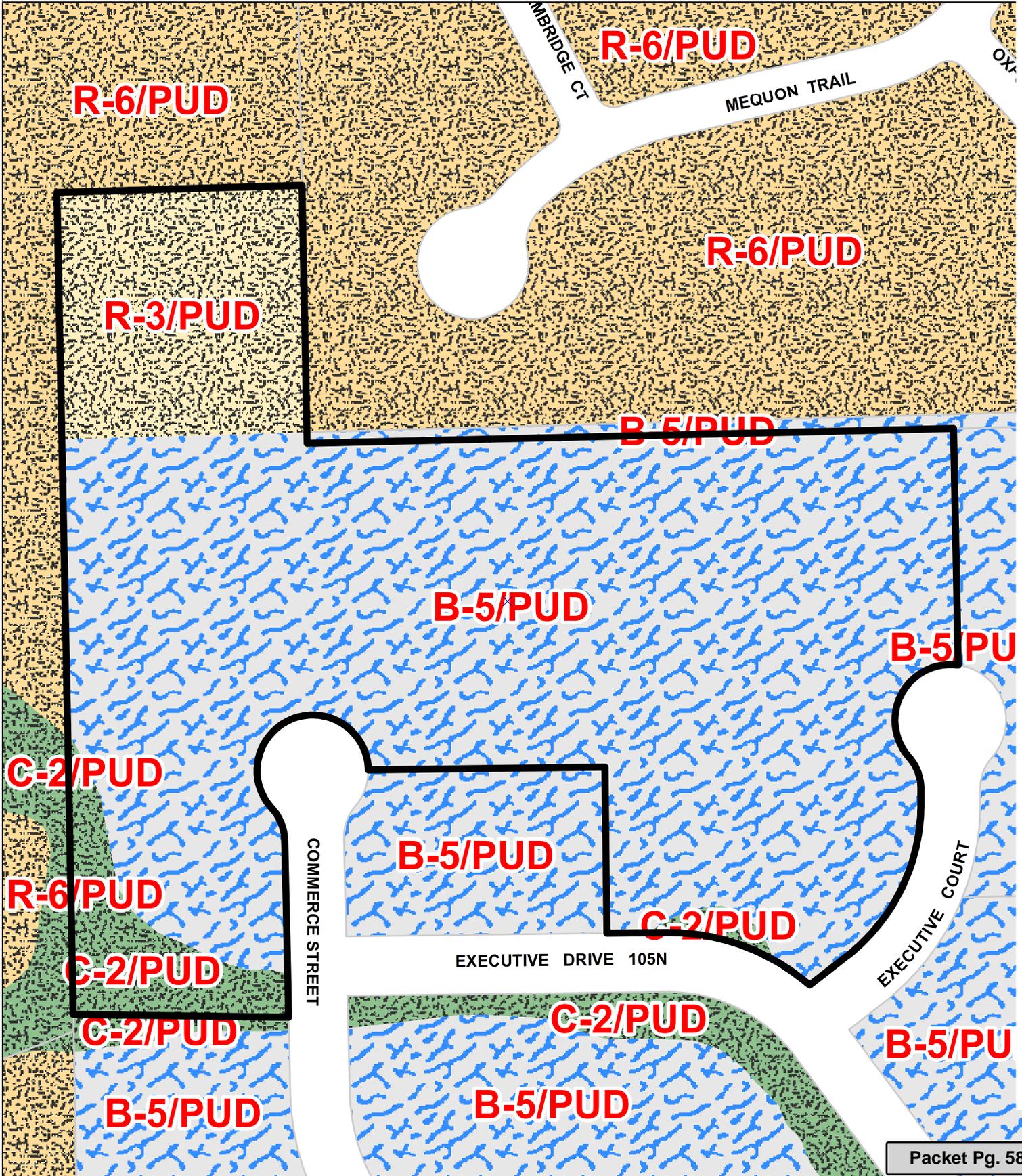
Attachments:

Packet Docs (PDF)

MLG Capitol CSM

3.b.a

| | | | |
|-----|--------------------------------|------|--|
| AC | Arrival Corridor | LTD | Limited Use |
| A-1 | Agricultural Preserve | OA | Agricultural Overlay |
| A-2 | General Agricultural | PUD | Planned Unit Development Overlay |
| B-1 | Neighborhood Business | P-1 | Park & Recreation |
| B-2 | Community Business | R-1 | Single-Family Residential (5 Ac. Min.) |
| B-3 | Office & Service Business | R-1B | Single-Family Residential (2.5 Ac. Min.) |
| B-4 | Business Park | R-2 | Single-Family Residential (2.0 Ac. Min.) |
| B-5 | Light Industrial | R-2B | Single-Family Residential (1.5 Ac. Min.) |
| B-6 | Rural Industrial | R-3 | Single-Family Residential (1.0 Ac. Min.) |
| B-7 | Rural Business | R-4 | Single-Family Residential (3/4 Ac. Min.) |
| C-1 | Shoreland/Wetland Conservancy | R-5 | Single-Family Residential (1/2 Ac. Min.) |
| C-2 | General Conservancy | R-6 | Single-Family Residential (4 du/Ac) |
| CGO | Central Growth Overlay | RM | Multi-Family Residential |
| FFO | Flood Fringe Overlay | TC | Town Center |
| FW | Floodway | TDR | Transfer of Development Rights |
| IPS | Institutional & Public Service | | |



Attachment: Packet Docs (4839 : MLG Capitol)

MLG Capital

Real Estate Investments

OFFICES IN WISCONSIN, TEXAS

262.797.9400 ♦ MLGCAPITAL.COM

January 8, 2020

Jac Zader
City of Mequon Community Development Department
11333 N. Cedarburg Road
Mequon, WI 53092

RE: Mequon II Business Park CSM Resubmittal

Dear Mr. Zader:

Please accept this letter and the enclosed ten full size copies of the revised Mequon Business Park certified survey map as MLG Investment 2000's resubmittal for the CSM review and approval. For your information, the south line of Lot 12 was adjusted slightly to the south to accommodate the Buyer's need for some additional land.

Please review the resubmittal and schedule the csm for action on the February 10, 2020 Plan Commission agenda. If you need any additional information or have any questions regarding this request, please feel free to contact me at 262-424-5997. Thank you for your assistance with this request.

Respectfully Submitted,



Joseph A. Bukovich, P.E.
Vice President Development

Encs.

K:\PROJECTS\Mequon 2\Engineering\AP Holdings CSM\Zader CSM Resubmittal Transmittal 1-8-20.docx

Attachment: Packet Docs (4839 : MLG Capitol)

CERTIFIED SURVEY MAP NO. _____

A redivision of Lot 1 of Certified Survey Map No. 3731, recorded as Document No. 0890399 being a part of the Northeast 1/4, Southeast 1/4, Southwest 1/4, and Northwest 1/4 of the Southwest 1/4 of Section 27, Township 9 North, Range 21 East, in the City of Mequon, Ozaukee County, Wisconsin.

LEGEND

- Indicates set 1.315" O.D. iron pipe, 18" in length, 1.68 lbs. per linial foot.
- Indicates found 3/4" iron rods

SUBDIVIDER/OWNER:
 MLG Investments 2000 LLC
 19000 W. Bluemound Road
 Brookfield, WI 53045

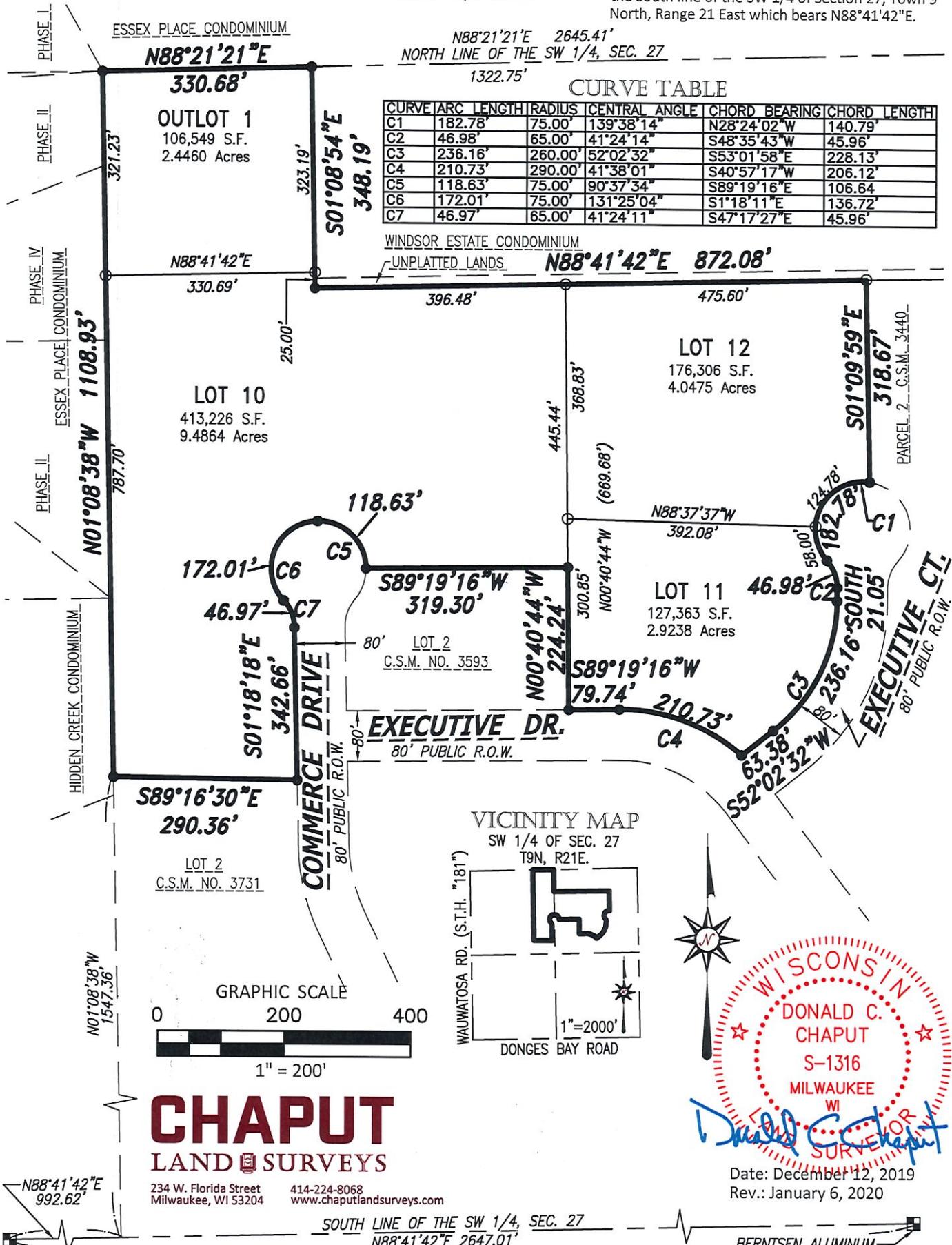
BASIS OF BEARINGS

Bearings are referenced to the Wisconsin State Plane Coordinate System (South Zone), in which the South line of the SW 1/4 of Section 27, Town 9 North, Range 21 East which bears N88°41'42"E.

N88°21'21"E 2645.41'
 NORTH LINE OF THE SW 1/4, SEC. 27
 1322.75'

CURVE TABLE

| CURVE | ARC LENGTH | RADIUS | CENTRAL ANGLE | CHORD BEARING | CHORD LENGTH |
|-------|------------|---------|---------------|---------------|--------------|
| C1 | 182.78' | 75.00' | 139°38'14" | N28°24'02"W | 140.79' |
| C2 | 46.98' | 65.00' | 41°24'14" | S48°35'43"W | 45.96' |
| C3 | 236.16' | 260.00' | 52°02'32" | S53°01'58"E | 228.13' |
| C4 | 210.73' | 290.00' | 41°38'01" | S40°57'17"W | 206.12' |
| C5 | 118.63' | 75.00' | 90°37'34" | S89°19'16"E | 106.64' |
| C6 | 172.01' | 75.00' | 131°25'04" | S1°18'11"E | 136.72' |
| C7 | 46.97' | 65.00' | 41°24'11" | S47°17'27"E | 45.96' |



CHAPUT
 LAND SURVEYS

234 W. Florida Street
 Milwaukee, WI 53204
 414-224-8068
 www.chaputlandsurveys.com



Date: December 12, 2019
 Rev.: January 6, 2020

SOUTH LINE OF THE SW 1/4, SEC. 27
 N88°41'42"E 2647.01'

BERNTSEN ALUMINUM MONUMENT
 SE COR. OF SW 1/4 SEC. 27, T9N, R21E.

CONC. MON. WITH BRASS CAP
 SW COR. OF SW 1/4 SEC. 27, T9N, R21E.

This instrument was drafted by Donald C. Chaput
 Professional Land Surveyor S-1316

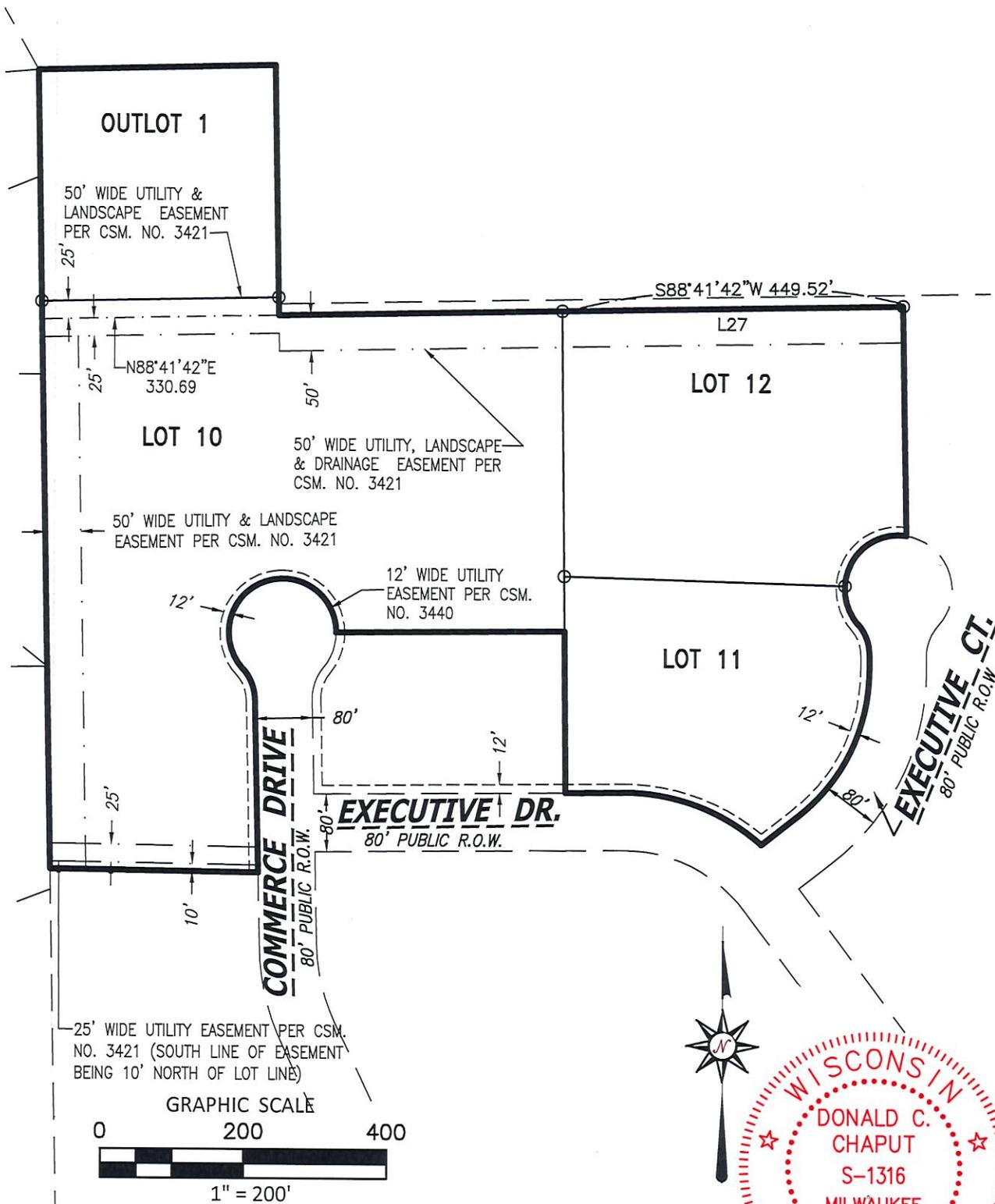
Drawing No. 20191002CSM3353-dzb
 Sheet 1 of 5 Sheets

Attachment: Packet Docs (4839 : MLG Capitol)

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EASEMENT DETAIL FOR REFERENCE ONLY



Attachment: Packet Docs (4839 : MLG Capitol)

CHAPUT

LAND SURVEYS

234 W. Florida Street
Milwaukee, WI 53204
414-224-8068
www.chaputlandsurveys.com

WISCONSIN
DONALD C. CHAPUT
S-1316
MILWAUKEE WI
Professional Land Surveyor

Donald C. Chaput

Date: December 12, 2019
Rev.: January 6, 2020

This instrument was drafted by Donald C. Chaput
Professional Land Surveyor S-1316

Drawing No. 20191002CSM3353-dzb
Sheet 2 of 5 Sheets

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SURVEYOR'S CERTIFICATE

STATE OF WISCONSIN}
:SS
OZAUKEE COUNTY}

I, DONALD C. CHAPUT, Professional Land Surveyor, do hereby certify:

THAT I have surveyed, divided and mapped a redivision of Lot 1 of Certified Survey Map No. 3731, located in the Northeast 1/4, Southeast 1/4, Southwest 1/4 and Northwest 1/4 of the Southwest 1/4 of Section 27, Township 9 North, Range 21 East, in the City of Mequon, Ozaukee County, Wisconsin, which is bounded and described as follows:

COMMENCING at the Southwest corner of the Southwest 1/4 of said Section 27; thence North 88°41'42" East along the South line of the Southwest 1/4 of said Section, 992.62 feet to a point; thence North 01°08'38" West, 1547.32 feet to the point of beginning; thence continue North 01°08'38" West 1108.93 feet to a point on the North line of said 1/4 Section; thence North 88°21'21" East, along the North line 330.68 feet to a point; thence South 1°08'54" East 348.19 feet to a point; thence North 88°41'42" East 872.08 feet to a point; thence South 1°09'59" East 31.67 feet to a point on the westerly right-of-way line of Executive Court; thence along said westerly right-of-way line the following courses: thence along arc of a curve, whose radius point bears North 28°24'02" East, 75.00 feet, has an arc length of 182.78 feet and has a central angle of 139°38'14" to a point of reverse curvature; thence along the arc of a curve, whose radius point bears South 48°35'43" West, 65.00 feet, has an arc length of 46.98 feet and has a central angle of 41°24'14"; thence South 0°00'00" West, 21.05 feet to a point of curvature; thence along the arc of a curve, whose radius point bears North 90°00'00" West, 260.00 feet, has an arc length of 236.16 feet and has a central angle of 52°02'32"; thence South 52°02'32" West, 63.38 feet to a point of curvature being on the northerly right-of-way line of Executive Drive; thence along the arc of a curve, along said northerly right-of-way line, whose radius point bears South 40°57'17" West, 290.00 feet, has an arc length of 210.73 feet and has a central angle of 41°38'01"; thence South 89°19'16" West, along said northerly right-of-way, 79.74 feet; thence North 00°40'44" West, 224.24 feet; thence South 89°19'16" West, 319.30 feet to a point of curvature being on the easterly right-of-way line of Commerce Drive; thence along said easterly right-of-way line of Commerce Drive being on arc of a curve, whose radius point bears South 89°19'16" West, 75.00 feet, has an arc length of 118.63 feet and has a central angle of 90°37'34" to a point being on the westerly right-of-way line of Commerce Drive; thence along said westerly right-of-way line of Commerce Drive the following courses: thence along the arc of a curve, whose radius point bears South 1°18'11" East, 75.00 feet, has an arc length of 172.01 feet and has a central angle of 131°25'04" to a point of reverse curvature; thence along the arc of a curve, whose radius point bears South 47°17'27" West, 65.00 feet, has an arc length of 46.97 feet and has a central angle of 41°24'11"; thence South 1°18'18" East, 342.66 feet; thence S89°16'30" East, 290.36 feet to the point of beginning.

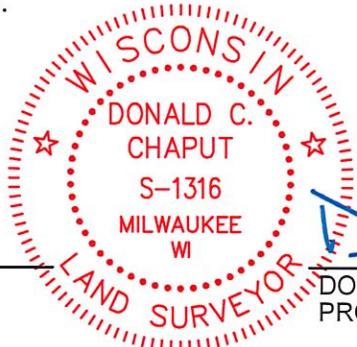
Said lands as described contains 823,444 square feet or 18.9037 Acres.

THAT I have made the survey, land division and map by the direction of MLG Investments 2000, LLC, owner.

THAT the map is a correct representation of all the exterior boundaries of the land surveyed and the land division thereof made.

THAT I have fully complied with Chapter 236 of the Wisconsin Statutes and the City of Mequon Code in surveying, dividing and mapping the same.

December 12, 2019
DATE



Donald C. Chaput
DONALD C. CHAPUT
PROFESSIONAL LAND SURVEYOR S-1316

Attachment: Packet Docs (4839 : MLG Capitol)

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OWNER'S CERTIFICATE

MLG Investments 2000, LLC, as owner, hereby certify that I caused the land described on this map to be surveyed, divided and mapped as represented on this map in accordance with the provisions of Section 236.34 of the Wisconsin Statutes and the Land Division Ordinance of the City of Mequon in surveying, dividing and mapping the same.

MLG Investments 2000, LLC

STATE OF WISCONSIN}
 :SS
OZAUKEE COUNTY}

Personally came before me this ___ day of _____, 2020, the above named MLG Investments 2000, LLC, to me known as the person who executed the foregoing instrument and acknowledged the same.

Notary Public, State of Wisconsin
My commission expires. _____
My commission is permanent.



December 12, 2019
Rev.: January 6, 2020

This instrument was drafted by Donald C. Chaput
Professional Land Surveyor S-1316

Survey No. 3353-dzb
Sheet 4 of 5 Sheets

Attachment: Packet Docs (4839 : MLG Capitol)

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CONSENT OF CORPORATE MORTGAGEE

_____, a corporation duly organized and existing under and by virtue of the laws of the State of Wisconsin, mortgagee of the above described land, does hereby consent to the surveying, dividing, mapping and dedication of the land described on this plat, and does hereby consent to the certificate of MLG Investments 2000, LLC.

IN WITNESS WHEREOF, the said _____ has caused these presents to be signed by _____, its President, and countersigned by _____, its Secretary at _____, Wisconsin, and its corporate seal to be hereunto affixed this _____ day of _____, 2020.

In the presence of:

Corporate Name

President

Date

Secretary

Date

Personally came before me this _____ day of _____, 2020, _____ President, and _____ Secretary of the above named corporation, to me known to be the persons who executed the foregoing instrument, and to me known to be such President and Secretary 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, _____, Wisconsin.

My commission expires _____.

PLANNING COMMISSION CERTIFICATE OF APPROVAL

APPROVED by the Planning Commission of the City of Mequon on this ___ day of _____, 2020.

Mayor John Wirth

SECRETARY



December 12, 2019
Rev.: January 6, 2020

This instrument was drafted by Donald C. Chaput
Professional Land Surveyor S-1316

Survey No. 3353-dzb
Sheet 5 of 5 Sheets

Attachment: Packet Docs (4839 : MLG Capitol)



December 9, 2019

EXE-SE-2019-46-04007

MLG Investments 2000, LLC
Joe Bukovich
19000 W. Bluemound Road
Brookfield, WI 53045

RE: Artificial Wetland Exemption Determination for an area described as Wetland 1, located in the NE1/4 of the SW1/4 of Section 27, Township 09 North, Range 21 East, City of Mequon, Ozaukee County

Dear Mr. Bukovich:

This letter is in response to your request for an artificial wetland exemption determination for the above mentioned wetlands.

According to 281.36 (4n), State Statutes, a landscape feature where hydrophytic vegetation may be present as a result of human modification to the landscape or hydrology and for which no definitive evidence exists showing a prior wetland or stream history before August 1, 1991, may be exempt from state wetland regulations. The following types of artificial wetlands cannot be exempted from state wetland regulation:

- 1) a wetland that serves as a fish spawning area or that is passage to a fish spawning area
- 2) a wetland created as a result of a wetland mitigation requirement.

In addition, DNR must also consider whether the artificial wetland is providing significant flood protection to adjacent or downstream properties and infrastructure, and/or significant water quality functions to adjacent or downstream water bodies.

The Department reviewed the following materials to aid in our exemption determination:

- The request narrative
- Historic Maps, including the Original Land Survey Plat, Bordner Survey, USGS topographic Quad map, and soil mapping.
- Aerial photographs, including the 1937/8 era photograph, a pre-construction photograph, and a post-construction photograph.
- Site photographs that show different angles and views of the wetland

Below is a summary of our findings:

Request Narrative

According to the request narrative, wetland 1 ditch (6,316 square feet) is the focus of this artificial wetland exemption request. Wetland 1 is a ditch/swale that was constructed after a grading/filling event for the lots in the area. The swale/ditch area was graded/filled as shown on plans from 2004. The area was delineated in 2008 and concurred by the DNR that the swale/ditch area was

Attachment: Packet Docs (4839 : MLG Capitol)

not wetlands. The swale leads to a stormwater inlet structure on the south side of the lots. The applicant stated that the area would be developed according to state/local stormwater management requirements and that the ditch area would be maintained and continue to pass stormwater. The wetland is isolated from any natural waterbodies and is not anticipated to provide fish habitat.

Historic Map Review

- Original Land Survey Plat. The original land survey indicates no wetland or stream history
- Bordner Survey. The Bordner survey indicates the area was cropland. There is a stream to the south
- USGS Topographic Quad map: The USGS Quad map indicates no wetland or stream history on the parcel. There is a stream to the south.
- Soil Maps: The soil maps indicate the area is mapped as Mequon silt loam, 1-3% slopes, which is a somewhat poorly drained soil that is predominantly non-hydric, but does have hydric soil inclusions in depressions.

Aerial Photograph Review

- 1937/38 era aerial photograph. The 1937/38 aerial photograph shows the area is cropland, the wetland feature is an area between two fields.
- aerial photograph review: The 2002-2005 aerial photographs show the area is entirely graded/developed and the swale is constructed between the lot borders consistent to the 2004 provided grading plans.

Site Photographs

The site photographs show the wetland is a swale/ditch between two vacant lots. The wetland swale all leads to a constructed stormwater inlet structure.

Conclusion:

- Based upon the information provided above, the wetland identified as Wetland 1, lacked a wetland history prior to August 1, 1991, and fulfills all artificial wetland exemption standards. **Therefore, Wetland 1 is exempt from state wetland regulations.** Please see the attached figures.

This letter describes DNR's decision regarding the jurisdictional status of Wetland 1 and is only valid for state jurisdictional purposes. For decisions regarding the federal jurisdictional status of Wetland 1, you will need to contact the U.S. Army Corps of Engineers.

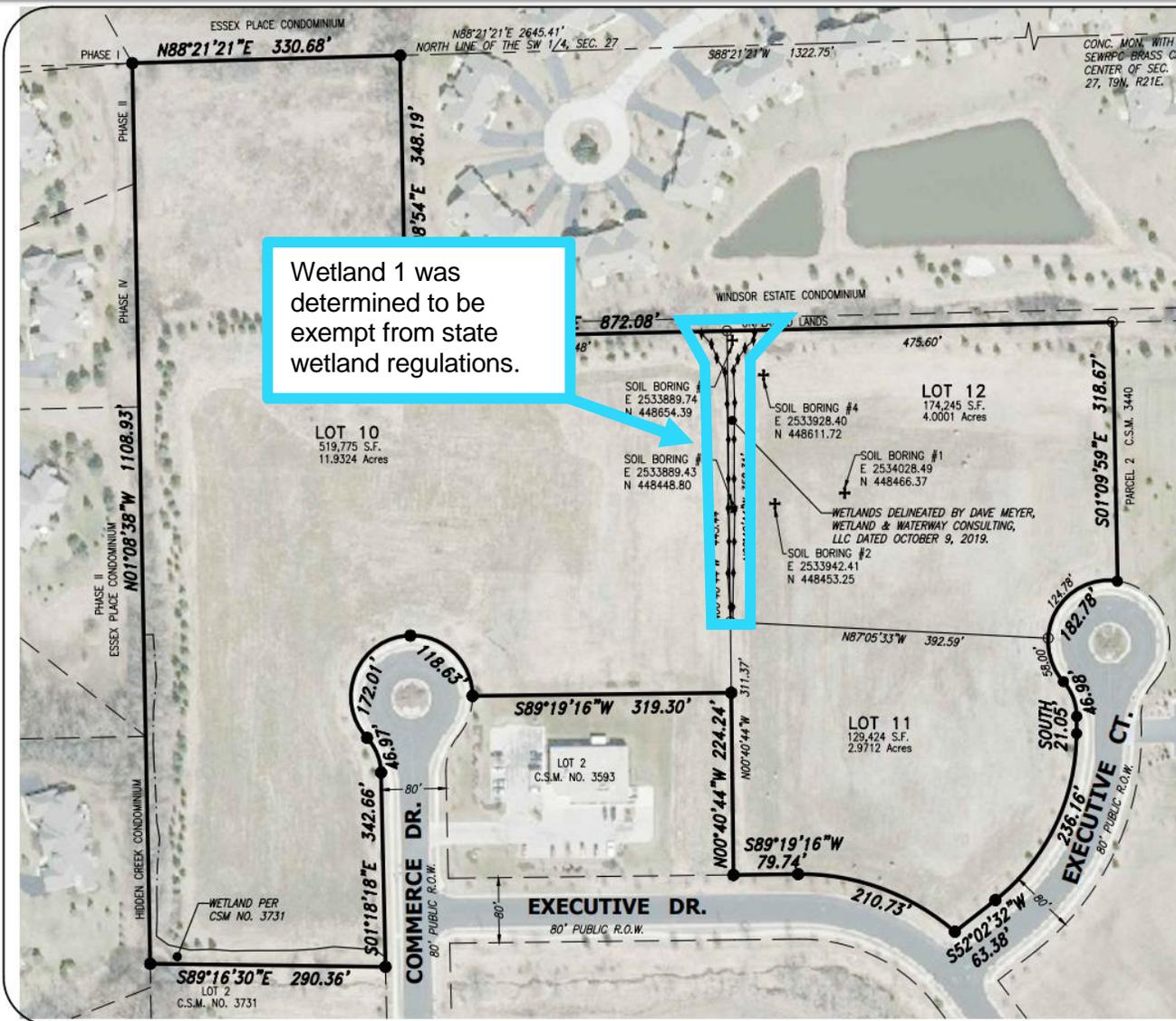
If you have any questions about this determination, please contact me at (715) 492-0200 or email Ryan.Pappas@wisconsin.gov.

Sincerely,



Ryan Pappas
Wetland Exemption Specialist

cc: U.S. Army Corps of Engineers
Consultant



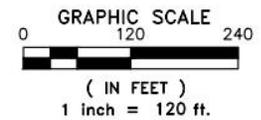
EXHIBIT

CLIENT
MLG Investors 2000

SITE ADDRESS
Commerce Drive, City of Mequon, Ozaukee County, Wisconsin.

BASIS OF BEARINGS
Bearings are referenced to the Wisconsin State Plane Coordinate System (South Zone), in which the South line of the SW 1/4 of Section 27, Town 9 North, Range 21 East which bears N88°41'42"E.

LAND AREA
Gross area of subject property is 823,444 square feet or 18.9037 Acres.



LEGEND

- INDICATES FOUND 1" IRON PIPE
- INDICATES SET 1" IRON PIPE
- + SOIL BORING/MONITORING WELL
- † WETLANDS FLAG

WETLAND AREAS
Lot 10: 1,202 S.F. or 0.0275 Acres
Lot 12: 2,939 S.F. or 0.0674 Acres
Gross Area: 4,141 S.F. or 0.0949 Acres

DATE
October 30, 2019.

CHAPUT LAND SURVEYS

234 W. Florida Street Milwaukee, WI 53204 414-224-8068 www.chaputlandsurveys.com

Drawing No. 20191030EX-3353-far

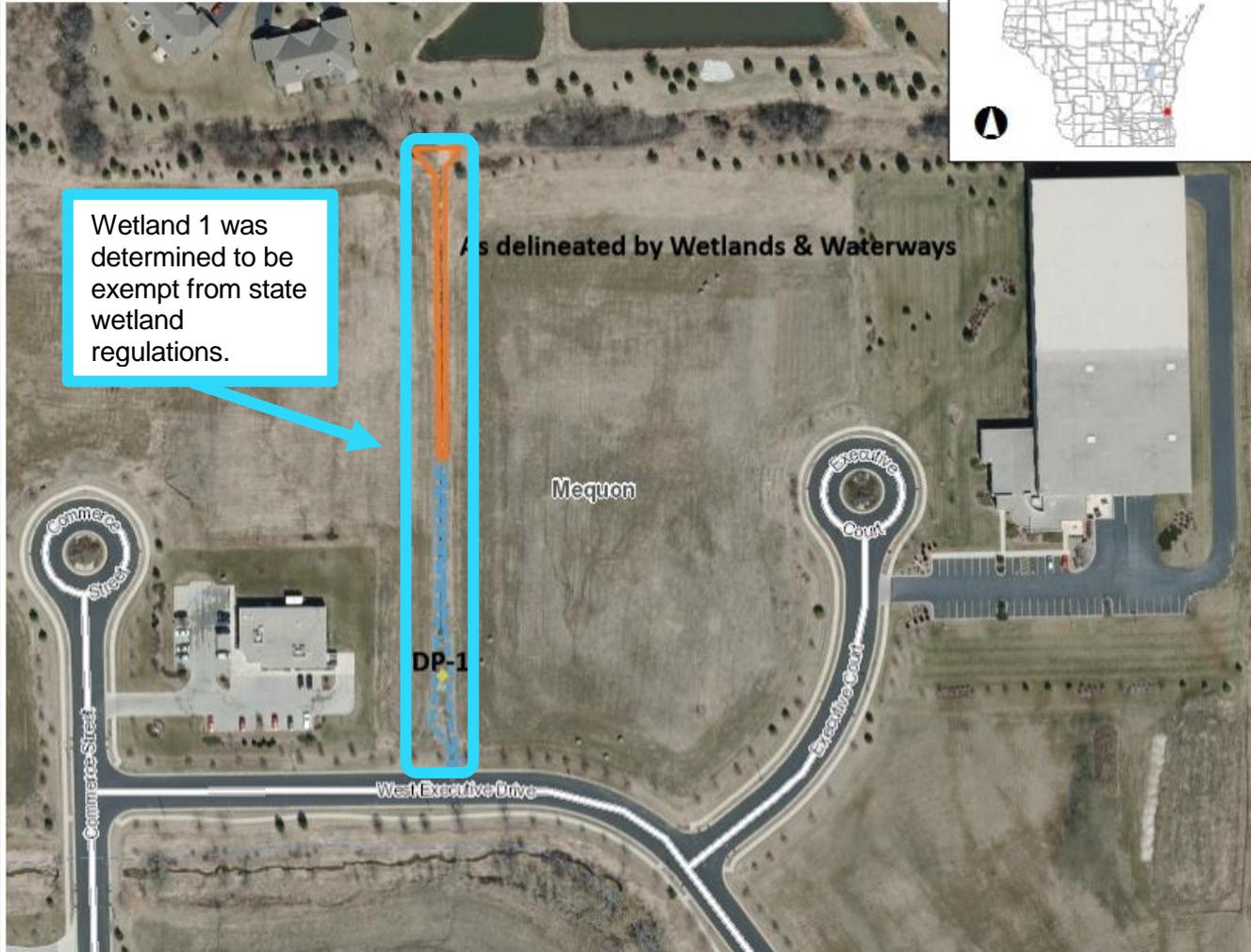
Attachment: Packet Docs (4839 : MLG Capitol)



Mequon Business Park



- Legend**
- County Boundary
 - Cities, Towns & Villages
 - City
 - Village
 - Civil Town
 - Index to EN_Image_Basemap_Leaf_Off



Wetland 1 was determined to be exempt from state wetland regulations.



