City of Mequon

11333 N. Cedarburg Road
Mequon, WI 53092
Phone: 262-236-2904
Fax: 262-242-9655

www.ci.mequon.wi.us

Department of Community Development
Taped and Televised

PLANNING COMMISSION
Christine Nuernberg Hall
Mequon City Hall
11333 N Cedarburg Road
January 13, 2020
6:00 PM

AGENDA

1) Call to Order, Roll Call

a) Approval of Minutes from December 2, 2019

2) Consent

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.

b) William and Bonnie Prahl 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.

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.

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.

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.

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.

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.

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.

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.

4) Policy

a) Development Agreement Policy Review

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).

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.

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.

6) Announcements

7) Adjourn

Dated: January 13, 2020 /s/ John Wirth, Chairman

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

City of Mequon

11333 N. Cedarburg Road
Mequon, WI 53092
Phone: 262-236-2904
Fax: 262-242-9655

www.ci.mequon.wi.us

Department of Community Development
Taped and Televised

PLANNING COMMISSION
Regular Meeting
Monday, December 2, 2019
6:00 PM
Christine Nuernberg Hall

Minutes

1) Call to Order, Roll Call

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

Present:
Chairman John Wirth
Alderman/Vice Chair Robert Strzelczyk
Commissioner Martin Choren
Commissioner James Schaefer
Commissioner Rebecca Schaefer
Alternate Stephanie Hawley
Alternate Gregg Bach
Alternate James Baka
Commissioner Rick Lemke - **Absent**
Commissioner John Stoker - **Absent**

a) Approval of Minutes from November 11, 2019

Action
Ald. Strzelczyk made a motion to approve the meeting minutes from November 11, 2019. Commissioner Hawley seconded the motion.
A voice vote was taken; vote passed (6-0)

RESULT:	**APPROVED [6 TO 0]**
MOVER:	Robert Strzelczyk, Alderman/Vice Chair
SECONDER:	Stephanie Hawley, Alternate
AYES:	Wirth, Strzelczyk, Bach, Baka, Choren, Hawley
ABSENT:	Lemke, Stoker
NOT PRESENT:	J. Schaefer, R. Schaefer

2) Regular Business

Attachment: PC 12.02.19 DRAFT (4778 : Meeting Minutes from December 2, 2019)

a) City of Mequon Gateway Promenade. The applicant is seeking a building and site plan amendment for the construction of a public facility for the property located at the northeast corner of Cedarburg and Mequon Roads.

Dir. Tollefson stated that the city is bringing forward the Gateway feature to be located at the intersection of Mequon Road and Cedarburg Road. The project was bid twice since last year in November when the Planning Commission originally approved it. The bids came in quite a bit over the expected budget. Since that time members of the community, the M-T Gateway Committee, have been working hard to adjust the plans to fit within the budget. The project is being supplemented by funds from both the Village of Thiensville and the City of Mequon TIF funding. The bulk of the project costs are being raised through private fundraising efforts.

The modifications from the original plan approved by the Commission include the rear portion of the circle feature and the removal of what was a second level that allowed an elevated walkway platform. Thus, all the staircases have been removed from the project plan. The current plan shows the semi-circle and the walkways at grade level. The interior features remain, with seating and an interior wall with the opportunity for plaques and history of the area. The street facing view has not changed at all and there is no change to the overall height of the structure or signage placement.

Connie Pukaite, Chairperson of the M-T Gateway Committee, stated that the M-T Rotary Foundation has now taken over the responsibility of this project. She explained that since the bids came in too high, the committee has worked hard to adjust the plans to move forward because there are donors to satisfy, a design that many expressed an appreciation for and they wanted to do something a little less impactful but expand public accessibility to the site.

Ms. Pukaite explained that Groth Design worked with the committee to add some features; widen the walkway, create a stonewall for sitting, park-like landscaping and a small gravel walkway sloping down toward the Riverwalk. She stated that neighbors were concerned about the original proposal second level, due to massing and light spillage from across the river, which has now been eliminated from the plan.

The Commissioners asked about the height of the structure and the lighting regarding the neighbors' concerns from the previous meeting.

It was explained that the structure is a 15-foot structure and that there will not be light pollution across the river affecting the neighbors. There will be significant lighting in the structure and safety will not be an issue.

Ms. Pukaite stated that the new project cost is about $700,000. The Committee have raised approximately $300,000 from private funding. The City of Mequon will contribute $150,000 and $50,000 will be contributed from the Village of Thiensville. The committee feels confident they will be able to raise the remaining funds needed.

Many of the Commissioners provided feedback that they like the new design and congratulated the Committee on their efforts. There was a suggestion for some more benches to be added for

DRAFT

Attachment: PC 12.02.19 DRAFT (4778 : Meeting Minutes from December 2, 2019)

additional seating.

Action
Commissioner Baka made a motion to approve the building and site plan amendment.
Commissioner Bach seconded the motion.
A roll call vote was taken; vote passed (7-1)(No: Choren)

RESULT:	**APPROVED [7 TO 1]**
MOVER:	James Baka, Alternate
SECONDER:	Greg Bach, Alternate
AYES:	Wirth, Strzelczyk, Bach, Baka, Hawley, J. Schaefer, R. Schaefer
NAYS:	Choren
ABSENT:	Lemke, Stoker

b) Lakeside Development. The applicant is seeking sign waiver approval to allow for an off-premises sign for Residence at Foxtown to be placed at the neighboring property located at 6213 Mequon Road.

Planner Vang stated that the applicant is proposing a development sign for the Residence at Foxtown. It will be placed at 6213 W. Mequon Road, which is at the southeast corner of the intersection of Mequon Road and Weston Drive. An off-premises sign requires sign waiver approval from the Planning Commission. The development sign does meet the 32 square foot size requirement. The applicant is proposing a 7-foot-high sign, and staff is recommending they reduce it to meet the 6-foot height requirement. The applicant would like to keep the sign up until all lots are sold; which staff supports. However, construction has not yet started on the site and staff is recommending that the sign not be placed until construction documents are approved. Staff approves the sign at this location due to the site being hidden behind other developments in Foxtown as well as there are no other opportunities to place the sign along Weston Drive. As part of the approval there are requirements that the sign shall be imbedded into the ground and that the landscaping at the base be maintained. Staff recommends approval subject to the conditions in the report.

The applicant was represented by Tom Zabjek, president of Lakeside Development and Timothy Van Harpen, construction manager of infrastructure at Foxtown. Mr. Zabjek questioned the approvals given to other developers in the city as he feels there are inconsistencies in allowable sign sizes.

Planner Vang explained that per the sign code a development or real estate sign can be put up without a sign permit if it meets the size requirements of no larger than 32 sq. ft and 6-ft in height. It can remain up until all the lots are sold or construction is complete. If there are signs that are in violation of the sign code than enforcement efforts can be taken.

Attachment: PC 12.02.19 DRAFT (4778 : Meeting Minutes from December 2, 2019)

Action
Commissioner Choren made a motion to approve the sign waiver per conditions in the staff report.
Commissioner Becky Schaefer seconded the motion.
A roll call vote was taken; vote passed (8-0)

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Martin Choren, Commissioner
SECONDER:	Rebecca Schaefer, Commissioner
AYES:	Wirth, Strzelczyk, Bach, Baka, Choren, Hawley, J. Schaefer, R. Schaefer
ABSENT:	Lemke, Stoker

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

Asst. Dir. Zader stated that the Development Agreement ("DA") was approved in June 2019 and mirrored the standard development agreement language which does not allow construction to occur on the site until final plat approval. The applicant had requested additional spec homes to be constructed prior to final plat approval which was not approved, and the standard 2 spec homes were allowed.

The current standard in the DA requires that the base asphalt course and all other improvements are installed prior to start of construction for any spec homes. The applicant is now requesting 6 homes to be started prior to the installation of the binder course being installed. The standard is to allow for 2 spec homes which will be on a stone base course. Staff supports only 2 spec homes to be started but does support the construction prior to the asphalt being installed.

Staff had several conversations with the developer to better understand how these homes are going to be built based on the size of the lots and the proximity to each other. The applicant also requested that the sidewalks not be required to be installed until after construction of the infrastructure. Staff prefers that all sidewalks be installed at one time.

The applicant, Tom Zabjek, stated that this is a unique project and only having 2 spec homes does not allow for the essence of the neighborhood to be demonstrated. This project is about creating a neighborhood and is different than a single home in a standard subdivision. He explained that based on the size and close proximity of the homes, the 6 requested homes take up less space than building 2 standard homes.

The applicant plans to dig one hole for all 6 homes and each contractor will move down the row as this is the most cost effective for them to do 6 at one time. They are also concerned about the timing and want to get the project started to take advantage of the favorable months to build and sell homes so that this project has the best chance of being successful.

A plan of the project was shown and there was discussion regarding the sequencing plan for the 6 requested homes as well as the construction of the infrastructure of the project. Through the

Attachment: PC 12.02.19 DRAFT (4778 : Meeting Minutes from December 2, 2019)

conversation it was discussed that a Fill Permit is required for the excavation of the soil from the site and the applicant should come back before the Commission for this approval next month.

The Commissioners provided feedback that there were several unresolved issues and that the developer should work with staff to resolve the questions and issues discussed and come back next month for approval. It was acknowledged that this is a unique project and that some allowances may be approved but the Commission is also cautious of approvals that will set precedent going forward. Mayor Wirth stated that he believes a policy discussion regarding this issue is necessary.

Action
Commissioner Choren made a motion to table the item.
Ald. Strzelczyk seconded the motion.
A voice vote was taken; vote passed (8-0)

RESULT:	**TABLED [UNANIMOUS]**
MOVER:	Martin Choren, Commissioner
SECONDER:	Robert Strzelczyk, Alderman/Vice Chair
AYES:	Wirth, Strzelczyk, Bach, Baka, Choren, Hawley, J. Schaefer, R. Schaefer
ABSENT:	Lemke, Stoker

d) ICAP Development. The applicant is seeking a consultation for a proposed Credit Union for the property at 10945 N. Port Washington Road.

The applicants were represented by Jerod Protasky with ICAP and Abby Sivwright with LaMACCHIA Group.

Asst. Dir. Zader stated that the applicant is seeking a consultation for a financial institutional for a property recently rezoned to a PUD. Usually there is not this level of detail at a consultation, but the applicant is not allowed to come forward with a building and site plan until some issues with the land division are resolved and they wanted meaningful feedback from the Commission so that they can move forward. The applicant wants feedback from the Commission specifically regarding the site layout and the architecture of the building.

The site plan shows the financial institution in the middle of the site. There would be an access from Port Washington Road as well as one at the rear of the site. The overall concept is similar to what was approved for the PUD concept plan. One issue to consider is that the site is overparked for a financial institution in terms of square footage; although employee numbers have not been submitted at this point. The applicant is showing a 10-foot width parking stall and typically on less intense uses a 9-foot stall is allowed. This may help reduce impervious surface and help increase the green space ratio. The six parking stalls in the back of the site could be eliminated if the number of overall parking spaces needs to be reduced.

The green space ratio needs to be met for the entire PUD site; it does not need to be met for this specific site. Any reduction would need to be made up on another site so it so advised that the applicant strive to be as close to the required ratio as possible. Staff is supportive of this project

Attachment: PC 12.02.19 DRAFT (4778 : Meeting Minutes from December 2, 2019)

as most other requirements are met.

There were pictures of recent branches submitted as well as renderings of the proposed building in the packet. Overall staff is supportive of the building design but suggests several architectural improvements that can be made. One item is to add windows on the front brick façade and possibly a small sized sign there. Additionally, the cedar wrapped posts should be carried out throughout the project. The applicant stated there will be additional screening/shading on the front façade and that will need to be included on the official building and site plans once they are submitted.

Another issue is the electronic message sign shown on the proposed plan. The sign code does not currently allow for electronic sign message boards at financial institutions. They have the right to ask for a waiver. The Mayor requested this item be added as a policy item to discussed by the Commission later at tonight's meeting.

The Commission provided mixed opinions about adding windows to the front brick façade. There was support for the cedar columns but not the mixing of materials (aluminum and cedar). Overall, the Commission supports the architecture, but they would like to see some additional design feature improvements and some fenestration on the front. There is support for this type of use at this location.

There is no action taken on this item this evening.

3) Policy

a) Sign Code discussion related to changeable electronic message signs

Asst. Dir. Zader stated that the ordinance regarding electronic signs is included in the packet and lists the uses allowed: mostly public services and churches. Pictures of some of the message sign boards in the city were included in the packet; there are a total of 5 in the city. Other requirements are that the message must switch out every 30 seconds and that no flashing lights or animation is allowed. There is a size requirement of the message board compared to the overall sign.

There was discussion among the Commissioners on various issues relating to the electronic signs. Overall the Commission supports the current policy of public service institutions and churches being allowed to have these signs, but they are not supportive of other users being permitted. Issues discussed were unwanted advertising, no control over the signs/messages, technology changing so quickly/cost and that information is easy to obtain by other means.

In conclusion, the Commission does not recommend any changes to the current policy and does not support granting a waiver.

b) Policy Subcommittee Update

Dir. Tollefson stated that the Policy Subcommittee starting meeting in August and there was

DRAFT

Attachment: PC 12.02.19 DRAFT (4778 : Meeting Minutes from December 2, 2019)

consensus to focus on the Port Washington Road corridor in its entirety. They have begun with the area from Highland Road to Pioneer Road and have studied issues in this area. There have been members of the public at each of their monthly meetings who are interested in discussion of this area. Most of the work led up to the Land Use Plan Open House in November in which about 150 community members attended and participated in a mapping exercise. The Subcommittee did a debriefing after the Open House to gain a high-level understanding where consensus may exist, but have not yet formed recommendations at this point. Their efforts will now shift to the rest of the Port Washington Road corridor; County Line to Highland Road, and a similar deep analysis of that area will be done. A few more focus groups will be conducted and then the Subcommittee will look at the corridor as a whole; zoning, new zoning districts, types of uses, building site design, infill versus green development and streetscaping. The timeline for 2020 will result in recommendations from the Subcommittee to both the Planning Commission and Common Council in late summer/early fall. There will be continued updates so that both decision-making bodies can provide feedback throughout the process.

Dir. Tollefson explained that the TID districts will be analyzed to further explore possible opportunities in these areas.

Mayor Wirth stated to the Commission that every Commissioner is welcome to be a part of the Subcommittee, to attend the meetings and to participate.

There was conversation about the proposed I-43 expansion and implications to the city; including the possibility of the extension of sewer service. This issue needs to be further explored before any decisions will be made.

4) Announcements

a) 2020 Meeting Calendar

5) Adjourn

Action
Commissioner Choren made a motion to adjourn the meeting.
Ald. Strzelczyk seconded the motion.
A voice vote was taken; vote passed (8-0)

Respectfully Submitted,

Jac Zader

DRAFT

Attachment: PC 12.02.19 DRAFT (4778 : Meeting Minutes from December 2, 2019)

City of Mequon

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: **January 13, 2020**

SUBJECT: **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.**

Applicant:	James F. Bruce
Status of Applicant:	Property Owner
Requested:	Final Land Division Approval
Existing Zoning:	R-1 (Rural Residential) FW (Floodway) C-1 (Wetland-Shoreland) OA (Agricultural Overlay)
Land Use Plan:	Residential (5-acre) Critical Environmental
Lot size:	33.62 acres
Location:	14221 N. Klug Lane
Tax Key:	#14-001-01-001.00
District:	#1

Background:
The applicant requests certified survey map approval for the property located at 14221 N Klug Lane. The proposed land division creates three lots.