NAD_1983_HARN_Wisconsin_TM

1: 1,980

DISCLAIMER: The information shown on these maps has been obtained from various sources, and are of varying age, reliability and resolution. These maps are not intended to be used for navigation, nor are these maps an authoritative source of information about legal land ownership or public access. No warranty, expressed or implied, is made regarding accuracy, applicability for a particular use, completeness, or legality of the information depicted on this map. For more information, see the DNR Legal Notices web page: <http://dnr.wi.gov/legal/>

Notes

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Building a Better World
for All of Us®

MEMORANDUM

TO: Ryan Pappas

FROM: Heidi Kennedy

CC: Joe Bukovich

DATE: December 9, 2019

RE: Mequon Lot 11 & 12
SEH No. MLGO 153440 14.00

On November 6, 2019 I visited Lots 11 & 12 in the City of Mequon, Ozaukee County to make a determination of potential wetlands at the site. A ditch was partially delineated by Wetland & Waterway Consulting LLC on October 9, 2019. The wetland delineation flags were still present and the area marked is an extension of the ditch south to Executive Drive. At Executive Drive the ditch empties in to a drop structures and then the storm sewer system. .

One data point was taken with in the area. Hydric vegetation was present but soils were highly disturbed. Hydrology was not present but the field work was outside of the growing season and would not be anticipated at this time of year. There was flowing water in the ditch at the time of the site visit and the sample point was taken in close proximity to the ditch. The attached map depicts the a shape file that was uploaded to the SWDV to show the boundaries that were delineated. The ditch is approximately 0.05 acres. A google earth image is also attached which shows the ditch and general topography of ditch, which was created between these three commerical parcels for stormwater drainage.

Photos of the area are also attached.

Considering that this work is outside of the growing season, although the soils were not hydric due and hydrology was not present, it is my professional opinion that the ditch would have been delineated as wetland during the growing season.

SEH is requesting the issuance of an exemption request for the ditch. Should you have any questions please contact me at 414-949-8988 or at hkennedy@sehinc.com.

Sincerely

Heidi Kennedy
Natural Resources Scientist

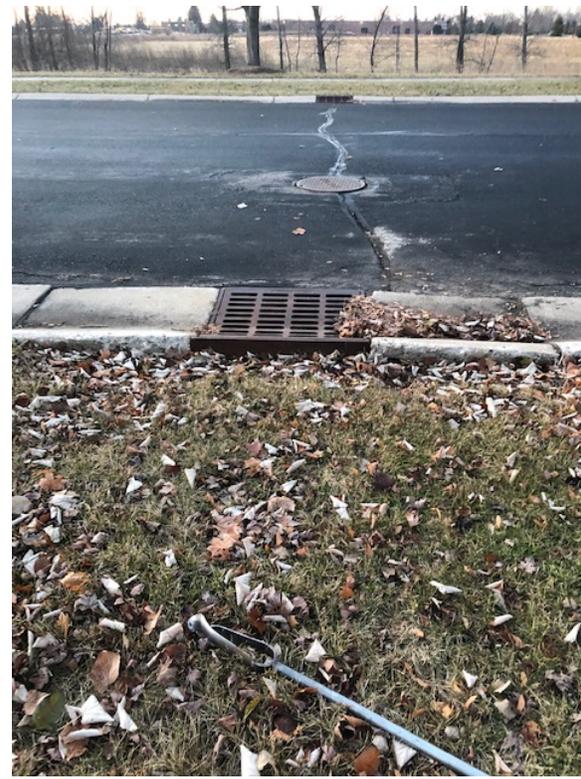
Engineers | Architects | Planners | Scientists

Short Elliott Hendrickson Inc., 1701 West Knapp Street, Suite B, Rice Lake, WI 54868-1350
SEH is 100% employee-owned | sehinc.com | 715.236.4000 | 800.903.6970 | 888.908.8166 fax

Attachment: Packet Docs (4839 : MLG Capitol)



Facing north. Showing drop structure ditch that intercepts flow from the ditch.



Facing north toward ditch, drop structure near steel posts, then drain towards road and storm system.

Attachment: Packet Docs (4839 : MLG Capitol)



Pictures along the ditch, facing east.



Photos of sample point

Attachment: Packet Docs (4839 : MLG Capitol)

WETLAND DETERMINATION DATA FORM - Midwest Region

Project/Site Executive Drive City/County: Mequon, Ozaukee Co. Sampling Date: 12/6/2019
 Applicant/Owner: MLGCO State: Wisconsin Sampling Point: DP-1
 Investigator(s): Heidi Kennedy Section, Township, Range: _____
 Landform (hillslope, terrace, etc.): ditch Local relief (concave, convex, none): concave
 Slope (%): 2 Lat: 43.21183 N Long: 87.99725 W Datum: WGS 27
 Soil Map Unit Name: Mequon silt loam, 1 to 3% slopes NWI Classification: none

Are climatic/hydrologic conditions of the site typical for this time of the year? N (If no, explain in remarks)
 Are vegetation _____, soil X, or hydrology _____ significantly disturbed? Are "normal circumstances" present? Yes
 Are vegetation _____, soil _____, or hydrology X naturally problematic? (If needed, explain any answers in remarks.)

SUMMARY OF FINDINGS

| | | |
|--|----------|--|
| Hydrophytic vegetation present? | <u>0</u> | Is the sampled area within a wetland? <u>Y</u> If yes, optional wetland site ID: _____ |
| Hydric soil present? | <u>N</u> | |
| Indicators of wetland hydrology present? | <u>N</u> | |

Remarks: (Explain alternative procedures here or in a separate report.)

Post - growing season. Climatic Conditions were wetter than normal at the end of this growing season.

VEGETATION -- Use scientific names of plants.

| Tree Stratum | (Plot size: <u>30' Radius</u>) | Absolute % Cover | Dominant Species | Indicator Status |
|-----------------------|--|--------------------------|------------------|------------------|
| 1 | -- | | | |
| 2 | -- | | | |
| 3 | -- | | | |
| 4 | -- | | | |
| 5 | -- | | | |
| | | <u>0</u> = Total Cover | | |
| Sapling/Shrub stratum | (Plot size: <u>15' Radius</u>) | | | |
| 1 | -- | | | |
| 2 | -- | | | |
| 3 | -- | | | |
| 4 | -- | | | |
| 5 | -- | | | |
| | | <u>0</u> = Total Cover | | |
| Herb stratum | (Plot size: <u>5' Radius</u>) | | | |
| 1 | <u>Juncus effusus</u> -- <u>common rush</u> | <u>40</u> | <u>Y</u> | <u>OBL</u> |
| 2 | <u>Poa pratensis</u> -- <u>Kentucky bluegrass</u> | <u>30</u> | <u>Y</u> | <u>FAC</u> |
| 3 | <u>Symphyotrichum lateriflorum</u> -- <u>Farewell-Summer</u> | <u>10</u> | <u>N</u> | <u>FACW</u> |
| 4 | <u>Scirpus atrovirens</u> <u>Dark-Green Bulrush</u> | <u>5</u> | <u>N</u> | <u>OBL</u> |
| 5 | <u>Typha X glauca</u> -- <u>cattail</u> | <u>5</u> | <u>N</u> | <u>OBL</u> |
| 6 | <u>Alisma subcordatum</u> -- <u>American Water-Plantain</u> | <u>5</u> | <u>N</u> | <u>OBL</u> |
| 7 | <u>Phalaris arundinacea</u> -- <u>Reed Canary Grass</u> | <u>5</u> | <u>N</u> | <u>FACW</u> |
| 8 | -- | | | |
| 9 | -- | | | |
| 10 | -- | | | |
| | | <u>100</u> = Total Cover | | |
| Woody vine stratum | (Plot size: <u>30' Radius</u>) | | | |
| 1 | -- | | | |
| 2 | -- | | | |
| | | <u>0</u> = Total Cover | | |

Dominance Test Worksheet

Number of Dominant Species that are OBL, FACW, or FAC: 2 (A)
 Total Number of Dominant Species Across all Strata: 2 (B)
 Percent of Dominant Species that are OBL, FACW, or FAC: 100.00% (A/B)

Prevalence Index Worksheet

Total % Cover of:

| | |
|---------------|-------------------------------|
| OBL species | <u>55</u> x 1 = <u>55</u> |
| FACW species | <u>15</u> x 2 = <u>30</u> |
| FAC species | <u>30</u> x 3 = <u>90</u> |
| FACU species | <u>0</u> x 4 = <u>0</u> |
| UPL species | <u>0</u> x 5 = <u>0</u> |
| Column totals | <u>100</u> (A) <u>175</u> (B) |

Prevalence Index = B/A = 1.75

Hydrophytic Vegetation Indicators:

Rapid test for hydrophytic vegetation
 Dominance test is >50%
 Prevalence index is ≤3.0*

Morphological adaptations* (provide supporting data in Remarks or on a separate sheet)
 Problematic hydrophytic vegetation* (explain)

*Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic

Hydrophytic vegetation present? _____

Remarks: (Include photo numbers here or on a separate sheet)

Attachment: Packet Docs (4839 : MLG Capitol)

SOIL

Sampling Point: DP-1

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

| Depth (Inches) | Matrix | | Redox Features | | | | Texture | Remarks |
|----------------|---------------|-----|----------------|---|-------|-------|-----------|-----------|
| | Color (moist) | % | Color (moist) | % | Type* | Loc** | | |
| 0-10 | 10YR 3/2 | 75 | | | | | silt loam | 5% gravel |
| | 10YR 6/2 | 20 | | | | | | |
| 10-18 | 10YR 5/4 | 100 | | | | | silt | |
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |

*Type: C = Concentration, D = Depletion, RM = Reduced Matrix, MS = Masked Sand Grains. **Location: PL = Pore Lining, M = Matrix

Hydric Soil Indicators:

- Histosol (A1)
- Histic Epipedon (A2)
- Black Histic (A3)
- Hydrogen Sulfide (A4)
- Stratified Layers (A5)
- 2 cm Muck (A10)
- Depleted Below Dark Surface (A11)
- Thick Dark Surface (A12)
- Sandy Mucky Mineral (S1)
- Sandy Gleyed Matrix (S4)
- Sandy Redox (S5)
- Stripped Matrix (S6)
- Loamy Mucky Mineral (F1)
- Loamy Gleyed Matrix (F2)
- Depleted Matrix (F3)
- Redox Dark Surface (F6)
- Depleted Dark Surface (F7)
- Redox Depressions (F8)

Indicators for Problematic Hydric Soils:

- Coast Prairie Redox (A16) (LRR K, L, R)
- Dark Surface (S7) (LRR K, L)
- 5 cm Mucky Peat or Peat (S3) (LRR K, L, R)
- Iron-Manganese Masses (F12) (LRR K, L, R)
- Very Shallow Dark Surface (TF12)
- Other (explain in remarks)

*Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic

Restrictive Layer (if observed):

Type: _____
Depth (inches): _____

Hydric soil present? N

Remarks:

Soil was graded in the past with defined mixed matrices in the upper layer.

HYDROLOGY

Wetland Hydrology Indicators:

Primary Indicators (minimum of one is required; check all that apply)

- Surface Water (A1)
- High Water Table (A2)
- Saturation (A3)
- Water Marks (B1)
- Sediment Deposits (B2)
- Drift Deposits (B3)
- Algal Mat or Crust (B4)
- Iron Deposits (B5)
- Inundation Visible on Aerial Imagery (B7)
- Sparsely Vegetated Concave Surface (B8)
- Water-Stained Leaves (B9)

Secondary Indicators (minimum of two required)

- Aquatic Fauna (B13)
- True Aquatic Plants (B14)
- Hydrogen Sulfide Odor (C1)
- Oxidized Rhizospheres on Living Roots (C3)
- Presence of Reduced Iron (C4)
- Recent Iron Reduction in Tilled Soils (C6)
- Thin Muck Surface (C7)
- Gauge or Well Data (D9)
- Other (Explain in Remarks)
- Surface Soil Cracks (B6)
- Drainage Patterns (B10)
- Dry-Season Water Table (C2)
- Crayfish Burrows (C8)
- Saturation Visible on Aerial Imagery (C9)
- Stunted or Stressed Plants (D1)
- Geomorphic Position (D2)
- FAC-Neutral Test (D5)

Field Observations:

Surface water present? Yes No Depth (inches): _____
 Water table present? Yes No Depth (inches): 18
 Saturation present? Yes No Depth (inches): 15
 (includes capillary fringe)

Indicators of wetland hydrology present? N

Describe recorded data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks:

1 inch of standing water in ditch 13 inches from data point

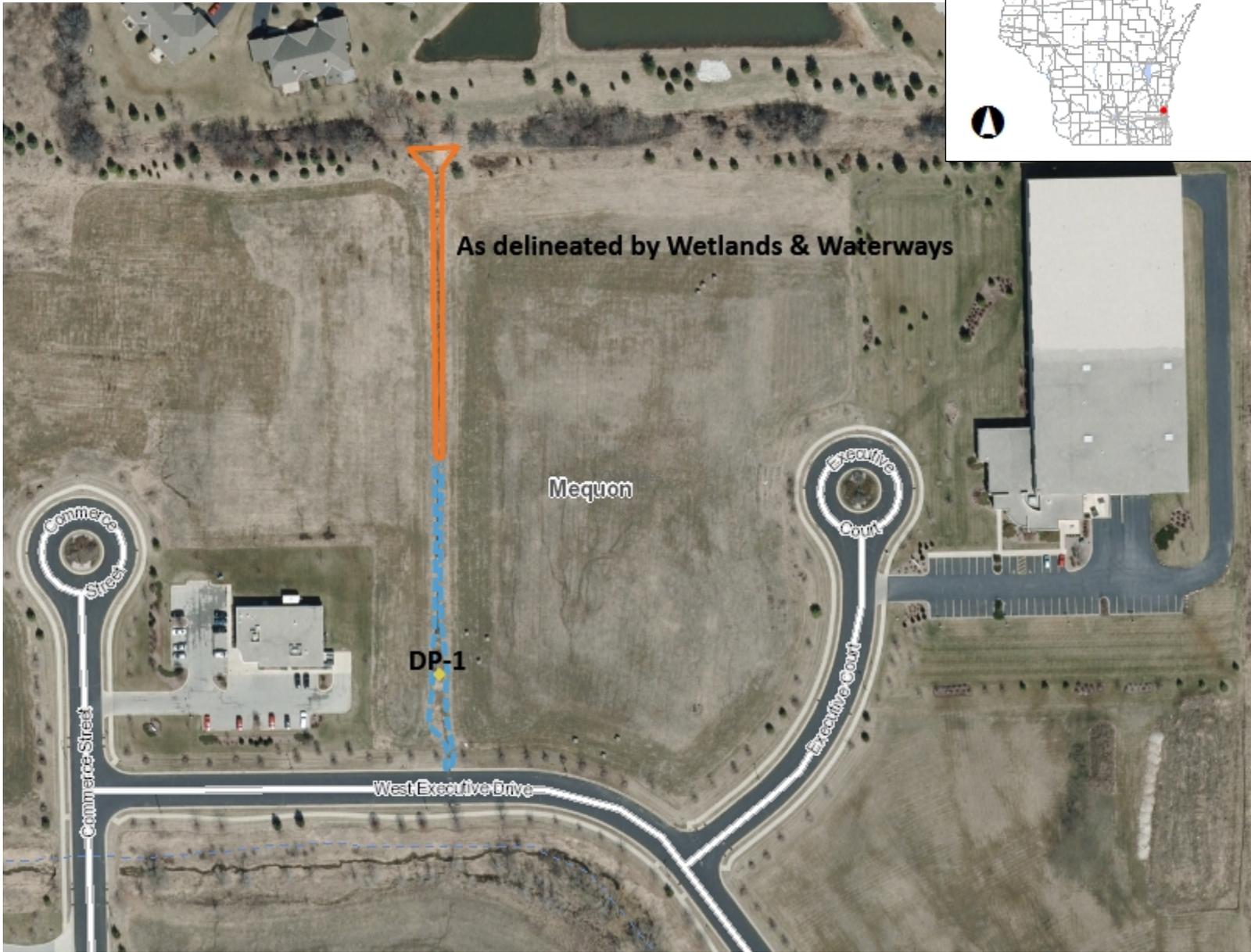
Attachment: Packet Docs (4839 : MLG Capitol)



Mequon Business Park



- Legend**
- County Boundary
 - Cities, Towns & Villages
 - City
 - Village
 - Civil Town
 - Index to EN_Image_Basemap_Leaf_Off



NAD_1983_HARN_Wisconsin_TM

1: 1,980

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Notes

Attachment: Packet Docs (4839 : MLG Capitol)

Ditch between Lots 10, 11 & 12

Write a description for your map.

3.b.a



Attachment: Packet Docs (4839 : MLG Capitol)





TO: Planning Commission
FROM: JAC ZADER, ASSISTANT DIRECTOR COMMUNITY DEVELOPMENT
DATE: February 10, 2020
SUBJECT: Bonnilake Real Estate, LLC. The applicant is seeking certified survey map approval for a 4-lot land division for the property located at the southwest corner of N. Birchwood Lane and W. Hemlock Lane.

Applicant: Bonnilake Real Estate, LLC
Status of Applicant: Agent
Requested: Final Land Division Approval
Existing Zoning: R-1B (rural Residential)
Land Use Plan: Residential (1.5 to 5- acre)
Lot size: 16.5 acres
Location: Southwest Corner of Hemlock and Birchwood Lane
Tax Key: #15-005-14-014.00
District: #5

Background:

The applicant requests certified survey map approval for the property located at the Southwest Corner of Hemlock and Birchwood Lane. The proposed land division creates four lots ranging in size from 4.13 acres to 4.21 acres. The Common Council approved the rezoning (see attached Ord# 2019-1555) on January 14, 2020 from R-1 to R-1B with a deed restriction that limited the total number of lots to four and required a minimum area of 4 acres.

Zoning District Standards and Site Conditions:

The proposed certified survey map is consistent with the current zoning designation of R-1B which requires a 2.5-acre lot minimum and an average lot width of 200 feet. The CSM shows a 50-foot offset along the south property line per Ord# 2019-1555. The final CSM shall show all other setbacks and offsets.

The City Forester, Mike Gies, has walked the site to identify specimen trees and has determined that there are three specimen trees on the northeast end of the site on Lot 2 and numerous specimen trees along the south property line. The specimen trees along the south property lines are protected by a 30-foot tree preservation easement. The three trees located on Lot 2 shall be protected by tree protection measures during the construction of the single-family home in accordance with the City Foresters recommendation.

Engineering Report:

Bridget Henk, Assistant City Engineer, has reviewed the application and has the following comments:

The site is located outside the City's sewer service area. A soil evaluation report for the usage of septic or mound systems is required. Per Ordinance 58-632 (d) No parcel of land may be divided

where public sanitary sewer is unavailable or where soil conditions preclude the installation of approved septic or mound systems unless the divided parcel(s) are deed restricted to uses which do not require a sewage disposal facility. The soil evaluations of the proposed parcels were submitted with the Planning Commission application. Ozaukee county reviews the soil evaluation report for the usage of a septic or mound system. Approval from Ozaukee County Land and Water Division is required prior to approval of the CSM.

Water service to each site will be provided through individual private wells.

Wetlands appear to be present on site. The Wisconsin DNR surface water data viewer and aerial photos were used to confirm that wetlands are potentially present. A wetland delineation report with concurrence by the Wisconsin Department of Natural Resources is required. The wetland setback shall be shown on the face of the CSM. Currently, the setbacks shown on CSM include a combination of 10-foot and 50-foot setbacks. If the delineation indicates that the setbacks shall be increased to 50-feet, each lot still includes buildable area.

A Filling and Excavation permit is not required. Filling and Excavation permits are waived for single family residences.

The site proposes potential land disturbance in excess of one acre. Evidence of the WDNR required WRAPP permit shall also be provided for the sites with over an acre of disturbance.

The lot construction that includes between 5,000 S.F. and 21,780 S.F. of new impervious surface requires a Green Infrastructure Plan in accordance with the MMSD requirements. Sites with an increase in impervious surface in excess of one-half acre and site disturbance of greater than an acre requires a stormwater management plan (SWMP). The proposed site will be required to provide additional stormwater management to meet the current City of Mequon, WDNR and MMSD criteria. Potential stormwater locations are indicated on the preliminary plat.

Other Technical Corrections:

The Engineering Division verified that the parcel closes. There appears to be a discrepancy in the area of lot 3.

Staff Recommendation:

Planning staff recommends **approval** of the land division subject to the following conditions:

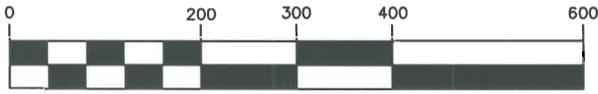
1. Final staff review and approval of CSM.
2. City Attorney approval of Deed Restriction and Tree Preservation Easement.
3. Compliance with the Tree Preservation Ordinance.
4. Common Council approval of the right of way dedication.
5. No certified survey map shall be offered for recording or recorded after 180 days from the date of approval by the Planning Commission.
6. Approval from Ozaukee County Land and Water Division on the usage of a septic or a mound system is required.
7. Applicant shall provide the wetland delineation report and add the wetland boundary to the face of the CSM, including applicable setbacks.
8. Application for and approval of a WDNR issued WRAPP permit for sites with greater than an acre of disturbance.
9. The applicant shall submit an electronic file for the proposed certified survey map in a format compatible with AutoCAD 2015 dwg or dxf in Wisconsin State Plane Coordinate system. South Zone (NAD 83).

10. The applicant shall make the future lot owners aware of the Green Infrastructure requirements of the lots. Approval of a green infrastructure plan or a stormwater management plan for the each site in conformance to MMSD Chapter 13 is required, including execution of a Storm Water Facilities Maintenance and Easement Agreement. As a condition of approval and issuance of the permit, the city engineer will require in accordance with City ordinance 58-677(b) that the applicant deposit an escrow or letter of credit to guarantee a good faith execution of the approved control plan and any permit conditions. The escrow / letter of credit shall be in an amount equal to 125% of the estimated cost of construction and maintenance of the storm water management practices and the City will release the portion of the Financial Guarantee less any costs incurred by the city to complete installation of practices, upon submission of a certification in accordance with 58-678(h).

Attachments:
Packet Docs (PDF)

CERTIFIED SURVEY MAP NO. _____

PART OF THE NORTHWEST 1/4 AND THE NORTHEAST 1/4 OF THE FRACTIONAL SOUTHEAST 1/4 OF SECTION 5, TOWN 9 NORTH, RANGE 22 EAST, IN THE CITY OF MEQUON, OZAUKEE COUNTY, WISCONSIN.



SCALE 1" = 200'



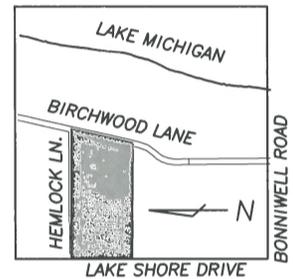
NORTH SHORE ENGINEERING, INC.
Consulting Engineers & Land Surveyors
11433 N. Port Washington Rd., Mequon, Wisconsin, 53092
(262) 241-9400 • FAX: (262) 241-5337
www.northshoreengineering.net

OWNERS:
HEMLOCK LANE, LLC
c/o FRED BERSCH
592 W. BONNIWELL RD.
MEQUON, WI 53097

LEGEND

- - DENOTES 1.315"X18" STEEL PIPE WEIGHING 1.13 LBS. PER LINEAL FOOT (SET)
- B-3 □ - DENOTES SOIL TEST LOCATION
- - DENOTES 1.3" STEEL PIPE FOUND

ALL BEARINGS REFERENCED TO GRID NORTH OF THE WISCONSIN STATE PLANE COORDINATE SYSTEM, SOUTH ZONE (WEST LINE OF THE SE. 1/4 OF SECTION 5-9-22 WHICH BEARS N1°57'34"W)



LOCATION MAP

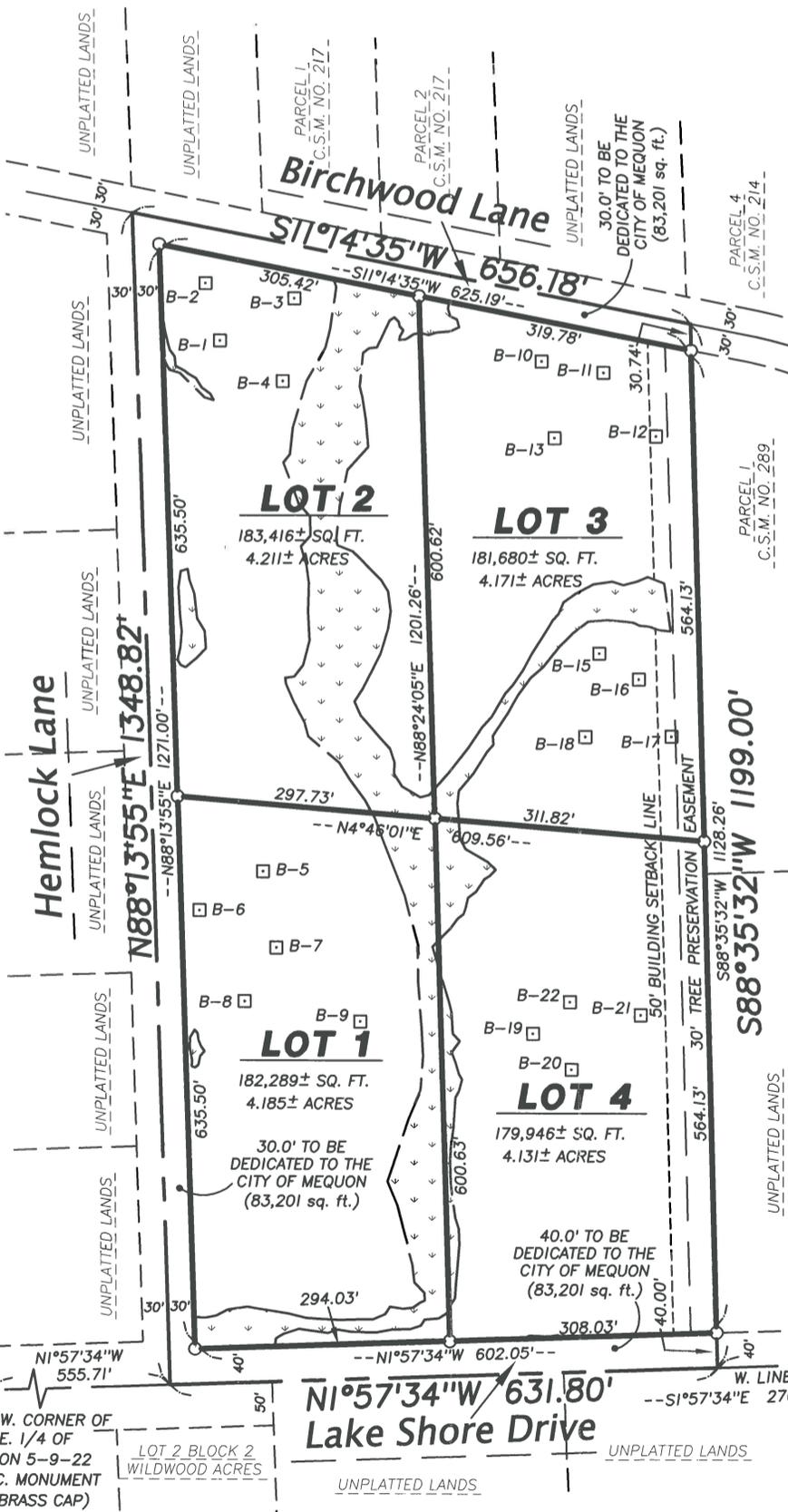
SOUTHEAST 1/4 SEC. 5-9-22
(SCALE 1"=2000')

NOTES :

1. CURRENT ZONING:
R-1 (RESIDENTIAL DISTRICT)
OA (AGRICULTURAL OVERLAY)
2. THIS PROPERTY IS ALSO SUBJECT TO EASEMENTS OF RECORD.
3. SEE SHEET 2-4 FOR DETAILED WETLAND INFORMATION.
4. THE ENTIRE PROPERTY IS HEREBY DEED RESTRICTED TO FOUR INDIVIDUAL LOTS OF NOT LESS THAN 4.0 ACRES EACH, PER DOCUMENT NO. _____ AS RECORDED WITH THE OZAUKEE COUNTY REGISTER OF DEEDS."



1-23-2020



THE NW. CORNER OF THE SE. 1/4 OF SECTION 5-9-22 (CONC. MONUMENT WITH BRASS CAP)

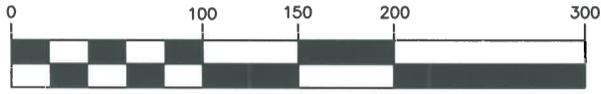
LOT 2 BLOCK 2 WILDWOOD ACRES

N1°57'34"W 631.80'
Lake Shore Drive

THE SW. CORNER OF THE SE. 1/4 OF SECTION 5-9-22 (CONC. MONUMENT WITH BRASS CAP)

CERTIFIED SURVEY MAP NO. _____

PART OF THE NORTHWEST 1/4 AND THE NORTHEAST 1/4 OF THE FRACTIONAL SOUTHEAST 1/4 OF SECTION 5, TOWN 9 NORTH, RANGE 22 EAST, IN THE CITY OF MEQUON, OZAUKEE COUNTY, WISCONSIN.

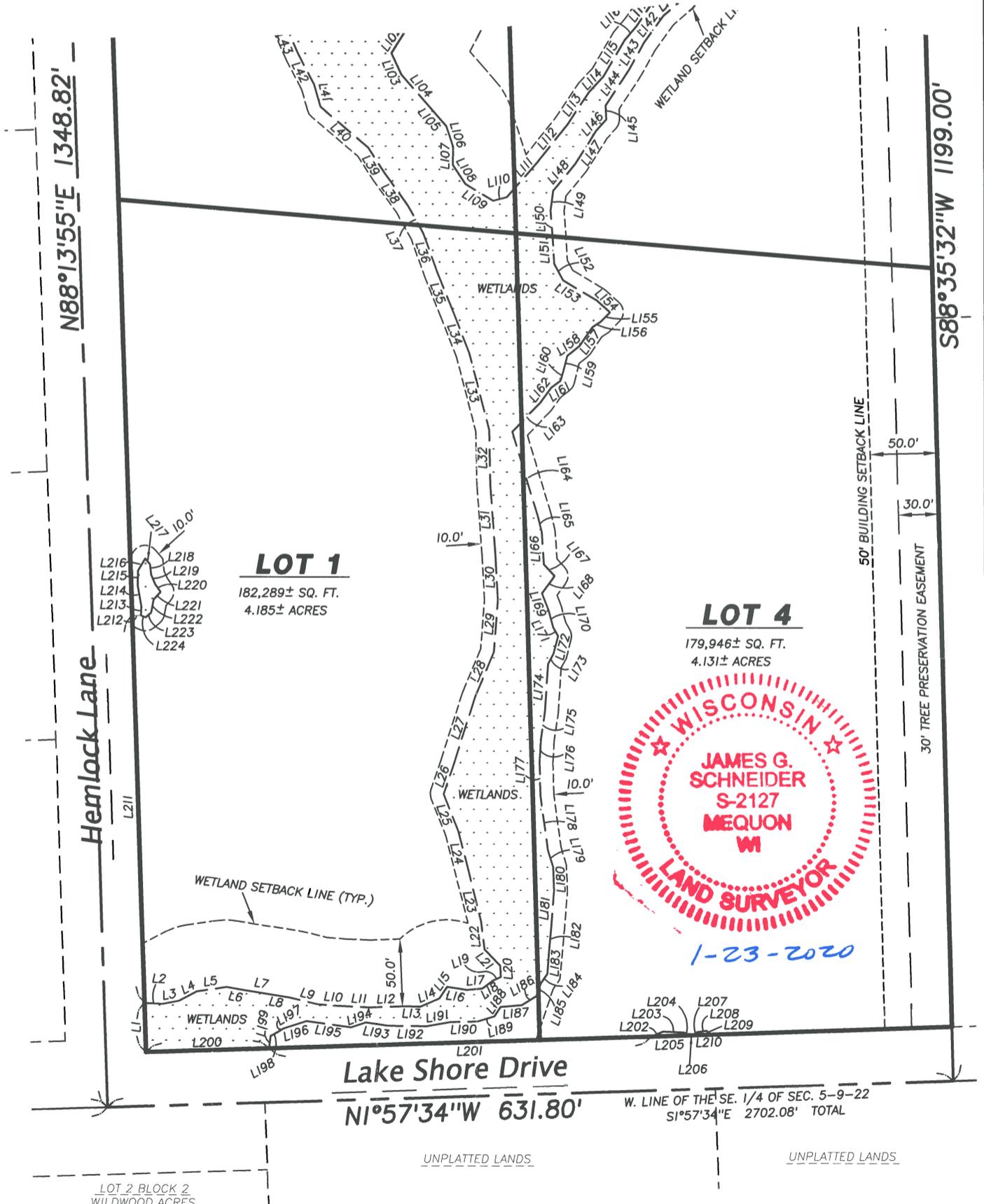


SCALE 1" = 100'



NORTH SHORE ENGINEERING, INC.
Consulting Engineers & Land Surveyors
11433 N. Port Washington Rd., Mequon, Wisconsin, 53092
(262) 241-9400 • FAX: (262) 241-5337
www.northshoreengineering.net

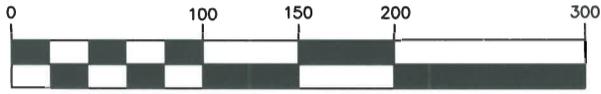
WETLANDS EXHIBIT



Attachment: Packet Docs (4840 : Bonnilake Real Estate, LLC)

CERTIFIED SURVEY MAP NO. _____

PART OF THE NORTHWEST 1/4 AND THE NORTHEAST 1/4 OF THE FRACTIONAL SOUTHEAST 1/4 OF SECTION 5, TOWN 9 NORTH, RANGE 22 EAST, IN THE CITY OF MEQUON, OZAUKEE COUNTY, WISCONSIN.