Zoning District Standards and Site Conditions:
The proposed certified survey map is consistent with the current zoning designation of R-1, requiring five (5) acre minimum lot size and 300 minimum average lot width and depth.

Site Conditions:
Lot 1 is 5.23 acres; Lot 2 is 21.92 acres; and Lot 3 is 5.08 acres. Lot 1 and 3 are vacant and Lot 2 contains a dwelling. Access to Lot 2 is off Klug Lane and access to Lot 3 is through a shared-access easement on Lot 2. The shared-access easement agreement has been submitted and is subject to review and approval by the City Attorney. Access to Lot 1 is off Pioneer Road and received approval from Ozaukee County (see attached letter from Ozaukee County Highway Department). The sites contain floodplain and wetlands. Per the zoning code, contiguous dryland access shall be provided from a structure to land outside of the floodplain. The Fire Chief has signed off on access for the properties (see attached letter from Chief Bialk).

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.
Wetlands appear to be present on site and are reflected on the face of the CSM. A wetland delineation report and concurrence from the WDNR was provided with the application. The wetland setbacks of 50-feet shall be shown on the face of the CSM.
There is 100-year floodplain on site. The floodplain is shown on the CSM. Any land disturbance within the floodplain requires approval of the WNDR and FEMA.

Other Technical Corrections:
The Engineering Division verified that the parcel closes. There is an error on the location map on page 1. Klug Road is incorrect and should be Klug Lane.

The right of way dedication on Pioneer Road shall be to Ozaukee County. The dedication occurs with the recording of the CSM. The applicant does not need to take any additional action.

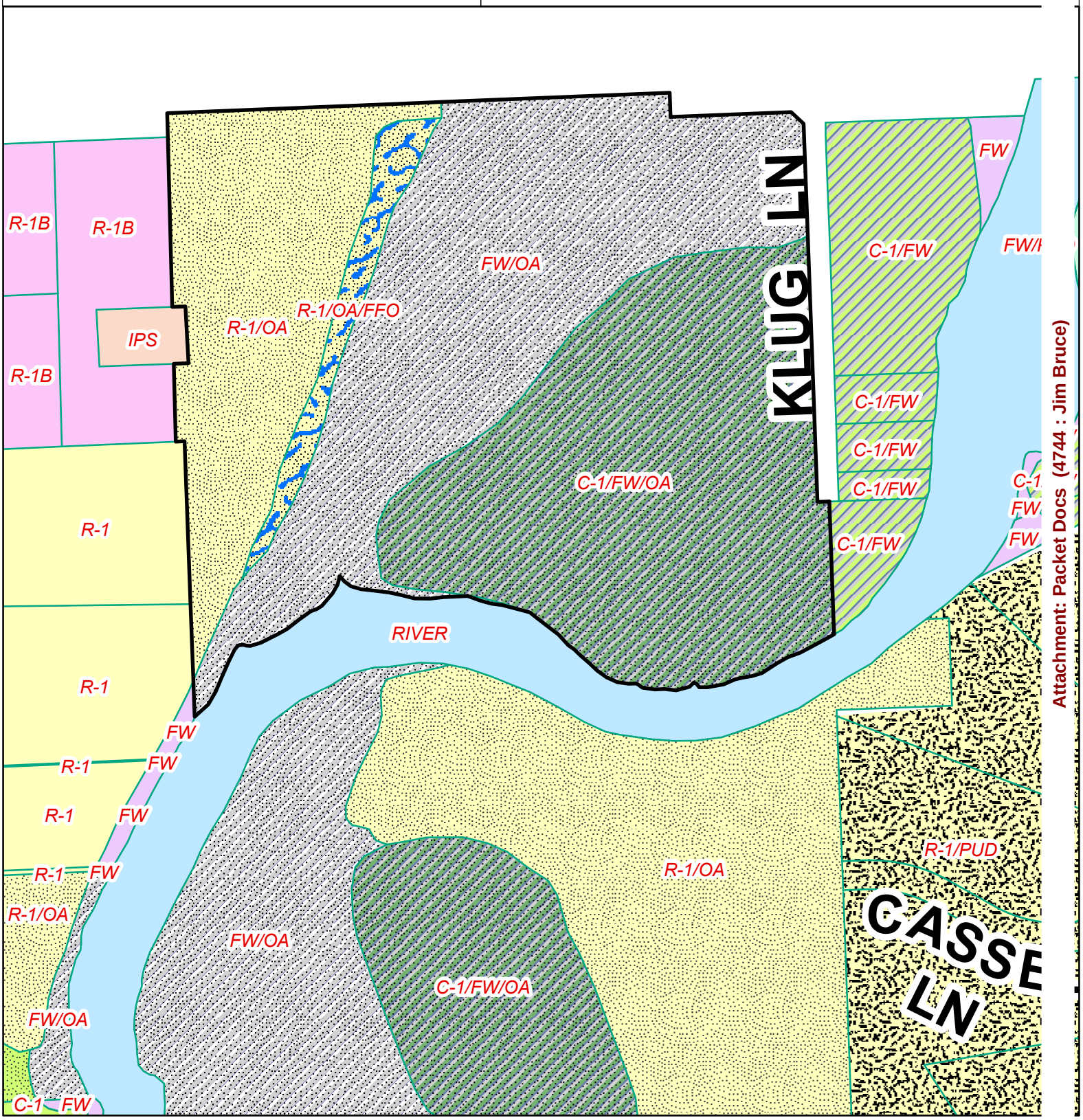
Staff Recommendation:
Planning staff recommends approval of the land division subject to the following conditions:

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. Application of a shared access agreement, subject to City attorney review and approval.
5. Any land disturbance within the 100-year floodplain is subject to approval by the WDNR and FEMA.
6. Approval from Ozaukee County Land and Water Division on the usage of a septic or a mound system is required.
7. Right-of-way on Pioneer Road shall be dedicated to Ozaukee County.
8. Lot 1 shall have access from Pioneer Road. Lots 2 and 3 shall have access from Klug Lane.
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).

Attachments:
Packet Docs (PDF)

Jim Bruce CSM

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 (4744 : Jim Bruce)

CERTIFIED SURVEY MAP NO. _____

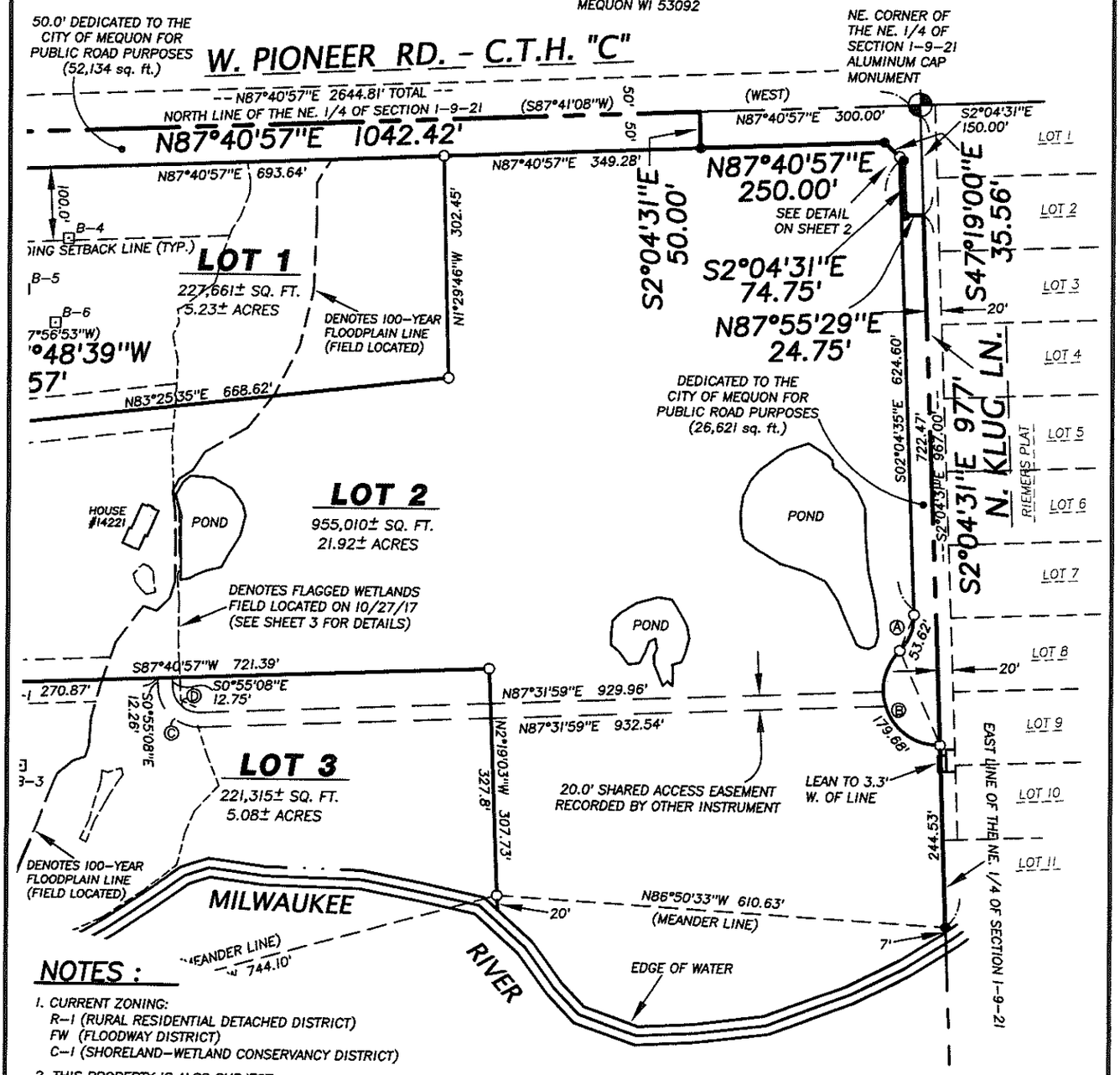
PART OF GOVERNMENT LOT 1 AND LANDS IN THE NORTHEAST 1/4 AND NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 1, TOWN 9 NORTH, RANGE 21 EAST, IN THE CITY OF MEQUON, OZAUKEE COUNTY, WISCONSIN.

0 200 300 400 600

SCALE 1" = 200'

NSE
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

OWNER:
JAMES & KATHERINE BRUCE
9728 N. HILLTOP LANE
MEQUON WI 53092



NOTES:

1. CURRENT ZONING:
   R-1 (RURAL RESIDENTIAL DETACHED DISTRICT)
   FW (FLOODWAY DISTRICT)
   C-1 (SHORELAND-WETLAND CONSERVANCY DISTRICT)
2. THIS PROPERTY IS ALSO SUBJECT TO EASEMENTS OF RECORD.
3. SEE SHEET 2 FOR DETAILED WETLAND INFORMATION.

SETBACK NOTE:
FRONT YARD = 100.0'
REAR YARD = 30.0'
SIDE YARD = 30.0'

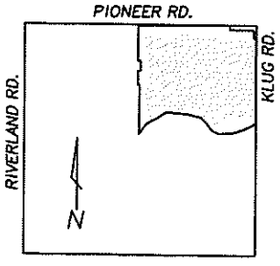
LEGEND

○ -DENOTES 1.315"X18" STEEL PIPE WEIGHING 1.13 LBS. PER LINEAL FOOT (SET)

● -DENOTES STEEL PIPE (FOUND)

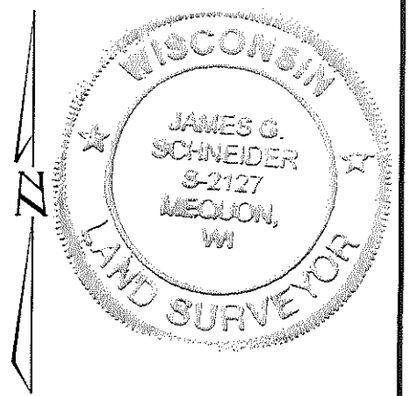
⊡ -DENOTES SOIL TEST LOCATION

ALL BEARINGS REFERENCED TO GRID NORTH OF THE WISCONSIN STATE PLANE COORDINATE SYSTEM, SOUTH ZONE (NORTH LINE OF THE NE. 1/4 OF SECTION 1-9-21 WHICH BEARS N87°40'57"E)



LOCATION MAP

NORTHEAST 1/4 SEC. 1-9-21
(SCALE 1"=2000')



THIS INSTRUMENT DRAFTED BY JAMES G. SCHNEIDER

SHEET 1 OF 6 SHEETS

Attachment: Packet Docs (4744 : Jim Bruce)

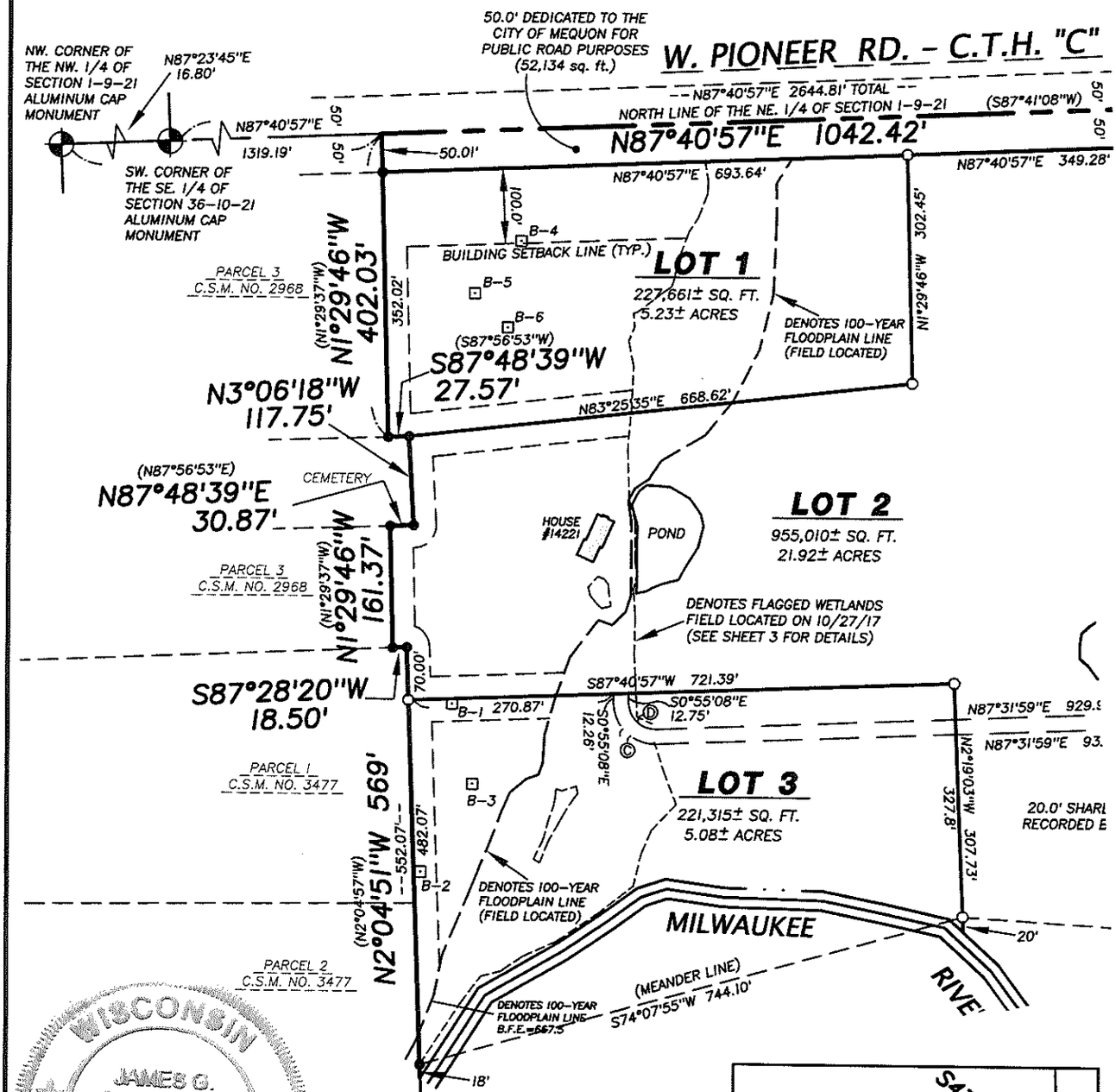
CERTIFIED SURVEY MAP NO. _____

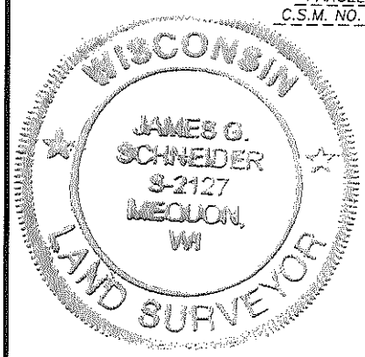
PART OF GOVERNMENT LOT 1 AND LANDS IN THE NORTHEAST 1/4 AND NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 1, TOWN 9 NORTH, RANGE 21 EAST, IN THE CITY OF MEQUON, OZAUKEE COUNTY, WISCONSIN.

0 200 300 400 600

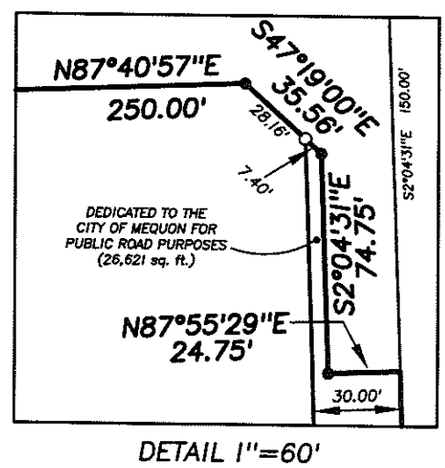
SCALE 1" = 200'

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





SETBACK NOTE :
FRONT YARD = 100.0'
REAR YARD = 30.0'
SIDE YARD = 30.0'



DETAIL 1"=60'

CURVE TABLE					
NO.	ARC	RADIUS	CHORD	BEARING	DELTA
A	53.62'	65.00'	52.12'	S21°33'27"W	47°16'04"
B	179.68'	75.00'	139.69'	S23°26'33"E	137°16'04"
C	87.88'	55.00'	78.83'	S43°41'35"E	91°32'52"
D	55.92'	35.00'	50.16'	S43°41'35"E	91°32'52"

THIS INSTRUMENT DRAFTED BY JAMES G. SCHNEIDER

SHEET 2 OF 6 SHEETS

Attachment: Packet Docs (4744 : Jim Bruce)

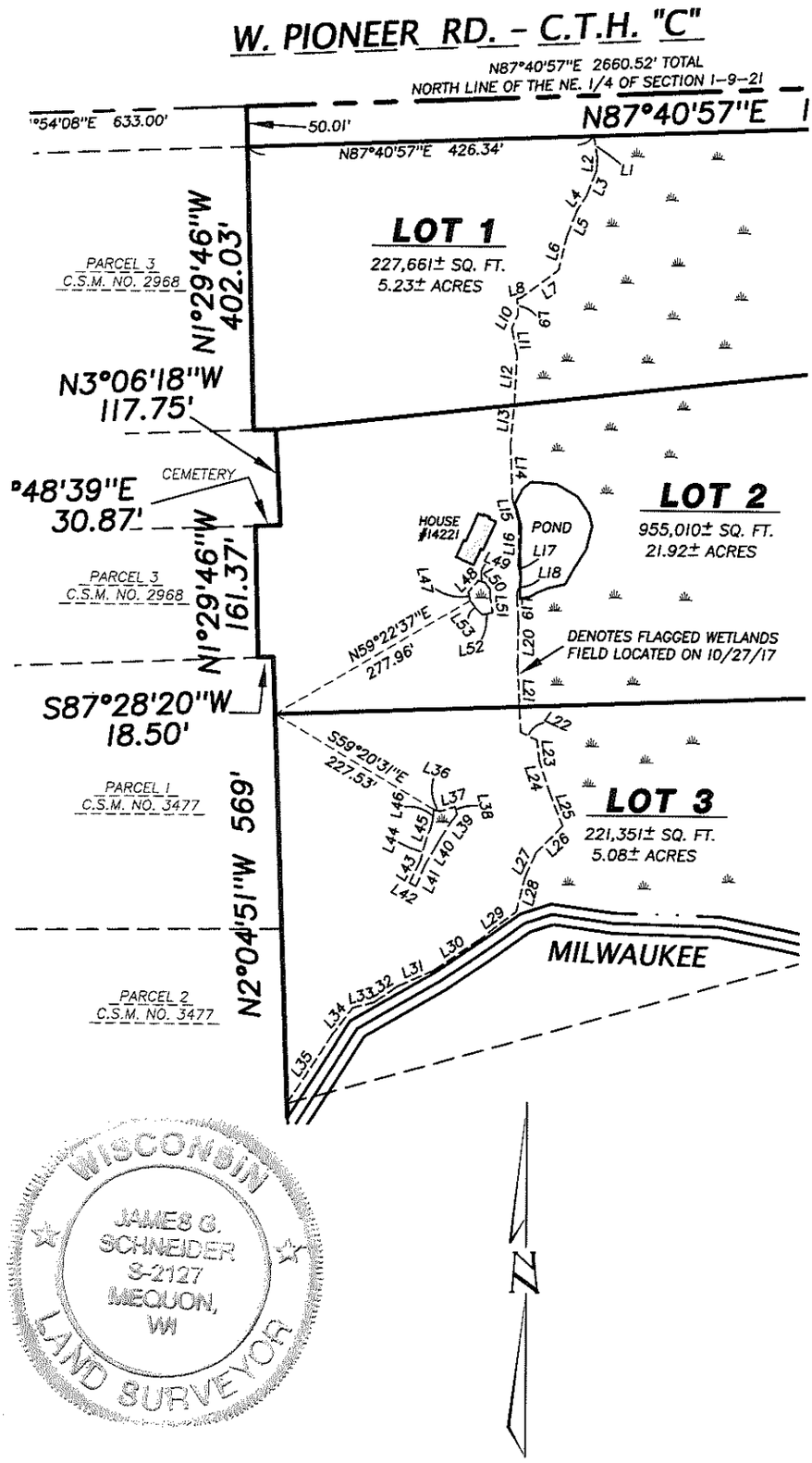
CERTIFIED SURVEY MAP NO. _____

PART OF GOVERNMENT LOT 1 AND LANDS IN THE NORTHEAST 1/4 AND NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 1, TOWN 9 NORTH, RANGE 21 EAST, IN THE CITY OF MEQUON, OZAUKEE COUNTY, WISCONSIN.

WETLANDS EXHIBIT

0 200 300 400 600

SCALE 1" = 200'



LINE TABLE		
LINE	LENGTH	BEARING
L1	26.42	S09°01'17"E
L2	16.10	S02°01'45"W
L3	34.96	S21°18'38"W
L4	21.24	S32°25'40"W
L5	35.15	S20°48'49"W
L6	41.56	S13°25'00"W
L7	56.66	S52°48'56"W
L8	6.09	S71°21'24"W
L9	18.63	S04°50'13"E
L10	19.53	S23°45'06"W
L11	34.47	S11°09'48"E
L12	54.07	S02°32'39"W
L13	56.59	S04°56'01"W
L14	67.61	S02°02'43"E
L15	29.63	S15°44'58"E
L16	52.97	S00°15'50"W
L17	16.69	S10°06'47"E
L18	19.94	S14°06'21"W
L19	35.81	S04°01'11"E
L20	52.23	S01°02'52"W
L21	80.87	S02°53'04"E
L22	22.24	S65°35'27"E
L23	25.24	S06°46'05"E
L24	42.93	S17°48'14"E
L25	44.03	S21°36'52"E
L26	47.39	S43°43'13"W
L27	32.56	S23°44'04"W
L28	44.58	S13°40'58"W
L29	56.03	S51°34'46"W
L30	68.92	S55°34'31"W
L31	48.04	S65°36'56"W
L32	35.90	S55°35'37"W
L33	27.28	S74°53'22"W
L34	41.18	S36°55'18"W
L35	101.64	S33°02'20"W
L36	8.15	S72°40'37"E
L37	19.48	N72°01'08"E
L38	10.14	S12°50'24"E
L39	31.11	S34°26'43"W
L40	44.00	S29°34'54"W
L41	28.52	S21°24'34"W
L42	9.39	N61°10'03"W
L43	29.21	N25°46'32"E
L44	25.54	N15°15'54"E
L45	29.08	N17°25'27"E
L46	13.62	N05°19'47"E
L47	10.44	N13°49'29"W
L48	19.44	N41°10'08"E
L49	8.38	S70°33'58"E
L50	9.80	S38°48'57"E
L51	28.81	S06°06'04"E
L52	12.70	S76°20'40"W
L53	22.94	N41°03'29"W

WISCONSIN
JAMES G. SCHNEIDER
S-2127
MEQUON, WI
LAND SURVEYOR

THIS INSTRUMENT DRAFTED BY JAMES G. SCHNEIDER

SHEET 3 OF 6 SHEETS

Attachment: Packet Docs (4744 : Jim Bruce)

CERTIFIED SURVEY MAP NO. _____

PART OF GOVERNMENT LOT 1 AND LANDS IN THE NORTHEAST 1/4 AND NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 1, TOWN 9 NORTH, RANGE 21 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:

Part of Government Lot 1 and lands in the Northeast 1/4 and Northwest 1/4 of the Northeast 1/4 of Section 1, Township 9 North, Range 21 East, in the City of Mequon, Ozaukee County, Wisconsin, bounded and described as follows:

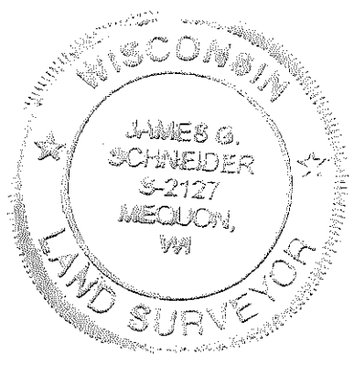
Commencing at the Northeast corner of the Northeast 1/4 of said Section 1; thence S2°04'31"E along the East line of said 1/4 Section, said line also being the centerline of Klug Road, 150.00 feet to the point of beginning of lands to be described; thence continuing S2°04'31"E along the East line of said 1/4 Section, 967.00 feet to a meander point 7± feet from the Northerly edge of the Milwaukee River; thence N86°50'33"W along a meander line, 610.63 feet to a meander point 20± feet from the Northerly edge of the Milwaukee River; thence S74°07'55"W along a meander line, 744.10 feet to a meander point 18± feet from the Northerly edge of the Milwaukee River, said meander point lying in the East line of Certified Survey Map No. 3477; thence N2°04'51"W along the East line of said Certified Survey map No. 3477, 552.07 feet to the Northeast corner of Parcel 1 of said Certified Survey Map; thence S87°28'20"W along the North line of said Certified Survey Map, 18.50 feet to the Southeast corner of Parcel 3 of Certified Survey Map No. 2968; thence N1°29'46"W along the East line of said Parcel 3, 161.37 feet to a point in the South line of a tract of land known as the burying ground, said point also being the Northeast corner of said Parcel 3; thence N87°48'39"E along the South of said tract, 30.87 feet to the Southeast corner of said tract; thence N3°06'18"W along the East line of said tract, 117.75 feet to the Northeast corner of said tract; thence S87°48'39"W along the North line of said tract, 27.57 feet to the Southeast corner of Parcel 3 of Certified Survey Map No. 2968; thence N1°29'46"W along the East line of Parcel 3 of Certified Survey Map No. 2968 and it's northerly extension, 402.03 feet to a point in the North line of the Northeast 1/4 of said Section 1; thence N87°40'57"E along the North line of said Section, 1042.42 feet; thence S2°04'31"E, 50.00 feet to a point in the South right of way line of Pioneer Rd. – C.T.H. "C"; thence N87°40'57"E along said South line, 250.00 feet; thence S47°19'00"E along said South line, 35.56 feet to a point in the West line of N. Klug Rd.; thence S2°04'31"E along said West right of way line, 74.75 feet; thence N87°55'29"E, 24.75 feet to the point of beginning.

Said lands containing, 32.84 acres of land, more or less, as measured to the edge of the Milwaukee River.

That I have made such survey, land division, and plat at the direction of the James F. Bruce 1998 Trust and the Katherine D. Bruce 1998 Trust, OWNERS 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, Section 236.34 of the Wisconsin Statutes and the requirements of the City of Mequon.



James G. Schneider S-2127

This instrument was drafted by James G. Schneider

Attachment: Packet Docs (4744 : Jim Bruce)

CERTIFIED SURVEY MAP NO. _____

PART OF GOVERNMENT LOT 1 AND LANDS IN THE NORTHEAST 1/4 AND NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 1, TOWN 9 NORTH, RANGE 21 EAST, IN THE CITY OF MEQUON, OZAUKEE COUNTY, WISCONSIN.

OWNER'S CERTIFICATE

WE, James F. Bruce and Katherine D. Bruce, Trustees of the James F. Bruce 1998 Trust and Katherine D. Bruce 1998 Trust, OWNERS, do hereby certify: THAT We have caused the lands described in the foregoing certificate of James G. Schneider, Surveyor, to be surveyed, divided, mapped and dedicated.

_____ _____
Witness James F. Bruce, Trustee

_____ _____
Witness Katherine D. Bruce, Trustee

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

STATE OF WISCONSIN)
OZAUKEE COUNTY)ss

PERSONALLY came before me on this _____ day of _____,20____ James F. Bruce and Katherine D. Bruce, to me known to be the persons who executed the foregoing certificate and acknowledged the same.

_____ My Commission expires _____
Notary Public

WISCONSIN
JAMES G. SCHNEIDER
S-2127
MEQUON, WI
LAND SURVEYOR

This instrument was drafted by James G. Schneider

Attachment: Packet Docs (4744 : Jim Bruce)

CERTIFIED SURVEY MAP NO. _____

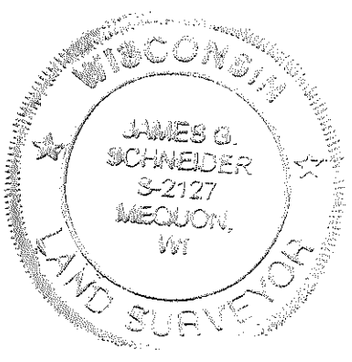
PART OF GOVERNMENT LOT 1 AND LANDS IN THE NORTHEAST 1/4 AND NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 1, TOWN 9 NORTH, RANGE 21 EAST, IN THE CITY OF MEQUON, OZAUKEE COUNTY, WISCONSIN.