SCALE 1" = 100'

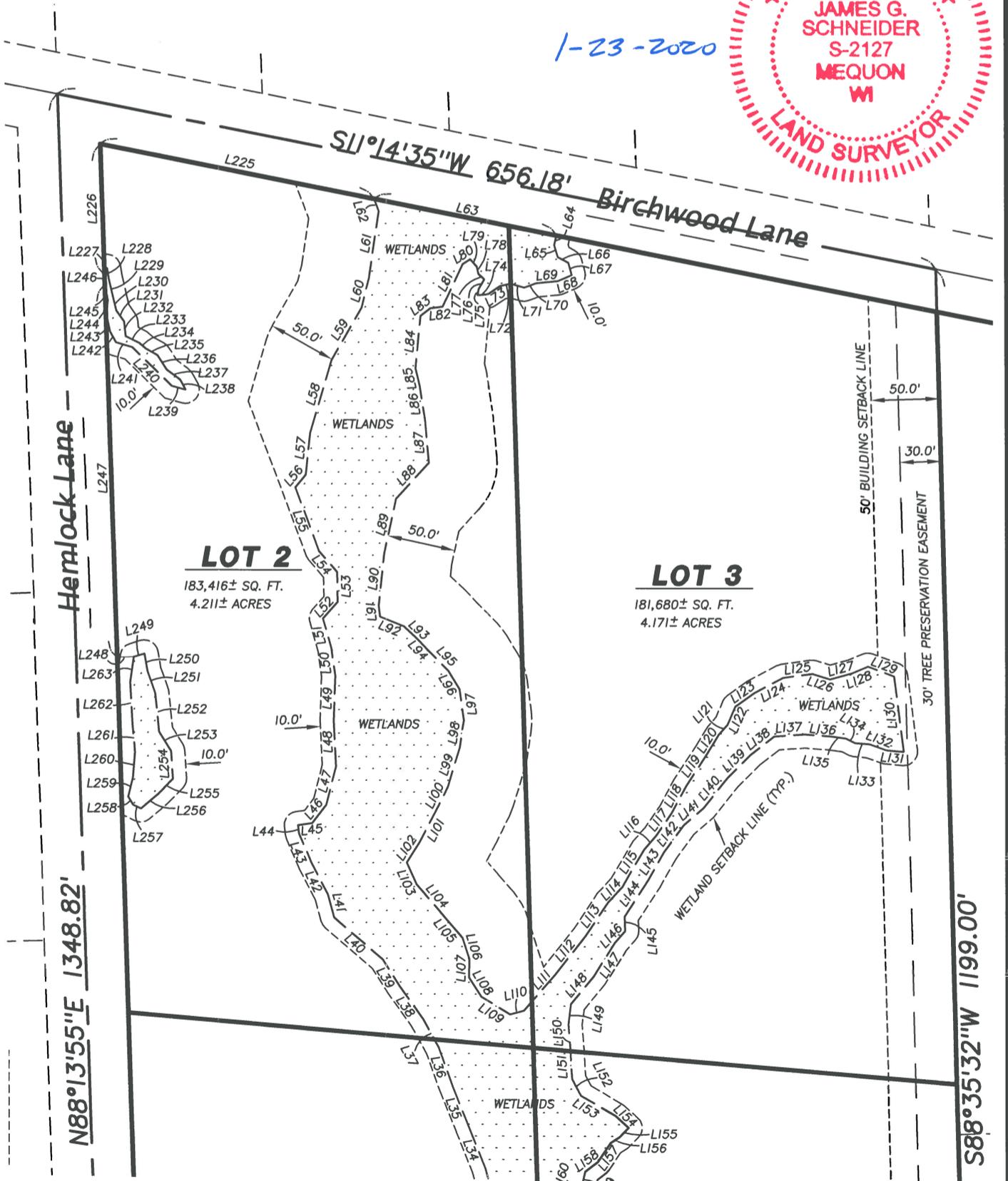


NORTH SHORE ENGINEERING, INC.
Consulting Engineers & Land Surveyors
11433 N. Port Washington Rd., Mequon, Wisconsin, 53092
(262) 241-9400 • FAX: (262) 241-5337
www.northshoreengineering.net

WETLANDS EXHIBIT



1-23-2020



Attachment: Packet Docs (4840 : Bonnilake Real Estate, LLC)

CERTIFIED SURVEY MAP NO. _____

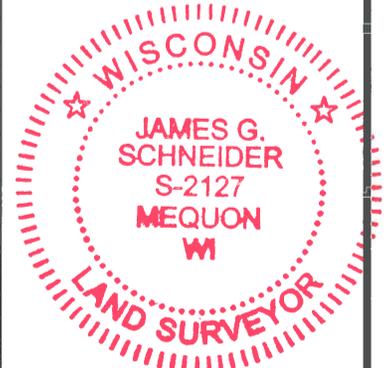
PART OF THE NORTHWEST 1/4 AND THE NORTHEAST 1/4 OF THE FRACTIONAL SOUTHEAST 1/4 OF SECTION 5, TOWN 9 NORTH, RANGE 22 EAST, IN THE CITY OF MEQUON, OZAUKEE COUNTY, WISCONSIN.

WETLANDS EXHIBIT



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Table with 4 columns: WETLAND LINE TABLE, LINE, LENGTH, BEARING. Contains 70 rows of data for each of the four tables.



1-23-2020

Attachment: Packet Docs (4840 : Bonnilake Real Estate, LLC)

CERTIFIED SURVEY MAP NO. _____

PART OF THE NORTHWEST 1/4 AND NORTHEAST 1/4 OF THE FRACTIONAL SOUTHEAST 1/4 OF SECTION 5, TOWN 9 NORTH, RANGE 22 EAST, IN THE CITY OF MEQUON, OZAUKEE COUNTY, WISCONSIN.

SURVEYOR'S CERTIFICATE

I, James G. Schneider, Professional Land Surveyor, do hereby certify:

THAT I have surveyed, divided and mapped the following parcel of land:

That part of the Northwest 1/4 and Northeast 1/4 of the Fractional Southeast 1/4 of Section 5, Township 9 North, Range 22 East, in the City of Mequon, Ozaukee County, Wisconsin, bounded and described as follows:

Commencing at the Southwest corner of the Fractional Southeast 1/4 of said Section 5; thence N1°57'34"W along the West line of said Fractional Southeast 1/4 and centerline of Lake Shore Drive, 1514.57 feet to the point of beginning of the land to be described; thence continuing N1°57'34"W along the West line of said Fractional Southeast 1/4 and centerline of Lake Shore Drive, 631.80 feet to a point in the centerline of Hemlock Lane; thence N88°13'55"E along the center line of Hemlock Lane, 1348.82 feet to a point in the centerline of Birchwood Lane; thence S11°14'35"W along the centerline of Birchwood Lane, 656.18 feet; thence S88°35'32"W and parallel with the South line of said 1/4 Section and in part along the North line of Certified Survey Map No. 289, 1199.00 feet to the point of beginning.

Said lands containing 18.593 acres of land, more or less.

That I have made such survey, land division, and plat at the direction of Hemlock Lane, LLC, OWNER of said lands.

That such map is a correct representation of all the exterior boundaries of the land surveyed and the land division thereof made.

That I have complied with, Chapter 236.34 of the Wisconsin Statutes and the requirements of the City of Mequon.

James G. Schneider S-2127

1-23-2020



This instrument was drafted by James G. Schneider

Attachment: Packet Docs (4840 : Bonnilake Real Estate, LLC)

CERTIFIED SURVEY MAP NO. _____

PART OF THE NORTHWEST 1/4 AND NORTHEAST 1/4 OF THE FRACTIONAL
SOUTHEAST 1/4 OF SECTION 5, TOWN 9 NORTH, RANGE 22 EAST, IN THE CITY
OF MEQUON, OZAUKEE COUNTY, WISCONSIN.

CORPORATE OWNER'S CERTIFICATE

I, Frederick P. Bersch (Member) of Hemlock Lane, LLC, OWNER, do hereby certify:
THAT, I have caused the lands described in the foregoing certificate of James G.
Schneider, Surveyor, to be surveyed, divided, mapped and dedicated.

WITNESS the hand and seal of said OWNERS on this _____ day of
_____, 20__.

Witness

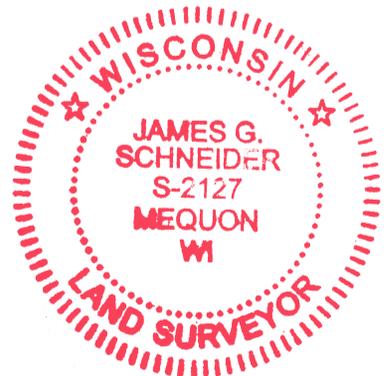
Frederick P. Bersch (Member)

STATE OF WISCONSIN)
OZAUKEE COUNTY)^{ss}

PERSONALLY came before me on this _____ day of _____, 20__
the above named Frederick P. Bersch (Member) to me known to be the person who
executed the foregoing certificate and acknowledged the same.

Notary Public

My Commission expires _____



This instrument was drafted by James G. Schneider

1-23-2020

Attachment: Packet Docs (4840 : Bonnilake Real Estate, LLC)

CERTIFIED SURVEY MAP NO. _____

PART OF THE NORTHWEST 1/4 AND NORTHEAST 1/4 OF THE FRACTIONAL
SOUTHEAST 1/4 OF SECTION 5, TOWN 9 NORTH, RANGE 22 EAST, IN THE CITY
OF MEQUON, OZAUKEE COUNTY, WISCONSIN.

CITY OF MEQUON PLAN COMMISSION APPROVAL

APPROVED by the City of Mequon Plan Commission on this _____ day of
_____ 20____.

Chairman

Secretary

COMMON COUNCIL CERTIFICATE OF APPROVAL

I certify that this Certified Survey Map was approved under Resolution File No.
_____, adopted by the Common Council of Mequon on _____, and
does hereby accept the dedication of road right of way for Lake Shore Drive, Hemlock
Lane and Birchwood Lane, as depicted on face of this map.

City Clerk

Mayor

CONSENT OF MORTGAGEE

TRI CITY NATIONAL BANK, existing under and by virtue of the laws of the State of
Wisconsin, mortgagee of the above described land does hereby consent to the
surveying, dividing, mapping and dedicating of the land described on this Certified
Survey Map and does hereby consent to the above certificate of Frederick P. Bersch
(Member) of Hemlock Lane, LLC , OWNER.

In witness whereof, the said Tri City National Bank has caused these presents to be
signed by _____, it's _____
at _____, Wisconsin, this _____ day of _____
_____, 20____.

IN THE PRESENCE OF:

Tri City National Bank

By: _____

STATE OF WISCONSIN)
OZAUKEE COUNTY)^{ss}

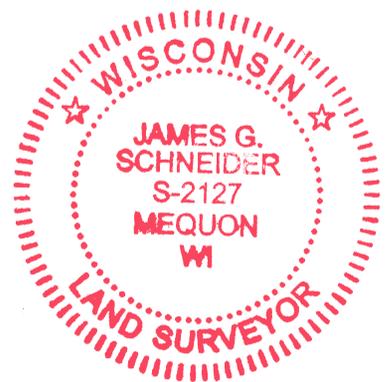
PERSONALLY came before me on this _____ day of _____
, 20____, _____, to me known to be the person who executed the
foregoing certificate and acknowledged the same.

Notary Public

My Commission expires _____

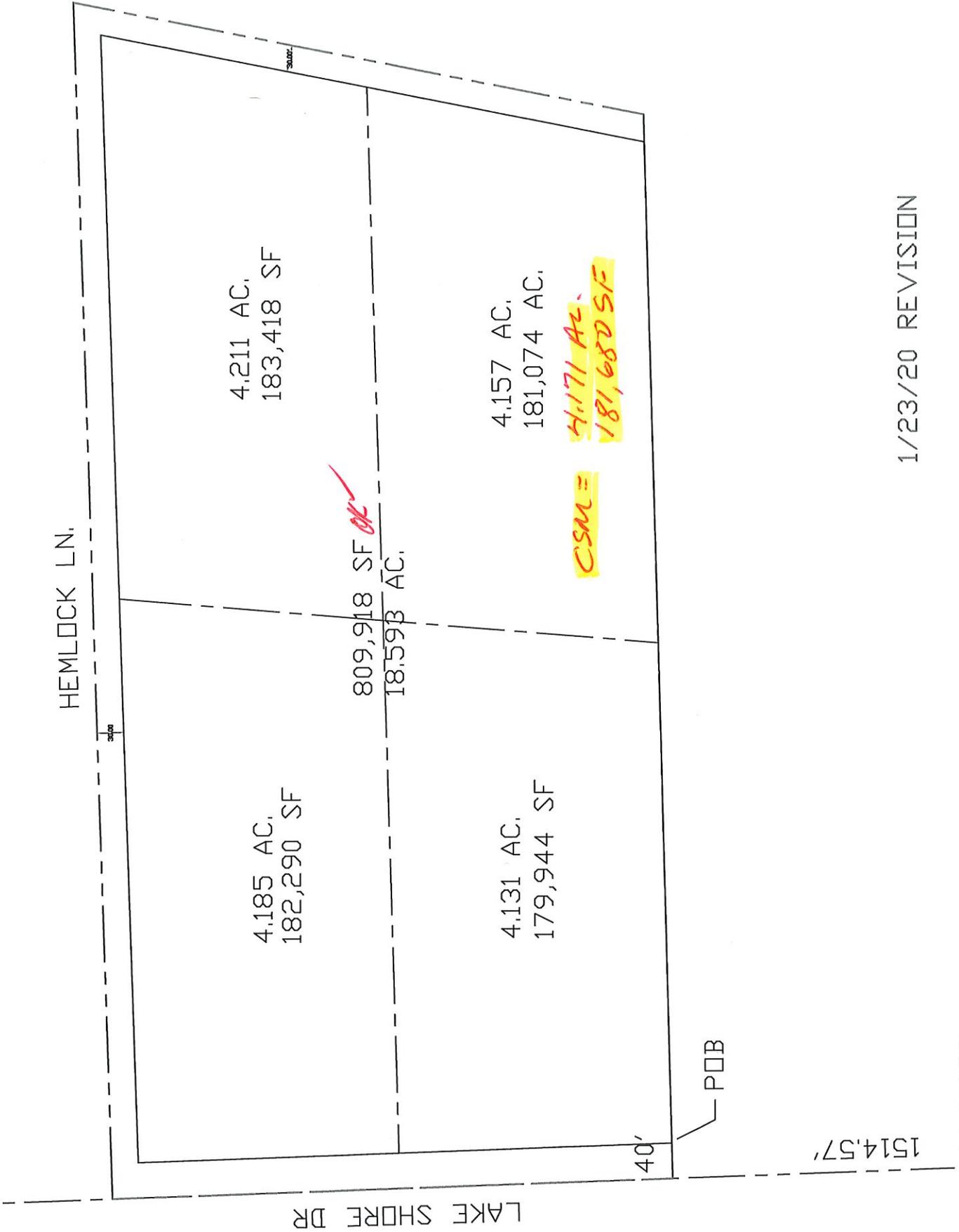
This instrument was drafted by James G. Schneider

Sheet 7 of 7 Sheets



1-23-2020

Attachment: Packet Docs (4840 : Bonnilake Real Estate, LLC)



1/23/20 REVISION

COMMON COUNCIL
OF THE
CITY OF MEQUON

ORDINANCE 2019-1555

An Ordinance Amending Chapter 58, Zoning Code, to Rezone the Property Located at the Southwest Corner of North Birchwood Lane and West Hemlock Lane from R-1/OA (Rural Residential 5-Acres/Agricultural Overlay) to R1-B (Rural Residential 2.5-Acres) and to Amend the Land Use Plan Map from Rural Residential 5-Acres to Residential 1.5-5 Acres

RECITALS

A. Pursuant to section 62.23(3) of the Wisconsin Statutes, the City of Mequon, is authorized to prepare and adopt a comprehensive plan, or amendment thereof, as defined in section 66.1001(1)(a) and 66.1001(2) and 66.1001(4)(c) and 66.1001(4)(d).

B. The Planning Commission by majority vote made a recommendation of approval on the 9th day of September, 2019.

C. The required due notice and public hearing by the Common Council of the City of Mequon occurred on the 10th day of December, 2019.

D. The Common Council reconsidered the item on January 14, 2020.

E. The Common Council finds that the following factors justify the rezoning: the parcel is less than 20 acres in area; the proposed lots will be deed restricted to a minimum of 4 acres; more than 80% of the properties surrounding the parcel contain lots averaging 2.5 acres; and there are no conservation subdivisions surrounding the parcel.

BASED UPON THE FOREGOING, THE COMMON COUNCIL OF THE CITY OF MEQUON, OZAUKEE COUNTY, STATE OF WISCONSIN, DO ORDAIN AS FOLLOWS:

SECTION I

Following recommendation of the Planning Commission on September 9, 2019, and after due notice and hearing by the Common Council of the City of Mequon on December 10, 2019, and reconsidered on January 14, 2020, the existing and official City of Mequon district zoning maps are hereby amended so as to change the zoning classification of certain properties, as described and illustrated in Exhibit A, to R-1B (Residential 2.5 Acre) and the Land Use Plan map to Residential 1.5-5 Acre subject to the following conditions:

1. A Deed Restriction shall be placed on the parcel limiting the overall development to four lots in accordance with the draft Certified Survey Map.
2. The south property line offset shall be 50 feet.

SECTION II

The terms and provision of this ordinance are severable. Should any term of provision of this ordinance be found to be invalid by a court of competent jurisdiction, the remaining terms and provisions shall remain in full force and effect.

SECTION III

All ordinances and parts of ordinances in contravention to this ordinance are hereby repealed.

SECTION IV

This ordinance shall be in full force and effect upon its passage and on the day after its publication.

Approved by: John Wirth, Mayor

Date Approved: January 14, 2020

I certify that the foregoing Ordinance was adopted by the Common Council of the City of Mequon, Wisconsin, at a meeting held on January 14, 2020.

Caroline Fochs, City Clerk

Published: _____

Attachment: Packet Docs (4840 : Bonnilake Real Estate, LLC)

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looking to be replaced; the entire MSWP will be reviewed and updated to verify whether additional storm water controls are needed as that area changes from pervious to impervious.

There was discussion about the rendering showing the evergreens on the north property line as misleading and that the evergreens are about 25 feet tall and they will not obscure the dome from being seen.

Action

Commissioner Stoker made a motion to approve an opaque dome based on staff recommendations with a midnight cut off for the lighting.

Ald. Strzelczyk seconded the motion.

A roll call vote was taken; vote failed (4-4) (No Votes: R. Schaefer, Parrish, J. Schaefer, Strzelczyk)

| | |
|------------------|---|
| RESULT: | FAILED [4 TO 4] |
| MOVER: | John Stoker, Commissioner |
| SECONDER: | Robert Strzelczyk, Alderman/Vice Chair |
| AYES: | Wirth, Choren, Lemke, Stoker |
| NAYS: | Strzelczyk, Parrish, J. Schaefer, R. Schaefer |

- c) **Fred Bersch & Paul Apfelbach.** The applicant is seeking preliminary plat, development agreement and rezoning recommendation; from R-1/OA (Rural Residential Detached/Agricultural Overlay) to R-1B (Rural Residential Detached 2.5 acre minimum), approval to allow for a 6-lot single-family subdivision for the property located at the southwest corner of N. Birchwood Lane and W. Hemlock Lane.

Commissioner Stoker recused himself from this item.

Asst. Dir. Zader stated that this is a request for rezoning recommendation, preliminary plat and development agreement approval for a 6-lot subdivision on the southwest corner of Birchwood and Hemlock Lanes. It is about 15.23 total acres after the dedication of right of way. A map was shown of the zoning in the surrounding area; with that the majority of the zoning in the area being R-2, R-1B or R-2B. He explained that prior to 2000 the area was zoned at 2.5 acre lot density. In 2000, the City went through a rezoning process where the entire city outside the sewer boundary was rezoned to a 5-acre minimum. The situation is that this parcel is zoned 5-acre but is surrounded by smaller lot sizes. In 2012 this policy issue was discussed by the Common Council as a number of property owners requested rezoning back to the previous zoning. At the time it was discussed whether individual property owners shall be allowed to request rezoning or whether a whole scale rezoning should be done; it was decided at the time that individuals would request rezoning as desired. A map of the surrounding area shows acreage size ranges from much smaller than the 5-acre zoning requirements; with most lots around 2 acres. The land use plan has mostly remained unchanged over the years as it is a well-established neighborhood.

Attachment: Packet Docs (4840 : Bonnilake Real Estate, LLC)

The plat shows a 6-lot subdivision which meets the 2.5 acre minimum. In terms of frontage, there is no infrastructure proposed for an additional road. There is access to Lake Shore Drive, Birchwood Lane and Hemlock Lane. Lot 5 is the only lot that does not show frontage on an existing road. The plat shows an easement through Lot 1 to discharge on Hemlock Lane. Staff has concerns as it crosses through a wetland area and staff recommends a shared access connecting with Lot 6 with discharge onto Lake Shore Drive. There are a number of specimen trees located on this site with the majority of them located along the south property line. The applicant has placed a 30 foot tree preservation easement there. There are 3 specimen trees on Lot 3 which shall be protected by the tree preservation protection during development.

After the packet was published, the applicant submitted an addendum; in response to a neighborhood meeting, to increase the setback on the south property line from the required 30 feet to 50 feet to provide a larger buffering to the neighboring subdivision. There is a large wetland complex which drains from east to west; development shall remain out the wetland setback. The area is full of dead ash trees which the applicant has agreed to remove as part of the development of the subdivision.

The development agreement allows for the construction of one single-family home prior to final plat as well as other conditions that protect the city in terms of development of the parcel. The rezoning recommendation will be in front of the Council in November. The preliminary plat and development agreement are on hold until after action on the rezoning. Staff recommends approval of this development subject to the conditions in the report and the addition of the 50 foot southern property line setback.

The applicant is represented by developers Fred Bersch and Paul Apfelbach as well as the property owner Linda de la Mora.

Public registered as opposed but do not wish to speak at the meeting:

Harris and Heidi Ladd
 Nassif and Amy Madi
 Sarada Prasad
 Marjorie Horvat
 Gary Kastelic
 David Mangeth
 Frank and Barbara Sandberg
 Louise Dernehl
 Tim Dunar
 Edward King

Ann McDonald – 13826 N. Birchwood Lane – is opposed as she has concerns regarding the continued growth development north. She would like to keep this area as green space and undeveloped. She worries that the 6 lots will cause run off issues as there is existing flooding on Lake Shore Drive. She believes there is more work to be done regarding well contamination, flood plain considerations and storm water management.

Theo Frankel – 584 W. Bonniwell Road – supports this project as he personally knows Mr.

Bersch as a conscientious developer and he encourages everyone not to make this a personal issue. He is supportive of the 6-lot proposed subdivision.

Matt Sullivan – 350 W. Hemlock Lane – opposes the project as his property faces this proposed development. He worries about protecting the wetlands during development. His concerns are regarding the aquifers and possible well replacement due to overdevelopment and the costs that he would incur. He stated that many of the surrounding neighbors signed a petition showing opposition to this proposed development.

Dr. Fred Horwitz – 13622 N. Lakewood – is opposed because he is concerned about subsurface water flow direction and possible bluff erosion. He feels that 6 homes instead of 3 homes sets rezoning precedent and the additional homes will negatively impact the surrounding homes.

Stephen De Guire – 10207 N Haden Court – he is supportive of this project because he supports smaller lots being offered in the city; especially on the east side of the city.

Chuck Schmidt – 424 W. Hemlock Lane – is opposed and he is concerned about the water table and the need to have it down even further and that he prefers 3 mound systems instead of 6.

Carol McCoy – 14138 N. Birchwood Lane – is opposed as she believes it sets precedents and that the city should follow the existing land use plan. She also has concerns about the wetlands on the site as they provide many functions. She believes that once the parcels are formed the individual home owners may fill the wetlands which could affect water quality downstream.

Daniel Dunar – 13708 N. Lake Shore Drive – is opposed and requests that the Commission follow the established land use plan as he feels that not following it undermines the strategy which has been in place and effective and has protected the landscape and quality life in the city.

Dan Bradley – 344 W. Bonniwell Road – he is opposed and many of his concerns have been previously mentioned. He stated that he was part of the Blue Ribbon Vision Committee that created the land use plan and he clarified that part of the intention was that existing parcels in that area were to remain as is and were not to influence the future going forward. He stated the policy was aimed at vacant land and not land that had existing homes on them. He feels that the most important issue is the precedent being set; specifically for vacant land. He does support 3 homes built there but not 6 homes.

Sarah Kerkman Dwyer – 14045 N. Birchwood Lane – supports the project as she believes that the property owner should be able to do what they want to do with their land. She feels that a lot of thought and time has gone into the proposed development and it has been well vetted. She feels that the concerns expressed from the previous speakers are based on fear.

Asst. City Eng. Henk responded to the public statements:

- There is not floodplain on this parcel.
- Storm water management is required and the applicant must show that the water leaving the site will not be any greater after the development than it currently is today and that it

flows in the same direction.

- The ash trees will be cut down but they will not be allowed to grind the stumps as that is considered wetland disturbance which requires a special permit.
- The DNR regulates the water table. All wells go through the DNR approval process. Packet page 167 #2 lists all the conditions the developer must establish for digging a well.
- Since 1998/1999 about 2,000 homes have been removed from the aquaphor and are now on city water. Concordia used to be a large draw and they are also now on city water.
- The aquaphor is about 160 feet deep in this area; about 140-150 feet are clay soils that the septic has to filter through.
- Experts have reported that the aquaphor is very strong in this area at this time.

The developer, Mr. Bersch, stated that the proposed rezoning should be evaluated on its individual merits; as stated in the staff report. He further stated that this parcel is surrounded by comparable sized single-family lots, and like those properties, the proposed lots will have septic mounds and private well systems. They have performed soil testing to identify 6 acceptable mound sites. There are no new public improvements required for this subdivision. He stated that this development will resolve the localized flooding at the northwest corner on Lake Shore Drive. Additionally this proposal has addressed all the required civil and engineering issues including street tree preservation, street trees, a \$50,000 Cisteen contribution, wetland preservation and storm water management. He added that there is no objective evidence that septic mounds and private wells on 2.5 acre lots will have any adverse public health or public safety impact. He believes the proposed homes will enhance the property values of the surrounding lots and that many potential home owners prefer the smaller size lots (1.5 – 2.5 acre range).

Some of the Commissioners expressed concern that precedent would be set and that it would affect the 77 acre parcel north of this site.

Mayor Wirth stated that the 2010 Vision report was created by a non-binding committee that made a recommendation. This applies to the Blue Ribbon Vision Committee from 2000 as well. He feels that the blanket zoning applied at that time did not consider individual properties or individual areas. The property owners have the right to ask for changes to their land. He believes that good planning decisions are based on the evaluating the surrounding area and whether the rezoning request is compatible. He reminded the Commission that their job is to evaluate the parcel as it is today and not base it on previous plans. He believes that science supports the aquaphor as being very strong and that there are strict state rules that ground water problems are not being created by this development. He will vote to support this project. He is supportive of a note to the motion that the north 77 acre parcel not be granted this zoning.

Action

Ald. Strzelczyk made a motion to approve the item with a clear statement that this decision does not set a precedent for other surrounding large parcels to be rezoned to smaller lots.

Commissioner Lemke seconded the motion.

A roll call vote was taken; vote passed (5-3) (No Votes: R. Schaefer, J. Schaefer, Parrish)

| | |
|------------------|--|
| RESULT: | APPROVED WITH CONDITIONS [5 TO 3] |
| MOVER: | Robert Strzelczyk, Alderman/Vice Chair |
| SECONDER: | Rick Lemke, Commissioner |
| AYES: | Wirth, Strzelczyk, Baka, Choren, Lemke |
| NAYS: | Parrish, J. Schaefer, R. Schaefer |
| RECUSED: | Stoker |

5) Announcements

The next meeting is Monday, October 7, 2019 at 6:00 p.m.

6) Adjourn

Action

Commissioner Parrish made a motion to adjourn.

Commissioner Lemke seconded the motion.

A voice vote was taken; vote passed (8-0)

The meeting concluded at 8:10 p.m.

Respectfully Submitted,

Jac Zader



11333 N. Cedarburg Road
Mequon, WI 53092
Phone: 262-236-2914
Fax: 262-242-9655

www.ci.mequon.wi.us

Office of the City Clerk
Taped and Televised

COMMON COUNCIL
Tuesday, December 10, 2019 - 7:30 PM
or immediately following the
Sewer Utility District Commission meeting
Christine Nuernberg Hall

Minutes

1) Call to Order, Pledge of Allegiance, Roll Call

Mayor Wirth called the meeting to order at 7:32 PM.

Present:

- Mayor John Wirth
- Alderman Robert Strzelczyk
- Alderman Glenn Bushee
- Alderman Dale Mayr
- Alderman Jeffrey Hansher
- Alderman Mark Gierl
- Alderman Brian Parrish
- Alderman Kathleen Schneider
- Alderman Andrew Nerbun

Also present: City Administrator Jones, City Attorney Sajdak, Assistant City Administrator Schoenemann, City Clerk Fochs, City Engineer/Public Works Director Lundeen, Community Development Director Tollefson, Assistant Director of Community Development Zader, Finance Director Watson, Assistant Finance Director Krueger, Chief of Police Pryor; Fire Chief Bialk, IT Director McCaw, Parks and Forestry Superintendent Geis; Linda de la Mora; press and interested public.

2) Public Hearing:

ORDINANCE 2019-1555 - An Ordinance Amending Chapter 58, Zoning Code, to Rezone the Property Located at the Southwest Corner of North Birchwood Lane and Hemlock Lane from R-1/OA (Rural Residential 5-Acres/Agricultural Overlay) to R1-B (Rural Residential 2.5-Acres) and to Amend the Land Use Plan Map from Rural Residential 5-Acres to Residential 1.5-5 Acres; Recommended by Planning Commission September 9; First Reading at Common Council October 15, 2019.

Motion to open the public hearing for **ORDINANCE 2019-1555**.

Attachment: Packet Docs (4840 : Bonnilake Real Estate, LLC)

RESULT: Approved by Voice Acclamation [Unanimous]
MOVED BY: Alderman Strzelczyk
SECONDED BY: Alderman Mayr

AYES: Strzelczyk, Bushee, Mayr, Hansher, Gierl, Parrish, Schneider, Nerbun

The following people spoke against **ORDINANCE 2019-1555**: Daniel Dunar, Ellen Roberts, Doug Roberts, Tim Dunar, Louise Dernehl, Matt Sullivan, Bill Schumaker, Gloria Tsao, Tom Saeger, Judy Saeger, Ann McDonald, Carol Walicki, Howard Schlei, Carol McCoy, Beth Schumaker, Mary Ireland, Chuck Schmidt, Dan Bradley, Julia Berry, Edward King, Rob Duncan, Nick Dobrinin, Roamn Rodichev, and Alex Leykin.

Issues cited were preference for less dense and rural community with five acre minimum lots, effect of construction on their natural resources such as water and roads, protection of the aquifer, and concern for increased traffic.

The following people opposed **ORDINANCE 2019-1555** but did not wish to speak: Barbara Sandberg, James Champa, Keh Tsao, Ray Brunette, Sr., Michael McDonald, Peter Stark, Elizabeth Wiza, Wava Utt, Brian Utt, Frank Sandberg, Ravji Kumbhani,

Theo Frenkel spoke in favor of **ORDINANCE 2019-1555** supporting progress, aquifer capabilities, and responsible development.

Motion to close the public hearing for **ORDINANCE 2019-1555**.

RESULT: Approved by Voice Acclamation [Unanimous]
MOVED BY: Alderman Mayr
SECONDED BY: Alderman Nerbun

AYES: Strzelczyk, Bushee, Mayr, Hansher, Gierl, Parrish, Schneider, Nerbun

Motion to suspend the rules and take action on **ORDINANCE 2019-1555** and **RESOLUTION 3664**.

RESULT: Approved by Voice Acclamation [Unanimous]
MOVED BY: Alderman Mayr
SECONDED BY: Alderman Nerbun

AYES: Strzelczyk, Bushee, Mayr, Hansher, Gierl, Parrish, Schneider, Nerbun

Assistant Community Development Director Zader outlined the history of the subject parcel. From Mequon's incorporation until 2000 the area was primarily zoned R-1, which at the time allowed for 2.5 acre lots. In 2000, the City Council decided to rezone all properties outside the sewer boundary to 5-acre residential.

Attachment: Packet Docs (4840 : Bonnilake Real Estate, LLC)

Ms. Linda De La Mora, one of the four owners of the subject property provided a short historical summary. The property has been in the family for 76 years. The current owners have decided to develop the land and they enlisted the help of Fred Bersch and Paul Apfelbach. She requested approval of their proposed development with 2.5 acre lots and maintains that is would be consistent with the neighborhood and beneficial to the City of Mequon.

Fred Bersch provided an historical timeline of the development of the neighborhood, the land use plan map, and the 2035 Comprehensive Plan for Mequon. Maintaining the rural character of the neighborhood is a reasonable plan goal and the proposed development is consistent with that goal. Paul Apfelbach, also working with the property owners, stated that the proposed six lots are larger than the majority of the lots in the area.

Director Lundeen indicated that the incremental increase from three homes to six homes is not anticipated to have an impact on other wells in the vacinity. There are multiple aquifers and aquifers may have inhibitors, such as bedrock, that would require them to go deeper than other properties that may not.

Attorney Sajdak explained that the State legislature enacted legislation, effective January 1, 2019, eliminating protest petitions from the state code. Local protest provisions are not within Mequon's code. Therefore, a majority vote will determine the outcome.

Motion to suspend the rules and allow aldermen to speak over five minutes.

RESULT: Approved by Roll Call Vote [6 to 2]
MOVED BY: Alderman Gierl
SECONDED BY: Alderman Parrish

| | |
|--------------|---|
| AYES: | Strzelczyk, Bushee, Mayr, Gierl, Parrish, Schneider |
| NAYS: | Hansher, Nerbun |

Alderman Gierl summarized the history of the rezoning of the property and the results of the Blue Ribbon Visioning Committee of 1999, Ordinance 2000-991, and Ordinance 2000-992. He further talked about current and previous zoning, the fragile aquifer, neighbors that have had to re-drill wells and irrigation systems.

Mayor Wirth passed the gavel to the Council President and commented on the water table in this area.

The Common Council took a short break.

Council discussion ensued on the property tax history, aquifer, draw down tests, in fill parcels, precedent setting, city-wide survey results, and fairness to property owners.

Attachment: Packet Docs (4840 : Bonnilake Real Estate, LLC)

- a) **ORDINANCE 2019-1555** - An Ordinance Amending Chapter 58, Zoning Code, to Rezone the Property Located at the Southwest Corner of North Birchwood Lane and West Hemlock Lane from R-1/OA (Rural Residential 5-Acres/Agricultural Overlay) to R1-B (Rural Residential 2.5-Acres) and to Amend the Land Use Plan Map from Rural Residential 5-Acres to Residential 1.5-5 Acres.

Motion to deny **ORDINANCE 2019-1555**.

RESULT: Approved by Roll Call Vote [5 to 3]
MOVED BY: Alderman Gierl
SECONDED BY: Alderman Hansher

| | |
|--------------|---|
| AYES: | Bushee, Mayr, Gierl, Parrish, Schneider |
| NAYS: | Strzelczyk, Hansher, Nerbun |

3) Personal Appearances and Public Comment:

Debbie Tomczyk spoke on behalf of **ORDINANCE 2019-1559** and Collectique, a business that will be affected by the resale business ordinance. She requested minor amendments to the ordinance: 1) allow "movable" displays and 2) allow merchandise to be displayed in windows.

4) Public Officials' Reports:

- a) Mayor: The Mayor extended his thanks for the Festivals Committee for their hard work in planning the recent Winter Wonderland event at City Hall. In addition, he extended holiday wishes to all.
- b) City Administrator: None.

5) Consent Agenda:

RESULT: Approved by Voice Acclamation [Unanimous]
MOVED BY: Alderman Strzelczyk
SECONDED BY: Alderman Nerbun

| | |
|--------------|--|
| AYES: | Strzelczyk, Bushee, Mayr, Hansher, Gierl, Parrish, Schneider, Nerbun |
|--------------|--|

- a) Common Council meeting minutes of November 12, 2019.
- b) Architectural Board meeting minutes of October 14, 2019.
- c) Board of Appeals meeting minutes of May 2, 2019.
- d) Board of Police and Fire Commissioners meeting minutes of November 5, 2019.
- e) Festivals Committee meeting minutes of October 14, 2019.
- f) Finance-Personnel Committee meeting minutes of October 15, 2019.
- g) Public Safety Committee meeting minutes of October 15, 2019.
- h) Public Welfare Committee meeting minutes of August 27 and October 15, 2019.

Attachment: Packet Docs (4840 : Bonnilake Real Estate, LLC)



TO: Planning Commission
FROM: PA PHOUALA VANG, PLANNER
DATE: February 10, 2020
SUBJECT: Design to Construct for Athlete Performance. The applicant is seeking a consultation for a new 33,390 sq. ft. athletic facility for the property located northwest of Executive Court (Currently Lot 1 of Mequon II Business Park).

Applicant: Design 2 Construct for Athlete Performance
Status of Applicant: Agent
Requested: Consultation
Existing Zoning: B- 5 (Light Industrial District)
PUD (Planned Unit Development)
Land Use Plan: Community Commercial
Lot size: 4.05 acres
Location: Northwest Corners of N Executive Court
Tax Key: #14-005-14-014.00
District: #5

Background:

The applicant is requesting consultation for a proposed athletic facility at the northwest corner of N Executive Court. There is one other item on the agenda related to this item. The Certified Survey Map application will create three lots including the site for this facility. The proposed athletic facility will be on the 4.05-acre lot northwest of Executive court. A fitness center is a conditional use in the B-5 zoning district. The applicant intends to apply for building and site plan and conditional use grant approval at the March Planning Commission meeting.

Floor Plan:

The proposed 33,390 square foot facility will feature 3 basketball courts, a baseball area, Athlete Performance training facility and three other tenant spaces.

Site Plan:

The proposal meets the district requirements of the B-5 zoning district. The site plan shows future additions which would make the site non-conforming to the open space requirement. The applicant has indicated that they intend to utilize open space borrowing from Outlot 1 of the proposed CSM to achieve compliance with the open space requirement when the addition comes forward. Proposed Outlot 1 of the proposed CSM is 2.45 acres and is not developable per the Development Agreement. Open space borrowing from the outlot is permitted. The applicant will be required to utilized 11,000 square feet from the outlot to meet the open space requirement of the future addition. The future addition(s) will require an amendment to the conditional use.

The total number of parking stalls proposed is 152. The three basketball courts will generate the most users. During the daytime peak hours of 8:00 AM – 5:00 PM, the expected peak occupancy is 121 occupants. This includes day camps with 75 occupants plus 4 staff members for the

basketball courts, 6 occupants with 2 staff members for Athlete Performance, 8 occupancy with 1 staff member for baseball tenant and 15 occupants with 10 staff members for the other tenant spaces.

The applicant indicated that during the evening peak hours of 5:00 PM -9:00 PM, anywhere up to 75 occupants will utilize the basketball courts, Athlete Performance facility and batting cage area.

The applicant indicated that the site will host showcase tournaments on weekends. In these circumstances, the teams will be shuttled from Brown Deer and Homestead High schools. This can be added as a condition of the conditional use grant when that application comes forward. No parking is permitted on any city street unless approved by the Police Department. The applicant indicated that they provided approximately 25% additional parking above the maximum occupancy number to accommodate the future expansion.

The code requires on space per three persons that can be accommodated at the same time and one space per employee for health and athletic clubs. Since the applicant has accounted for the maximum number of occupants during peak hours and has provided one parking stall per occupant, the proposed parking meets the parking requirements per the code.

The stalls are proposed at 10x20 feet. The applicant shall note that the Planning Commission has approved 9’x18’ stalls for other developments in the past if they chose to reduce the size of the stalls to accommodate more parking or increase the open space ratio.

Building Design:

The building materials include painted precast panels with blue accents and blue fiber cement panels. The tenant spaces have white brick with blue fiber cement panel accents. The north and west walls of the basketball area will be insulated metal panels painted blue to match the rest of the building. The west elevation will be constructed with metal panels and feature one overhead door. The metal panel on the west and north elevation are the expansion walls for the future addition. The south elevation faces the main parking lot and features the main entrance. The east elevation faces the smaller parking lot and has a proposed natural stone façade and entrances into the tenant spaces. The overall building height is 30 feet which meets the height requirement in the B-5 district. The overall design is similar to other structures in the business park which feature precast concrete panels at a similar building height.

Lighting Plan:

The photometrics show a parking area footcandle average of 2.74 FC. The plan shall be reduced to meet the code requirement of parking lot lighting to maintain a two footcandle average. The applicant shall submit cut sheets for all proposed fixtures. Parking lot lighting is allowed up to 20 feet in height. Any parking lot light structure within 100 feet of a residential use shall not exceed 16 feet in height.

Landscape Plan:

Landscape consultant, Michael T. Higgins, will conduct a full review of the proposed landscape plan as part of the building and site plan application.

Engineering Report:

Bridget Henk, Assistant City Engineer, has reviewed the application and has the following comments:

Access is provided at the north side of the cul-de-sac on Executive Court.

The site is located within the City's sewer service area and connection to the public utility is required. There is currently sanitary sewer service and water service available on the site.

Wetlands appear to be present on site. A wetland delineation report and concurrence by the WDNR was provided with the CSM application. The wetland is considered exempt by the WDNR. Wetland regulations and setbacks are not applicable to exempt wetlands.

A Filling and Excavation permit is required. The total amount of filling and excavation is anticipated to be less than 1,000 cubic yards. As plans are developed, if the total of filling and excavation exceeds 1,000 cubic yards a haul route shall be provided for staff approval and haul route bond are required. The haul route and haul route bond are intended to protect City streets from the increase in the amount of hauled material.

The site proposes land disturbance in excess of one acre, therefore a City erosion control permit is required. Evidence of the WDNR required WRAPP permit shall also be provided for the site.

The site proposes an increase in impervious surface in excess of one-half acre and site disturbance of greater than an acre therefore requires a stormwater management plan (SWMP). The proposed site will be required to provide additional stormwater management to meet the current City of Mequon, WDNR and MMSD criteria.

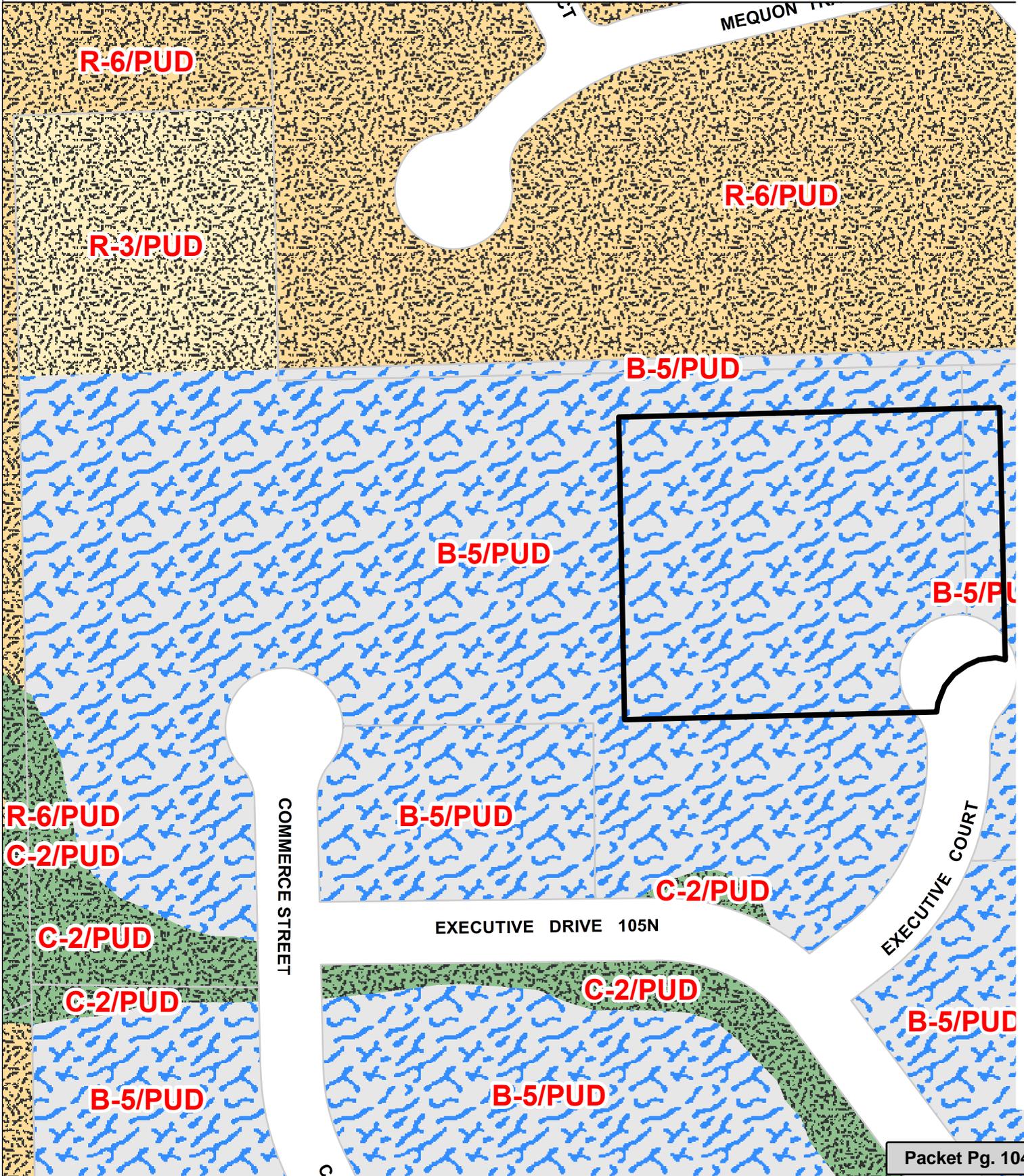
Staff Comment:

Overall, staff is supportive of the project and is encouraged by continued development of the business park. Staff will continue to work with the applicant going forward to address the issues identified by the Commissioners and as well as items identified in the report.

Attachments:
packet Docs (PDF)

Design to Construct for Athlete Performance

| | | | |
|-----|--------------------------------|------|--|
| AC | Arrival Corridor | LTD | Limited Use |
| A-1 | Agricultural Preserve | OA | Agricultural Overlay |
| A-2 | General Agricultural | PUD | Planned Unit Development Overlay |
| B-1 | Neighborhood Business | P-1 | Park & Recreation |
| B-2 | Community Business | R-1 | Single-Family Residential (5 Ac. Min.) |
| B-3 | Office & Service Business | R-1B | Single-Family Residential (2.5 Ac. Min.) |
| B-4 | Business Park | R-2 | Single-Family Residential (2.0 Ac. Min.) |
| B-5 | Light Industrial | R-2B | Single-Family Residential (1.5 Ac. Min.) |
| B-6 | Rural Industrial | R-3 | Single-Family Residential (1.0 Ac. Min.) |
| B-7 | Rural Business | R-4 | Single-Family Residential (3/4 Ac. Min.) |
| C-1 | Shoreland/Wetland Conservancy | R-5 | Single-Family Residential (1/2 Ac. Min.) |
| C-2 | General Conservancy | R-6 | Single-Family Residential (4 du/Ac) |
| CGO | Central Growth Overlay | RM | Multi-Family Residential |
| FFO | Flood Fringe Overlay | TC | Town Center |
| FW | Floodway | TDR | Transfer of Development Rights |
| IPS | Institutional & Public Service | | |



Attachment: packet Docs (4872 : Design to Construct for Athlete Performance)



N173 W21010

Northwest Passage Way

Jackson, WI 53037

Tel: 262.677-9933

Fax: 262.677.9934

January 31st, 2020

City of Mequon

Dear City Planner:

Overview:

Steve Becker with the Athlete Performance is proposing to build a new 33,390 S.F. Athletic Facility with accessory business tenants on the existing unbuilt site off of the Northwest portion of Executive Court. The building will include (3) basketball courts with expansion for an additional court, a baseball batting cage area, an athletic training space for Athlete Performance, and (3) business tenant spaces. Due to the primary use of the building being a fitness center, we will be seeking approval of a Conditional Use Grant in addition to our Site Plan and Building approval.

The basketball court area is located on the west end of the building with a small area to the north of the courts for baseball batting cages. The Athlete Performance space will be in the center of the building and the tenant spaces are located on the east side of the building. Parking is located on the south and east sides of the building with a total of 152 parking stalls provided.

The building design features painted precast panels with blue accents in the basketball and baseball areas and blue fiber cement panels for the Athlete Performance area. The tenant spaces will have white brick with blue fiber cement panel accents. The north and west walls of the basketball area will be insulated metal panels painted blue to match rest of building. These walls are insulated metal panel to make future expansion feasible as indicated on our site plan.

Occupancy/Parking Breakdown:

The peak occupancy times for this building have been listed by the owner to verify we have sufficient parking. The peak hours for day time and evening hours are broken out separately below:

Evening Hours Peak Occupancy (5PM – 9PM):

- Basketball Courts: 50 occupants using the basketball courts and 3 staff members.
- Athlete Performance: 10 occupants with 3 staff members.
- Baseball Tenant: 8 occupants with 1 staff member.
- Prospective Business Tenants: Closed

Total peak occupancy for evening hours = 75 occupants.

Daytime Hours Peak Occupancy (8AM – 5PM):

- Basketball Courts: Day Camps with 75 Total Occupants with 4 staff members
- Athlete Performance: 6 occupants with 2 staff members.
- Prospective Business Tenants: 15 occupants with 10 staff members
- Baseball Tenant: 8 occupants with 1 staff member.

Total peak occupancy for daytime hours: 121 occupants.

The only special circumstance with peak occupancy would be when showcase tournaments are held on weekends. In these circumstances, Steve will have teams shuttled

from Brown Deer and Homestead High Schools so the above parking totals will not be affected. Given the numbers above, the most occupants in the building at one time will be approximately 121 occupants. Since some expansion is planned which will grow the area of the building by roughly 25%, we have provided approximately 25% additional parking above our max occupant number to accommodate this future expansion. Based upon these numbers, we do not anticipate any issues with parking availability on the site based on the programs/activities of the overall building program and any future expansion.

Greenspace Requirements and Breakdown:

The total Site Area for this project is 176,273 S.F. (4.05 acres). Per the City of Mequon Ordinance, we are required to have 40% of the site area be greenspace. For our calculations, we included the future build out areas as impervious surface to plan for a max build out scenario in our required greenspace calculation. As the site is shown, we have a total of 59,608 SF of greenspace which falls short of the required 70,510 S.F. required. To counter this, it has been proposed to purchase the additional 11,000 S.F. of greenspace from land in the nearby out lot of the business park to the Northwest. It should be noted that as it stands now without including the future expansion, this site plan does meet the greenspace requirement. The purchase of the out-lot greenspace is to account for the additional greenspace that will be required once the added impervious surface is accounted for with the future expansion as indicated on our site plan.

Please refer to the provided submittal for any additional clarification. If you have any questions or concerns regarding this proposed development please contact our office.

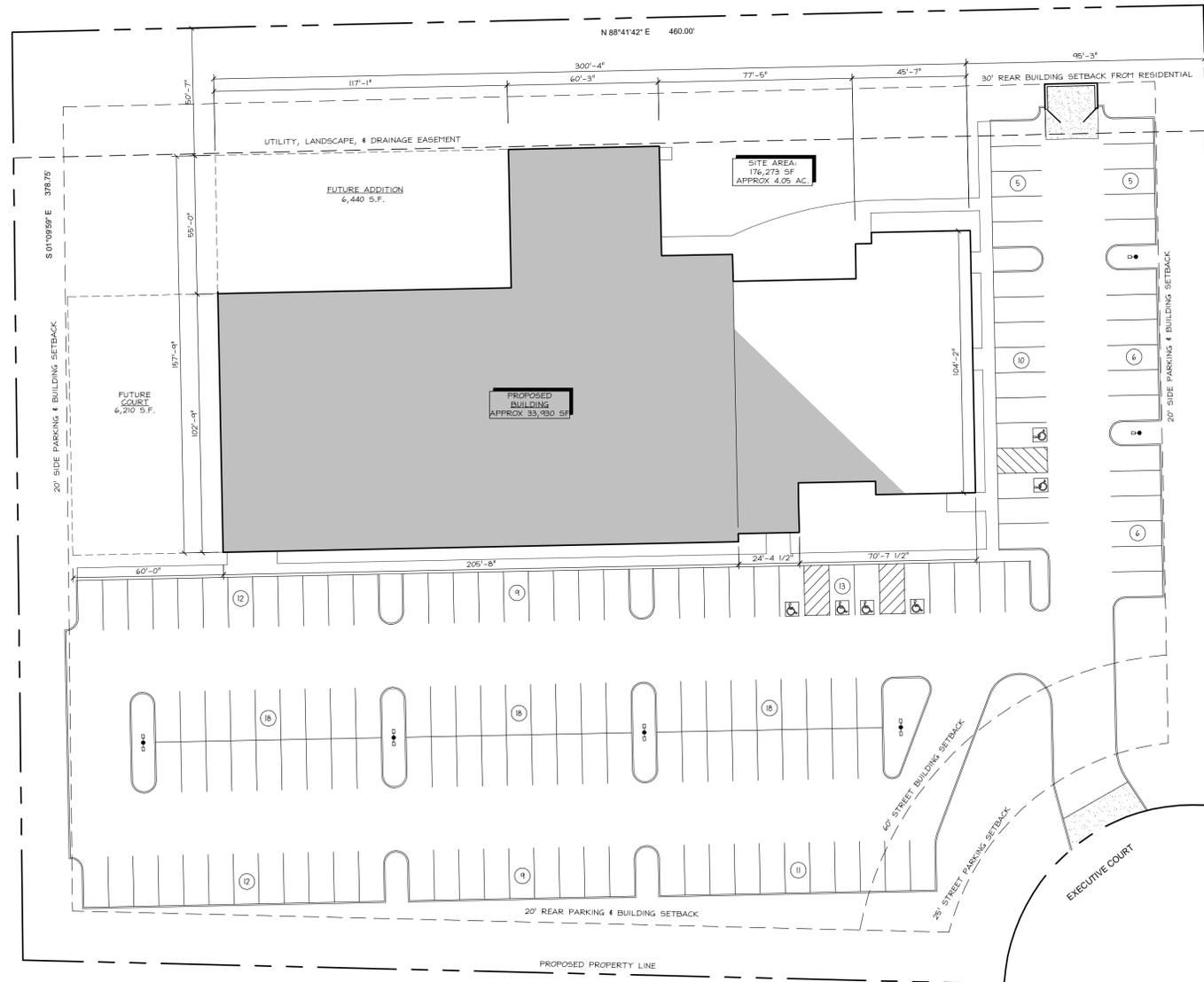
Sincerely,

Shaun Sullivan
Architect
Design 2 Construct



Attachment: packet Docs (4872 : Design to Construct for Athlete Performance)





1 SITE PLAN
 SCALE: 1" = 30'-0"

SITE DATA:

| | |
|----------------------------|--|
| SITE AREA: | 176,273 S.F. 4.05 ACRES |
| AREA OF PROPOSED BUILDING | 33,930 S.F. (19.7% OF SITE) |
| AREA OF FUTURE ADDITION | 13,352 S.F. (7.7% OF SITE) |
| TOTAL BUILDING FOOTPRINT: | 49,269 S.F. |
| TOTAL HARD SURFACE AREA: | 67,396 S.F. (39% OF SITE) |
| CONCRETE AREA: | 5,080 S.F. |
| LIGHT DUTY PAVING: | 62,316 S.F. |
| TOTAL GREENSPACE AREA: | 59,608 S.F. (33.9% OF SITE) (MIN. 40% GREENSPACE REQ'D) ADDITIONAL 19,000 SF NEEDED OF GREENSPACE |
| FRONT YARD SETBACK: | 60'-0" |
| SIDE YARD SETBACK: | 20'-0" |
| REAR YARD SETBACK: | 20'-0" |
| TOTAL PARKING PROVIDED: | 152 |
| HANDICAP PARKING REQUIRED: | 6 |
| HANDICAP PARKING PROVIDED: | 6 |

BUILDING DESIGN FOR:
PROPOSAL #19-00108

| |
|-------------|
| SHEET TITLE |
| SITE PLAN |

| |
|-----------|
| REVISIONS |
|-----------|

| | |
|--------------|-----------------|
| PROJECT DATA | |
| DATE | 01.13.2020 |
| JOB NO. | 19-00108 |
| SET USE | PLAN COMMISSION |
| FILE NAME | C1-A1.0 |
| DRAWN BY | SPS |
| SHEET NO. | |

A1.0

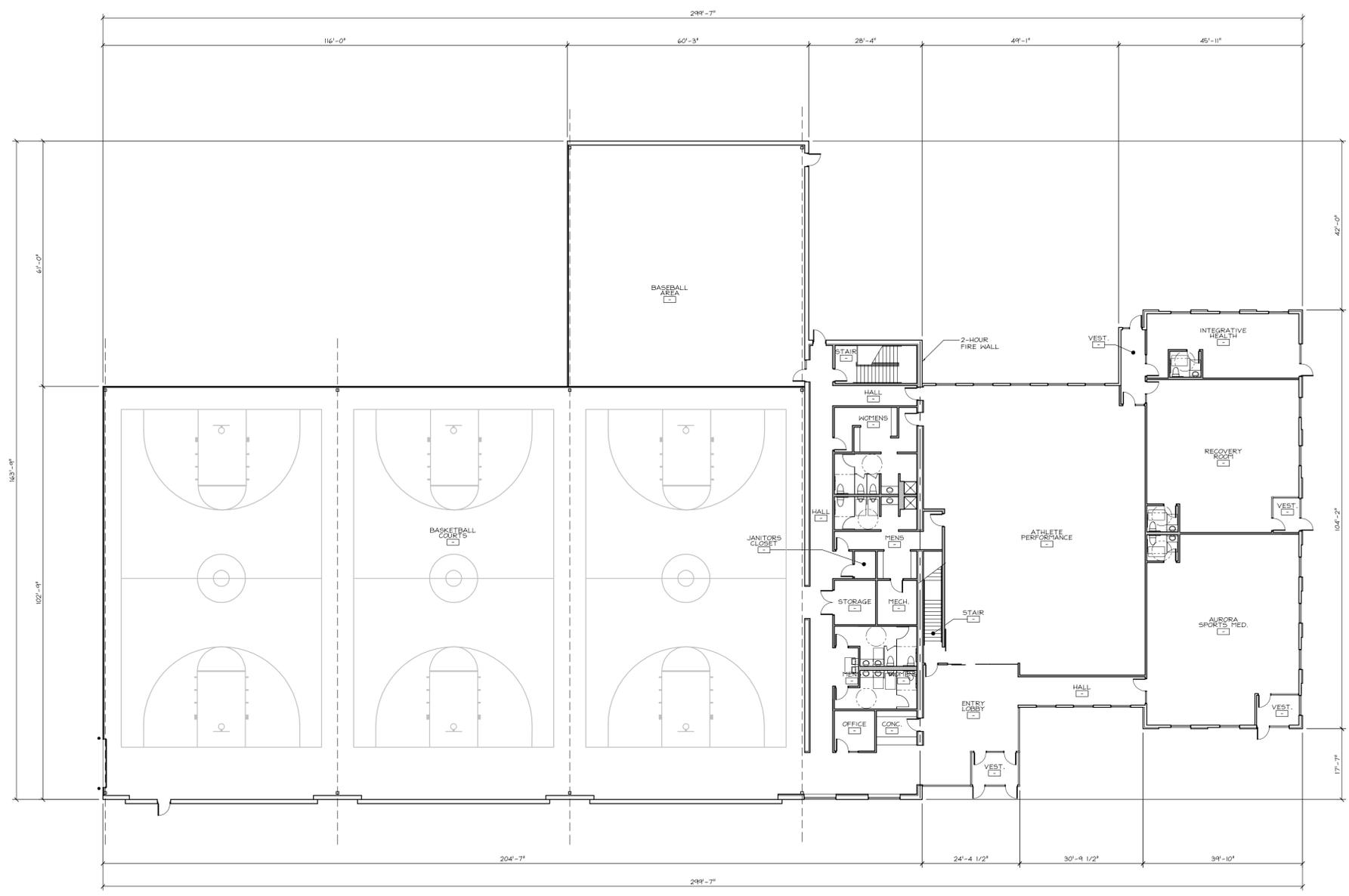
BUILDING DESIGN FOR:
PROPOSAL #19-00108

SHEET TITLE
FIRST FLOOR OVERALL PLAN

REVISIONS

| PROJECT DATA | |
|--------------|-------------|
| DATE | 11.20.2019 |
| JOB NO. | 19-00108 |
| SET USE | PRELIMINARY |
| FILE NAME | FILE NAME |
| DRAWN BY | SPS |
| SHEET NO. | |

A2.1



1 OVERALL FIRST FLOOR PLAN
SCALE: 1'-0" = 1/16"

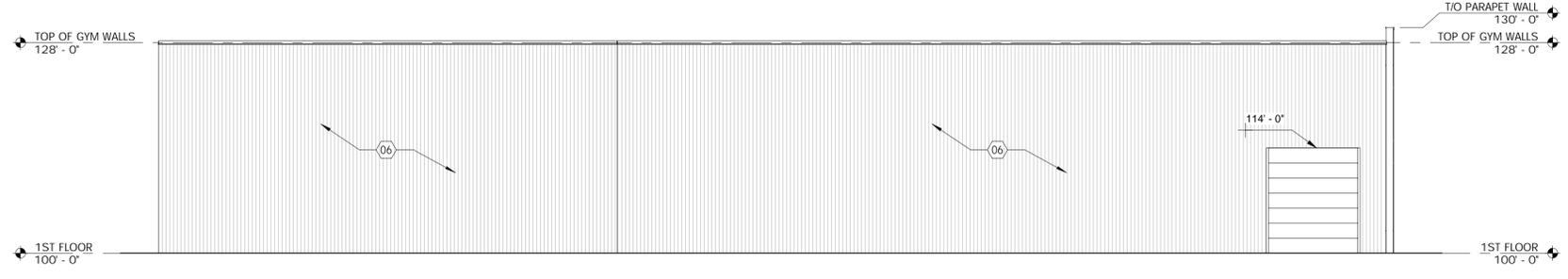
Attachment: packet Docs (4872 : Design to Construct for Athlete Performance)

ELEVATION NOTE LEGEND

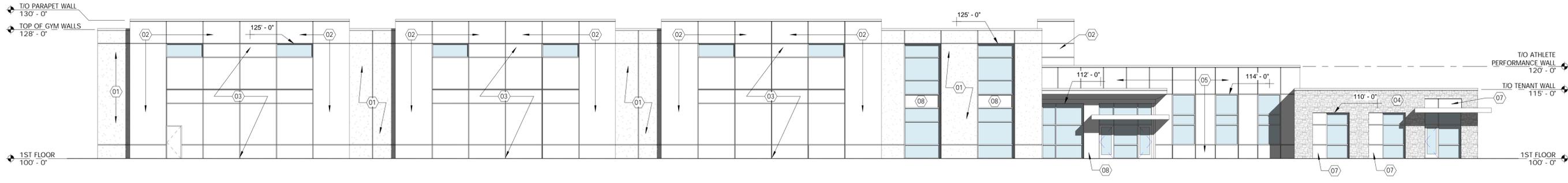
- 01 PRECAST CONCRETE NO PAINT
- 02 PRECAST CONCRETE PAINT #1
- 03 PRECAST CONCRETE PAINT #2
- 04 NATURAL STONE
- 05 FIBER BOARD PANEL - SMOOTH FINISH
- 06 METAL PANEL (EXPANSION WALL)
- 07 E.I.F.S
- 08 ARCHITECTURAL METAL PANEL



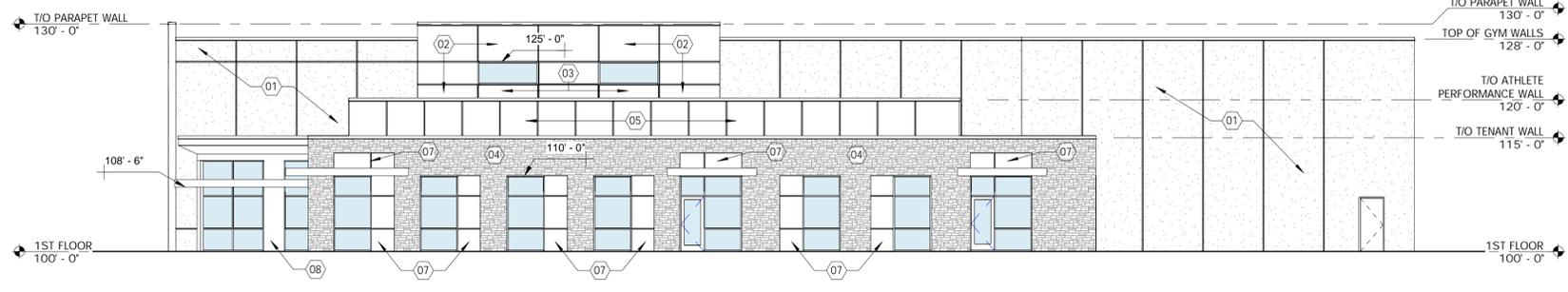
N173 W21010
NORTHWEST PASSAGE WAY
JACKSON, WI 53037
•
PHONE 262.677.9933
FAX 262.677.9934
•
info@design2construct.com



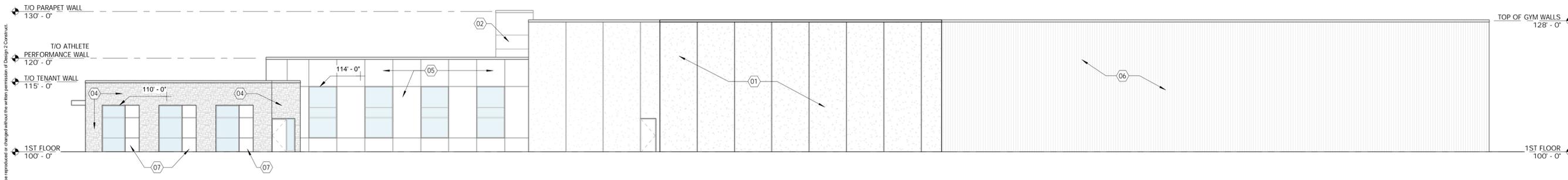
4 WEST ELEVATION
SCALE: 3/32" = 1'-0"



3 SOUTH ELEVATION
SCALE: 3/32" = 1'-0"



2 EAST ELEVATION
SCALE: 3/32" = 1'-0"



1 NORTH ELEVATION
SCALE: 3/32" = 1'-0"

BUILDING DESIGN FOR:
MEQUON SPORTS
ADDRESS
CITY, STATE, ZIP

SHEET TITLE
EXTERIOR ELEVATIONS

| REVISIONS |
|-----------|
| |
| |
| |

| PROJECT DATA | |
|--------------|-------------|
| DATE | 01.10.2020 |
| JOB NO. | 19-00108 |
| SET USE | PRELIMINARY |
| DRAWN BY | Author |
| SHEET NO. | |

A4.1

This drawing is not to be reproduced or changed without the written permission of Design 2 Construct.