CITY OF MEQUON PLAN COMMISSION APPROVAL

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

_____ Chairman

_____ Secretary



This instrument was drafted by James G. Schneider

Sheet 6 of 6 Sheets

Attachment: Packet Docs (4744 : Jim Bruce)

Ozaukee County Highway Department
410 South Spring Street
P.O. Box 994
Port Washington, Wisconsin 53074-0994
William Tackes – Patrol Superintendent
Phone 262-238-8331 Fax 262-238-8343

6/14/17

Jim Bruce
9728 N Hilltop Ln,
Mequon, Wi. 53092

Hi Jim,

Per our conversation and site visit, Ozaukee County Highway Dept. will grant an access to your proposed property/land division, that we had talked about, if and when it occurs.
The access will be located near the top of the hill and should be incorporated into and extended beyond the existing accell lane for the access to the west, for safety reasons. It must also comply with our access ordinance codes.

Thanks
Bill Tackes
Ozaukee County Highway Dept.

Attachment: Packet Docs (4744 : Jim Bruce)

City of Mequon

Mequon Fire Department
11300 N. Buntrock Avenue
Mequon, WI 53092
(262) 242-2530
(262) 242-5042
www.ci.mequon.wi.us

June 12, 2017

Bruce James
9728 N Hilltop Lane
Mequon Wi 53092

I have inspected the property located 14221 N Klug Lane Mequon and found the access for emergency vehicles is currently adequate. If the land is divided and homes built the gravel road shall be maintained and visible signage placed for locating properties. If you have any questions please call me at 262-242-2530.

Sincerely,

David Bialk

Chief David Bialk
Mequon Fire Department

Attachment: Packet Docs (4744 : Jim Bruce)

Robert R. Dreblow P.E., R.L.S.
Highway Commissioner

Ozaukee County Highway Commission

414 284-8331 Local
414 238-8331 Metro
414 238-8343 Fax

410 South Spring Street
P.O. Box 994
Port Washington, Wisconsin
53074-0994

Chapter 86.07 (2) of the Wisconsin Statutes reads; "No person shall make any excavation of fill or install any culvert or make any other alteration in any highway or in any manner disturb any highway or bridge without a permit from the highway authority maintaining the highway……..".

Ordinance No. 98-16 An ordinance creating Section 6.04 of the Ozaukee County Code of Ordinances pertaining to Control of Access to County Trunk Highways. **6.04 (2)** reads " The purpose of this ordinance is to regulate and control access onto county trunk highways in order to promote the public safety, convenience, general welfare, economic viability and to protect the public investment of existing and proposed highways and to provide for safe and efficient use of the Ozaukee Highway System".

IN CONSIDERATION OF THE ABOVE, THE UNDERSIGNED REQUESTS THIS PERMIT AND AGREES TO THE CONDITIONS AS STATED ON THIS FORM.

PURPOSE OF PERMIT: culvert
(installing culvert, tiling, etc.)

NAME OF APPLICANT: James F. Bruce

PRESENT ADDRESS: 9728 N. Hilltop Lane

CITY: MEQUON STATE: WI ZIP: 53092

PHONE: Home ~~262~~ 241-5567 Business: (Cell) 414-791-9728

LOCATION Pioneer Rd.
(address if known)

East side of County Trunk Highway C located 1/4 miles
(north, east, etc.)

West of King Lane in Section 1, town 9 N, Range 21 E
(north, east, etc.) (other highway, City, Village)

~~Town~~ City of MEQUON

Width of Driveway to be _____ feet. ATTACH SITE PLAN OR SKETCH

DATE: 11/26/2019

(signature of applicant)

PERMIT FEES: The Highway Department will determine the type of access required and permit fee will be as follows:

New road construction or Type "3"	100.00 dollars
Type "2" or Type "1"	50.00 dollars
Agricultural Field Access	20.00 dollars

Attachment: Packet Docs (4744 : Jim Bruce)

Conditions of Permit

A) Any grading, ditching, trenching, alteration of slopes or any other disturbance of any portion of the highway right-of-way shall be restored by and at the expense of the applicant to a condition acceptable to the Ozaukee County highway Commission. If damage is caused to the highway facility by the applicant or if restoration work is not completed in a timely manner, any necessary work will be completed by the highway department at the expense of the applicant.

B) The entire cost of driveway construction or culvert or tile installation shall be the obligation of the applicant unless specifically provided for in the permit.

C) Driveways and tile lines remain the property of abutting lands and are to be maintained or replaced as necessary by the abutting landowner. Culverts must be kept free of debris and/or obstructions in order to provide proper drainage along the highway.

D) Design Standards: Driveways and roads with access onto a C.T.H. must comply with the design standards set forth in Ordinance 98-16 of the Ozaukee County Code of Ordinances of which includes but are not limited to the following;
1. Culverts must be at least 28 feet long and placed under at least 1 foot of cover , be a minimum of 12 inches in diameter, be at least 10 feet from the nearest culvert and be constructed of corrugated metal or concrete with end walls. Culvert size will be determined by the Highway Department so as to allow for proper drainage.
2. RETAINING WALLS shall be prohibited.
3. Pavement of driveway shall consist of blacktop or compacted gravel. (Concrete shall not be allowed within the right-of-way)

E) The permittee, his successors or assigns, agree to hold harmless the Ozaukee County Highway Commission and its duly appointed agents or employees against any actions for personal injury or property damage sustained by reason of the issuance or exercise of this permit, including damage resulting from snow plowing of shoulder graveling.

A COPY OF THE ACCESS ORDINANCE WIIL BE PROVIDED UPON REQUEST

THIS PORTION TO BE FILLED IN BY THE HIGHWAY DEPARTMENT REPRESENTATIVE AFTER INSPECTION OF HIGHWAY WHERE ALTERATION IS TO BE MADE.

Speed limit at location of proposed access _____ Distance to adjacent driveways _____
Distance to nearest road intersection _____ Sight distances at proposed drive _____

Type of County Trunk Highway: _____ Urban CTH _____ Semi-urban CTH _____ Rural CTH

CULVERT SIZING: Length _____ feet Diameter _____ inches

Other requirements: _____

Date: _____

Signed: _____ Title: _____

Attachment: Packet Docs (4744 : Jim Bruce)

Document No.

JOINT DRIVEWAY EASEMENT AGREEMENT

Return to:
Attorney Robert A. Carroll
CARROLL LAW OFFICE, S.C.
W62 N562 Washington Avenue
Cedarburg, WI 53012

Parcel Numbers

THIS JOINT DRIVEWAY AGREEMENT (the ***"Agreement"***) is between JAMES F. BRUCE and KATHERINE D. BRUCE, Trustees of the JAMES F. BRUCE 1998 TRUST & the KATHERINE D. BRUCE 1998 TRUST (***"Parcel A Owner"***) and JAMES F. BRUCE and KATHERINE D. BRUCE, Trustees of the JAMES F. BRUCE 1998 TRUST & the KATHERINE D. BRUCE 1998 TRUST (***"Parcel B Owner"***).

RECITALS:

A. Parcel A Owner is the owner of certain real property located in Ozaukee County, Wisconsin, as described on the attached **Exhibit A** and referred to on the exhibit and in this Agreement as ***"Parcel A"***.

B. Parcel B Owner is the owner of certain real property located in Ozaukee County, Wisconsin, as described on the attached **Exhibit B** and referred to on the exhibit and in this Agreement as ***"Parcel B"***.

C. A twenty-foot (20') wide driveway (the ***"Driveway"***) presently exists over and across both Parcel A and Parcel B more particularly depicted on the attached **Exhibit C** and referred to on the exhibit and in this Agreement as the ***"Easement Property"***.

Attachment: Packet Docs (4744 : Jim Bruce)

D. Parcel A Owner and Parcel B Owner are willing to create a joint driveway easement for shared access to their respective properties, over and across the Easement Property to enable Parcel A Owner and Parcel B Owner to use the Driveway, under the terms of this Agreement.

AGREEMENT

For good and valuable consideration, the receipt and sufficiency of which are acknowledged, the parties agree as follows:

1. Grant. A. *From Parcel A to Parcel B*. Parcel A Owner grants a nonexclusive easement and right-of-way to Parcel B Owner and Parcel B Owner's successors and assigns as the owner of Parcel B to use the Driveway and that portion of the Easement Property lying on Parcel A as a joint driveway for ingress and egress to Klug Lane from Parcel B.

B. *From Parcel B to Parcel A*. Parcel B Owner grants a nonexclusive easement and right-of-way to Parcel A Owner and Parcel A Owner's successors and assigns as the owner of Parcel A to use the Driveway and that portion of the Easement Property lying on Parcel B as a joint driveway for ingress and egress to Klug Lane from Parcel A.

2. Scope of Grant. The easement granted in Paragraph 1, above, is for the shared vehicular and pedestrian use, ingress and egress, construction, operation, repair, replacement, maintenance (including but not limited to snow plowing, grading and, if applicable, sealing) of the Easement Property. Both Parcel A Owner and Parcel B Owner covenant and agree to keep the Easement Property sufficiently maintained, open and passable so that public safety vehicles, such as fire trucks, ambulances and police vehicles, may safely use the Easement Property.

3. Permitted Users. The easement granted in Paragraph 1, above, may be used by the Parcel A Owner, Parcel B Owner, and its respective tenants, contractors, employees, customers and invitees in common with Parcel B Owner, Parcel A Owner, and its respective tenants, employees, customers and invitees.

4. Maintenance Costs. As a general rule, the cost of constructing, operating, repairing, replacing, maintaining, servicing, inspecting, and/or improving the Easement Property shall be borne equally by the Parcel A Owner and Parcel B Owner. However, until any building is constructed on Parcel B, the Parcel A Owner shall bear all of the expenses of maintaining, repairing and removing snow and debris from the Easement Property. Following issuance of an occupancy permit for any building constructed on Parcel B (or, if no occupancy permit is issued, then following occupancy of any such building), Parcel A Owner and Parcel B Owner shall bear all maintenance expenses equally. Parcel A Owner and Parcel B Owner jointly and severally agree to promptly pay its share of the expenses of maintenance, repair, and removal incurred within 30 days of billing for the expenses. If either Parcel A Owner or Parcel B Owner does not pay its share of the expense within 30 days after receipt of a written invoice ("***Non-Paying Owner***"), the other party may pay the full cost ("***Paying Owner***") and then have an immediate right to reimbursement from the Non-Paying

Attachment: Packet Docs (4744 : Jim Bruce)

Owner, together with interest at the rate of six percent (6.0%) per year on the unpaid amount and all reasonable attorney fees and other collection costs incurred by the Paying Owner. In addition, the amount of such unpaid share of costs, accrued interest, attorney fees and collection costs shall be a lien on the property of the Non-Paying Owner, and the lien shall remain in effect until the sum due shall have been fully paid. Repairs and maintenance shall be performed at such times and in such a manner as are mutually agreeable to the parties. If the parties are unable to agree within 10 days of a written request by one or the other on the need for the repair or maintenance, then the matter shall be referred, upon either party's request, to mediation.

5. Restraints. Both Parcel A Owner and Parcel B Owner covenant and agree that no structures will be erected or trees planted in the Easement Property, and that no motor vehicles will be parked within the Easement Property so as to obstruct use of it by any other person. They further covenant and agree that the elevation of the existing ground surface within the Easement Property will not be altered. Parcel A Owner and Parcel B Owner shall in no event use the Easement Property for any type of commercial purpose and shall not permit use of the Easement Property for non-commercial purposes in such a manner as to interfere with the reasonable ability of the other Parcel Owner to quietly enjoy their property.

6. Insurance. Parcel A Owner and Parcel B Owner shall maintain in effect at all times during the term of this Agreement, at their sole joint expense, a policy of public liability insurance in an amount of at least One Million Dollars ($1,000,000.00) with respect to the Easement Property. Such policy shall name Parcel A Owner, Parcel B Owner as their interests may appear, to insure against injury to property, person, or loss of life arising out of Parcel A Owner's or Parcel B Owner's use, occupancy or maintenance of the Easement Property or the Driveway. For each year in which this Agreement is in effect, Parcel A Owner and Parcel B Owner shall each receive a certificate, policy endorsement or wording evidencing that such insurance coverage is in force and that Parcel A Owner and Parcel B Owner are named insureds. The policy shall contain a supplemental endorsement covering contractual liability voluntarily assumed by the insured under this Agreement. Insurance required under this Agreement shall be written by a company or companies duly qualified to do business in the State of Wisconsin and shall be satisfactory in all respects to both Parcel A Owner and Parcel B Owner. No such policy shall be cancellable or subject to reduction of coverage or modification except after 30 days' prior written notice to Parcel A Owner and Parcel B Owner. At least 30 days before the expiration of the policy, Parcel A Owner and Parcel B Owner shall renew or "bind" the policy for an additional year. Neither Parcel A Owner nor Parcel B Owner shall do or permit anything to be done that will invalidate the insurance policy. Parcel A Owner and Parcel B Owner may from time to time require that the policy limits of any or all such insurance be increased to reflect the effects of inflation and changes in normal insurance practice.

7. Equal Rights of Use. Parcel A Owner and Parcel B Owner shall have equal rights of ingress and egress over the Driveway and shall take no action to prevent the other party's enjoyment of such rights.

Attachment: Packet Docs (4744 : Jim Bruce)

8. Covenants Run with Land. All of the terms and conditions in this Agreement, including the benefits and burdens, shall run with the land and shall be binding upon, inure to the benefit of, and be enforceable by Parcel A Owner and Parcel B Owner and their respective heirs, administrators, successors and assigns. The easement granted under Paragraph 1.A. of this Agreement is an easement appurtenant to Parcel B and may not be transferred separately from, or severed from, title to Parcel B. The easement granted under Paragraph 1.B. of this Agreement is an easement appurtenant to Parcel A and may not be transferred separately from, or severed from, title to Parcel A. Furthermore, the benefits of the easements granted under this Agreement shall not be extended to any properties other than Parcel A and Parcel B without the consent of both Parcel A Owner and Parcel B Owner. The specific parties named as Parcel A Owner and Parcel B Owner in this Agreement, and each of their respective successors and assigns as fee simple owners of Parcel A and Parcel B, respectively, or any portion of Parcel A or Parcel B, shall cease to have further liability under this Agreement with respect to facts or circumstances first arising after the party has transferred its fee simple interest in Parcel A or Parcel B, respectively, except, however, for obligations that accrued during the party's period of ownership of title.

9. Non-Use. Non-use or limited use of the easement rights granted in this Agreement shall not prevent Parcel A Owner or Parcel B Owner from later use of the easement rights to the fullest extent authorized in this Agreement.

10. Governing Law. This Agreement shall be construed and enforced in accordance with the internal laws of the State of Wisconsin.

11. Entire Agreement. This Agreement sets forth the entire understanding of the parties and may not be changed except by a written document executed and acknowledged by all parties to this Agreement and duly recorded in the office of the Register of Deeds of Ozaukee County, Wisconsin.

12. Notices. All notices to either party to this Agreement shall be delivered in person or sent by certified mail, postage prepaid, return receipt requested, to the other party at that party's last known address. If the other party's address is not known to the party desiring to send a notice, the party sending the notice may use the address to which the other party's property tax bills are sent. Either party may change its address for notice by providing written notice to the other party.