Attachment: packet Docs (4872 : Design to Construct for Athlete Performance)

THESE CALCULATIONS ARE ESTIMATES
BASED ON INFORMATION AVAILABLE
AT TIME OF LAYOUT REQUEST AND
DO NOT REPRESENT ON-SITE
CONDITIONS WITH 100% ACCURACY.

Date: 1/9/2020

Paper Size: ARCH E1 - 30x42

Attachment: packet Docs (4872: Design to Construct for Athlete Performance)

MEQUON SPORTS FACILITY SITE



Scale: 1 inch= 20 Ft.

| Luminaire Schedule | | | | | | |
|--------------------|-------|----------|---|---------------------|--------|------------|
| Symbol | Label | Quantity | Manufacturer | Catalog Number | Lumens | LLF Watts |
| OA | OA | 4 | EATON - LUMARK (FORMER COOPER LIGHTING) | PRV-C40-D-UNV-T4-BZ | 17087 | 0.900 131 |
| OB | OB | 2 | EATON - LUMARK (FORMER COOPER LIGHTING) | PRV-C40-D-UNV-T4-BZ | 17087 | 0.900 131 |
| OC | OC | 8 | EATON - LUMARK (FORMER COOPER LIGHTING) | XTOR1B | 1418 | 0.900 12.2 |

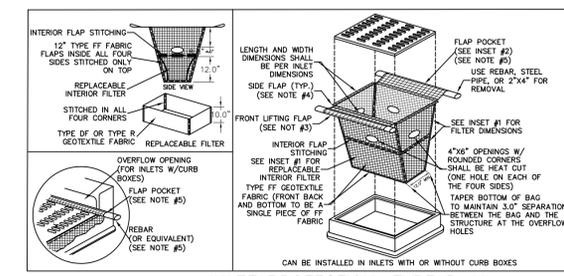
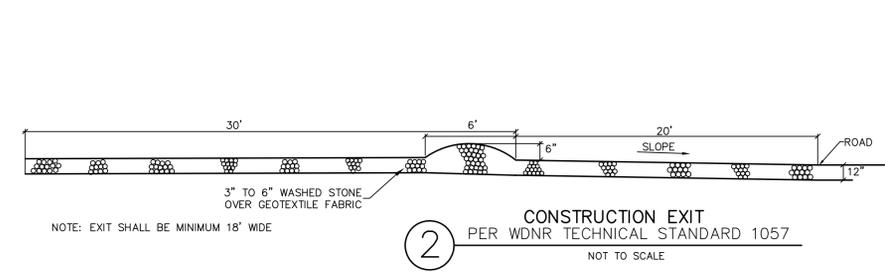
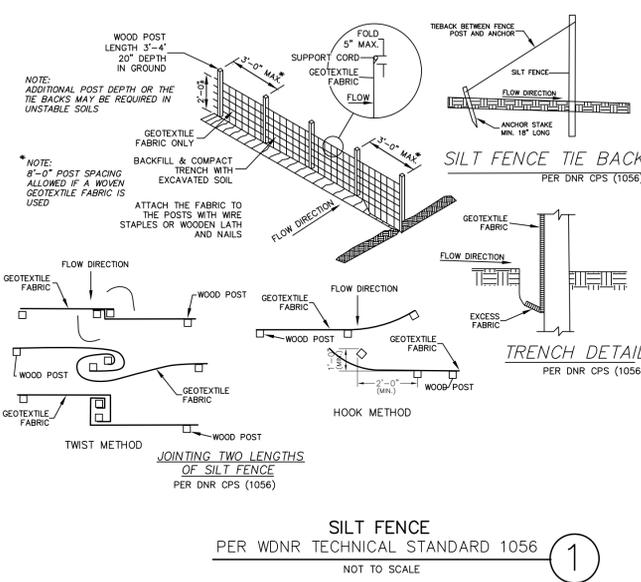
| Calculation Summary | | | | | | |
|---------------------|------|-----|-----|---------|---------|-------|
| Label | Avg | Max | Min | Avg/Min | Max/Min | Units |
| SITE | 2.51 | 8.2 | 0.3 | 8.37 | 27.33 | Fc |
| PARKING AREA | 2.74 | 8.2 | 0.8 | 3.43 | 10.25 | Fc |

MEQUON SPORTS FACILITY
 MEQUON, WISCONSIN

CJE NO.: 1955R2
 JANUARY 13, 2020

C3.0
 SHEET 3 OF 3

- SILT FENCE CONSTRUCTION SPECIFICATIONS**
 PER DNR CPS (1056)
1. CONSTRUCTION SILT FENCE AROUND THE DISTURBED AREAS AS SHOWN ON EROSION CONTROL PLAN, TO PREVENT SEDIMENT FROM BEING WASHED INTO THE DRAINAGE SYSTEM
 2. LOCATE POSTS PER DNR CPS (1056)
 3. WHEN JOINTS ARE NECESSARY REFER, TO DNR CPS (1056)
 4. FILTER FABRIC TO BE OF NYLON, POLYESTER, PROPYLENE OR ETHYLENE YARN WITH EXTRA STRENGTH - 50 LB./LIN. IN. (MIN.) - AND WITH A FLOW RATE OF AT LEAST 0.3 GAL./SQ. FT./MIN. FABRIC SHOULD CONTAIN ULTRAVIOLET RAY INHIBITORS AND STABILIZERS.
 5. THE FILTER FABRIC SHALL BE ANCHORED BY SPREADING AT LEAST 8 INCHES OF FABRIC IN A 4" X 6" TRENCH
 6. THE FILTER FABRIC SHALL BE STAPLED AND/OR NAILED TO THE UPSLOPE SIDE OF THE POSTS.
 7. POST TO BE 1 1/8" X 1 1/8" HICKORY OR OAK, 3 FEET LONG, SPACED A MAXIMUM OF 3 FEET APART.
 8. USE WIRE REINFORCEMENT IN UNSTABILIZED MINOR SWALES, DITCHES AND DIVERSIONS.
 9. USE WSDOT APPROVED SILT FENCE



- NOTES:**
1. TAPER BOTTOM OF BAG TO MAINTAIN THREE INCHES OF CLEARANCE BETWEEN THE BAG AND THE STRUCTURE. MEASURED FROM THE BOTTOM OF THE OVERFLOW OPENINGS TO GHT STRUCTURE WALL.
 2. GEOTEXTILE FABRIC TYPE FF FOR FLAPS, TOP AND BOTTOM OF OUTSIDE OF FILTER BAG. FRONT, BACK AND BOTTOM OF FILTER BAG BEING ONE PIECE.
 3. FRONT LIFTING FLAP IS TO BE USED WHEN REMOVING OR MAINTAINING FILTER BAG.
 4. SIDE FLAPS SHALL BE A MAXIMUM OF TWO INCHES LONG. FOLD THE FABRIC OVER AND REINFORCE WITH MULTIPLE STITCHES.
 5. FLAP POCKETS SHALL BE LARGE ENOUGH TO ACCEPT WOOD 2"x4". THE REBAR, STEEL PIPE, OR WOOD SHALL BE INSTALLED IN THE REAR FLAP AND SHALL NOT BLOCK THE TOP HALF OF THE CURB FACE OPENING.
- MAINTENANCE NOTES:**
1. WHEN REMOVING OR MAINTAINING INLET PROTECTION, CARE SHALL BE TAKEN SO THAT THE SEDIMENT TRAPPED IN THE FABRIC DOES NOT FALL INTO THE STRUCTURE. MATERIAL THAT HAS FALLEN INTO THE INLET SHALL BE IMMEDIATELY REMOVED.

CONSTRUCTION SCHEDULE

1. OBTAIN PLAN APPROVAL AND OTHER APPLICABLE PERMITS.
2. FLAG THE WORK LIMIT AND BUFFER AREA FOR PROTECTION.
3. INSTALL CONSTRUCTION EXIT.
4. INSTALL SILT FENCE AROUND SITE PERIMETERS SHOWN ON THE PLAN.
5. INSTALL INLET PROTECTION IN ALL EXISTING INLETS ADJACENT TO SITE.
6. ROUGH GRADE SITE.
7. INSTALL PROPOSED UTILITIES.
8. INSTALL INLET PROTECTION IN ALL NEW INLETS
9. INSTALL BASE COURSE OF PAVEMENT
10. FINAL GRADE SLOPES AND TOPSOIL CRITICAL SLOPES; VEGETATE AND MULCH ALL DISTURBED AREAS.
11. ALL EROSION CONTROL PRACTICES WILL BE INSPECTED WEEKLY AND AFTER RAINFALL, NEEDED REPAIRS WILL BE PERFORMED IMMEDIATELY.
12. AFTER SITE IS STABILIZED, REMOVE ALL TEMPORARY MEASURES AND VEGETATE THE DISTURBED AREAS.
13. ESTIMATED TIME BEFORE FINAL STABILIZATION - 9 MONTHS.

MAINTENANCE PLAN

1. ALL EROSION AND SEDIMENT CONTROL PRACTICES WILL BE CHECKED FOR STABILITY AND OPERATION FOLLOWING EVERY 1/2" RUNOFF-PRODUCTION RAINFALL BUT IN NO CASE LESS THAN ONCE EVERY WEEK. ANY NEEDED REPAIRS WILL BE MADE IMMEDIATELY TO MAINTAIN ALL PRACTICES AS DESIGNED.
2. SEDIMENT WILL BE REMOVED FROM BEHIND THE SILT FENCE WHEN IT BECOMES ABOUT 0.5 FT. DEEP AT THE FENCE. THE SILT FENCE WILL BE REPAIRED AS NECESSARY TO MAINTAIN A VIGOROUS, DENSE VEGETATIVE COVER.
3. ALL SEEDED AREAS WILL BE WATERED, FERTILIZED, RESEED AS NECESSARY, AND MULCHED TO MAINTAIN A VIGOROUS, DENSE VEGETATIVE COVER.
4. ANY SEDIMENT REACHING A PUBLIC OR PRIVATE ROAD SHALL BE REMOVED BY STREET CLEANING BEFORE THE END OF EACH DAY.

EROSION CONTROL PRACTICES SCHEDULE

1. SILT FENCE
 2. CONSTRUCTION EXIT
 3. INLET PROTECTION
 4. EROSION MATTING
- FOR FINAL STABILIZATION, PROVIDE CLASS I, TYPE B EROSION MAT PER "WSDOT EROSION CONTROL PAL" (OR EQUAL) IN ALL ROADSIDE DITCHES, DEFINED SWALES, SIDE SLOPES, OUTLET BERMS AND ALL OTHER SLOPES 4:1 OR GREATER. INSTALL PER MANUFACTURERS SPECIFICATIONS.

TEMPORARY STABILIZATION METHODS

TEMPORARY SEEDING:
 DURING GROWING SEASON (MAY 2 - OCTOBER 31) TEMPORARY SEEDING (COVER CROP) TO BE USED FOR TEMPORARY STABILIZATION DURING SITE CONSTRUCTION.

| Species | Lbs/Acre | Percent Purity |
|-----------------|----------|----------------|
| Oats | 131* | 98 |
| Cereal Rye | 131* | 97 |
| Winter Wheat | 131* | 95 |
| Annual Ryegrass | 80* | 97 |

* Fall Seeding

LAND APPLICATION OF ADDITIVES:
 DURING NONGROWING SEASON (NOVEMBER 1 - MAY 1) CONTRACTOR TO PROVIDE TYPE B SOIL STABILIZER DURING SITE CONSTRUCTION. STABILIZER TO BE POLYACRYLAMIDE (PAM) PER LATEST WOOT PAL (UPDATED 11/2/2017) - SEE WDNR TECHNICAL STANDARD 1050.

STABILIZATION SHOULD BE COMPLETED WITHIN 7 DAYS OF ESTABLISHING FINAL GRADE OR THAT WILL OTHERWISE EXIST FOR MORE THAN 14 DAYS.

WINTER CONDITIONS
 DURING WINTER CONSTRUCTION (NOVEMBER 1 TO MAY 1), CONTRACTOR TO PROVIDE TYPE B SOIL STABILIZER, POLYACRYLAMIDE (PAM) PER LATEST WOOT PAL (UPDATED 11/2/2017) ON ALL DISTURBED AREAS THAT ARE NOT TO BE DISTURBED BEYOND 7 DAYS. CONTRACTOR TO INSTALL PAM PER WDNR TECHNICAL STANDARD 1050 AND THE MANUFACTURERS SPECIFICATIONS.

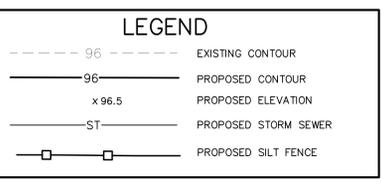
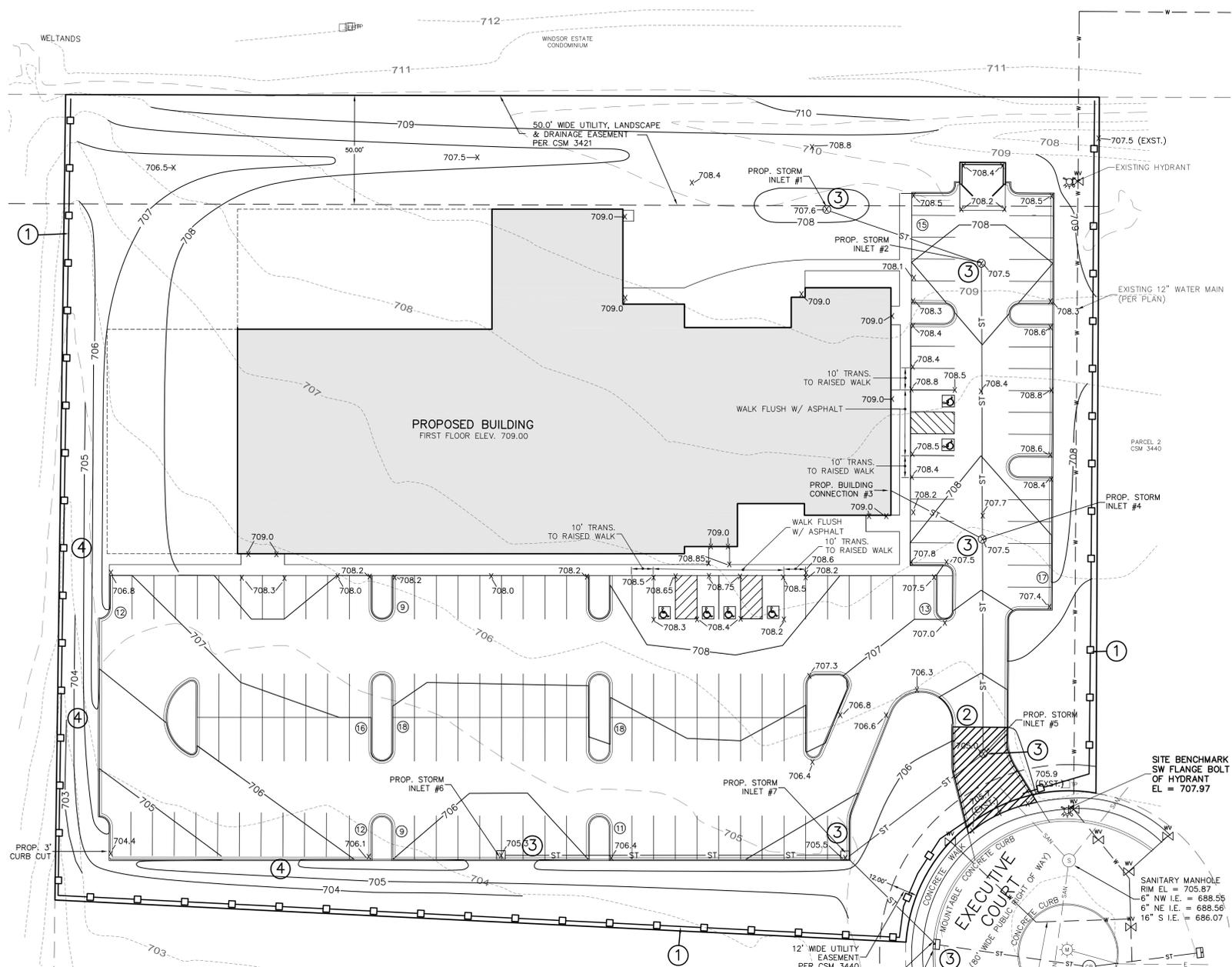
TEMPORARY COVER DURING GROWING SEASON:

TEMPORARY SEEDING DATES

OATS - 4/1-9/1
 ANNUAL RYEGRASS - 4/1-9/1
 WINTER WHEAT - 8/1-10/1
 WINTER CEREAL RYE - 8/1-10/15
 (FOR TEMPORARY COVER SEED AT 131# PER ACRES)

DURING NON-GROWING SEASON (AFTER OCT. 15TH SEEDING DEADLINE):

AREAS THAT ARE INACTIVE DURING NON-GROWING SEASON MUST BE STABILIZED WITH ANIONIC POLYACRYLAMIDE (POLYMER). SEE WDNR TECHNICAL STANDARD 1050.





• SITE DESIGN •
• LANDSCAPE ARCHITECTURE •
• PLANNING •
2776 North Sholes Avenue
Milwaukee, WI 53210
Tel: 414-449-1555
Fax: 414-449-2425
www.paragongd.com

TREE PROTECTION NOTES:

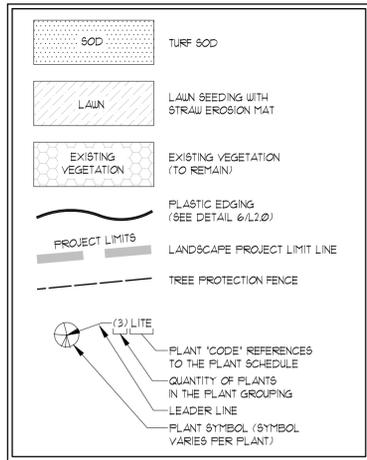
DURING CONSTRUCTION, REASONABLE STEPS NECESSARY TO PREVENT THE DESTRUCTION OR DAMAGING OF TREES (OTHER THAN THOSE SPECIFIED TO BE REMOVED) SHALL BE TAKEN, INCLUDING, BUT NOT LIMITED TO THE FOLLOWING:

1. TO PROTECT AND PRESERVE THE TREES INDICATED TO REMAIN, THE CONTRACTOR SHALL INSTALL ORANGE CONSTRUCTION FENCE NO CLOSER TO THE TRUNK THAN 1 FOOT FOR EVERY 1 DBH (TREE DIAMETER AT BREAST HEIGHT) OF TREE TO REMAIN. ADDITIONALLY, SIGNS SHALL BE POSTED INFORMING THE PUBLIC AND SITE WORKERS THAT THE AREA FENCED IS A PROTECTED ZONE AND THE ZONE SHALL BE LEFT UNDISTURBED. THE GRADE SHALL NOT BE CHANGED IN THE PROTECTED ZONE. NO TREE PROTECTION FENCE IS REQUIRED WHERE EXISTING PAVEMENT IS WITHIN THE PROTECTED AREA.
2. NO CONSTRUCTION ACTIVITY, MOVEMENT AND/OR PLACEMENT OF EQUIPMENT PARKING OF VEHICLES OR MATERIAL OR SOILS STORAGE SHALL BE PERMITTED WITHIN THE TREE PRESERVATION AREA. NO EXCESS SOIL, ADDITIONAL FILL, LIQUIDS, OR CONSTRUCTION DEBRIS SHALL BE PLACED WITHIN THE CRITICAL ROOT ZONE (CRZ) OF ANY TREE THAT IS INDICATED TO BE PRESERVED.
3. ALL REQUIRED PROTECTIVE FENCING (PLASTIC ORANGE CONSTRUCTION FENCING) OR OTHER PHYSICAL BARRIER MUST BE IN PLACE AROUND THE TREE PRESERVATION AREA AND/OR TREES PRIOR TO BEGINNING CONSTRUCTION. THE FENCING OR OTHER PHYSICAL BARRIER MUST REMAIN IN PLACE DURING THE ENTIRE CONSTRUCTION PERIOD. ALL FENCING MUST BE SECURED TO METAL POSTS DRIVEN INTO THE GROUND DEEP ENOUGH TO REMAIN VERTICAL AND PLUMB, AND SHALL BE SPACED NO FURTHER THAN TEN FEET (10') APART.
4. NO ATTACHMENTS, FENCES OR WIRES, OTHER THAN THOSE APPROVED FOR BRACING, GUYING OR WRAPPING, SHALL BE ATTACHED TO TREES DURING THE CONSTRUCTION PERIOD.
5. DRAINAGE OF THE SITE SHALL BE DESIGNED SO THAT AFTER CONSTRUCTION THE SAME AMOUNT OF WATER AND RATE OF DISCHARGE WILL REACH THE TREES AS IT DID PRIOR TO CONSTRUCTION.
6. WHEN TRENCHING ALONGSIDE EXISTING TREES IS UNAVOIDABLE, THE TRENCH MUST BE 1 FOOT FOR EVERY 1 INCH DBH AWAY FROM THE BASE OF THE EXISTING TREE TO BE PROTECTED.
7. CONSTRUCTION PRUNING AND ROOT PRUNING OF TREES DIRECTLY IMPACTED BY CONSTRUCTION MAY BE REQUIRED FOR PRESERVATION OF EXISTING TREES.

GENERAL NOTES:

1. LOCATE ALL PRIVATE AND PUBLIC UNDERGROUND UTILITIES PRIOR TO THE COMMENCEMENT OF ANY DIGGING/CLEARING OPERATIONS.
2. ALL PLANTING BEDS NOT ADJACENT TO ASPHALT, CONCRETE OR CURBS SHALL HAVE PLASTIC EDGING AS INDICATED ON THE PLAN. ALL PLANTING BEDS SHALL BE TOPDRESSED WITH DOUBLE SHREDDED HARDWOOD BARK MULCH AS INDICATED ON THE PLAN.
3. THE PLANT SCHEDULE IS ON SHEET L2.0. IT IS PROVIDED FOR CONVENIENCE ONLY. PLANT QUANTITIES SHALL BE VERIFIED BY THE CONTRACTOR. WHEN DISCREPANCIES BETWEEN THE SCHEDULE LABELS AND THE QUANTITY DRAIN ON THE PLAN SHALL BE THE OFFICIAL QUANTITY.
4. WATER PLANTS IMMEDIATELY AFTER INSTALLATION.
5. GUARANTEE ALL PLANTINGS FOR 1 YEAR FROM THE DATE OF INSTALLATION.
6. SEE PLANTING DETAILS ON SHEET L2.0 FOR PLANT INSTALLATION REQUIREMENTS.
7. ALL AREAS INDICATED AS 'LAWN' SHALL BE SEEDED AS SPECIFIED. AREAS INDICATED AS 'SOD' SHALL BE SODDED.
8. PROPOSED LIGHT POLE LOCATIONS ARE NOT KNOWN AT THIS TIME. SEE SITE LIGHTING PLAN FOR OFFICIAL LOCATIONS OF LIGHT POLES. COORDINATE TREE LOCATIONS TO AVOID LIGHT POLES AS NECESSARY.
9. SEE CIVIL PLANS FOR OFFICIAL SITE UTILITIES AND EROSION MAT LOCATIONS. SITE UTILITIES SHOWN ON THIS PLAN ARE FOR CONVENIENCE ONLY.
10. LANDSCAPE CALCULATIONS FOR THE CITY OF MEQUON ARE FOUND ON SHEET L2.0.

LANDSCAPE LEGEND



LANDSCAPE DETAILS ON SHEET L2.0.
PLANT SCHEDULE ON SHEET L2.0.
LANDSCAPE CALCULATIONS ON SHEET L2.0.

GRASS SEED MIX

GRASS SEED SHALL CONSIST OF THE FOLLOWING VARIETIES (OR APPROVED EQUAL):

- 20% KENTUCKY BLUEGRASS (SOD QUALITY)
- 10% MERCURY KENTUCKY BLUEGRASS
- 20% KENNELLE KENTUCKY BLUEGRASS
- 25% CREEPING RED FESCUE
- 15% WICKED PERENNIAL RYEGRASS
- 10% FIESTA 4 PERENNIAL RYEGRASS

SEEDING RATE SHALL BE 45 POUNDS PER 1000 SQUARE FEET

SEEDS SHALL BE INSTALLED 1/2" TO 3/4" BELOW FINISH GRADE.

ABBREVIATIONS

| ABBREVIATION | FULL WORDS |
|-----------------|---|
| B4B | Balled and burlapped |
| CAL. | Caliper |
| DBH | Diameter at breast height (Measured 4'-6" above finish grade) |
| DIA. | Diameter |
| EX. | Existing |
| HTT | Height to tip |
| O.C. | On center |
| SQ. FT. -or- SF | Square feet |
| TR | Tree |

TO OBTAIN LOCATION OF PARTICIPANTS' UNDERGROUND FACILITIES BEFORE YOU DIG IN WISCONSIN
CALL DIGGERS HOTLINE
 1-800-242-8511
 TOLL FREE
 WIS. STATUTE 182.0175(1974)
 REQUIRES MIN. OF 3 WORK DAYS NOTICE BEFORE YOU EXCAVATE.

INFORMATION SHOWN ON THIS DRAWING IS BASED ON A SITE PLAN DEVELOPED BY DESIGN 2 CONSTRUCT, TOPOGRAPHIC SURVEY AND CIVIL DRAWINGS COMPLETED BY OTHERS. THE LANDSCAPE ARCHITECT MAKES NO WARRANTIES OR REPRESENTATIONS AS TO THE ACCURACY AND COMPLETENESS OF THE SITE PLAN, SURVEY AND CIVIL DRAWING. ALL INFORMATION SHOWN ON THE DRAWINGS SHALL BE FIELD VERIFIED BY THE CONTRACTOR.

INDEX OF SHEETS

| SHEET | TITLE |
|-------|-------------------|
| L1.0 | LANDSCAPE PLAN |
| L2.0 | LANDSCAPE DETAILS |

PROJECT NAME
MEQUON SPORTS FACILITY

PROJECT LOCATION
EXECUTIVE COURT
MEQUON, WI 53092

CLIENT NAME & ADDRESS

SHEET TITLE
LANDSCAPE PLAN

REVISIONS

PROFESSIONAL SEAL

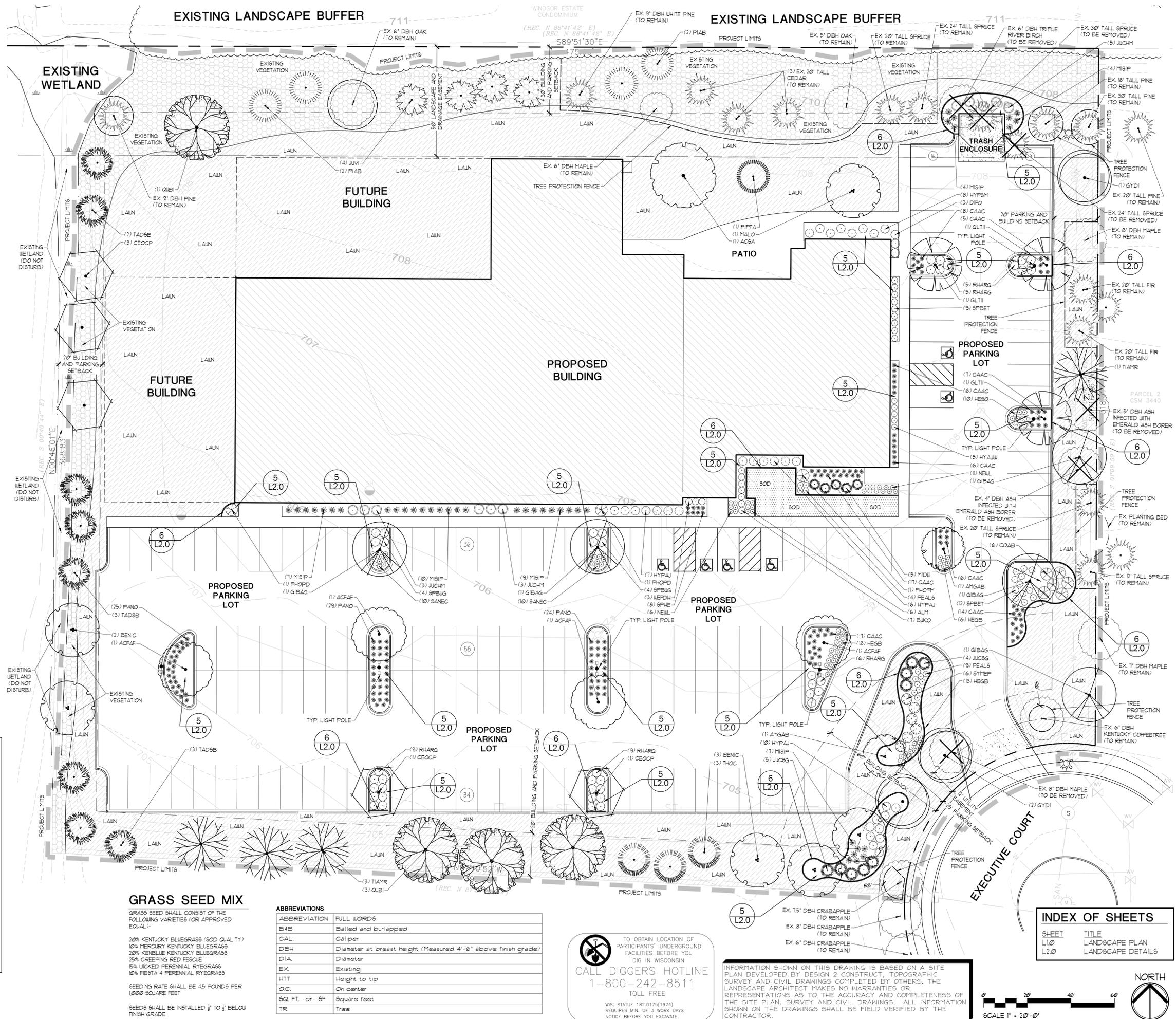


USE OF INFORMATION

THESE DRAWINGS, AS INSTRUMENTS OF SERVICE, REMAIN THE PROPERTY OF PARAGON DESIGN GROUP, LLC. ANY CHANGES, PUBLICATION OR UNAUTHORIZED USE IS PROHIBITED UNLESS EXPRESSLY APPROVED.

FILE NAME: Mequon Sports LA
 DRAWN BY: BJB
 CHECKED BY: BJB
 PDG PROJECT #: 19-907
 DATE: 1-13-2020
 SHEET NO.

L1.0
Packet Pg. 113



Attachment: packet Docs (4872) : Design to Construct for Athlete Performance

PLAN COMMISSION SUBMITTAL - NOT FOR CONSTRUCTION

PROJECT NAME

MEQUON SPORTS FACILITY

PROJECT LOCATION

EXECUTIVE COURT
MEQUON, WI 53092

CLIENT NAME & ADDRESS

SHEET TITLE

LANDSCAPE DETAILS

REVISIONS

Date By

PROFESSIONAL SEAL



USE OF INFORMATION

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FILE NAME: Mequon Sports LA
DRAWN BY: BJB
CHECKED BY: BJB
PDG PROJECT #: 19-907
DATE: 1-13-2020
SHEET NO.

PLANT SCHEDULE

CANOPY TREES (INSTALL IN ACCORDANCE WITH DETAIL 1/L2.0 OR DETAIL 2/L2.0 FOR MULTI-STEM TREES)

| CODE | SCIENTIFIC NAME | COMMON NAME | QTY. | PLANTING SIZE | MATURE SIZE |
|-------|---|------------------------------|------|---------------------|--------------|
| ACFAF | Acer x freemanii 'Autumn Fantasy' | Autumn Fantasy Maple | 4 | 2' Cal. B4B | H-50', W-30' |
| ACSA | Acer saccharum | Sugar Maple | 1 | 2' Cal. B4B | H-55', W-40' |
| BENIC | Betula nigra 'Cully' | Heritage River Birch | 5 | 12' B4B, multi-stem | H-50', W-35' |
| CEOCF | Celtis occidentalis 'Fräirie Pride' | Fräirie Pride Hackberry | 5 | 2' Cal. B4B | H-50', W-45' |
| GIBAG | Ginkgo biloba 'Autumn Gold' | Autumn Gold Ginkgo (male) | 5 | 3' Cal. B4B | H-50', W-30' |
| GLTII | Gleditsia triacanthos inermis 'Impcole' | Imperial Honeylocust | 3 | 2' Cal. B4B | H-40', W-35' |
| GYDI | Gymnocladus dioica | Kentucky Coffee Tree | 3 | 3' Cal. B4B | H-55', W-40' |
| QUBI | Quercus bicolor | Swamp White Oak | 4 | 2' Cal. B4B | H-60', W-60' |
| TADSB | Taxodium distichum 'Mickelson' | Shauensee Brave Bald Cypress | 8 | 2' Cal. B4B | H-60', W-20' |
| TIAMR | Tilia americana 'Redmond' | Redmond Linden | 4 | 2' Cal. B4B | H-50', W-30' |

ORNAMENTAL TREES (INSTALL IN ACCORDANCE WITH DETAIL 2/L2.0)

| CODE | SCIENTIFIC NAME | COMMON NAME | QTY. | PLANTING SIZE | MATURE SIZE |
|-------|--|--------------------------------|------|---------------------|--------------|
| AMGAB | Amselanchier x grandiflora 'Autumn Brilliance' | Autumn Brilliance Serviceberry | 2 | 12' B4B, multi-stem | H-20', W-15' |
| MALO | Magnolia x loebneri 'Merrill' | Merrill Magnolia | 1 | 12' B4B, multi-stem | H-40', W-30' |

EVERGREEN TREES (INSTALL IN ACCORDANCE WITH DETAIL 3/L2.0)

| CODE | SCIENTIFIC NAME | COMMON NAME | QTY. | PLANTING SIZE | MATURE SIZE |
|-------|----------------------------|---------------------|------|---------------|--------------|
| JUVI | Juniperus virginiana | Eastern Red Cedar | 4 | 1' Tall B4B | H-50', W-35' |
| PIAB | Picea abies | Norway Spruce | 4 | 1' Tall B4B | H-55', W-30' |
| PIFFA | Picea pungens 'Fat Albert' | Fat Albert Spruce | 1 | 1' Tall B4B | H-20', W-15' |
| THOC | Thuja occidentalis | American Arborvitae | 3 | 1' Tall B4B | H-60', W-40' |

EVERGREENS / BROADLEAF EVERGREEN SHRUBS (INSTALL IN ACCORDANCE WITH DETAIL 4/L2.0)

| CODE | SCIENTIFIC NAME | COMMON NAME | QTY. | PLANTING SIZE | MATURE SIZE |
|-------|-----------------------------------|-----------------------------|------|----------------|-------------|
| BUKO | Buxus koreana 'Green Velvet' | Green Velvet Boxwood | 7 | 15' Tall Pot | H-3', W-3' |
| JUCHM | Juniperus chinensis 'Mountbatten' | Mountbatten Chinese Juniper | 11 | 4' Tall B4B | H-12', W-5' |
| JUCSG | Juniperus chinensis 'Sea Green' | Sea Green Juniper | 9 | 18' Spread Pot | H-4', W-6' |
| MIDE | Microbiota decussata | Russian Cypress | 5 | 18' Spread Pot | H-18', W-8' |

DECIDUOUS SHRUBS (INSTALL IN ACCORDANCE WITH DETAIL 4/L2.0)

| CODE | SCIENTIFIC NAME | COMMON NAME | QTY. | PLANTING SIZE | MATURE SIZE |
|--------|---|------------------------------|------|----------------|----------------|
| COAB | Cornus alba 'Bailhala' | Ivory Halo Dogwood | 6 | 3' Tall B4B | H-6', W-6' |
| DIFO | Diervilla lonicera | Dwarf Bush Honeysuckle | 3 | 18" Tall Pot | H-4', W-4' |
| HYAUJ | Hydrangea arborescens 'NCHA5' PPAF | Invincibelle White Hydrangea | 5 | 15" Tall Pot | H-2.5', W-2.5' |
| HYPAJ | Hydrangea paniculata 'Jans' | Little Lime Hydrangea | 23 | 18" Tall Pot | H-4', W-4' |
| HYPSM | Hydrangea paniculata 'SMHPLQF' | Little Quick Fire Hydrangea | 8 | 18" Tall Pot | H-4', W-4' |
| PHOPD | Physocarpus opulifolius 'Dart's Golden' | Dart's Golden Ninebark | 2 | 3' Tall B4B | H-6', W-1' |
| PHOPM | Physocarpus opulifolius 'Monlo' | Purple Leaf Ninebark | 1 | 3' Tall B4B | H-7', W-8' |
| RHARG | Rhus aromatica 'Gro-low' | Grow Low Sumac | 34 | 18" Spread Pot | H-2', W-5' |
| SFBET | Spiraea betulifolia 'Tor' | Tor Birchleaf Spirea | 21 | 18" Tall Pot | H-3', W-3' |
| SFBUG | Spiraea x bumalda 'Goldflame' | Goldflame Spirea | 8 | 18" Tall Pot | H-3', W-4' |
| SYTMEP | Syringa meyeri 'Palibin' | Dwarf Korean Lilac | 6 | 2' Tall B4B | H-5', W-1' |
| UEFDH | Weigela florida 'Dark Horse' | Dark Horse Weigela | 3 | 18" Tall Pot | H-3', W-3' |

PERENNIALS / GRASSES / VINES

| CODE | SCIENTIFIC NAME | COMMON NAME | QTY. | PLANTING SIZE | SPACING |
|-------|--|----------------------------------|------|---------------|----------|
| ALMI | Allium x 'Millenium' | Millenium Globe Lily | 6 | #1 Pot | 18" O.C. |
| CAAC | Calamagrostis acutiflora 'Karl Foerster' | Karl Foerster Feather Reed Grass | 86 | #1 Pot | 24" O.C. |
| HEGB | Hemerocallis 'Going Bananas' | Going Bananas Daylily | 37 | #1 Pot | 18" O.C. |
| HESO | Hemerocallis 'Stella de Oro' | Stella de Oro Daylily | 10 | #1 Pot | 18" O.C. |
| MISIF | Miscanthus sinensis purpurascens | Flamegrass | 41 | #1 Pot | 36" O.C. |
| NEUL | Nepeta x 'Walker's Low' | Walker's Low Catmint | 17 | #1 Pot | 24" O.C. |
| PANO | Panicum virgatum 'Northwinds' | Northwinds Switch Grass | 78 | #1 Pot | 24" O.C. |
| PEALS | Perovskia atriplicifolia 'Little Spire' | Little Spire Russian Sage | 13 | #1 Pot | 18" O.C. |
| SANEC | Salvia nemorosa 'Caradonna' | Caradonna Meadow Sage | 20 | #1 Pot | 18" O.C. |
| SFHE | Sporobolus heterolepis | Fräirie Dropseed | 8 | #1 Pot | 18" O.C. |

CITY OF MEQUON LANDSCAPE CALCULATIONS

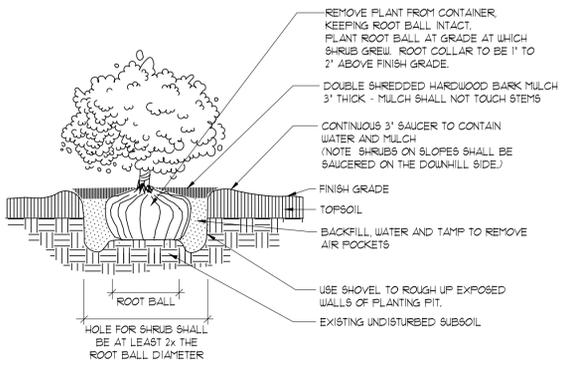
| REQUIRED | PROVIDED |
|---|-------------------|
| LENGTH OF PROPOSED PARKING LOT ALONG EXECUTIVE COURT = 125 LF | |
| AREA TO BE LANDSCAPED WITHIN PROPERTY LINE = 16,054 SF | |
| PARKING LOT AREA = 60,131 SF | |
| REQUIRED NUMBER OF TREES = 1 PER 1000 SF OF LANDSCAPE AREA | 19 EXISTING TREES |
| MINIMUM SIZE = 2' CALIPER AND 1' TALL | 57 PROPOSED TREES |
| 16,054 SF/1000 SF = 16.0 TREES | 76 TOTAL TREES |
| REQUIRED NUMBER OF SHRUBS = 2 PER 1000 SF OF LANDSCAPE AREA | 152 SHRUBS |
| (16,054 SF/1000 SF) x 2 = 152.1 SHRUBS | 152 SHRUBS |
| INTERIOR PARKING LOT GREENSPACE | 10% |
| 60,131 SF PARKING LOT x 0.10 = 6,013 SF | 10.4% |
| PARKING PERIPHERY BUFFER ALONG EXECUTIVE CT. | 6,233 SF |
| (1) 3' CALIPER TREE PER 30 LF OF PARKING NEXT TO ROW. REQD. | 2 EXISTING TREES |
| MUST BE FROM THE MEQUON APPROVED STREET TREE SPECIES LIST | 3 PROPOSED TREES |
| 125 LF PARKING NEXT TO ROW / 30 LF = 4.2 TREES | 5 TOTAL TREES |



5 TYPICAL SHREDDED HARDWOOD MULCH SECTION
SCALE: 3/4" = 1'-0"

SHRUB PLANTING NOTES

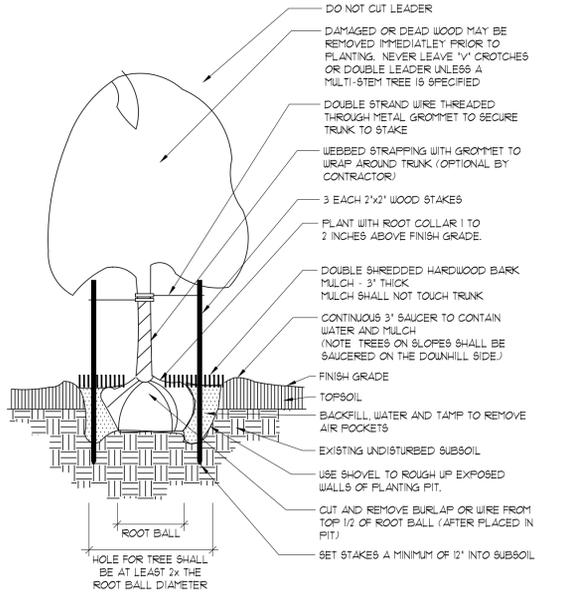
1. PRUNING - CLEANLY PRUNE DAMAGED BRANCHES AND ROOTS AT THIS TIME. ADDITIONAL PRUNING SHOULD BE ONLY FOR SHAPING PURPOSES.
2. PLANTING - ALL SYNTHETIC MATERIAL SHOULD BE REMOVED FROM THE ROOTS, TRUNK, OR CROWN OF PLANT. SET THE PLANT SO IT WILL BE AT ITS ORIGINAL DEPTH SLIGHTLY ABOVE EXISTING GRADE. BACKFILL WITH SPECIFIED SOIL MIX.
3. WATERING - THE BACKFILL AND ROOTS OF ALL NEWLY SET PLANT MATERIAL SHOULD BE WATERED AS BACKFILLING IS DONE SO THE SOIL AND ROOTS ARE THOROUGHLY SOAKED.



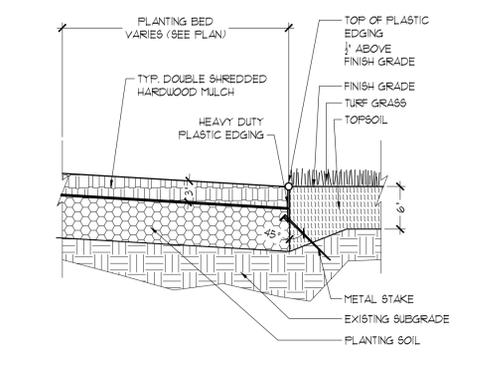
4 SHRUB PLANTING DETAIL
SCALE: NOT TO SCALE

TREE STAKING AND PLANTING NOTES

1. STAKING - ONLY TREES THAT ARE UNABLE TO REMAIN UPRIGHT AFTER PLANTING SHALL BE STAKED. TREES WILL BECOME STRONGER FASTER WHEN THE TOP 2/3 OF THE TREE IS FREE TO SWAY. TIE WEBBED STRAPPING TO THE TREE 1/3 UP THE TRUNK AND WIRE TO THREE STAKES POSITIONED EVENLY AROUND THE TREE. STAKES SHOULD BE DRIVEN DEEPLY INTO THE GROUND TO PREVENT DISLODGING. CHECK AT LEAST EVERY THREE MONTHS FOR BINDING OR OTHER PROBLEMS. STAKES AND TIES SHOULD BE REMOVED SIX MONTHS TO ONE YEAR AFTER PLANTING.
2. PRUNING - CLEANLY PRUNE DAMAGED BRANCHES AND ROOTS AT THIS TIME. ADDITIONAL PRUNING SHOULD BE ONLY FOR SHAPING PURPOSES.
3. PLANTING - ALL SYNTHETIC MATERIAL SHOULD BE REMOVED FROM THE ROOTS, TRUNK, OR CROWN OF PLANT. SET THE PLANT SO IT WILL BE AT ITS ORIGINAL DEPTH SLIGHTLY ABOVE EXISTING GRADE. BACKFILL WITH SPECIFIED SOIL MIX.
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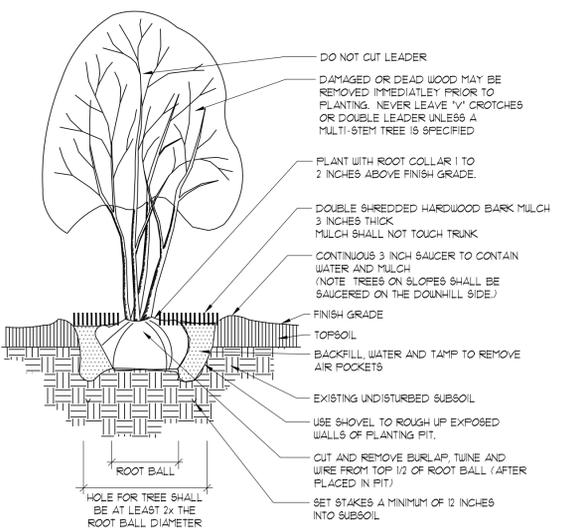
1 DECIDUOUS TREE PLANTING
SCALE: NOT TO SCALE



6 TYPICAL PLASTIC EDGE SECTION
SCALE: 1" = 1'-0"

MULTI-STEM TREE STAKING AND PLANTING NOTES

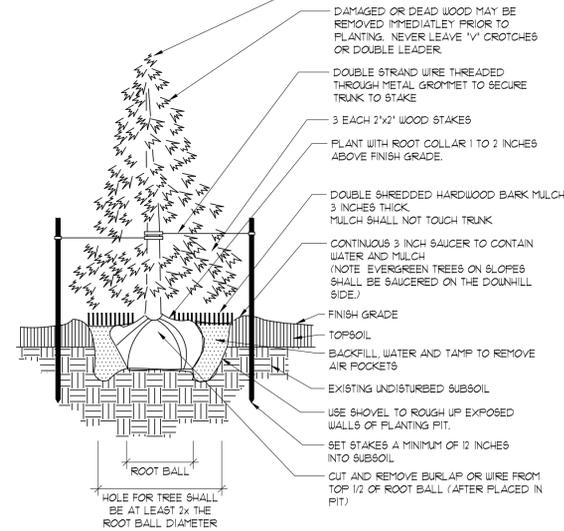
1. STAKING - MULTI-STEM TREES SHALL NOT BE STAKED. TREES WILL BECOME STRONGER FASTER WHEN THE TOP 2/3 OF THE TREE IS FREE TO SWAY.
2. PRUNING - CLEANLY PRUNE DAMAGED BRANCHES AND ROOTS AT THIS TIME. ADDITIONAL PRUNING SHOULD BE ONLY FOR SHAPING PURPOSES.
3. PLANTING - ALL SYNTHETIC MATERIAL SHOULD BE REMOVED FROM THE ROOTS, TRUNK, OR CROWN OF PLANT. SET THE PLANT SO IT WILL BE AT ITS ORIGINAL DEPTH SLIGHTLY ABOVE EXISTING GRADE. BACKFILL WITH SPECIFIED SOIL MIX.
4. WATERING - THE BACKFILL AND ROOTS OF ALL NEWLY SET PLANT MATERIAL SHOULD BE WATERED AS BACKFILLING IS DONE SO THE SOIL AND ROOTS ARE THOROUGHLY SOAKED.



2 MULTI-STEM TREE PLANTING
SCALE: NOT TO SCALE

EVERGREEN TREE STAKING AND PLANTING NOTES

1. STAKING - ONLY EVERGREEN TREES THAT ARE UNABLE TO REMAIN UPRIGHT AFTER PLANTING SHALL BE STAKED. EVERGREEN TREES WILL BECOME STRONGER FASTER WHEN THE TOP 2/3 OF THE EVERGREEN TREE IS FREE TO SWAY. TIE WEBBED STRAPPING TO THE TREE 1/3 UP THE TRUNK AND WIRE TO THREE STAKES POSITIONED EVENLY AROUND THE EVERGREEN TREE. STAKES SHOULD BE DRIVEN DEEPLY INTO THE GROUND TO PREVENT DISLODGING. CHECK AT LEAST EVERY THREE MONTHS FOR BINDING OR OTHER PROBLEMS. STAKES AND TIES SHOULD BE REMOVED SIX MONTHS TO ONE YEAR AFTER PLANTING.
2. PRUNING - CLEANLY PRUNE ONLY DAMAGED BRANCHES AND ROOTS AT THIS TIME. ADDITIONAL PRUNING SHOULD BE ONLY FOR SHAPING PURPOSES.
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4. WATERING - THE BACKFILL AND ROOTS OF ALL NEWLY SET PLANT MATERIAL SHOULD BE WATERED AS BACKFILLING IS DONE SO THE SOIL AND ROOTS ARE THOROUGHLY SOAKED.



3 EVERGREEN TREE PLANTING
SCALE: NOT TO SCALE

Attachment: packet Docs (487): Design to Construct for Athlete Performance

PLANT PALETTE

DECIDUOUS TREES



Autumn Fantasy Maple (Fall)



Sugar Maple (Fall)



Heritage River Birch (Summer)



Prairie Pride Hackberry (Summer)



Redmond Linden (Summer)



Autumn Gold Ginkgo (Fall)



Imperial Honeylocust (Summer)



Kentucky Coffeetree (Summer)



Swamp White Oak (Summer)



Shawnee Brave Bald Cypress (Summer)

ORNAMENTAL TREES



Autumn Brilliance Serviceberry (Fall)



Merrill Magnolia (Spring)

EVERGREEN TREES



Norway Spruce



Eastern Red Cedar



Fat Albert Spruce



American Arborvitae

EVERGREEN SHRUBS



Mountbatten Juniper



Russian Cypress



Green Velvet Boxwood



Sea Green Juniper

DECIDUOUS SHRUBS



Ivory Halo Dogwood (Summer)



Dwarf Burning Bush (Fall)



Invincibelle Wee White Hydrangea (Summer)



Little Lime Hydrangea (Summer)



Little Quick Fire Hydrangea (Summer)



Dart's Golden Ninebark (Summer)



Purple Leaf Ninebark (Summer)



Grow Low Sumac (Fall)



Tor Birchleaf Spirea (Summer)



Goldflame Spirea (Summer)



Dwarf Korean Lilac (Spring)



Dark Horse Weigela (Spring)

PERENNIALS



Millenium Globe Lily



Going Bananas Daylily



Stella de Oro Daylily



Walker's Low Catmint



Little Spire Russian Sage



Caradonna Meadow Sage

ORNAMENTAL GRASSES



Karl Foerster Feather Reed Grass



Flamegrass



Northwinds Switch Grass



Prairie Dropseed

MEQUON SPORTS FACILITY

EXECUTIVE COURT, MEQUON, WISCONSIN

PLANT PALETTE

DATE: 1-13-2020



PREPARED BY:



LANDSCAPE ARCHITECT:
PARAGON DESIGN GROUP, LLC
2776 North Sholes Avenue
Milwaukee, WI 53210
Tel: 414.449.1555
Fax: 414.449.2425

PREPARED FOR:

ARCHITECT:
DESIGN 2 CONSTRUCT DEVELOPMENT CORP.
N173 W21010 Northwest Passage
Jackson, WI 53037
Tel: 262.677.9933
Fax: 262.677.9934



11333 N. Cedarburg Rd
Mequon, WI 53092-1930
Phone: 262-236-2902
Fax: 262-242-9655

www.ci.mequon.wi.us

Department of Community Development

TO: Planning Commission
FROM: JAC ZADER, ASSISTANT DIRECTOR COMMUNITY DEVELOPMENT
DATE: February 10, 2020
SUBJECT: Mequon Medical, LLC & Project 4 Services. The applicant is seeking rezoning recommendation from R-2B to B-2 with PUD and certified survey map approval for a 2-lot land division to allow for a medical office clinic for the property located at 1310 W. Highland Road.

Applicant: John Ford
Mequon Medical, Project 4
Status of Applicant: Agent
Requested: Rezoning Recommendation
Land Use Plan Amendment
Certified Survey Map
Existing Zoning: R-2B (Single Family 2.5 Acres)
Proposed Zoning: B-2 (Community Commercial)
PUD (Planned Unit Development)
Existing Use: Vacant
Existing Land Use Plan: Residential 1.5 -5 Acre
Proposed Land Use Plan: Office
Lot size: 3.4708 Acres
Location: 1310 W. Highland
Tax Key: #15-007-16-000.00
District: #5

Background:

The owner of the property, Highland Investments LLC, in partnership with other entities, seeks a rezoning recommendation, land use plan amendment and certified survey map approval for the property located at 1310 W Highland Road. The joint application is made with Mequon Medical LLC, Patrick Shanahan of Project 4 Services and John Ford, partner at Catalyst Partners. The rezoning request is for a 3.4-acre portion of the 40 acre parcel located at the immediate corner of N Port Washington Road and W Highland Road. The entire 40-acre parcel is currently zoned R-2B (Residential 1.5) acre with a Land Use Plan Map designation of Residential 1 – 1.5 acres.

The request is to rezone the 3.4-acre portion of the site to B-2 (Community Commercial) with a PUD (Planned Unit Development) and maintain R-2B for the remainder of the site. The applicant's request for a PUD overlay would limit the use to medical office only. The applicant is not requesting any waivers to the code as part of the PUD. The proposed use of the 3.4-acre site is a 29,000 square foot medical office for Mequon Medical LLC which is affiliated with Ascension (Columbia St. Mary's).

Outline of Partners Associated with Proposal:

The following outlines and identify the partners associated with the application:

- Highland Investments LLC, represented by member Matt Burow, is listed as the owner of the property.
- Project 4 Services, represented by Patrick Shanahan, is listed as an agent for the owner.
- Catalyst Partners, represented by partner John Ford, is listed as an agent for the owner.
- Mequon Medical LLC on behalf of Columbia St. Mary's is listed as the landlord of the proposed medical office.
- Ascension Medical Group is listed as tenant.

The project narrative states the following:

“While the lease agreement is entirely with Ascension Medical Group (Tenant), the clinic will include three separate medical groups to best support the growing medical needs of the aging population within the area: 1) *Ascension Medical Group* (AMG), 2) *Madison Medical Affiliates* (MMA) and 3) *Premier Radiology* (PR).”

Ascension Medical Group has locations across 20 states, multiple locations throughout the City of Mequon including a clinic located at the northeast corner of N Port Washington and Highland Road and provides emergency and hospital services in Mequon.

Madison Medical Affiliates is associated with Ascension Medical Group and a department located at Ascension Columbia St. Mary's Ozaukee Seton Professional Building at 13133 N. Port Washington Road, Mequon (hospital).

Premier Radiology is associated with Ascension Medical Group and currently open in Mount Pleasant with a new location coming soon at Ascension Water Tower in Milwaukee.

City Engagement with Partners of Proposal To Date: The parcel was acquired by the Highland Investments LLC in October of 2018. Per the owner's request, Planning and Engineering staff met regularly with the owners to discuss the collective interest for development at this location. The developer ultimately presented a plan that includes the following uses (see attached concept plan):

- Senior Housing constructed and operated by United Financial Group for up to 300 to 355 units, ranging from 3-4 stories
- Assisted Living/Memory Care Facility containing 70 to 100 beds
- Medical Office of 30,000 square feet, one story
- Daycare Facility operated by Ozaukee Daycare containing 10,000 square feet
- Financial Institution – an unknown user, but approximately 15,000 square feet
- Hotel for up to 70 to 80 rooms and four stories

The proposal, and timing of such, is somewhat unique from other rezoning requests presented to the City because there are several public initiatives and indicators that the City is assessing the future land uses within the Port Washington Road corridor. The City's objectives are to:

1. Determine the public interest
2. Evaluate the demand for expansion of commercial north of Highland Road
3. Determine how to best encourage redevelopment south of Highland Road

This analysis is multidisciplined. These public initiatives include the following, and the information associated with each, can be found on the City's website www.ci.mequon.wi.us :

- Mequon Community Survey (2012)

- Two Tax Increment Districts (2012)
- Neighborhood Land Use study and Market Analysis (2012/13)
- East Side Sewer Reconstruction Project (2018/19)
- Mequon Community Survey (2019)
- Planning Commission Policy Subcommittee (August of 2019), in which the top policy priority was to study and ensure the desired and successful land use and health of Port Washington Road

The applicant sought community input by hosting an Open House and visiting one-on-one with neighboring properties to discuss the concept plan. In addition, the applicant has informed Common Council members of their interests.

Common Council Concept Plan Review:

There is no moratorium established for this area and therefore the applicant has the legal opportunity to request City action. In consultation with the Mayor this past fall, staff recommended the applicant seek input from the Common Council. By that time, the applicant invested resources towards a plan believed to be marketable and chose to present their intent to develop with the Council on November 12, 2019.

There were no votes taken at the meeting, but there were general comments expressed. Council commentary and the discussion can be viewed at <https://www.youtube.com/watch?v=i3Gz7fdhIh8> and read in the attached Common Council meeting minutes.

- Certain Council members suggested single-family residential was an appropriate use for the site, but with smaller lot sizes in the .75 to 1 acre range.
- Certain Council members support the medical, senior housing and institutional uses.
- Certain Council members expressed concerns regarding the density and height of the senior housing component.
- Certain Council members opposed a hotel at this location.
- Certain Council members stated that a decision on the appropriate zoning and land use would be premature until the East Growth Land Use study is complete.

After assessing the Council's feedback, the applicant chose to formalize the rezoning request that is under this subject application as a means to meet the timeline desired by Mequon Medical LLC and postpone a request for rezoning on the remaining parcel.

Site Context:

As noted, the 40-acre parcel is zoned as single-family residential with a residential land use plan designation. It is the only undeveloped parcel on Port Washington Road, north of Highland Road, that is currently within the sewer service area. Properties adjacent to the subject parcel have land use designations that include Office (east), Institutional (north and west), Single Family 5 Acre (northeast) and Single Family 1-1.5 Acre (west). The uses present at the intersection include a restaurant (Highland House), a medical office (current location of Mequon Medial LLC) and a continuum of care residential neighborhood (New Castle East).

Rezoning Analysis: Factors to consider when analyzing a rezoning request include the following:

- Is the proposed rezoning consistent with existing and Surrounding Land Use Designations?
- Is there a Public Interest?
- Are there reasonable uses under existing zoning?

The following addresses these above factors:

The surrounding land uses provide a great enough mix to consider the proposed medical use compatible. Even as staff assesses the transition of commercial uses to residential uses to the west at this location, staff can point to several examples throughout the North Port Washington Road corridor where office land uses, medical or otherwise, are placed on the west side of the road and immediately adjacent to single-family residential. The type of land use transition has not deterred market interest.

That being said, the City has publicly acknowledged through several initiatives, that it is undecided on the future land uses north of Highland Road and that redevelopment of the existing commercially zoned portions of North Port Washington Road is a priority. While staff doesn't believe the rezoning of the 3.4 acre obligates the City to future commercial uses north of Highland Road, the introduction of this use does impact the decisions for the remainder of the site.

Should the City decide commercial zoning is appropriate at this location, the City intends to create design standards related to architecture, massing, building placement for the area north of Highland Road. It is difficult to state in full confidence that the concept plan associated with this rezoning will meet those design standards. In addition, streetscaping, road and intersection design and gateway features may be appropriate at the intersection and are also contemplated. The City will lose its opportunity to gain these community design features that can establish the future character of the corridor to the north, east and west.

Should the City decide residential zoning is appropriate at this location, the allowance of the medical office, in staff's opinion, deteriorates the market interest for residential for the remainder of the site. Staff acknowledges the site may face challenges for a single-family residential subdivision given the current 1.5-acre zoning and other neighborhood conditions, such as the Highland Road Interchange. Staff believes for residential to be viable at this site, the density would need to be increased from the current 1.5-acre lot size to lots in the one-third to one-half acre range with an aesthetic feature at the intersection. Even under a higher density zoning allowance, the site is challenge by being surrounded by 95% institutional uses and along two major arterials. This may limit interest for single-family. Side by side plex development could also be a viable option.

The land use analysis currently underway does impact the City's position on this specific rezoning request. The City has received input from the public through two community surveys and a neighborhood open house attended by over 100 interested stakeholders. These were initiated to understand the public's interest in redevelopment, land uses, whether incentives are supported, and to ensure the vitality of current commercial corridor and ensure appropriate land uses to the north.

Until the City can draw conclusions about attracting uses that will assist in the redevelopment of existing commercial corridor and until the City can draw conclusions about future land uses north of Highland Road, it difficult to state in full confidence that the proposed zoning is best, or even appropriate, at this location. Given the market demand, presence of the hospital and the desire for medical service in the City, an opportunity may exist for attracting, consolidating and clustering new medical uses and leverage such to facilitate redevelopment. Other commercial uses or residential may be most appropriate. Office uses are permitted uses in every commercial zoning district that is present on N Port Washington Road south of Highland Road and is a permitted use the current Ascension Seton Professional Building as part of the hospital.

The Planning Commission Policy Subcommittee has directed staff to engage professionals in both the residential and commercial development industry to test desired land uses and evaluate market demand and benefits of varying land uses. This is in lieu of hiring a consultant to complete a market analysis. These are planned for late February, however formal recommendations from the Commission are not expected until late summer.

Rezoning Conclusion:

The proposed land use, on surface, may appear benign, but vetting the above listed rezoning factors is premature. The City has proven successful in its land use decisions when proactively determining objectives and the necessary tools for achieving the desired outcomes. Recent examples include Town Center and Central Growth. In both cases, it is a greater and multifaceted endeavor than simply rezoning parcels. Port Washington Road and East Growth can realize the same success given time to understand the best approach. Therefore, in staff's opinion, approving this request in the midst of our public policy analysis is a disservice and creates a high risk of error. The proposal should be denied, or at a minimum, tabled.

Concept Plan:

A concept site plan and elevations for the proposed medical office is included. The plan shows a one story, 29,000 square foot building with 129 parking spaces. Access to the site is shown from both Port Washington Road and Highland Drive.

As stated above, the building design is part of a larger policy discussion that is occurring right now and is not singular to the context and land use debate of this site. In both the East Growth policy discussions the City has had, now and in 2012/13, staff presented building designs to a board range of stakeholders. Throughout the City there is reaction from business owners, residents, board and commission members and policy makers that lends a preference to more residential looking commercial structures. This was certainly true when asked about the design preferences for all land uses for East Growth and it has been the reaction for commercial building on the fringe of our commercial districts.

Certified Survey Map:

The proposed certified survey map creates two lots that follow the boundary of the proposed split zoning of the parent parcel. Both lots, as proposed, comply with the current and proposed zoning requirements.

Engineering Report:

Bridget Henk, Assistant City Engineer, has reviewed the application and has the following comments:

While not part of the approval request, the applicant has provided a concept site plan which shows a right in, right out access to Port Washington Road and a full site access on Highland Road. A Traffic Impact Analysis may be required to determine the need for other access improvements, and to recommend spacing giving the proximity to the intersection. If approved, at the time of building and site plan, staff will review the need for acceleration and deceleration lanes, a bypass lane, and turning lanes. Staff anticipates there could be a need for restrictions of turning movements on Highland Road.

The Wisconsin Department of Transportation (WisDOT) has acknowledged their intent for the improvements to I-43 including an interchange at Highland Road. The potential start of construction for this is 2022. The development of this site would need to be coordinated with interchange plans to be cohesive. At the current stage of the design of both projects, there

appears to be no conflict. However, this information will be reviewed against the traffic analysis and any intersection improvements that may be required.

The site is located within the City's sewer service area and connection to the public utility is required. The sanitary sewer and water would need to be extended to the site as a developer build and contribute asset. The specifics of the requirements of the developer for the utilities would be covered under a development agreement. Please note that the City is examining the potential of expansion of utilities north on Port Washington Road. Utility design and coordination would be required to consider future growth and development in the corridor. Please also note that the existing sanitary sewer capacity in this area is limited, therefore on-site accommodations may be required to adjust flow allowances.

Wetlands appear to be present on site. A wetland delineation report and concurrence by the WDNR was not provided. As a matter of practice, Staff does not recommend the effectiveness of an approved rezoning take place until the wetland delineation is concurrence is provided and setbacks established. In addition, wetland boundaries and required setbacks are required to be shown on the face of the CSM prior to recording.

Staff Recommendation: Planning staff recommends **denial** of the rezoning, land use amendment, and certified survey map.