13. Invalidity. If any term or condition of this Agreement, or the application of this Agreement to any person or circumstance, shall be deemed invalid or unenforceable, the remainder of this Agreement, or the application of the term or condition to persons or circumstances other than those to which it is held invalid or unenforceable, shall not be affected thereby, and each term and condition shall be valid and enforceable to the fullest extent permitted by law.

14. Waiver. No delay or omission by any party in exercising any right or power arising out of any default under any of the terms or conditions of this Agreement shall be construed to be

Attachment: Packet Docs (4744 : Jim Bruce)

a waiver of the right or power. A waiver by a party of any of the obligations of the other party shall not be construed to be a waiver of any breach of any other terms or conditions of this Agreement.

15. Arbitration; Injunction. A. If a controversy or claim shall arise between the Parcel A Owner and Parcel B Owner that cannot be settled by the parties through negotiation or mediation, such controversy or claim shall be submitted to arbitration by a disinterested person. If the parties are unable to agree on a disinterested person to arbitrate the controversy or claim, then the owner of each Parcel shall select a disinterested person and those two disinterested persons shall select a third disinterested person. The three disinterested persons selected will then arbitrate the controversy or claim. The decision of a majority of the arbitrators so appointed shall be binding on the parties thereto. To be disinterested, a person selected must be a non-relative of the parties and be possessed of some special knowledge regarding the subject matter in controversy. Each party shall equally pay the fees, if any, of the arbitrator. If three arbitrators are used, each party shall pay the fees, if any, of the arbitrator selected by it, and each party shall equally pay the fees, if any, of the third arbitrator. Each party will be solely responsible to pay its own attorney fees and expenses incurred.

B. Enforcement of this Agreement by injunctive relief may be by proceedings in equity against any person or persons violating or attempting or threatening to violate any term or condition in this Agreement, either to restrain or prevent the violation or to obtain any other injunctive or equitable relief in Circuit Court for Ozaukee County, Wisconsin. If a suit is brought to enforce this Agreement, the prevailing party shall be entitled to recover its costs, including reasonable attorney fees, from the non-prevailing party.

16. No Public Dedication. Nothing in this Agreement shall be deemed to be a gift or dedication of any portion of the easement granted under this Agreement to the general public or for any public purpose whatsoever. Parcel A Owner and Parcel B Owner agree to cooperate with each other and to take such measures as may be necessary to prevent the dedication to the public of the Driveway, whether by express grant, implication, or prescription, including, without limitation, the posting of "Private Drive" or "No Trespassing" signs. Such measures shall not, however, unreasonably interfere with the easement rights granted under this Agreement.

Dated: July ____, 2019.

JAMES F. BRUCE 1998 TRUST (Parcel A Owner)

By: _____
Name: James F. Bruce
Title: Trustee

KATHERINE D. BRUCE 1998 TRUST (Parcel A Owner)

By: _____
Name: Katherine D. Bruce
Title: Trustee

Attachment: Packet Docs (4744 : Jim Bruce)

JAMES F. BRUCE 1998 TRUST (Parcel B Owner)

By: _____
Name: James F. Bruce
Title: Trustee

KATHERINE D. BRUCE 1998 TRUST (Parcel B Owner)

By: _____
Name: Katherine D. Bruce
Title: Trustee

Attachment: Packet Docs (4744 : Jim Bruce)

ACKNOWLEDGMENT

STATE OF WISCONSIN)
) SS.
COUNTY OF OZAUKEE)

This instrument was acknowledged before me on July ____, 2019 by James F. Bruce, Trustee of the James F. Bruce 1998 Trust and Katherine D. Bruce, Trustee of the Katherine D. Bruce Trust, **Parcel A** Owners.

_____
Name: _____
Notary Public, State of Wisconsin
My commission expires: _____

ACKNOWLEDGMENT

STATE OF WISCONSIN)
) SS.
COUNTY OF OZAUKEE)

This instrument was acknowledged before me on July ____, 2019 by James F. Bruce, Trustee of the James F. Bruce 1998 Trust and Katherine D. Bruce, Trustee of the Katherine D. Bruce Trust, **Parcel B** Owners.

_____
Name: _____
Notary Public, State of Wisconsin
My commission expires: _____

This Instrument was drafted by

Attorney Robert A. Carroll
CARROLL LAW OFFICE, S.C.
W62 N562 Washington Avenue
Cedarburg, WI 53012
262-375-9800
racarroll@carroll-law.com

Attachment: Packet Docs (4744 : Jim Bruce)

CONSENT OF MORTGAGEE OF PARCEL A

The undersigned, being the holder of a mortgage against Parcel A, consents to the above Agreement and agrees that its interest in Parcel A shall be subject to the terms of the Agreement.

_____

By: _____
Name: _____
Title: _____

ACKNOWLEDGMENT

STATE OF WISCONSIN)
) SS.
COUNTY OF _____)

This instrument was acknowledged before me on _____, 2019 by _____, the (name of office) _____ of (name of mortgagee) _____.

_____
Name: _____
Notary Public, State of Wisconsin
My commission expires: _____

Attachment: Packet Docs (4744 : Jim Bruce)

CONSENT OF MORTGAGEE OF PARCEL B

The undersigned, being the holder of a mortgage against Parcel B, consents to the above Agreement and agrees that its interest in Parcel B shall be subject to the terms of the Agreement.

_____

By: _____
Name: _____
Title: _____

ACKNOWLEDGMENT

STATE OF WISCONSIN)
) SS.
COUNTY OF _____)

This instrument was acknowledged before me on _____, 2019 by _____ _, the (name of office)_____ of (name of mortgagee)_____.

_____
Name_____
Notary Public, State of Wisconsin
My commission expires: _____

Attachment: Packet Docs (4744 : Jim Bruce)

EXHIBIT A

(Legal description of Parcel A)

Attachment: Packet Docs (4744 : Jim Bruce)

EXHIBIT B

(Legal description of Parcel B)

Attachment: Packet Docs (4744 : Jim Bruce)

EXHIBIT C

(Legal description of Easement Property)

Attachment: Packet Docs (4744 : Jim Bruce)

State of Wisconsin
DEPARTMENT OF NATURAL RESOURCES
625 E County Road Y, Suite 700
Oshkosh, WI 54901-9731

Scott Walker, Governor
Daniel L. Meyer, Secretary
Telephone 608-266-2621
Toll Free 1-888-936-7463
TTY Access via relay - 711

May 4, 2018

WIC-SE-2018-46-00878

Jim Bruce
14221 Klug Lane
Mequon, WI 53097

RE: Wetland Delineation Report for 28.397 acres located in the NE1/4 of the NE1/4 of Section 01, Township 09 North, Range 21 East, City of Mequon, Ozaukee County

Dear Mr. Bruce:

We have received and reviewed the wetland delineation report prepared for the above mentioned site by North Shore Engineering, Inc. This letter will serve as confirmation that the wetland boundaries as shown on the wetland delineation map received March 23, 2018 are acceptable. This finding is based upon an April 27, 2018 field visit. Any filling or grading within these areas will require DNR approvals. The wetland confirmation is valid for five years unless the wetlands on site are determined to be nonfederal by the U.S. Army Corps of Engineers, in which case the confirmation will be considered valid for 15 years by the state. Be sure to send a copy of the report, as well as any approved revisions, to the U.S. Army Corps of Engineers.

In order to comply with Chapter 23.321, State Statutes, please supply the department with a polygon shapefile of the wetland boundaries delineated within the project area. Please do not include data such as parcel boundaries, project limits, wetland graphic representation symbols, etc. If internal upland polygons are found within a wetland polygon, then please label as UPLAND. The shapefile should utilize a State Plane Projection, and be overlain onto recent aerial photography. If a different projection system is used, please indicate what system the data are projected to. In the correspondence sent with the shapefile, please supply a brief description of each wetland's plant community (eg: wet meadow, floodplain forest, etc.). Please send these data to Calvin Lawrence (608-266-0756, or calvin.lawrence@wisconsin.gov).

There is a navigable stream identified on the property. DNR Chapter 30 permits will be needed if earthwork (filling, dredging, etc.) or structures (culverts, bridges, erosion control, etc.) are proposed in or adjacent to the waterway.

If you are planning development on the property, you are required to avoid take of endangered and threatened species, or obtain an incidental take authorization or permit, to comply with the state's Endangered Species Law. To insure compliance with the law, you should submit an endangered resources review form (Form 1700-047), available at http://dnr.wi.gov/topic/ERReview/Review.html. The Endangered Resources Program will provide a review response letter identifying any endangered and threatened species and any conditions that must be followed to address potential incidental take.

Attachment: Packet Docs (4744 : Jim Bruce)

In addition to contacting WDNR, be sure to contact your local zoning office and U.S. Army Corps of Engineers to determine if any local or federal permits may be required for your project.

If you have any questions, please contact me at (920) 424-3058 or email Allison.Willman@wisconsin.gov.

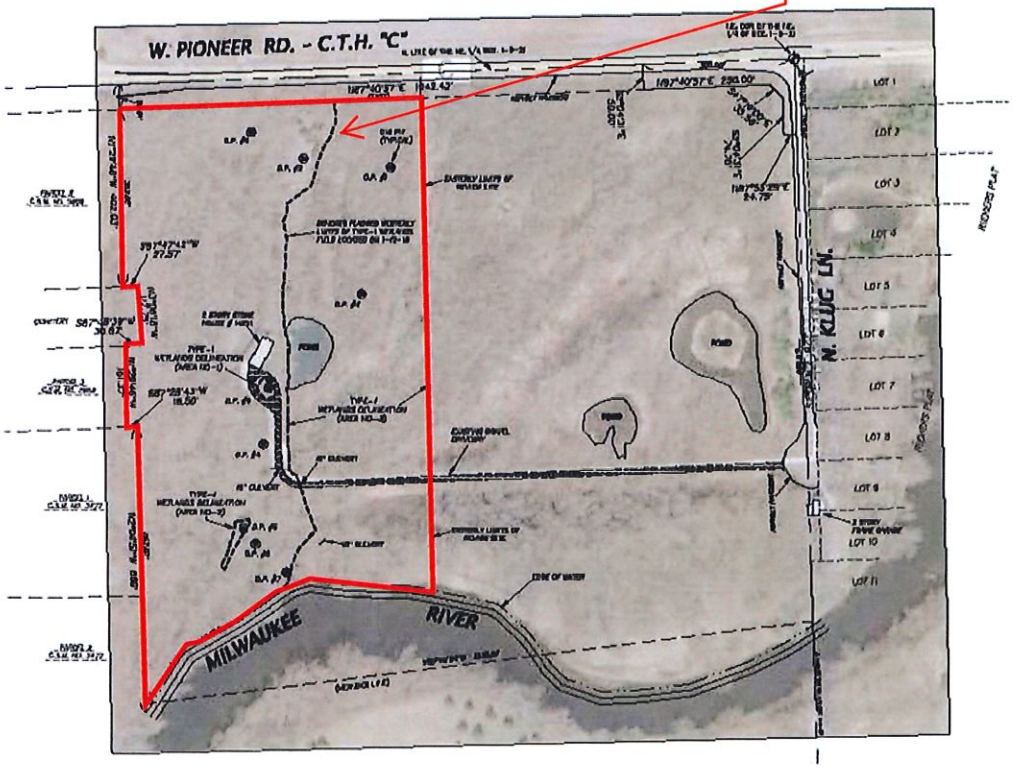
Sincerely,

Allison Willman
Wetland Identification Specialist

cc: April Marcangeli, Project Manager, U.S. Army Corps of Engineers
Nick Nadelhoffer, North Shore Engineering, Inc.
Joshua Wied, DNR Water Management Specialist
Chris Jors, SEWRPC

Attachment: Packet Docs (4744 : Jim Bruce)

WDNR CONCURRED WITH THE WETLAND BOUNDARIES WITHIN RED HIGHLIGHTED PROJECT AREA APRIL 27, 2018.



LEGAL DESCRIPTION :

Government Lot One (1), except the North Fifty (50) feet of the East Three Hundred (300) feet conveyed to Ozaukee County for highway purposes and the East One-half (1/2) of the Northeast One-quarter (1/4) of the Northeast Fractional One-quarter (1/4), all in Section One (1), Township Nine (9) North, Range Twenty-one (21) East, in the City of Mequon, Ozaukee County, Wisconsin EXCEPTING from the foregoing the 1/2 acre tract known as the burying ground, together with the right of way therefrom to the Town Line Road, the metes and bounds description of which is as follows to-wit:

That part of the East 1/2 of the Northeast 1/4 of the Northeast Fractional 1/4 of Section 1, Township 9 North, Range 21 East, and that part of Government Lot 1 of Section 1, Township 9 North, Range 21 East, in the City of Mequon, bounded and described as follows:

Commencing at the Northwest corner of said 1/4 Section; thence East along the North line of said 1/4 Section, 1088.00 feet to a point; thence S0°41'15"W on a line, 448.00 feet to a point; thence S89°44'15"E on a line, 84.89 feet to the point of beginning of the land to be described; thence N0°47'15"W on a line, 44.96 feet to a point; thence S89°44'15"E on a line, 155.00 feet to a point; thence S0°47'15"E on a line, 117.75 feet to a point; thence N89°44'15"W on a line, 185 feet to a point; thence N0°47'15"W on a line, 72.76 feet to the point of beginning; together with a right of way for ingress and egress over and across a 30 foot strip of land, the centerline of which is described as follows:

Commencing at the Northwest corner of said 1/4 Section; thence East along the North line of said 1/4 Section, 1088.00 feet to the point of beginning of the centerline to be described; thence S0°41'15"W along said centerline, 448.00 feet to a point; thence S89°44'15"E along said centerline, 84.89 feet to the terminus of said centerline.

ALSO EXCEPTING THEREFROM that portion described by Certified Survey Map recorded in the Ozaukee County Registry in Volume 1 of Certified Survey Maps on pages 560-561 as Document No. 226183.

ALSO EXCEPTING THEREFROM that portion conveyed to Ozaukee County on Volume 801, page 8 described as follows:

That part of Government Lot (1) in Section 1, Township 9 North, Range 21 East, City of Mequon, Ozaukee County, Wisconsin described as follows: Commencing at the Northwest corner of said Section 1; thence Southerly, along the East line of said Section, 50.00 feet to the point of beginning; thence continuing Southerly, along the East line of said Section, 100.00 feet; thence Westerly, at right angles to the East line of said Section, 24.75 feet; thence Northerly, parallel with the East line of said Section, 74.75 feet; thence Northwesterly, to a point which is 50.00 feet West of the East line of said Section and 50.00 feet South of the North line of said Section; thence Easterly, 50.00 feet to the point of beginning.

ALSO EXCEPTING THEREFROM that portion described in Certified Survey Map No. 2898, recorded with the Ozaukee County Register of Deeds in Volume 21, Pages 129-131, as Document No. 577369.

Said Parcel containing 1,417,941 sq. ft./32.55 acres of land, more or less.

Property Coverage Statistics:

Total Property Area = 32.55 acres

Wetland Area 1 = 0.02 acres / 830 sq. ft.
Wetland Area 2 = 0.03 acres / 1,460 sq. ft.
Wetland Area 3 = 5.76 acres / 250,716 sq. ft.