Attachments:

Packet Docs (PDF)

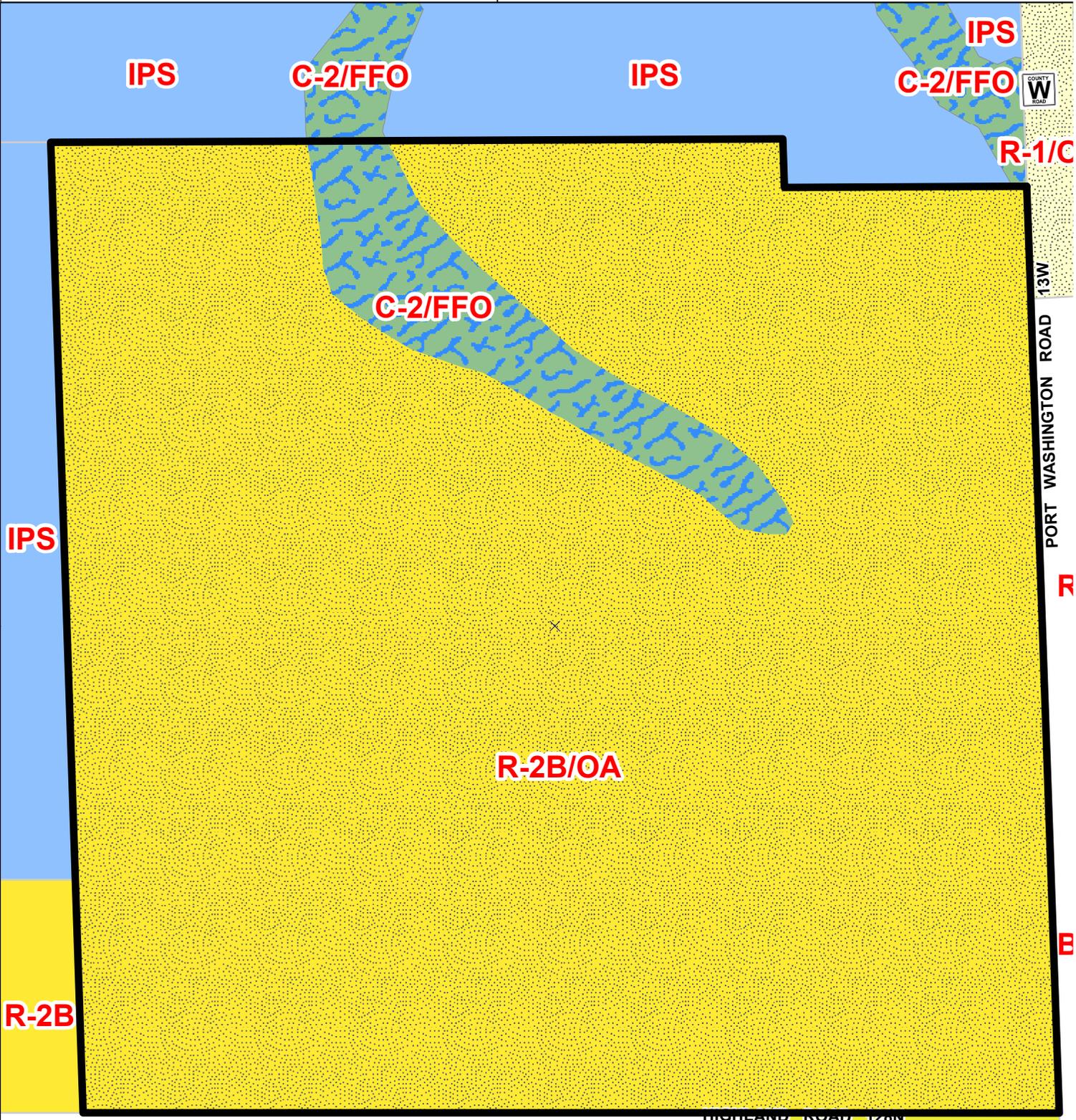
11-12-19_CC (PDF)

Mequon Medical LLC & Project 4 Services

| | |
|-----|--------------------------------|
| AC | Arrival Corridor |
| A-1 | Agricultural Preserve |
| A-2 | General Agricultural |
| B-1 | Neighborhood Business |
| B-2 | Community Business |
| B-3 | Office & Service Business |
| B-4 | Business Park |
| B-5 | Light Industrial |
| B-6 | Rural Industrial |
| B-7 | Rural Business |
| C-1 | Shoreland/Wetland Conservancy |
| C-2 | General Conservancy |
| CGO | Central Growth Overlay |
| FFO | Flood Fringe Overlay |
| FW | Floodway |
| IPS | Institutional & Public Service |

| | |
|------|--|
| LTD | Limited Use |
| OA | Agricultural Overlay |
| PUD | Planned Unit Development Overlay |
| P-1 | Park & Recreation |
| R-1 | Single-Family Residential (5 Ac. Min.) |
| R-1B | Single-Family Residential (2.5 Ac. Min.) |
| R-2 | Single-Family Residential (2.0 Ac. Min.) |
| R-2B | Single-Family Residential (1.5 Ac. Min.) |
| R-3 | Single-Family Residential (1.0 Ac. Min.) |
| R-4 | Single-Family Residential (3/4 Ac. Min.) |
| R-5 | Single-Family Residential (1/2 Ac. Min.) |
| R-6 | Single-Family Residential (4 du/Ac) |
| RM | Multi-Family Residential |
| TC | Town Center |
| TDR | Transfer of Development Rights |

4.b.a



Attachment: Packet Docs (4842 : Mequon Medical, LLC & Project 4 Services)

Mequon Medical LLC

Rezoning Application + Land Division CSM

January 13, 2020

Updated January 20, 2020



Main Entrance Perspective

Attachment: Packet Docs (4842 : Mequon Medical, LLC & Project 4 Services)

January 13, 2020 (*Updated January 20, 2020*)

City of Mequon
11333 North Cedarburg Road
Mequon, WI 53092

**Re: UPDATED Planning Commission Application
Rezoning Application + Land Division / CSM**

To City of Mequon:

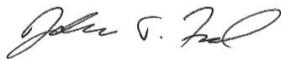
On behalf of Mequon Medical, LLC (“Landlord”), please find enclosed our Updated Planning Commission Application including a Rezoning request and CSM Land Division for Lot #1 located at the corner of the northwest quadrant of Port Washington Road and Highland Road. This Updated request, based on conversation and feedback from Officials and Staff to move this medical use to the corner, is to modify the existing zoning to B2 with a PUD Overlay for specific use of Medical Office Clinic only.

Additional details regarding our application as well as a Business Operation Plan including conceptual Architectural & Civil plans for the proposed approximate 29,500 SF medical clinic to be occupied by Tenant Columbia St. Mary’s, Inc. (dba Ascension) are included for your review.

It is our intent to submit our Site Plan Application within the next thirty (30) days.

If you shall have any questions, please call me at (414) 399-0165.

Thank you.



John T. Ford

Ascension Medical Clinic

Mequon, WI

January 13, 2020 (*Updated January 20, 2020*)

PROJECT SUMMARY & BUSINESS OPERATION PLAN

| | |
|------------------------------------|--|
| <u>ADDRESS OF PREMISES:</u> | NW Corner of Port Washington Rd and Highland Rd Lot #1 of Exhibit A |
| <u>NAME OF BUSINESS:</u> | Ascension Columbia St. Mary's |
| <u>TYPE OF BUSINESS:</u> | Medical Clinic |
| <u>REZONING REQUEST:</u> | B-2 with PUD Overlay Restricted for <u>ONLY</u> Medical Office Use |
| <u>PROPOSED USE:</u> | Medical Office Building |

PROJECT DESCRIPTION:

Mequon Medical, LLC ("**Landlord**"), on behalf of Columbia St. Mary's, Inc. (dba Ascension) ("**Tenant**") requests the City of Mequon approval of Rezoning of the Northwest quadrant of the intersection of Port Washington Road and Highland Road.

Based upon conversations and feedback from City of Mequon Officials and Staff, this updated request moves the Medical Office Clinic use to the Corner (vs. previously further north) of Port Washington Road and Highland Road. This approximate 3.47-acre parcel (Lot #1) Rezoning request and CSM would be strictly for the proposed Medical Use as further detailed within this Operational Plan.

Landlord and Tenant have an executed Lease & Development Agreement for Landlord to develop and construct an approximate 29,500 SF outpatient medical clinic for Tenant. While the Lease Agreement is entirely with Tenant, the medical office clinic will include three separate medical groups to best support the growing medical needs of the aging population within the surrounding area: 1) Ascension Medical Group ("**AMG**"), 2) Madison Medical Affiliates ("**MMA**") and 3) Premier Radiology ("**PR**").

AMG has spent years evaluating the overall market as well exhausted efforts evaluating approximately 6 miles of potential clinic site locations along Port Washington Road to place this new state-of-the art clinic featuring the latest technology and premier medical facility. In addition, MMA continues to grow within the greater Mequon community and considered at length where to make a significant investment within the community to better position their medical care to best serve the citizens of Mequon and the surrounding geographical area. Both AMG and MMA also have an existing strong relationship with nearby neighbor **Concordia University Wisconsin**. Given location of selected site, strategic collaboration could exist between parties with the Medical Clinic for health and wellness including care as well as student learning. This location is where AMG and MMA want to develop their new clinic and are fully prepared to move forward, significantly expanding their presence and commitment to the City of Mequon.

The current Ascension clinic (approximately 2,500 SF) located on the northeast corner of Port Washington and Highland Roads will be relocating services to this new clinic. However, everything else represents true **expansion** of medical office space totaling approximately 27,000 SF of the total 29,500 SF new facility. Anticipated patient services include common conditions that are not life threatening yet, but need to be addressed promptly including primary care and specialty care. Specialty care shall include podiatry and dermatology along with other potential care. Premier Radiology features a comprehensive diagnostic imaging center that will include a range of services and procedures, including walk-in and same day appointments for several modalities.

BUILDING DESIGN:

Designed by Eppstein Uhen Architects (EUA), this 29,500 SF medical clinic facility will feature a welcoming entryway for guests of all three medical providers through an open, bright, oversized, glass filled atrium. On the interior, patients will have access to a variety of different medical care, both primary and specialty, to meet patients' needs along with imaging. The exterior of the building features a modern, but sophisticated design to meet Mequon's desired design parameters. The exterior of the building will include a combination of stone, brick, and metal panel. The architectural plans included within this submittal are for concept review ONLY. Additional full detailed plans will be further reviewed with City Staff and submitted with a Site Plan Application which is anticipated to be submitted within the next 30 days.

See **EXHIBIT A** for building renderings, floor plan, and additional detail.

HOURS OF OPERATION:

7:00 AM to 7:00 PM Monday - Friday.

PATIENT VOLUME:

- AMG: Anticipated patient volume is between 40 and 50 patients per day.
- MMA: Anticipated patient volume is between 60 and 70 patients per day.
- PREMIER RADIOLOGY: Anticipated patient volume is between 20 and 30 patients per day.

ANTICIPATED STAFFING:

- AMG: 25-30
- MMA: 30-35
- PR: 6-8
- Total Anticipated Jobs: 60-70

PARKING:

Patient parking will be located on the north and west sides of the building. Employees will be directed to park at the southwestern portion of the parking lot to leave closer spots for patients. There are no plans at this time to formally delineate employee or patient parking areas. Parking shall total approximately 129 parking spaces (4.37/1,000 SF) which includes 5 ADA parking stalls.

See **EXHIBIT B** for additional detail.

DELIVERIES/GARBAGE:

Deliveries will be daily during normal business hours (7:00 AM to 7:00 PM). It is anticipated there will be three to five deliveries Monday through Friday. All deliveries may utilize the rear employee entrance to minimize any disruption and not impede in the flow of patients in/out of the main clinic area. Trash enclosure shall be located within the southwest corner of parking lot for ease of trash removal from the building as well as for pick-up and haul away.

UTILITIES:

Majority of utilities for the site are either at the site or within close proximity to the site with sufficient capacity. Gas, electric, water, and data are all present or in close proximity to the site. A small Storm Water Pond with corresponding easement are proposed to the northwest of the site.

Additional details regarding Utilities along with complete design will be submitted with Site Plan Application.

ROAD INFRASTRUCTURE / ACCESS:

Two means of egress are anticipated to provide access to this site. One (1) curb cut on Port Washington Road is anticipated to include only a right in / right out configuration. One (1) full access driveway shall be located near the western boundary of the property via Highland Road. If needed, an updated Traffic Impact Analysis (TIA) shall be submitted with Site Plan Application.

TARGET MILESTONE SCHEDULE:

- January – Rezoning Application + Land Division / CSM
- February – Site Plan Application
- February to April – Plan Commission | Common Council Approvals + Permit
- April – Commence Construction

- October – Tenant Expiration at Current Location
- November – Opening of NEW Medical Clinic

SUMMARY:

Mequon Medical, LLC is pleased to submit this application for consideration of Rezoning in order to accommodate Mequon’s newest medical clinic to further benefit the citizens of Mequon and surrounding communities. Ascension Medical Group and Madison Medical Affiliates strongly value their relationship and impact within the Mequon community. Following a multi-year search considering sites throughout the entire area, this site is where each want to make a significant investment and expand the medical clinic space in the community by a **net addition of 27,000 SF**. With the pending I43 expansion including a new Highland Interchange addition combined with adjacent institutional uses (ex. Concordia University Wisconsin mutual partnership), we feel this site makes sense not only for the Tenant, but even more so for the community at large.

In addition to being an amenity by expanding health care options to citizens with the latest state-of-the-art technology, this development will significantly impact the community economically through:

1. Jobs – good paying jobs including both construction and permanent.
2. Tax Revenue – additional tax revenue to benefit community programs and school needs.

Columbia St. Mary’s Ascension is an advocate of the City of Mequon and an important partner within the community. This significant investment and long-term Lease Agreement for this site, further solidifies their commitment to the community for years to come. ***Based upon conversations and feedback from City Official and Staff, this UPDATED submittal request is to move the Medical Clinic to the very corner of the Northwest quadrant of Port Washington Road and Highland Road.***

Thank you for your consideration of this request in an effort to further enhance and improve the quality and level of medical care provided within the greater Mequon area. We look forward to further discussing this outstanding opportunity in a means of coming to an agreement in the near future. As indicated, we plan to submit our Site Plan Application with additional design details (Architectural + Civil) within the next 30 days.

EXHIBIT A

ARCHITECTURAL DESIGN CONCEPT

Renderings

Floor Plan

Elevations



MAIN ENTRANCE PERSPECTIVE

Attachment: Packet Docs (4842 : Mequon Medical, LLC & Project 4 Services)



NORTHEAST PERSPECTIVE

Attachment: Packet Docs (4842) - Mequon Medical, LLC & Project 4 Services



SOUTHERN PERSPECTIVE

Attachment: Packet Docs (4842 : Mequon Medical, LLC & Project 4 Services)



SOUTHEAST PERSPECTIVE

Attachment: Packet Docs (4842 : Mequon Medical, LLC & Project 4 Services)



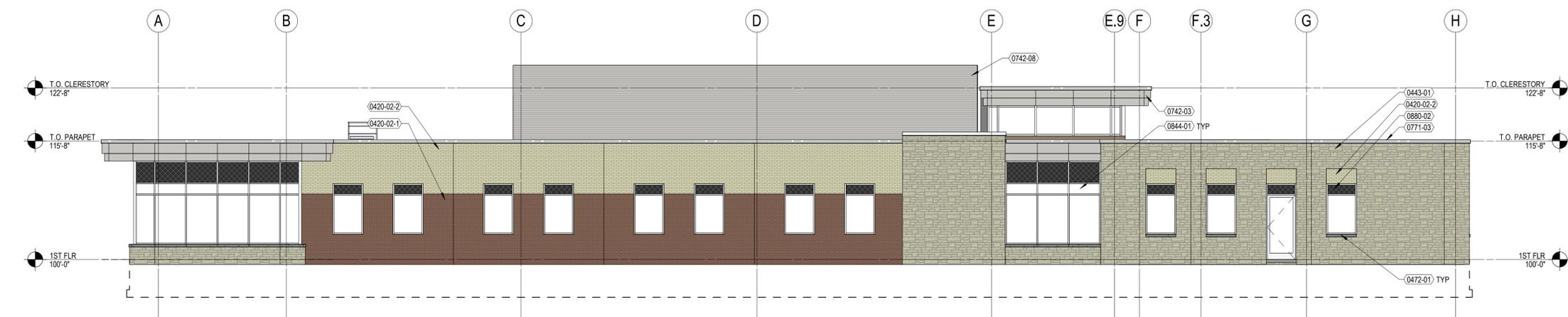
1 FIRST FLOOR PLAN - PRESENTATION
 3/32" = 1'-0"

Attachment: Packet Docs (4842) : Mequon Medical, LLC & Project 4 Services



1 PLAN REVIEW - NORTH ELEVATION
1/8" = 1'-0"

| KEYNOTES PER SHEET | |
|--------------------|-----------------------------------|
| 0420-02-1 | FACE BRICK, TYPICAL |
| 0420-02-2 | FACE BRICK, ACCENT |
| 0443-01 | STONE VENEER |
| 0472-01 | CAST STONE WINDOW SILL |
| 0742-03 | METAL WALL PANEL |
| 0742-08 | ROOF EQUIPMENT ENCLOSURE |
| 0771-03 | PRE-FABRICATED SHEET METAL COPING |
| 0844-01 | ALUMINUM-FRAMED CURTAIN WALL |
| 0880-02 | SPANDRAL GLAZING |



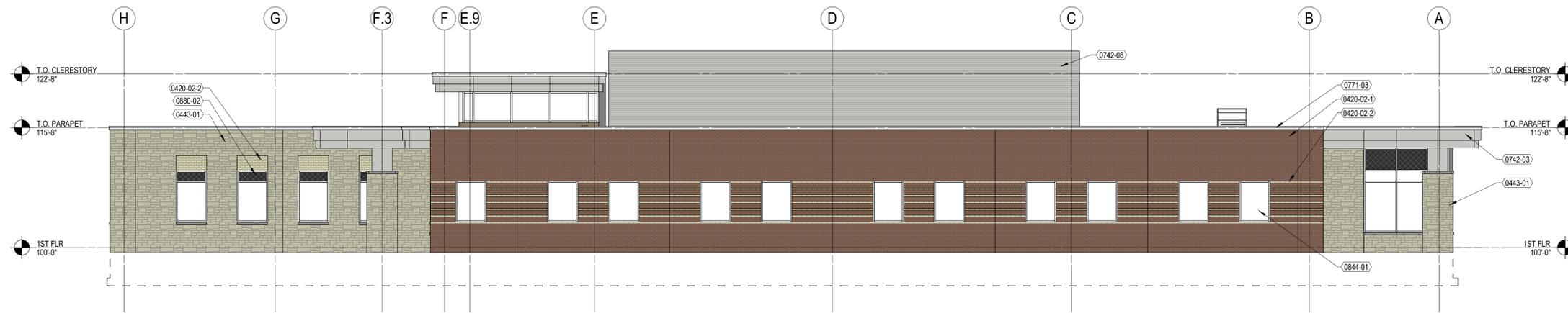
2 PLAN REVIEW - EAST ELEVATION
1/8" = 1'-0"

Attachment: Packet Docs (4842) : Mequon Medical, LLC & Project 4 Services



1 PLAN REVIEW - SOUTH ELEVATION
1/8" = 1'-0"

| KEYNOTES PER SHEET | |
|--------------------|-----------------------------------|
| 0420-02-1 | FACE BRICK, TYPICAL |
| 0420-02-2 | FACE BRICK, ACCENT |
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| 0771-03 | PRE-FABRICATED SHEET METAL COPING |
| 0844-01 | ALUMINUM-FRAMED CURTAIN WALL |
| 0880-02 | SPANDRAL GLAZING |



2 PLAN REVIEW - WEST ELEVATION
1/8" = 1'-0"

Attachment: Packet Docs (4842 : Mequon Medical, LLC & Project 4 Services)

EXHIBIT B

CIVIL DESIGN CONCEPT

Site Plan

Rezoning

CSM



SITE DATA SUMMARY

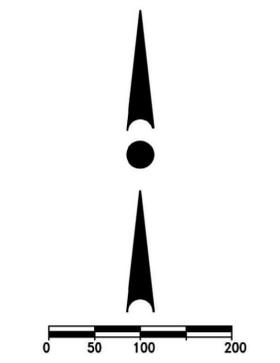
| | |
|--------------------------------|--------------|
| PARCEL AREA: | 39.988 acres |
| - Right-of-Way: | - 3.34 acres |
| TOTAL AREA: | 36.648 acres |
| - Wetland (per Meyer 8-18-17): | - 1.14 acres |
| NET AREA: | 35.508 acres |

Proposed Development:

| Description | Area |
|---------------------------------|---------------------|
| LOT 1 | 3.47 acres |
| LOT 2 Future Development | 33.178 acres |
| - Storm Water Drainage Easement | 0.34 acres |
| Sub-Total Area | 36.648 acres |
| Dedicated Right-of-Way | +3.34 acres |
| TOTAL AREA | 39.988 acres |

OVERALL SITE PLAN

HIGHLAND INVESTMENTS
City of Mequon, Wisconsin



Scale: 1" = 100' (22"x34")
Scale: 1" = 200' (11"x17")

Date: January 16, 2020

E:\Joshi_Pudlak_2009-2017\PROJECTS\2020-01-09-Stuigenz\SITE PLAN-ASCENSION_2020-01-16.dwg

Attachment: Packet Docs (4842 : Mequon Medical, LLC & Project 4 Services)

SITE DATA SUMMARY

| | |
|--------------------------------|--------------|
| PARCEL AREA: | 39.988 acres |
| - Right-of-Way: | - 3.34 acres |
| TOTAL AREA: | 36.648 acres |
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Proposed Development:

| Description | Area |
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| Sub-Total Area | 36.648 acres |
| Dedicated Right-of-Way | +3.34 acres |
| TOTAL AREA | 39.988 acres |

Lot 1 - Ascension Site Data

Lot Coverage:

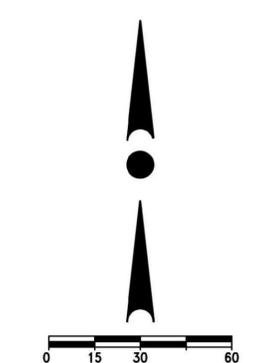
| | |
|-------------------------|--------------------|
| Ascension Site..... | 3.47 acres |
| - Building = | 0.69 acres |
| - Pavement = | 1.14 acres |
| - Sidewalk = | 0.13 acres |
| - SUBTOTAL Impervious = | 1.96 acres (56.5%) |
| - OPEN SPACE = | 1.57 acres (43.5%) |

| | |
|-------------------|------------------------|
| Ascension Parking | 129 spaces |
| | (5 ADA Parking Spaces) |



ASCENSION SITE PLAN

HIGHLAND INVESTMENTS
City of Mequon, Wisconsin



Scale: 1" = 30" (22"x34")
Scale: 1" = 60" (11"x17")

Date: January 16, 2020

E:\Joshi_Pudlak_2009-2017\PROJECTS\2020-01-09-Stuigenz\SITE PLAN-ASCENSION_2020-01-15\15 SITE PLAN-ASCENSION_2020-01-16.dwg

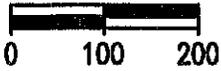
Attachment: Packet Docs (4842: Mequon Medical, LLC & Project 4 Services)

REZONING EXHIBIT "A"

BEING A PART OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 7, TOWN 9 NORTH, RANGE 22 EAST, IN THE CITY OF MEQUON, OZAUKEE COUNTY, WISCONSIN.



SCALE: 1"=200'



SURVEYOR:
TRIO ENGINEERING, LLC
4100 N CALHOUN ROAD
BROOKFIELD, WI 53005

NE COR., SE 1/4, SEC. 7-9-22
CONC. MON. W/ BRASS CAP
IN NEENAH-TYPE COVER

UNPLATTED LANDS

UNPLATTED LANDS
W. LN. SE1/4 OF SE1/4 SEC. 7-9-22

UNPLATTED LANDS

N. LN. SE1/4 OF SE1/4 SEC. 7-9-22

997.90

66.00

330.00

2661.19
(N02°00'24"W

65'

53'

53'

65'

65'

65'

65'

65'

65'

65'

65'

65'

65'

65'

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65'

65'

65'

65'

65'

65'

65'

65'

65'

65'

**LANDS TO
REMAIN R-2B/OA**
1,445,231 S.F.
33.1779 Ac.

NOTE: ALL BEARINGS ARE REFERENCED TO GRID NORTH OF THE WISCONSIN STATE PLANE COORDINATE SYSTEM, SOUTH ZONE (NAD-27), IN WHICH THE EAST LINE OF THE S.E. 1/4 OF SECTION 7, TOWN 9 NORTH, RANGE 22 EAST, BEARS NORTH 02°00'24" WEST.



871.04

HIGHLAND ROAD

S. LN. OF THE SE 1/4 SEC. 7-9-22

S55°54'22"W
139.12

N89°59'30"W
65.04

N89°59'30"W 265.00

**LANDS TO
BE REZONED
to B-2 (PUD)**
151,189 S.F.
3.4708 Ac.

S00°00'30"W 324.00

812.02

N02°00'24"W 402.25

WETLAND

S89°59'30"E 394.34

452.28

P.O.B.
SE COR., SE 1/4, SEC. 7-9-22
CONC. MON. W/ BRASS CAP
IN HANDHOLE - B.M.=691.39

N. PORT WASHINGTON RD (C.T.H. "W")

H:\CS00\311\09016-01\Survey\ESMT-EXHIBITS\REZONING.dwg

THIS EXHIBIT WAS PREPARED BY DEBORAH L. JOERS, P.L.S. (S-2132)

DATE: 1/17/2020

Attachment: Packet Docs (4842 : Mequon Medical, LLC & Project 4 Services)

REZONING EXHIBIT "A"

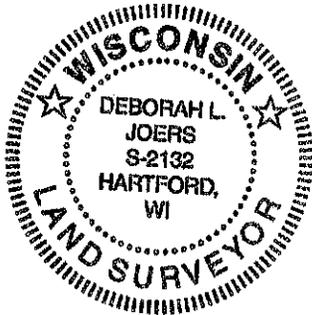
LEGAL DESCRIPTION OF LANDS OT BE REZONED TO B-2 (PUD):

All that part of the Southeast 1/4 of the Southeast 1/4 of Section 7, Town 9 North, Range 22 East, in the City of Mequon, Ozaukee County, Wisconsin, now being more particularly bounded and described as follows:

Commencing at the Southeast Corner of the said Southeast 1/4 of said Section 7; thence North 02°00'24" West along the East line of said Southeast 1/4, 452.28 feet to a point; thence North 89°59'30" West, 65.04 feet to the place of beginning of lands hereinafter described;

Thence continuing North 89°59'30" West, 265.00 feet to a point; thence South 55°54'22" West, 139.12 feet to a point; thence South 00°00'30" West, 324.00 feet to a point; thence South 89°59'30" East parallel with the South line of said Southeast 1/4 Section, 394.34 feet to a point; thence North 02°00'24" West parallel with the East line of said Southeast 1/4, 402.25 to the point of beginning of this description.

Said Parcel contains 151,189 Square Feet (or 3.4708 Acres) of land, more or less.



Deborah L. Joers

Deborah L. Joers, P.L.S.
Professional Land Surveyor, S-2132
TRIO ENGINEERING, LLC
4100 N. Calhoun Road, Suite 300
Brookfield, WI 53005
Phone: (262)790-1480 Fax: (262)790-1481

CERTIFIED SURVEY MAP NO.

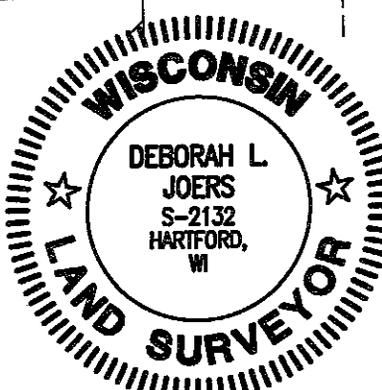
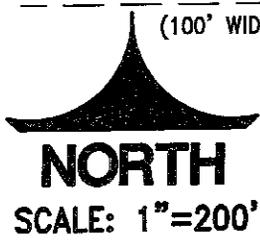
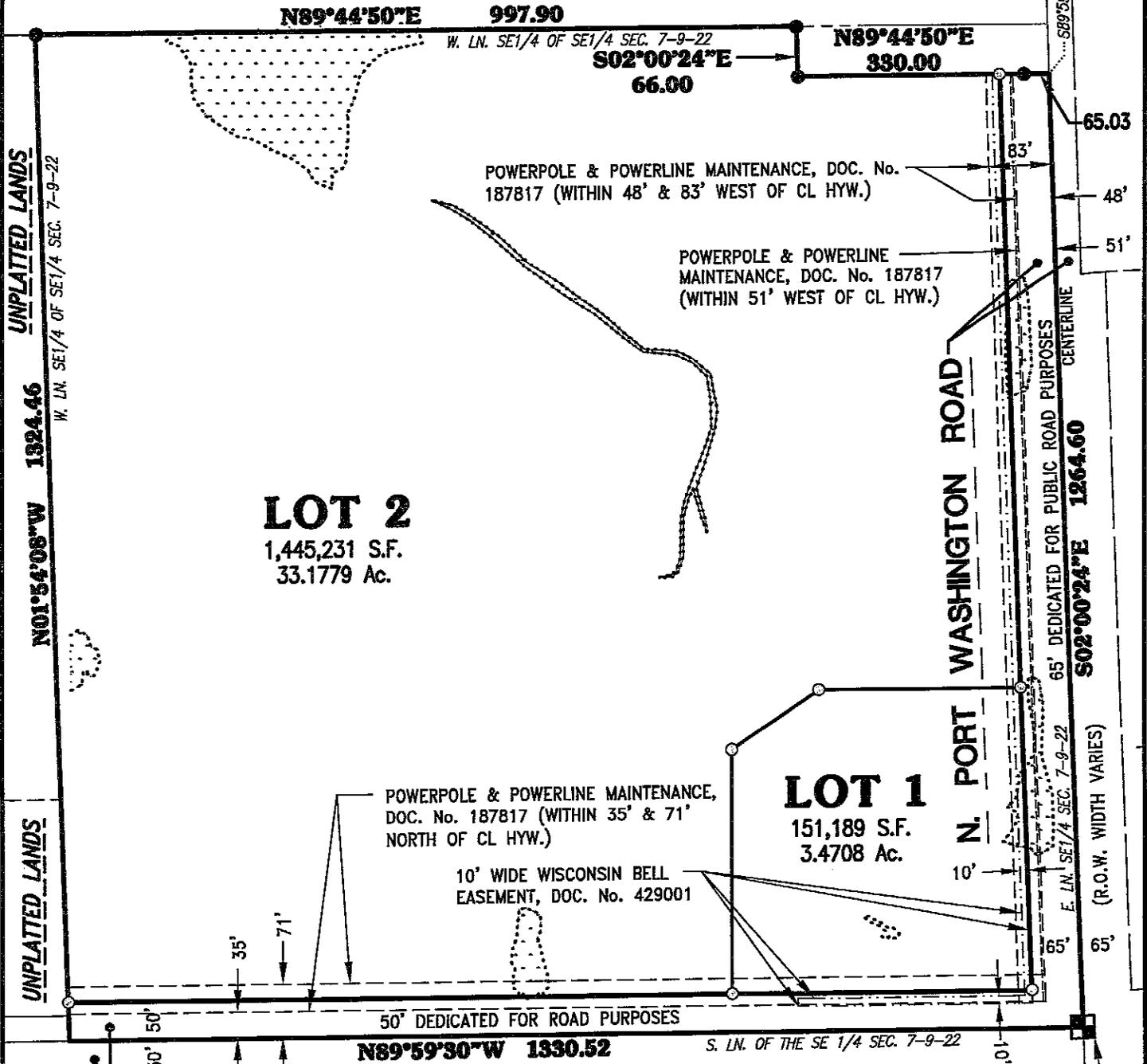
BEING A REDIVISION OF LANDS LOCATED IN A PART OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 7, TOWN 9 NORTH, RANGE 22 EAST, IN THE CITY OF MEQUON, OZAUKEE COUNTY, WISCONSIN.

EXISTING EASEMENT DETAIL

- LEGEND:**
- - INDICATES Section Corner (See Plan for Details)
 - - INDICATES "Set" 0.750" O.D. X 18" long reinforcing bar weighing 1.502 lbs. per lineal foot.
 - - INDICATES "Found" 1" iron pipe, unless noted otherwise.

NE COR., SE 1/4, SEC. 7-9-22
 CONC. MON. W/ BRASS CAP
 IN NEENAH-TYPE COVER
 N-465,288.26
 E-2,552,954.05

UNPLATTED LANDS



P.O.B.
SE COR., SE 1/4, SEC. 7-9-22
CONC. MON. W/ BRASS CAP
IN HANDHOLE - B.M. = 691.39
N-462,628.96
E-2,553,047.23

DRAFTED THIS 20TH DAY OF JANUARY, 2020
 THIS INSTRUMENT WAS DRAFTED BY DEBORAH L. JOERS, S-2132

JOB NO. 311-09016-01
 SHEET 2 OF 5

Attachment: Packet Docs (4842 : Mequon Medical, LLC & Project 4 Services)

CERTIFIED SURVEY MAP NO.

BEING A REDIVISION OF LANDS LOCATED IN A PART OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 SECTION 7, TOWN 9 NORTH, RANGE 22 EAST, IN THE CITY OF MEQUON, OZAUKEE COUNTY, WISCONSIN.

SURVEYOR'S CERTIFICATE:

STATE OF WISCONSIN)
)ss
COUNTY OF WAUKESHA)

I, Deborah L. Joers, Professional Land Surveyor, do hereby certify:

That I have surveyed, divided and mapped a redivision of the Southeast 1/4 of the Southeast 1/4 of Section 7, Town 9 North, Range 22 East, in the City of Mequon, Ozaukee County, Wisconsin, now being more particularly bounded and described as follows:

Commencing at the Southeast Corner of said Southeast 1/4 of said Section 7; Thence North 89°59'30" West along the South line of the said Southeast 1/4, a distance of 1330.52 feet to a point on the West line of the Southeast 1/4 of the said Southeast 1/4; Thence North 01°54'08" West along said West line, a distance of 1324.46 feet to a point on the North line of the Southeast 1/4 of the said Southeast 1/4; Thence North 89°44'50" East along said North line, a distance of 997.90 feet to a point; Thence South 02°00'24" East, a distance of 66.00 feet to a point; Thence North 89°44'50" East, a distance of 330.00 feet to a point on the East line of the said Southeast 1/4; Thence South 02°00'24" East along said East line, a distance of 1264.60 feet to the place of beginning of lands hereinafter described.

The Gross area of said Parcel contains 1,741,881 Square Feet (or 39.9881 Acres) of land, more or less. The Net area of said Parcel after the Right-of-Way dedication of "Highland Road" and N. Port Washington Road" (C.T.H. "W") contains 1,596,420 Square Feet (or 36.6487 Acres) of land, more or less.

That I have made such survey, land division, map and dedication by the direction of **HIGHLAND INVESTMENTS I, LLC**, owner of said lands.

That such map is a correct representation of all the exterior boundaries of the land surveyed and the land division thereof made.

That I have fully complied with the provisions of Chapter 236 of the Wisconsin Statutes and the City of Mequon subdivision regulations in surveying, dividing and mapping the same.

Dated this 20th day of January, 2020.



Deborah L. Joers
Deborah L. Joers, P.L.S.
Professional Land Surveyor, S-2132
TRIO ENGINEERING, LLC
4100 N. Calhoun Road, Suite 300
Brookfield, WI 53005
Phone: (262)790-1480 Fax: (262)790-1481

Drafted this 20th day of JANUARY, 2020
THIS INSTRUMENT WAS DRAFTED BY DEBORAH L. JOERS, S-2132

Job. No. 09-016-311-01
SHEET 3 OF 5

Attachment: Packet Docs (4842 : Mequon Medical, LLC & Project 4 Services)

CERTIFIED SURVEY MAP NO.

BEING A REDIVISION OF LANDS LOCATED IN A PART OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 SECTION 7, TOWN 9 NORTH, RANGE 22 EAST, IN THE CITY OF MEQUON, OZAUKEE COUNTY, WISCONSIN.

CORPORATE OWNER'S CERTIFICATE OF DEDICATION:

HIGHLAND INVESTMENT I, LLC, a Corporation duly organized and existing under and by virtue of the laws of the State of Wisconsin, as owner, does hereby certify that said Corporation has caused the land described on this map to be surveyed, divided, mapped and dedicated as represented on this map in accordance with the provisions of Chapter 236 of the Wisconsin Statutes, and the City of Mequon Subdivision Regulations, this _____ day of _____, 20 _____.

HIGHLAND INVESTMENT I, LLC

Paul Weaver, Owner/Representative

STATE OF WISCONSIN)
) ss
COUNTY OF)

Personally came before me this _____ day of _____, 20_____, Paul Weaver, as Representative of the above named Corporation, to me known to be the person who executed the foregoing instrument, and to me known to be the Representative, and acknowledged that he executed the foregoing instrument as such officer as the deed of said Corporation, by its authority.