Review Site Area = 14.35 acres

WETLAND NOTE :

THE COMPLETE SIZE OF FLOODPLAIN FOREST & FRESH WET MEADOW/SEDGE MEADOW WETLAND FOR THIS PROPERTY CANNOT BE CALCULATED, DUE TO OWNERS REQUEST THAT ONLY THE WESTERLY 600'± OF WETLANDS BE DELINEATED .

0 200 300 400 600

SCALE 1" = 200'

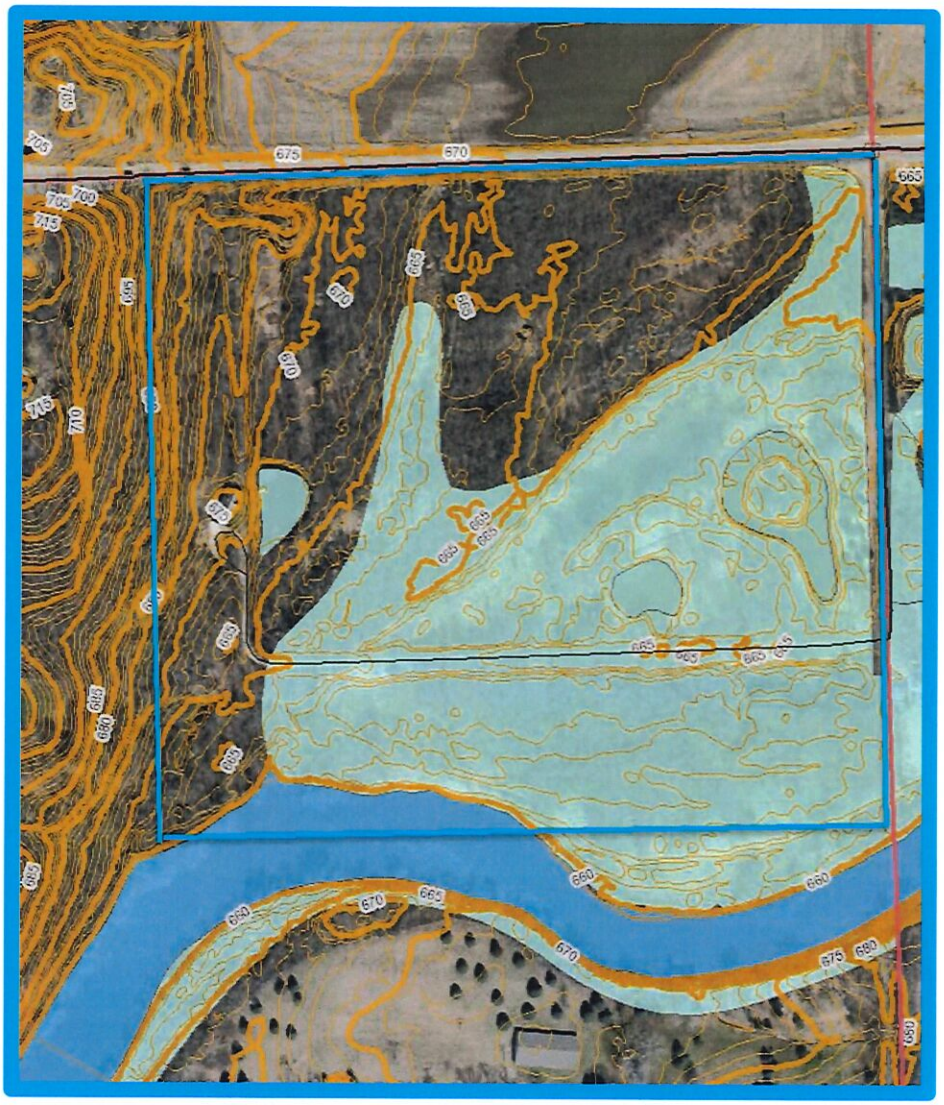
OWNER :
JAMES BRUCE
9728 N. HILLTOP LN.
MEQUON, WI 53092

NSE NORTH SHORE ENGINEERING, INC.
Consulting Engineers & Land Surveyors

"WETLAND EXHIBIT"
FOR
JAMES BRUCE
14221 KLUG LN.
MEQUON, WI.

DATE: March 21, 2018 DRAWN BY:
FIELD CREW: B.A.J. & B.W.J. Plot No.

SOURCE: OZUAKEE COUNTY GIS
TOPOGRAPHICAL MAP 2' CONTOURS
PART OF THE NE ¼ OF SEC. 1 T9N R21E



Jim Bruce
City of Mequon
Ozaukee County, WI

FIGURE: 2

NORTH SHORE ENGINEERING, INC.
11433 N. PORT WASHINGTON ROAD
MEQUON, WISCONSIN 53092
TELEPHONE (262) 241-9400
FAX (262) 241-5337

N

Attachment: Packet Docs (4744 : Jim Bruce)

Wisconsin Department of Safety and Professional Services
Division of Industry Services

SOIL EVALUATION REPORT

In accordance with SPS 385, Wis. Adm. Code

Attach complete site plan on paper not less than 8 1/2 x 11 inches in size. Plan must include, but not limited to: vertical and horizontal reference point (BM), direction and percent slope, scale or dimensions, north arrow, and location and distance to nearest road.

Please print all information.

Personal information you provide may be used for secondary purposes (Privacy Law, s. 15.04(1)(m)).

County	Parcel I.D.	Reviewed by	Date
Ozaukee	TBD		

Property Owner	Property Location			
James Bruce	☒ ☐ Govt. Lot NE ¼ NE ¼ S 1 T 9 N R 21 E (or) W			
Property Owner's Mailing Address	**Lot #**	**Block #**	**Subd. Name or CSM#**	
9728 N Hilltop Lane	Proposed #1			
City / **State** / **Zip Code** / **Phone Number**	☒ City	☐ Village	☐ Town	**Nearest Road**
Mequon / WI / 53092 / ( )	Mequon			N. Klug Lane

☒ New Construction Use: ☒ Residential / Number of bedrooms _____ Code derived design flow rate _____ GPD
☐ Replacement ☐ Public or commercial – Describe: _____
Parent material Silt Loam Flood Plan elevation if applicable Per Survey Line ft.
General comments and recommendations:

4 Boring # ☐ Boring ☒ Pit Ground surface elev. 684.45 ft. Depth to limiting factor 28 in.

Horizon	Depth In.	Dominant Color Munsell	Redox Description Qu. Az. Cont. Color	Texture	Structure Gr. Sz. Sh.	Consistence	Boundary	Roots	Soil Application Rate GPD/Ft² *Eff#1	*Eff#2
1	0-12	10yr3/3	-	L	2fsbk	mvfr	aw	3L-vf	0.5	1
2	12-28	10yr4/3	-	SiCL	2fabk	mfr	cw	2f-vf	0.4	0.6
3	28-33	10yr5/4	c2d7.5yr5/8	GrSiCL	1fabk/0m	mfr	-	-	0	0.2

5 Boring # ☐ Boring ☒ Pit Ground surface elev. 694.67 ft. Depth to limiting factor 29 in.

Horizon	Depth In.	Dominant Color Munsell	Redox Description Qu. Az. Cont. Color	Texture	Structure Gr. Sz. Sh.	Consistence	Boundary	Roots	Soil Application Rate GPD/Ft² *Eff#1	*Eff#2
1	0-14	10yr3/3	-	L	2fsbk	mvfr	aw	3l-vf	0.5	0.8
2	14-29	10yr4/4	-	SiCL	2fabk	mfr	cw	2f-vf	0.4	0.6
3	29-39	10yr5/4	c2d 7.5yr5/8	SiL	1fabk/0m	mvfr	-	-	0	0.2

* Effluent #1 = BOD, > 30 ≤ 220 mg/L and TSS > 30 ≤ 150 mg/L *Effluent #2 = BOD, > 30 ≤ 220 mg/L and TSS > 30 ≤ 150 mg/L

CST Name (Please Print)	Signature	CST Number
Robert S Hilgart	Robert S Hilgart	226165
Address	**Date Evaluation Conducted**	**Telephone Number**
1004 Washington St	5/23/18	262-375-3892

SBD-8330 (R04/15)

Attachment: Packet Docs (4744 : Jim Bruce)

6 Boring #

☐ Boring
☒ Pit

Ground surface elev. 684.20 ft.

Depth to limiting factor 24 in.

Horizon	Depth In.	Dominant Color Munsell	Redox Description Qu. Az. Cont. Color	Texture	Structure Gr. Sz. Sh.	Consistence	Boundary	Roots	Soil Application Rate GPD/Ft²	
									*Eff#1	*Eff#2
1	0-10	10yr3/3	-	L	2fsbk	mvfr	aw	2m-f	0.5	0.8
2	10-24	10yr4/3	-	SiCL	2fabk	mfr	cw	1f-vf	0.4	0.6
3	24-40	10yr5/4	c2d 7.5yr5/8	SiL	1fabk/0m	mvfr	-	1vf to 35"	0	0.2

☐ Boring #

☐ Boring
☐ Pit

Ground surface elev. _____ ft.

Depth to limiting factor _____ in.

Horizon	Depth In.	Dominant Color Munsell	Redox Description Qu. Az. Cont. Color	Texture	Structure Gr. Sz. Sh.	Consistence	Boundary	Roots	Soil Application Rate GPD/Ft²	
									*Eff#1	*Eff#2

☐ Boring #

☐ Boring
☐ Pit

Ground surface elev. _____ ft.

Depth to limiting factor _____ in.

Horizon	Depth In.	Dominant Color Munsell	Redox Description Qu. Az. Cont. Color	Texture	Structure Gr. Sz. Sh.	Consistence	Boundary	Roots	Soil Application Rate GPD/Ft²	
									*Eff#1	*Eff#2

* Effluent #1 = BOD, > 30 ≤ 220 mg/L and TSS > 30 ≤ 150 mg/L

* Effluent #2 = BOD, > 30 ≤ 220 mg/L and TSS > 30 ≤ 150 mg/L

Attachment: Packet Docs (4744 : Jim Bruce)

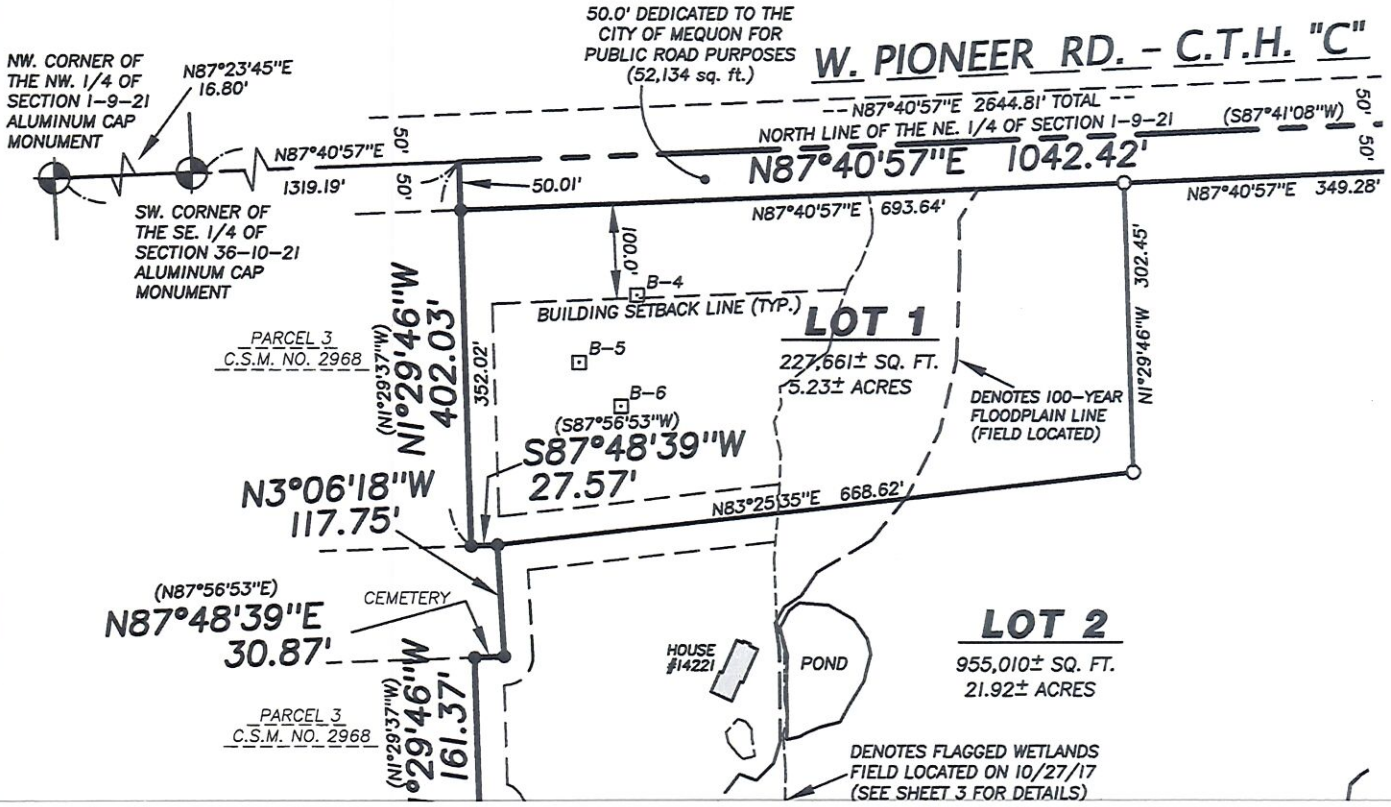
CERTIFIED SURVEY MAP NO. _____

PART OF GOVERNMENT LOT 1 AND LANDS IN THE NORTHEAST 1/4 AND NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 1, TOWN 9 NORTH, RANGE 21 EAST, IN THE CITY OF MEQUON, OZAUKEE COUNTY, WISCONSIN.

0 200 300 400 600

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



Attachment: Packet Docs (4744 : Jim Bruce)

City of Mequon

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: **January 13, 2020**

SUBJECT: **William and Bonnie Prahl 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.**

Applicant:	The Martin Group with Keller Williams Realty
Status of Applicant:	Agent
Requested:	Final Land Division Approval
Existing Zoning:	R-1 (Rural Residential) OA (Agricultural Overlay) C-2 (General Conservancy)
Land Use Plan:	Residential (5-acre) Critical Environmental
Lot size:	30.52 acres
Location:	12519/12521 N. Granville Road
Tax Key:	#14-018-02-000.00
District:	#3

Background:
The applicant requests certified survey map approval for the property located at 12519/12521 N Granville Road. The proposed land division creates one additional lot.

Zoning District Standards and Site Conditions:
The proposed certified survey map is consistent with the current zoning designation of R-1, requiring five (5) acre minimum lot size and 300 minimum average lot width and depth.

Site Conditions:
Lot 1 is 29.959 acres and is vacant. Access to Lot 1 is off Granville Road. The applicant has indicated that Lot 1 will only be used for hunting purposes only. The applicant has submitted a deed restriction that prohibits the development of any permanent structures on Lot 1 unless the conditions imposed are met. See attached Declaration of Restrictions.

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 applicant has indicated that the property will be

deed restricted to not allow for development, this precludes the need to have a soil evaluation at the time of land division.

Wetlands appear to be present on site. A wetland delineation was not provided with the application. The applicant provided a deed restriction that indicates that the wetland delineation would be completed at the time that the lots are developed.

The CSM indicates a 50-foot right-of-way dedication to the City of Mequon. This dedication is consistent with the City of Mequon Ultimate Right-of-Way.

Other Technical Corrections:
The Engineering Division completed a full technical review of the CSM. There appears to be an error in the acreage noted on page 1 and the acreage noted on page 3.

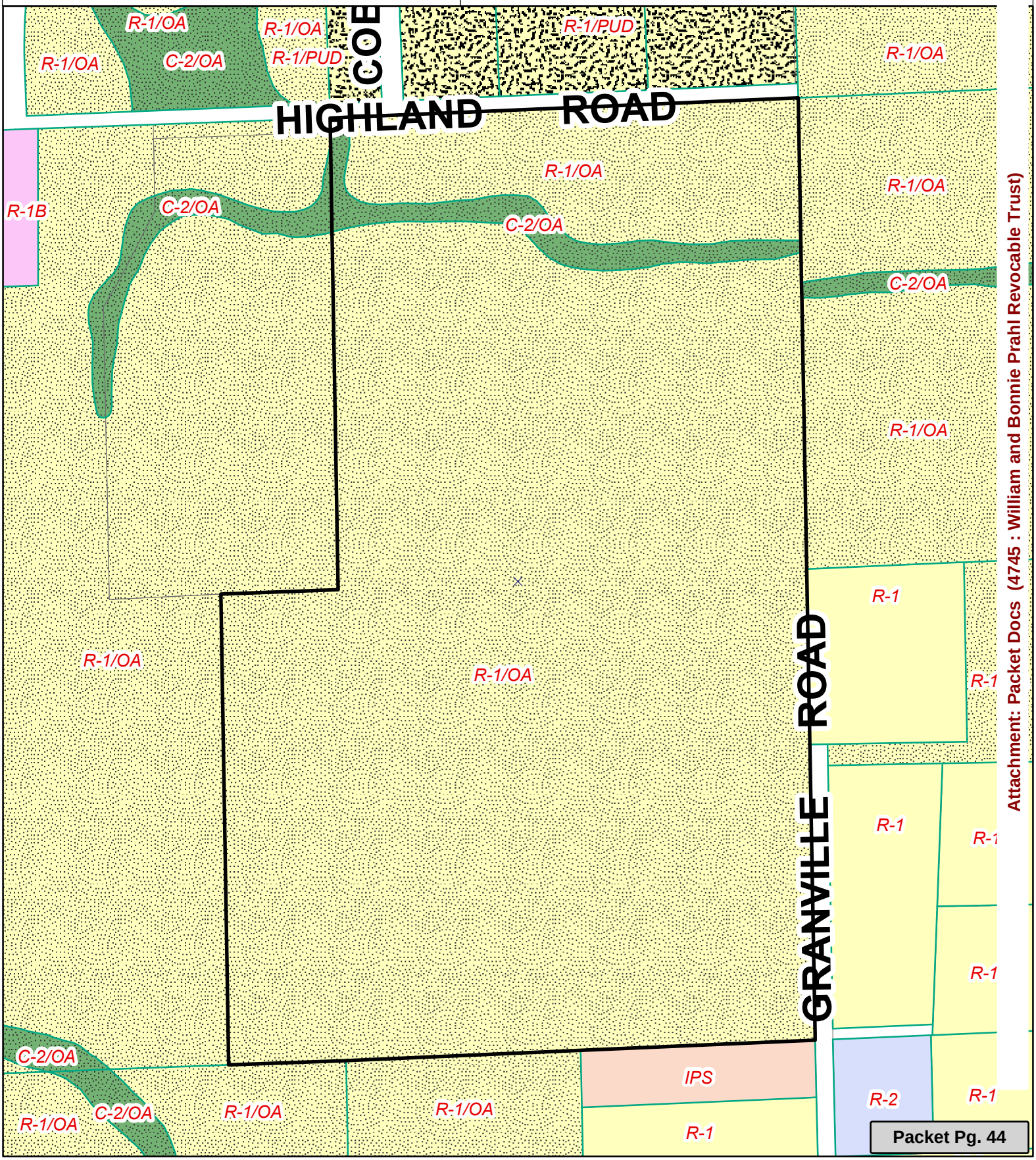
Staff Recommendation:
Planning staff recommends **approval** of the land division subject to the following conditions:

1. Final staff review and approval of CSM.
2. 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. A revised Declaration of Restrictions for review and approval by staff amending Condition 1 to include the requirement for a soil evaluation report.
5. A note shall be included on the CSM stating the following: No development of any kind, including the construction of a permanent structure, shall occur on the property until submittal of a soil evaluation report and approval of a private on-site water treatment system, as determined and approved by the City of Mequon and Ozaukee County.
6. A note shall be included on the CSM stating the following: No development of any kind, including the construction of a permanent structure, shall occur on the property until performance of a delineation of wetland boundaries on the Property, if any, by an approved wetland delineation specialist and approval of such delineation by the appropriate regulatory authorities.
7. Common Council acceptance of the dedication of right-of-way on Granville Road.
8. 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)

Prahl CSM

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 (4745 : William and Bonnie Prahl Revocable Trust)

The William A Prahl and Bonnie C Prahl Revocable Trust is requesting a Minor Land Division to proceed with the sale of 30.52 acres of their parcel located at 12519/12521 N. Granville Road Mequon, WI 53097 to The Macs' Tree Farm, LTD LLC. The Macs' Tree Farm, LTD LLC only have the intention of hunting the land, and has no current intensions to develop or subdivide the land. If no deed restriction is attached, it will be delivered to the Mequon City Planning Office via Email by 12/13/19.

The Deed Restriction will include the following verbiage:

No development or construction of a permanent structure of any kind whatsoever shall occur on the Property until the person who intends to develop and/or construct a permanent structure thereon shall first provide and/or obtain, as the context requires, the following:

1. approval of a private on site water treatment system, as determined and approved by the City of Mequon and Ozaukee County;

2. a delineation of wetland boundaries on the Property, if any, by an approved wetland delineation specialist and approval of such delineation by the appropriate regulatory authorities; and

3. a change in the Property zoning from Agricultural to R-1.

Attachment: Packet Docs (4745 : William and Bonnie Prahl Revocable Trust)

CERTIFIED SURVEY MAP NO. _____

PART OF THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4 AND PART OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 18, TOWN 9 NORTH, RANGE 21 EAST, IN THE CITY OF MEQUON, OZAUKEE COUNTY, WISCONSIN.

0 200 300 400 600

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 :
WILLIAM & BONNIE PRAHL
12521 N. GRANVILLE RD.
MEQUON, WI 53097

SETBACK NOTE :
FRONT YARD = 100.0'
REAR YARD = 30.0'
SIDE YARD = 30.0'

NW. CORNER OF THE NE. 1/4 OF SECTION 18-9-21 CONC. MONUMENT WITH BRASS CAP

S0°57'40"E 2642.12' TOTAL
S0°57'40"E 1322.12'
WEST LINE OF THE NE. 1/4 OF SECTION 18-9-21

UNPLATTED LANDS

S0°57'40"E 65.00'

N87°51'36"E 330.00'

S89°29'06"E 335.00'

UNPLATTED LANDS

S1°06'54"E 752.44'

N0°57'40"W 1320.00'

UNPLATTED LANDS

N87°31'23"E 978.72'
928.70'

WISCONSIN
JAMES G. SCHNEIDER
S-2127
MEQUON
WI
LAND SURVEYOR

12-6-2019

HIGHLAND RD.
N. GRANVILLE RD.
N

LOCATION MAP

NORTHEAST 1/4 SEC. 18-9-21
(SCALE 1"=2000')

LEGEND

○ –DENOTES 1.315"X18" STEEL PIPE WEIGHING 1.13 LBS. PER LINEAL FOOT (SET)

● –DENOTES STEEL PIPE (FOUND)

ALL BEARINGS REFERENCED TO GRID NORTH OF THE WISCONSIN STATE PLANE COORDINATE SYSTEM, SOUTH ZONE (WEST LINE OF THE NE. 1/4 OF SECTION 18-9-21 WHICH BEARS S0°57'40"E)

NOTES :

1. CURRENT ZONING:
   R-1 (RESIDENTIAL DISTRICT)
   OA (AGRICULTURAL OVERLAY)
2. THIS PROPERTY IS ALSO SUBJECT TO EASEMENTS OF RECORD.
3. THIS CERTIFIED SURVEY MAP IS HEREBY DEED RESTRICTED; THAT NO DEVELOPMENT SHALL BE ALLOWED UNTIL SUCH TIME THAT A CURRENT WETLAND DELINEATION HAS BEEN PERFORMED AND APPROVED BY THE CITY OF MEQUON & THE WISCONSIN. DNR. & SOIL TESTS FOR P.O.W.T.S. HAVE BEEN COMPLETED AND APPROVED.

LOT 1

1,305,016± SQ. FT.
29.959± ACRES

WITNESS PIPE FOUND 1.35' WEST

SOUTH LINE OF THE NW. 1/4 OF SECTION 18-9-21

S87°51'36"W 330.00'

LARGE ROCK AT CORNER

UNPLATTED LANDS

SW. CORNER OF THE NE. 1/4 OF SECTION 18-9-21 CONC. MONUMENT WITH BRASS CAP

UNPLATTED LANDS

SOUTH LINE OF THE NE. 1/4 OF SECTION 18-9-21

1266.30'

S87°31'23"W 1316.31'

UNPLATTED

THIS INSTRUMENT DRAFTED BY JAMES G. SCHNEIDER

SHEET 1 OF 5 SHEETS

Attachment: Packet Docs (4745 : William and Bonnie Prahl Revocable Trust)

CERTIFIED SURVEY MAP NO. _____

PART OF THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4 AND PART OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 18, TOWN 9 NORTH, RANGE 21 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

SETBACK NOTE :
FRONT YARD = 100.0'
REAR YARD = 30.0'
SIDE YARD = 30.0'

WISCONSIN
JAMES G. SCHNEIDER
S-2127
MEQUON
WI
LAND SURVEYOR

12-6-2019

WEST LINE OF THE NE. 1/4 OF SECTION 18-9-21

S0°57'40"E 2642.12' TOTAL
S0°57'40"E 1322.12'
S0°57'40"E 65.00'

S89°29'06"E 335.00'

S1°06'54"E 752.44'

UNPLATTED LANDS

UNPLATTED LANDS

N87°31'23"E 978.72'
928.70'

N. GRANVILLE ROAD

33' 50'

50.02'

50.0' DEDICATED TO THE CITY OF MEQUON FOR PUBLIC ROAD PURPOSES (24,250 sq. ft.)

S1°01'41"E 485.00'

S1°01'41"E 485.00'

50.02'

33' 50'

LOT 1

1,305,016± SQ. FT.
29.959± ACRES

SW. CORNER OF THE NE. 1/4 OF SECTION 18-9-21 CONC. MONUMENT WITH BRASS CAP

SOUTH LINE OF THE NE. 1/4 OF SECTION 18-9-21

1266.30'

S87°31'23"W 1316.31'

UNPLATTED LANDS

UNPLATTED LANDS

THIS INSTRUMENT DRAFTED BY JAMES G. SCHNEIDER

SHEET 2 OF 5 SHEETS

Attachment: Packet Docs (4745 : William and Bonnie Prahl Revocable Trust)

CERTIFIED SURVEY MAP NO. _____

PART OF THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4 AND PART OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 18, TOWN 9 NORTH, RANGE 21 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:

Part of the Southeast 1/4 of the Northwest 1/4 and part of the Southwest 1/4 of the Northeast 1/4 of Section 18, Township 9 North, Range 21 East, in the City of Mequon, Ozaukee County, Wisconsin, bounded and described as follows:

Commencing at the Northwest corner of the Northeast 1/4 of said Section 18; thence S0°57'40"E along the West line of said 1/4 Section, 1322.12 feet to the point of beginning of lands to be described; thence continuing S0°57'40"E along the West line of said 1/4 Section, 65.00 feet; thence S89°29'06"E, 335.00 feet; thence S1°06'54"E, 752.44 feet; thence N87°31'23"E, 978.72 feet to a point in the centerline of N. Granville Road; thence S1°01'41"E along said centerline, 485.00 feet to a point in the South line of the Northeast 1/4 of said Section 18; thence S87°31'23"W along the South line of said 1/4 Section, 1,316.31 feet to the concrete monument marking the Center of said Section 18; thence S87°51'36"W along the South line of the Northwest 1/4 of said Section 18, 330.00 feet; thence N0°57'40"W and parallel with the East line of said Northwest 1/4 Section, 1320.00 feet; thence N87°51'36"E and parallel with the South line of said Northwest 1/4 Section, 330.00 feet to the point of beginning.

Said lands containing 30.52 acres of land, more or less.

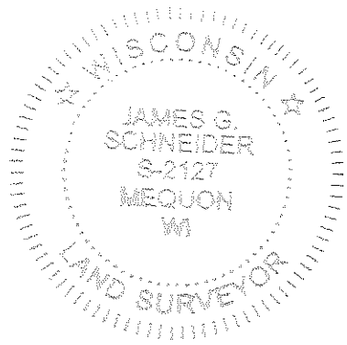
That I have made such survey, land division, and plat at the direction of William A. Prahl and Bonnie C. Prahl Revocable Trust, OWNER of said lands.

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 Section 236.34 of the Wisconsin Statutes and the requirements of the City of Mequon.

12-6-2019

James G. Schneider S-2127



This instrument was drafted by James G. Schneider

Attachment: Packet Docs (4745 : William and Bonnie Prahl Revocable Trust)

CERTIFIED SURVEY MAP NO. _____

PART OF THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4 AND PART OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 18, TOWN 9 NORTH, RANGE 21 EAST, IN THE CITY OF MEQUON, OZAUKEE COUNTY, WISCONSIN.

OWNER'S CERTIFICATE

We, William A. Prahl and Bonnie C. Prahl, Trustees of the William A. Prahl and Bonnie C. Prahl Revocable Trust, 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 William A. Prahl, Trustee

_____ _____
Witness Bonnie C. Prahl, Trustee

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

STATE OF WISCONSIN)
OZAUKEE COUNTY)ss

PERSONALLY came before me on this _____ day of _____,20___ William A. Prahl and Bonnie C. Prahl, to me known to be the person who executed the foregoing certificate and acknowledged the same.

_____ My Commission expires _____
Notary Public

CONSENT OF MORTGAGEE

COMPEER FINANCIAL, 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 William A. Prahl and Bonnie C. Prahl, OWNER.

In witness whereof, the said COMPEER FINANCIAL has caused these presents to be signed by _____, it's _____ at Plymouth, Wisconsin, this _____day of _____, 20___.

STATE OF WISCONSIN)
SHEBOYGAN COUNTY)ss
PERSONALLY came before me on this _____ day of _____, 20__ the above named by _____, to me known to be the person who executed the foregoing certificate and acknowledged the same.

_____ My Commission expires _____
Notary Public

12-6-2019

WISCONSIN
JAMES G. SCHNEIDER S-2127 MEQUON WI
LAND SURVEYOR

This instrument was drafted by James G. Schneider

Attachment: Packet Docs (4745 : William and Bonnie Prahl Revocable Trust)

CERTIFIED SURVEY MAP NO. _____

PART OF THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4 AND PART OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 18, TOWN 9 NORTH, RANGE 21 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

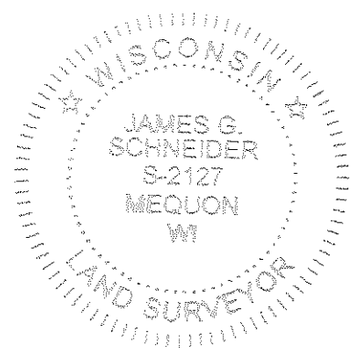
COMMON COUNCIL CERTIFICATE OF APPROVAL

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 N. Granville Road as depicted on face of this map.