Print Name: _____
Notary Public, _____ County, WI
My commission expires: _____

CONSENT OF CORPORATE MORTGAGEE:

FIRST BANK, a corporation duly organized and existing under and by virtue of the laws of the State of Wisconsin, mortgagee of the above described land, does hereby consent to the surveying, dividing, mapping and dedicating of the land described on this Certified Survey Map, and does hereby consent to the above certificate of HIGHLAND INVESTMENT I, LLC, owner, this _____ day of _____, 20 _____.

FIRST BANK

Kevin Much, Representative

STATE OF WISCONSIN)
) ss
COUNTY OF)

Personally came before me this _____ day of _____, 20_____, Kevin Much, Representative of the above named corporation, to me known to be the person who executed the foregoing instrument, and to me known to be such Representative of said corporation, and acknowledged that he executed the foregoing instrument as such officer as the deed of said corporation, by its authority.

Print Name: _____
Notary Public, _____ County, WI
My commission expires: _____

Drafted this 20th day of JANUARY, 2020
THIS INSTRUMENT WAS DRAFTED BY DEBORAH L. JOERS, S-2132

Job. No. 09-016-311-01
SHEET 4 OF 5

Attachment: Packet Docs (4842 : Mequon Medical, LLC & Project 4 Services)

CERTIFIED SURVEY MAP NO. _____

BEING A REDIVISION OF LANDS LOCATED IN A PART OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 SECTION 7, TOWN 9 NORTH, RANGE 22 EAST, IN THE CITY OF MEQUON, OZAUKEE COUNTY, WISCONSIN.

CITY OF MEQUON PLANNING COMMISSION APPROVAL:

Approved by the Planning Commission of the City of Mequon on this _____ day of _____, 20____.

John Wirth, Mayor

Caroline Fochs, City Clerk

CITY OF MEQUON COMMON COUNCIL APPROVAL:

Approved by the Common Council of the City of Mequon on this _____ day of _____, 20____.

John Wirth, Mayor

Caroline Fochs, City Clerk

Attachment: Packet Docs (4842 : Mequon Medical, LLC & Project 4 Services)

WETLANDS SHOWN WITHIN THE PROJECT LIMITS WERE DELINEATED BY DAVE MEYER OF WETLAND & WATERWAY CONSULTING ON 8/18/2017 AND FIELD SURVEYED BY TRIO ENGINEERING ON 9/8/2017

15-007-13-000.00
Ascension Columbia St. Mary's

Missing Links Golf Course
15-008-10-004.00
20.32 AC

SITE DATA SHEET 4.b.a

| | |
|---|--------------|
| PARCEL AREA: | 39.98 acres |
| - Right-of-Way: | - 3.34 acres |
| TOTAL AREA: | 36.6 ES |
| - Wetland (per Meyer 8-18-17): | - 1.1 ES |
| NET AREA: | 35.5 ES |
| [Non-wetland C-2 Zoning (per City Map): | - 1.05 |

Tentative Proposed Uses:

| ID | Description | Area | ES |
|----|------------------------|-----------------------------------|----|
| A | Senior Assisted Living | 4.91 | ES |
| B | Medical office | 3.47 | ES |
| C | Professional Office | 1.71 | ES |
| D | Highlands Communities | 20.2 | ES |
| | 55+ Age-Restricted | [16.5 ac + 3.71 ac rec. easement] | |
| E | Hotel | 2.6 | ES |
| F | Daycare | 1.81 | ES |
| | Public Street | 1.93 | ES |
| | Sub-Total Area | 36.6 | ES |
| | Dedicated Right-of-Way | +3.3 | ES |
| | TOTAL AREA | 39.9 | ES |

Attachment: Packet Docs (4842 : Mequon Medical, LLC & Project 4 Services)



15-007-15-000.00
Oriole Lane Elementary

Neighborhood Park (2 acres)

Port Washington Road (CTH W)

Highland Road

Highland House



11333 N. Cedarburg Road
 Mequon, WI 53092
 Phone: 262-236-2914
 Fax: 262-242-9655

www.ci.mequon.wi.us

Office of the City Clerk
 Taped and Televised

COMMON COUNCIL
Regular Meeting
Tuesday, November 12, 2019 – 7:30 PM
or immediately following the
Sewer Utility District Commission meeting
Christine Nuernberg Hall

Minutes

1) Call to Order, Pledge of Allegiance, Roll Call

Mayor Wirth called the meeting to order at 7:38 PM.

Present:

Mayor John Wirth
 Alderman Robert Strzelczyk
 Alderman Glenn Bushee
 Alderman Dale Mayr
 Alderman Jeffrey Hansher
 Alderman Mark Gierl
 Vacant Seat
 Alderman Kathleen Schneider
 Alderman Andrew Nerbun

Also present: City Administrator Jones, City Attorney Sajdak, Assistant City Administrator Schoenemann, City Clerk Fochs, City Engineer/Public Works Director Lundeen, Community Development Director Tollefson, Assistant Director of Community Development Zader, Finance Director Watson, Assistant Finance Director Krueger, Deputy Director of Utilities Driscoll, Chief of Police Pryor; Patrick Shannahan and Paul Weaver of Highland Investments I LLC, Ryan McIntyre of United Financial Group; press and interested public.

2) Specified Miscellaneous New Business:

- a) Appointment of Brian Parrish to the District 6 Aldermanic seat through April 7, 2020; Recommended by Committee of the Whole October 22, 2019.

Motion to approve the appointment of Brian Parrish to the District 6 Aldermanic seat through April 7, 2020.

RESULT: **Approved by Voice Acclamation [Unanimous]**
MOVED BY: Alderman Strzelczyk
SECONDED BY: Alderman Schneider

AYES: Strzelczyk, Bushee, Mayr, Hansher, Gierl, Schneider, Nerbun

b) Clerk to Administer Oath

City Clerk Fochs administered the oath of office to Brian Parrish and he was seated as the Alderman for District 6.

3) **Public Hearing:**

ORDINANCE 2019-1556 - An Ordinance Adopting the Annual Budget Appropriating Funds for the Operations of the Government and Administration of the City of Mequon for the Year 2020 and Levying for the Same; **Recommended by Appropriations Committee October 3, 2019; First Reading.**

Motion to open the public hearing for **ORDINANCE 2019-1556.**

RESULT: **Approved by Voice Acclamation [Unanimous]**
MOVED BY: Alderman Strzelczyk
SECONDED BY: Alderman Schneider

AYES: Strzelczyk, Bushee, Mayr, Hansher, Gierl, Parrish, Schneider, Nerbun

Motion to close the public hearing for **ORDINANCE 2019-1556.**

RESULT: **Approved by Voice Acclamation [Unanimous]**
MOVED BY: Alderman Strzelczyk
SECONDED BY: Alderman Nerbun

AYES: Strzelczyk, Bushee, Mayr, Hansher, Gierl, Parrish, Schneider, Nerbun

Motion to suspend the rules and take action on **ORDINANCE 2019-1556.**

RESULT: **Approved by Voice Acclamation [Unanimous]**
MOVED BY: Alderman Strzelczyk
SECONDED BY: Alderman Hansher

AYES: Strzelczyk, Bushee, Mayr, Hansher, Gierl, Parrish, Schneider, Nerbun

Motion to add \$5,000 to the maintenance budget for the medians on Cedarburg Road in the Civic Campus, taking the funds from the fund balance.

RESULT: **Approved by Roll Call Vote [Unanimous]**
MOVED BY: Alderman Strzelczyk
SECONDED BY: Alderman Nerbun

Attachment: 11-12-19_CC (4842 : Mequon Medical, LLC & Project 4 Services)

AYES: Strzelczyk, Bushee, Mayr, Hansher, Gierl, Parrish, Schneider, Nerbun

ORDINANCE 2019-1556 An Ordinance Adopting the Annual Budget and Appropriating Funds for the Operations of the Government and Administration of the City of Mequon for the Year 2020 and Levying for the Same.

RESULT: **Approved as Amended by Roll Call Vote [Unanimous]**
MOVED BY: Alderman Schneider
SECONDED BY: Alderman Nerbun

AYES: Strzelczyk, Bushee, Mayr, Hansher, Gierl, Parrish, Schneider, Nerbun

4) Personal Appearances and Public Comment:

5) Public Officials' Reports:

- a) Mayor: In honor of Veterans Day, Mayor Wirth recognized veterans present and in the audience and thanked them for their service on behalf of the City.

The Mayor proclaimed Saturday, November 30, 2019 as Small Business Saturday and presented the Executive Director of the Mequon-Thiensville Chamber of Commerce with a certificate. He urged residents to support the local, smaller businesses not only then but throughout the year.

- b) City Administrator: City Administrator Jones announced that the Clerk's Office is currently recruiting election inspectors for the 2020 election year. Applications are on the City website or in the City Clerk's Office. This is a paid position and training is provided.

Administrator Jones also announced that the Winter Wonderland Festival will be on Sunday, December 8th, between 3:00-5:30 PM. directly in front of Mequon City Hall. Santa, food trucks, children activities, wagon rides and hot cocoa will be available for everyone.

Hearing no objection, the Mayor declared the Common Council convened as the Appropriations Committee at 7:44 PM.

6) Convene as Appropriations Committee:

- a) Approve Appropriations Committee Workshop meeting minutes of September 17 and September 24, 2019 and Appropriations Committee meeting minutes of October 3, 2019

RESULT: **Approved by Voice Acclamation [Unanimous]**
MOVED BY: Alderman Mayr
SECONDED BY: Alderman Nerbun

AYES: Strzelczyk, Bushee, Mayr, Hansher, Gierl, Parrish, Schneider, Nerbun

b) Reconvene as Common Council

Hearing no objection, the Mayor declared the Appropriations Committee reconvened as the Common Council at 7:45 PM.

7) Consent Agenda:

RESULT: **Approved by Voice Acclamation [Unanimous]**

MOVED BY: Alderman Strzelczyk

SECONDED BY: Alderman Schneider

AYES: Strzelczyk, Bushee, Mayr, Hansher, Gierl, Parrish, Schneider, Nerbun

- a) Common Council meeting minutes of October 15, 2019.
- b) Architectural Board meeting minutes of September 23, 2019.
- c) Board of Police and Fire Commission meeting minutes of September 10 and October 1, 2019.
- d) Economic Development Board meeting minutes of September 24, 2019.
- e) Festivals Committee meeting minutes of September 16, 2019.
- f) Finance-Personnel Committee meeting minutes of September 10, 2019.
- g) Fire Department Reports for August and September 2019.
- h) Joint Mequon-Thiensville Bike and Pedestrian Way Commission meeting minutes of September 5, 2019.
- i) Joint Review Board meeting minutes of August 23, 2018.
- j) Mequon Municipal Water Utility Commission meeting minutes of August 13, 2019.
- k) Milwaukee River Advisory Committee meeting minutes of May 28 and August 6, 2019.
- l) Planning Commission meeting minutes of September 9, 2019.
- m) Planning Commission Policy Subcommittee meeting minutes of September 23, 2019.
- n) Public Safety Committee meeting minutes of September 10, 2019.
- o) Public Welfare Committee meeting minutes of September 10, 2019.
- p) Public Works Committee meeting minutes of September 10, 2019.
- q) Sewer Utility District Commission meeting minutes of July 9, 2019.
- r) Ordinance First Readings

NOTE: First reading of Ordinances will not be acted upon unless a suspension of the rules is approved by a recorded vote of two-thirds majority of all aldermen.

- 1) **ORDINANCE 2019-1554** - An Ordinance Amending Chapter 2, Article IX of the Mequon Municipal Code, Allowing Electronic Participation at Meetings by Members of Certain Boards, Commissions and Committees.
- 2) **ORDINANCE 2019-1558** - An Ordinance to Amend the Charter Ordinance Establishing the Planning Commission to Establish Rules for Reconsideration of Items.

- 3) Item 7r3 was moved to after the public hearing for **ORDINANCE 2019-1556**.
- 4) Item 7r4 was moved to after the Consent Agenda First Readings.

Motion to suspend the rules and take action on **ORDINANCE 2019-1557**.

RESULT: **Approved by Voice Acclamation [Unanimous]**
MOVED BY: Alderman Bushee
SECONDED BY: Alderman Parrish

AYE AYES: Strzelczyk, Bushee, Mayr, Hansher, Gierl, Parrish, Schneider, Nerbun

ORDINANCE 2019-1557 An Ordinance Appropriating the Necessary Funds from the City of Mequon’s Sewer Utility District for the Year 2020 for Capital Charge Payments to the Milwaukee Metropolitan Sewerage District (MMSD) and City of Mequon Capital Debt Service Requirements.

RESULT: **Approved by Roll Call Vote [Unanimous]**
MOVED BY: Alderman Nerbun
SECONDED BY: Alderman Strzelczyk

AYES: Strzelczyk, Bushee, Mayr, Hansher, Gierl, Parrish, Schneider, Nerbun

Hearing no objection, the Mayor declared the Common Council convened as the Committee of the Whole at 7:48 PM.

8) Committee of the Whole:

- a) Approve Committee of the Whole meeting minutes of October 22, 2019

RESULT: **Approved by Voice Acclamation [Unanimous]**
MOVED BY: Alderman Strzelczyk
SECONDED BY: Alderman Bushee

AYES: Strzelczyk, Bushee, Mayr, Hansher, Gierl, Parrish, Schneider, Nerbun

- b) Discussion of **ORDINANCE 2019-1558** - An Ordinance to Amend the Charter Ordinance Establishing the Planning Commission to Establish Rules for Reconsideration of Items.

The Mayor stated that the purpose of **ORDINANCE 2019-1558** is to eliminate typos, fix a reference to a non-existent committee, and standardize the rules for how and when a motion to reconsider can be brought to Planning Commission.

- c) Discussion of a Concept Development Proposal for the Property Located at the Northeast Corner of Port Washington and Highland Road.

The Mayor stated that the City hopes that open presentations by new developers will provide

Attachment: 11-12-19_CC (4842 : Mequon Medical, LLC & Project 4 Services)

preliminary feedback from the Common Council.

The forty acre parcel located at the northeast corner of Port Washington Road and Highland Road and is currently zoned R-1B (Residential 1.5 acre) which would allow for 26 single-family homes. The developers are proposing to move forward with a rezoning to IPS (Institutional) and some B-2 (Community Commercial) zoning uses. Estimates of full evaluation depending on the zoning and project fall between 18M and \$70M.

Mr. Patrick Shannahan stated market outreach was done to determine the needs and potential users of the project. He summarized the project's vision:: 1) a PUD overlay on the western half and a B-2 district on the east; 2) permitted and non-permitted uses; 3) assisted living/memory care, office building, hotel, daycare and age-restricted independent senior community; 4) incorporation of green space and parks; 5) job creation; and 6) potential tax revenue.

The following residents spoke against the proposed development: Tayyibah Sethi, Dan Abendroth, and Mary Machare citing traffic concerns, lowered property values, disappearance of rural community, lack of synergy with area, high density to support, negative impacts on community, and the recent community survey and 2035 Land Use Plan does not support the proposed uses.

Common Council discussion ensued on whether these are uses Mequon wants at this location at this time. Aldermanic opinions were expressed on the need for a care center, positive plans for green space, proximity to other medical facilities, I-43 interchange, community survey lack of support for more apartments, and price point of housing.

d) Reconvene as Common Council

Hearing no objection, the Mayor declared the Committee of the Whole reconvened as the Common Council at 9:26 PM.

9) **Ordinances:** None.

10) **Resolutions:**

- a) **RESOLUTION 3655** - A Resolution Awarding a Contract for Long Term Disability Insurance and Employee Assistance Program Services to MetLife for an Annual Estimated Premium of \$28,780.

RESULT: **Approved by Roll Call Vote [Unanimous]**
MOVED BY: Alderman Strzelczyk
SECONDED BY: Alderman Nerbun

| | |
|--------------|--|
| AYES: | Strzelczyk, Bushee, Mayr, Hansher, Gierl, Parrish, Schneider, Nerbun |
|--------------|--|

Attachment: 11-12-19_CC (4842 : Mequon Medical, LLC & Project 4 Services)

- b) **RESOLUTION 3656** - A Resolution Approving the 2020 Compensation Plan for Non-Represented Employees, and Establishing the Position of Forestry Worker at Pay Grade 8 (\$46,954 - \$63,527).

RESULT: **Approved by Roll Call Vote [Unanimous]**
MOVED BY: Alderman Schneider
SECONDED BY: Alderman Nerbun

AYES: Strzelczyk, Bushee, Mayr, Hansher, Gierl, Parrish, Schneider, Nerbun

- c) **RESOLUTION 3659** - A Resolution Designating Hometown Bank, Fond du Lac, WI, as a Public Depository for the City of Mequon.

The Finance-Personnel Committee recommended the following changes to **RESOLUTION 3659**: 1) The first sentence of section 4 should read "Any one of the persons holding the offices of this City designated below is hereby authorized...; 2) In Section 5 change the names listed to position titles; and 3) add a provision that ensures that before payments are initiated by LifeQuest Services a listed City Authorized signer must review them.

RESULT: **Approved with Amendments by Roll Call Vote [Unanimous]**
MOVED BY: Alderman Strzelczyk
SECONDED BY: Alderman Nerbun

AYES: Strzelczyk, Bushee, Mayr, Hansher, Gierl, Parrish, Schneider, Nerbun

- d) **RESOLUTION 3660** - A Resolution Appointing Kaitlyn M. Krueger to the Position of Finance Director/City Treasurer.

RESULT: **Approved by Voice Acclamation [Unanimous]**
MOVED BY: Alderman Strzelczyk
SECONDED BY: Alderman Nerbun

AYES: Strzelczyk, Bushee, Mayr, Hansher, Gierl, Parrish, Schneider, Nerbun

- e) **RESOLUTION 3661** – A Resolution Ratifying Three Change Orders in the Amount of \$4,774, in Connection with Completion of the 2019 Community Survey.

RESULT: **Approved by Roll Call Vote [Unanimous]**
MOVED BY: Alderman Mayr
SECONDED BY: Alderman Nerbun

AYES: Strzelczyk, Bushee, Mayr, Hansher, Gierl, Parrish, Schneider, Nerbun

f) **RESOLUTION 3662** - A Resolution Rejecting the Bid for Repair of the Foot Bridge at the Mequon Public Safety Building.

RESULT: **Approved by Roll Call Vote [Unanimous]**
MOVED BY: Alderman Schneider
SECONDED BY: Alderman Parrish

AYES: Strzelczyk, Bushee, Mayr, Hansher, Gierl, Parrish, Schneider, Nerbun

g) **RESOLUTION 3663** - A Resolution Awarding the Range Line Court Water Main Relay and Road Reconstruction Project Design Contract to R.A. Smith, Brookfield, Wisconsin, in the Amount of \$37,800.

RESULT: **Approved by Roll Call Vote [Unanimous]**
MOVED BY: Alderman Bushee
SECONDED BY: Alderman Schneider

AYES: Strzelczyk, Bushee, Mayr, Hansher, Gierl, Parrish, Schneider, Nerbun

h) **RESOLUTION 3657** - A Resolution Prioritizing Areas for Inflow & Infiltration Reduction Implementation.

RESULT: **Approved by Voice Acclamation [Unanimous]**
MOVED BY: Alderman Bushee
SECONDED BY: Alderman Mayr

AYES: Strzelczyk, Bushee, Mayr, Hansher, Gierl, Parrish, Schneider, Nerbun

i) **RESOLUTION 3658** - A Resolution Approving the 2020 Sanitary Sewer Budget and Establishing the 2020 Sanitary Sewer User Fee Schedule.

RESULT: **Approved by Roll Call Vote [Unanimous]**
MOVED BY: Alderman Bushee
SECONDED BY: Alderman Strzelczyk

AYES: Strzelczyk, Bushee, Mayr, Hansher, Gierl, Parrish, Schneider, Nerbun

11) Specified Unfinished Business: None.

12) Presentation of Petitions, Memorials, and/or Remonstrances and Communications: None.

13) Specified Miscellaneous New Business:

a) Council President to Appoint Alderman to Vacant Board and Standing Committees

Attachment: 11-12-19_CC (4842 : Mequon Medical, LLC & Project 4 Services)

Motion to Appoint Alderman Parrish as the Aldermanic Representative to the Public Safety Committee, Park and Open Space Board and as an Alternate to the Economic Development Board.

RESULT: **Approved by Voice Acclamation [Unanimous]**

MOVED BY: Alderman Strzelczyk

SECONDED BY: Alderman Nerbun

AYES: Strzelczyk, Bushee, Mayr, Hansher, Gierl, Parrish, Schneider, Nerbun

b) Mayoral Appointment-Library Board

RESULT: **Approved by Voice Acclamation [Unanimous]**

MOVED BY: Alderman Parrish

SECONDED BY: Alderman Strzelczyk

AYES: Strzelczyk, Bushee, Mayr, Hansher, Gierl, Parrish, Schneider, Nerbun

14) Adjourn

Motion to adjourn at 9:38 PM.

RESULT: **Approved by Voice Acclamation [Unanimous]**

MOVED BY: Alderman Bushee

SECONDED BY: Alderman Parrish

AYES: Strzelczyk, Bushee, Mayr, Hansher, Gierl, Parrish, Schneider, Nerbun

Respectfully Submitted,
Kathy Andrykowski
Approved 12-10-19

Attachment: 11-12-19_CC (4842 : Mequon Medical, LLC & Project 4 Services)



11333 N. Cedarburg Road
Mequon, WI 53092-1930
Phone: 262-242-3100
Fax: 262-242-9655

www.ci.mequon.wi.us

Office of Community Development

TO: Planning Commission
FROM: Jac Zader, Assistant Director Community Development
DATE: February 10, 2020
SUBJECT: Concord Development. The applicant is seeking a text amendment to Chapter 62, Sign Code, related to I-43 freestanding signs.

Background:

The applicant is requesting to amend Section 62-12 (a)(4) of the sign code to allow churches and religious institutions a freestanding sign along I-43. This request is being initiated by representatives of Christ Church who indicate a freestanding sign along I-43 will allow them to accomplish one of their goals being public outreach. In 2011, the City adopted Ordinance 2011-1363 (see attached) which permitted signage along the I-43 corridor in certain circumstances. According to Section 62-12 (a) (4) freestanding signs are currently permitted for identification of a business park, retail center or education facility that contains a minimum of four acres and 400 feet of direct frontage on I-43 right-of-way.

Discussion:

Prior to 2011, signs along I-43 were prohibited in the City of Mequon. Based on feedback from business owners and the Chamber of Commerce, city staff worked with the Public Welfare Committee and the Planning Commission to create language that would allow signage along I - 43 but in limited circumstances and subject to certain design standards. The consensus at the time was to limit the number of freestanding signs to larger, coordinated developments that have a greater regional draw and rely on a branding name for the site. It was contemplated that sites such as the Pavilions, Concordia University and the Mequon Corporate Park would benefit from freestanding signage along I-43. This approach limited the number of development sites that would be allowed freeway signage in order to prevent visual and sign clutter which in turn helps maintain community character. Individual buildings and developments were excluded from the ability to have a freestanding sign for this reason.

In this particular case, staff does not agree that a religious institution meets the policy intent or the criteria established at the time as a larger multi-use development with a regional draw. While there is only a small number of religious institutions along the I-43 corridor and this allowance would not lead to a proliferation of new signs, staff is concerned that allowing an individual user the ability to have a freestanding sign will prompt other non-religious uses to request similar signage. Unless the Planning Commission believes there is merit to revisit the broader policy issue of I-43 signage, staff does not support the proposed text amendment.

Staff Recommendation:

Planning staff recommends **denial** of the text amendment request.

Attachments:

Packet Docs (PDF)



January 13, 2020

Mr. Jac Zader and
City of Mequon Planning Commission
11333 N. Cedarburg Road 60W
Mequon, WI 53092

RE: Text Amendment – I43 Signage for Christ Church (13460 N. Port Washington Road)

Dear Mr. Zader and Planning Commissioners:

Christ Church is requesting a text amendment to Section 62-12(a)(3) of the City of Mequon's Ordinances concerning freestanding I-43 signs. Christ Church asks that the referenced Ordinance be amended to include religious uses among the identified uses (i.e. business parks, retail centers and education facilities) permitted to have one freestanding identification sign adjacent to I-43. We are proposing that the language underlined below, or similar language, be added to the Ordinance:

62-12(a)(3) One freestanding sign shall be permitted for identification of a business park, retail center, education facility or church or religious facility that contains a minimum of four acres and 400 feet of direct frontage on I-43 right-of-way.

A freestanding I-43 sign is necessary for the accomplishment of Christ Church's goals as it will make the public aware of the church's existence and location and act as an invitation to newcomers. An I-43 sign will show community members that they're welcome to visit and that Christ Church is excited to meet them. An I-43 sign will also encourage the public to connect and find out more about Christ Church. It will also act as a wayfinding tool for Christ Church's many visitors from the greater community, which include participants in various meeting groups such as parents' clubs, business associations, recreational groups and support programs that utilize the church's facilities.

Pursuant to Section 62-12(a)(4) of Ordinances, a freestanding I-43 sign may be placed a minimum of 10' and maximum of 25' from the I-43 right of way. Christ Church has determined that a freestanding I-43 sign with a 10' setback from I-43 will be more effective than previously approved wall signage with a 500' setback from I-43.

Your consideration of this request is appreciated. Should you have any questions, please call me at (262) 241-9910, extension 104. Thank you.

Sincerely,

CONCORD DEVELOPMENT COMPANY

/s/

Andrew A. Petzold
President

AAP:cj

Attachment: Packet Docs (4873 : Sign Code discussion related to I-43 freestanding signs)

COMMON COUNCIL
OF THE
CITY OF MEQUON

ORDINANCE NO. 2011-1363

AN ORDINANCE AMENDING CHAPTER 62, SPECIFICALLY 62-12 AS IT RELATES TO
SIGNS FACING I-43

THE COMMON COUNCIL OF THE CITY OF MEQUON, OZAUKEE COUNTY, STATE OF
WISCONSIN, ORDAINS AS FOLLOWS:

SECTION I:

Subsection 62-12 of the Mequon Code of Ordinances are amended in the forms attached to this Ordinance, having been placed on file and open to public inspection in the office of the City Clerk of the City of Mequon at City Hall, 11133 North Cedarburg Road, Mequon, Wisconsin, since October 11, 2011 in accordance with the procedures provided in Sections 66.0103 and 62.11(4)(a), Wis. Stats.

SECTION II:

All ordinances in conflict or inconsistent with this ordinance, in whole or in part, are repealed to the extent necessary to give this ordinance full force and effect.

SECTION III:

This ordinance shall be in full force and effect upon its passage and on the day after its publication.

Approved By: Curtis Gielow, Mayor

Date Approved: November 17, 2011

I certify that the foregoing ordinance was adopted by the Common Council of the City of Mequon, Wisconsin, at a meeting held on November 8, 2011.

Lee Szymborski, City Clerk

Published: November 22, 2011.

Sec. 62-12. - Signs facing I-43.

- (a) On-premise, freestanding signs facing I-43 are allowed subject to planning commission approval and the following standards:
- (1) Signs shall be located on parcels zoned B-1, B-2, B-4, B-3, B-7 or IPS.
 - (2) Signs shall be located on parcels that have direct frontage on I-43 right-of-way.
 - (3) One freestanding sign shall be permitted for identification of a business park, retail center or education facility that contains a minimum of four acres and 400 feet of direct frontage on I-43 right-of-way.
 - (4) A freestanding sign shall be setback a minimum of ten feet and a maximum of 25 feet from the I-43 right-of-way.
 - (5) The height of a freestanding sign shall not exceed 25 feet above the elevation of the centerline of nearest traveling lane of I-43. The sign structure shall have architectural interest consistent with the materials and characteristics of the site's buildings and designed proportionate to the building as well as to the surrounding context of the site. The sign structure may have more than two sides; however the sign face shall only be displayed on two sides of the structure. Pole signs are prohibited.
 - (6) A freestanding sign shall not exceed 200 total square feet and 100 square feet per sign face.
 - (7) The face of the freestanding sign is limited to displaying two tenant panels.
- (b) On-premise wall signs facing I-43 are allowed subject to planning commission approval and the following standards:
- (1) One wall sign per tenant is permitted.
 - (2) Signs shall be located on parcels zoned B-1, B-2, B-4, B-7 or IPS.
 - (3) The total square area of wall signage per building is limited to 65 percent of linear feet of building wall and shall not project more than ten inches from the wall to which the sign is to be affixed.
 - (4) The placement of any wall sign should generally not be less than 50 percent or greater than 75 percent of the total height of the building to which the sign is affixed. Exceptions to the placement may be permitted where it is found that strict compliance to this requirement is impractical because of site or building conditions and upon finding that the exception does not create an adverse impact.
 - (5) All wall signs shall be channel letters no less than 18 inches and no greater than 24 inches in height.
 - (6) All wall signs as part of one development site shall have a consistent backing or structural support frame, if one is proposed, or affixing mechanism.
 - (7) All wall signs shall have architectural interest and colors consistent with the materials and characteristics of the site's buildings.
- (c) Electronic message signs facing I-43 are prohibited.
- (d) Illuminated signs facing I-43 shall only be illuminated by a halo glow method. The illumination shall not exceed 15 foot-candles.

(Ord. No. 2004-1108, § I(16.12), 6-8-2004; Ord. No. 2011-1363, § I, 11-8-2011)

TO: Planning Commission
FROM: Kim Tollefson, Director of Community Development
DATE: February 10, 2020
SUBJECT: An Ordinance Amending Chapter 62 of the Mequon Municipal Code, Related to the Allowance of Auxiliary and Banner Signs in the B-2 (Community Commercial), B-4 (Business Park) and B-5 (Light Industrial) Commercial Zoning Districts.

Background

In late 2019, the Public Welfare Committee issued a survey to the Chamber of Commerce members as it relates to signage. Although the survey response rate from the Chamber is considered low at 3.29%, staff presented a summary of responses by sign topics (see attached). After reviewing the survey results and discussing staff's summary, the Public Welfare Committee recommended two changes to Chapter 62, Sign Code as follows:

1. Auxiliary Signs
2. Special Event Signs

Analysis

The Committee expressed willingness to allow a small, second freestanding sign for sites that may have retrofitted buildings containing more than one tenant, particularly those that were original designed as single-tenant buildings with singular entrances. Staff assessed conditions within the community and determined that larger sites that have significant street frontage and larger buildings may be appropriate candidates for a secondary freestanding sign. The Planning Commission has provided second freestanding signs for sites with similar conditions through a master sign plan. An example of such includes The Pavilions shopping center. While a master sign plan or a waiver is an option for businesses to request a secondary sign, the Committee believes establishment of a provision for this circumstance is appropriate. Therefore, a text amendment for the provision of an auxiliary, or secondary, sign under certain site conditions and design standards is proposed, as indicated in attached ordinance.

Staff also recommended the Committee allow feather flag style banners as a special event sign (see attached image). This is a more contemporary style that delivers a clean, stable and highly visible message. Staff has seen an increase in the usage of these sign throughout the community. The Committee concurred with allowing this design option and believes it withstands weather conditions better than a standard banner. This text amendment is rather straightforward, as it clarifies the type of banner allowed under the definitions section of Chapter 62, Sign Code, as indicated in the attached ordinance.

Recommendation

The Public Welfare Committee recommended the proposed code language at its meeting on January 14, 2020 by a vote of 2-0.

THE COMMON COUNCIL OF THE CITY OF MEQUON, OZAUKEE COUNTY, STATE OF WISCONSIN, ORDAINS AS FOLLOWS:

SECTION I

Section 62-13(d) of the Mequon Code of Ordinances is amended as follows (NOTE: Added text is bolded and double-underlined; Deleted text is struck through):

62-13(d) Special Event Signs

Banner. A sign, **including a feather flag sign**, intended to be hung either with or without a frame, and which possesses characters, letters, illustrations, or ornamentations applied to paper, plastic, or fabric of any kind.

SECTION II

Section 62-13(b)(10) of the Mequon Code of Ordinances is amended as follows:

62-13(b)(10) Ancillary Monument Signs

(10) Ancillary Monument Signs. Sites zoned B2, B4 and B5 with the site conditions specified in section 62-13(b)(10)(a-c) shall be permitted one ancillary monument sign not exceeding 16 square feet and not exceeding 4 feet in height.

- a. **400 feet of continuous public street frontage**
- b. **A building with 2 or more tenants**
- c. **A principal freestanding ground sign exists**

(1) **The ancillary monument sign shall be subject to the following:**

- a. **Sign placement is subject to the required setbacks and shall be located no further than 10 feet from a driveway access.**
- b. **Sign placement shall maintain a minimum of 100' separation from the principal monument sign located on same public street.**
- c. **Sign material, design and color shall match the principal monument sign. In the event that the material of principal monument sign cannot be replicated because it is no longer made, or is outdated as determined by the Sign Code Administrator, the ancillary monument sign shall, at a minimum, match design and color of the principal monument sign.**

SECTION III

The terms and provisions of this ordinance are severable. If any term or provision of this ordinance is found to be invalid by a court of competent jurisdiction, the remaining terms and provisions shall remain in full force and effect.

SECTION IV

All ordinances and parts of ordinances that contravene this ordinance are repealed.

SECTION VI

This ordinance shall be in full force and effect upon its passage and on the day after its publication.

Attachments:

Chamber Response Summary (DOCX)

Total Membership Distribution: 1061

Total Response: 35

Response Rate: 3.29%

Yes: Adequate signage ***IS*** allowed

17 (48.5%)

No: Adequate signage ***IS NOT*** allowed

18 (51.4%)

Temporary Signs (15 Comments)

- # / year
- Duration
- Fee

I-43 Signs (7 Comments)

Expand Users

Electronic Signs (8)

Expand Users

Process (7 Comments)

- Time
- Cost
- Allow recourse for business error

Placement (6 Comments)

Visibility

Enforcement (5 Comments)

Unpredictable

Inconsistent

Size (6 Comments)

- Allow Larger
- Signs are Too Large

Height (2 Comments)

Allow Taller and On building

Number (4 Comment)

Increase Frequency On Occasion
Too Many Signs Allowed
Allow Only 1 Freestanding ***OR***
Bldg

Design (7 Comments)

- Allow LED / Prohibit Neon
- Gain Uniformity
- Keep Design Natural & Subtle

Don't Require Base to Match Bldg
Require Maintenance / Upgrades

Window (1 Comment)

Too Restrictive