_____ City Clerk

_____ Mayor

12-6-2019



This instrument was drafted by James G. Schneider

Sheet 5 of 5 Sheets

Attachment: Packet Docs (4745 : William and Bonnie Prahl Revocable Trust)

DECLARATION OF RESTRICTIONS

WHEREAS, the City of Mequon Planning Commission and Common Council reviewed and approved a Certified Survey Map to divide the undersigned's real property to create Lot 1 of the certified survey map attached hereto as Exhibit A;

WHEREAS, as a condition of allowing the creation of the said Lot 1, the undersigned has agreed to impose the following conditions on Lot 1, and

WHEREAS, the undersigned is agreeable to the conditions imposed by signing and recording this document.

Return address:

Tax Parcel No.

NOW, THEREFORE, the undersigned hereby executes this Declaration of Restrictions imposing the following condition on the following described real property:

PROPERTY RESTRICTED:

Lot 1 of Certified Survey Map No. _____, recorded the Office of the Register of Deeds for Ozaukee County, Wisconsin on _____, 2020 as Document No. _____ being part of the Southeast ¼ of the Northwest ¼ and part of the Southwest ¼ of the Northeast ¼ of Section 18, Township 9 North, Range 21 East 30 _____ in the City of Mequon, Ozaukee County, State of Wisconsin (the "Property")

CONDITIONS IMPOSED:

No development of any kind, including the construction of a permanent structure, shall occur on the Property until the person who intends to develop and/or construct a permanent structure thereon shall first provide and/or obtain, as the context requires, the following:

1. approval of a private on site water treatment system, as determined and approved by the City of Mequon and Ozaukee County;

2. performance of a delineation of wetland boundaries on the Property, if any, by an approved wetland delineation specialist and approval of such delineation by the appropriate regulatory authorities; and

Attachment: Packet Docs (4745 : William and Bonnie Prahl Revocable Trust)

IN WITNESS WHEREOF, this Declaration of Restrictions has been executed as of the ___ day of January 2020.

William A. Prahl and Bonnie C. Prahl Revocable Trust

By: _____
William A. Prahl, Co-Trustee

By: _____
Bonnie C. Prahl, Co-Trustee

ACKNOWLEDGMENT

STATE OF WISCONSIN)
)
OZAUKEE COUNTY)

Personally came before me this ___ day of _____, 2020, the above named William A. Prahl and Bonnie C. Prahl, the Co-Trustees of the William A. Prahl and Bonnie C. Prahl Revocable Trust, to me known to be the person who executed the foregoing instrument and acknowledged the same.

_____
Name: _____
Notary Public, State of Wisconsin
My commission expires: _____

Attachment: Exhibit A

This instrument was drafted by
Paul G. Sherburne
Mawicke & Goisman, S.C.
Milwaukee, Wisconsin

Attachment: Packet Docs (4745 : William and Bonnie Prahl Revocable Trust)

Prahl Deed Restriction

CONSENT OF LENDER

COMPEER FINANCIAL, FLCA, a Minnesota corporation, mortgagee of the land described in this instrument does hereby consent to the imposition and recordation of the restrictions imposed by this instrument.

In witness whereof, the said COMPEER FINANCIAL, FLCA has caused these presents to be signed by _____, it's _____ at Plymouth, Wisconsin, this __ day of January 2020.

COMPEER FINANCIAL, FLCA

By:_____
Name:_____
Title:_____

STATE OF WISCONSIN)

SHEBOYGAN COUNTY)"

Personally came before me this ___ day of January 2020, the above named _____ the _____ of Compeer Financial, FLCA, by to me known to be the person who executed the foregoing consent on its behalf certificate and acknowledged the same.

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

Attachment: Packet Docs (4745 : William and Bonnie Prahl Revocable Trust)

City of Mequon

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: **January 13, 2020**

SUBJECT: **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.**

Applicant:	Homesealed Exteriors
Status of Applicant:	Agent
Requested:	Building Plan Amendment
Existing Use:	Financial Institution
Existing Zoning:	B-3 (Office and Service Business District)
Land Use Plan:	Office
Lot size:	1.78 acres
Location:	11740 N. Port Washington Road
Tax Key:	#15-020-07-015.00
District:	#5

Background:
The applicant is seeking building plan approval for exterior changes to Bank First at 11740 N Port Washington Road. Bank First took ownership of the property (previously Partnership Bank) and is proposing changes to the exterior.

Building Plan Amendment:
The applicant is proposing to replace all first level windows. The proposed windows will have the same grid pattern as the existing windows. New aluminum trim around the windows will match the color of the second level windows. No changes are proposed for the second story windows or dormers at this time. The applicant is proposing to replace the deteriorating wood panels beneath the first level windows with LP smartside panels and trim. The panel and trim replicates the existing panel and will match the color of the windows. All shutters that were part of the original building plan approval have been removed by the applicant.

In addition to the window replacements, the applicant is proposing changes to the front entrance, including repainting the door and sidelights and removing the existing 'Bank' sign. Staff supports these changes which will match the improvements to the windows. The applicant proposes changes to the portico by replacing the round columns with square columns using LP smartside. The columns in the rear will also be replaced. Staff recommends adding decorative trim at the base and top of the columns. Staff will work with the applicants on the final approval of the column design. The applicant is also proposing building out the inner and outer sides of the portico beams to create a smooth transition from beam to new columns. Staff supports the overall changes to the entrance and portico.

Staff Recommendation:

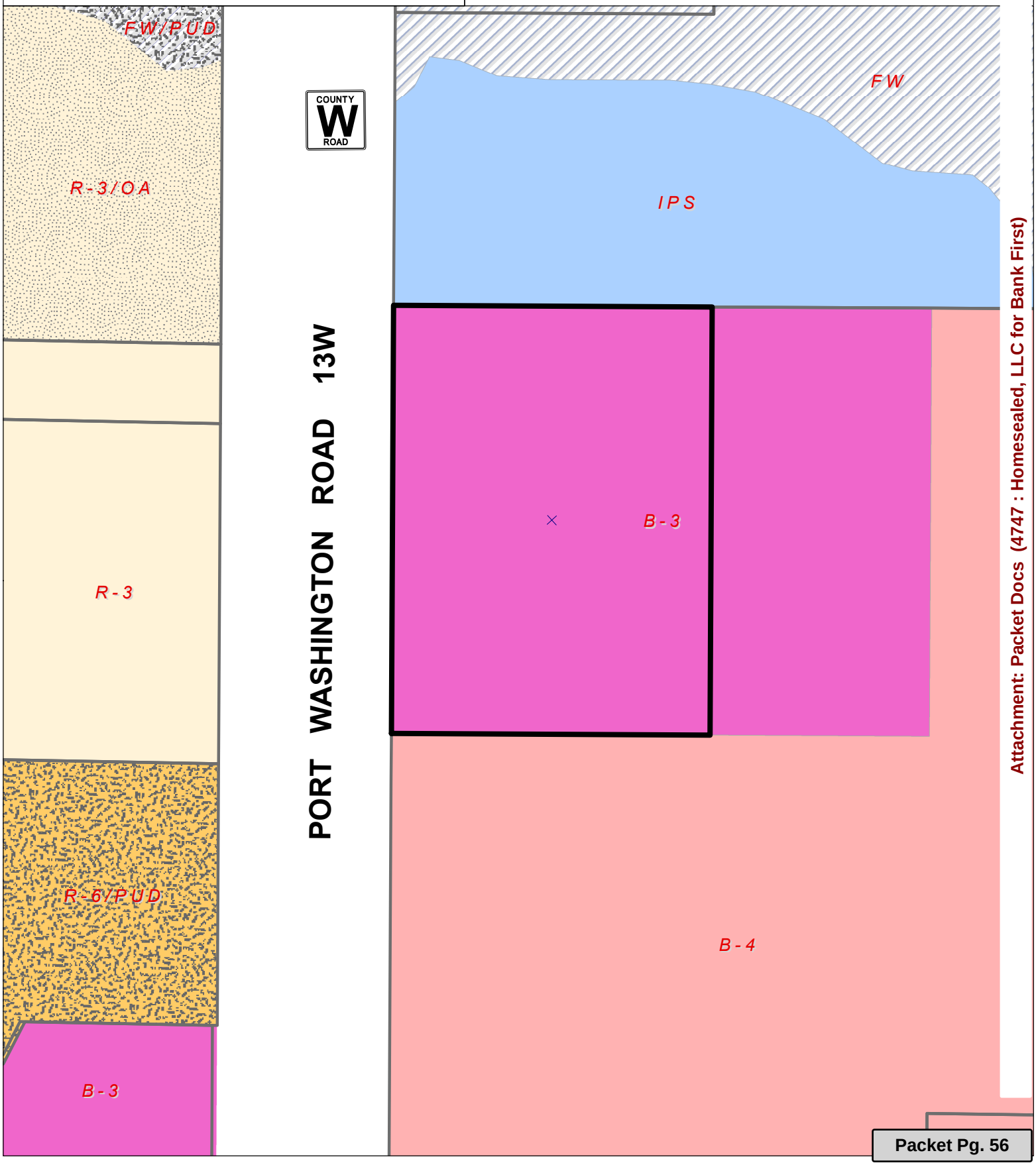
Planning staff recommends **approval** of the building plan amendment subject to the following condition(s):

1. Planning staff review and approval of final elevation plans prior to the 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. Decorative trim shall be added at base and top of the new columns, subject to staff review and approval.
3. The new panels below the first level windows shall replicate the existing panel design.

Attachments:
Packet Docs (PDF)

Bank First

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 (4747 : Homesealed, LLC for Bank First)

BankFirst
IT'S DIFFERENT AT FIRST

November 22, 2019

City of Mequon
Attn: City Planner
11333 N. Cedarburg Road
Mequon, WI 53092

To whom it may concern:

As you know, Bank First purchased the Mequon location of Partnership Bank back in July and we are thrilled to be part of the Mequon community! As a community bank, we pride ourselves in becoming a part of each community we operate in. We purchase local artwork, support local customers and businesses whenever we can, and we encourage our employees to become involved in the community by volunteering with local non-profits.

Our mission statement states, "We are a relationship-based community bank focused on providing innovative products and services that are value driven." This also speaks to our physical offices. They are innovative in design and reflect the communities they are based in. Our goal is that they represent who we are as a bank.

With that said, we are requesting your approval to make the following improvements to our Mequon office (see references on next page):

1. Entrance Door to be painted - SW 7074 (refer to sample)
2. Entrance side lights & over-door window & trim to be painted to match other windows
3. "Bank" sign to be removed
4. Keystones above windows to be concrete stained to match brick

We believe these improvements will create a richer, more cohesive look, and an aesthetic that is more historically accurate to the City of Mequon. I look forward to your reply on the next steps necessary to complete our request.

Sincerely,

Jerrod Beatty

Jerrod Beatty
Facilities Specialist
(920) 652-3275 | jbeautty@bankfirstwi.bank

Attachment: Packet Docs (4747 : Homesealed, LLC for Bank First)

EXISTING CONDITIONS

1 - Entrance Door to be painted - SW 7074 (refer to sample)

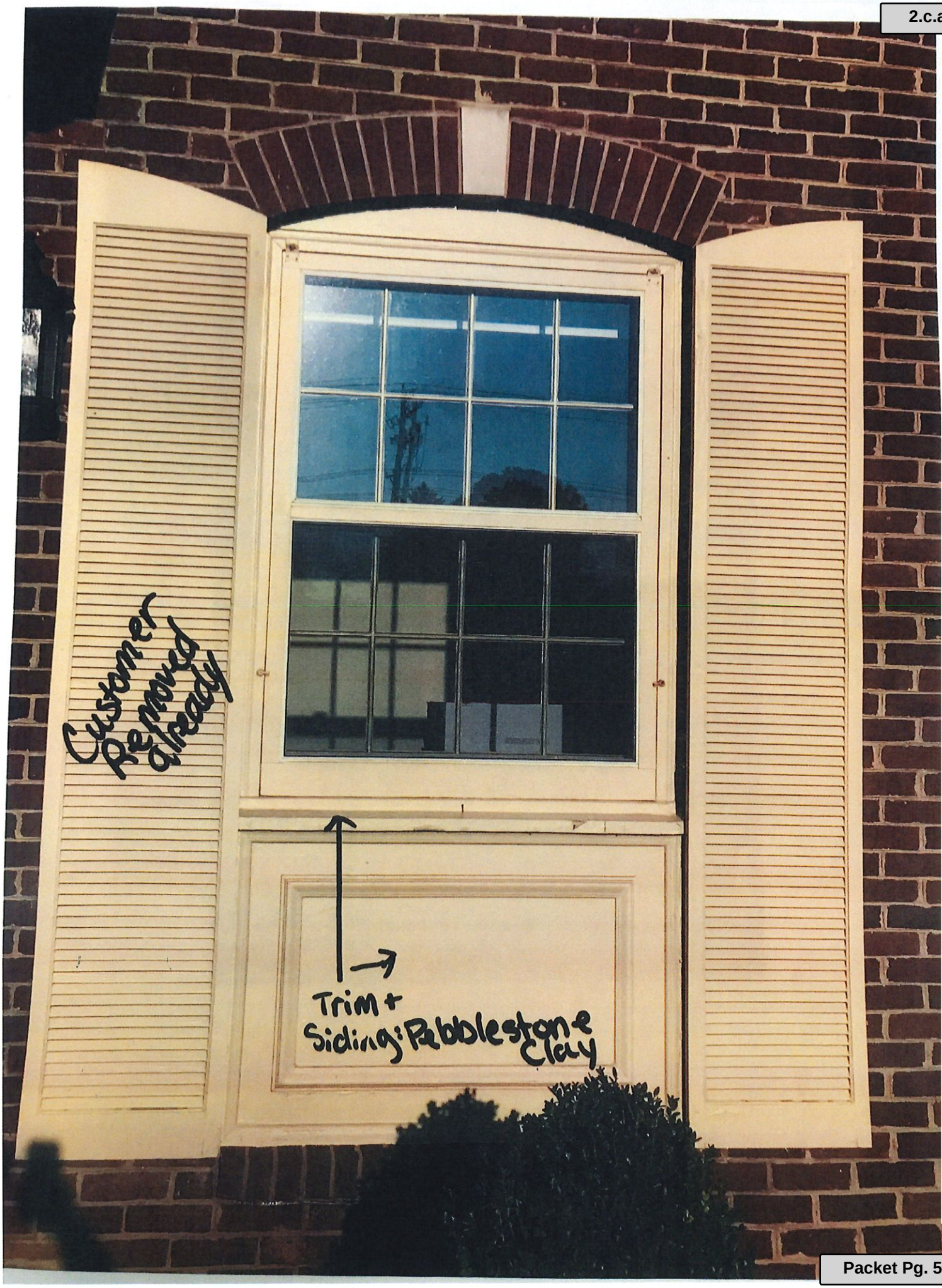
2 - Entrance side lights & over-door window & trim to be painted to match other windows

3 - "Bank" sign to be removed

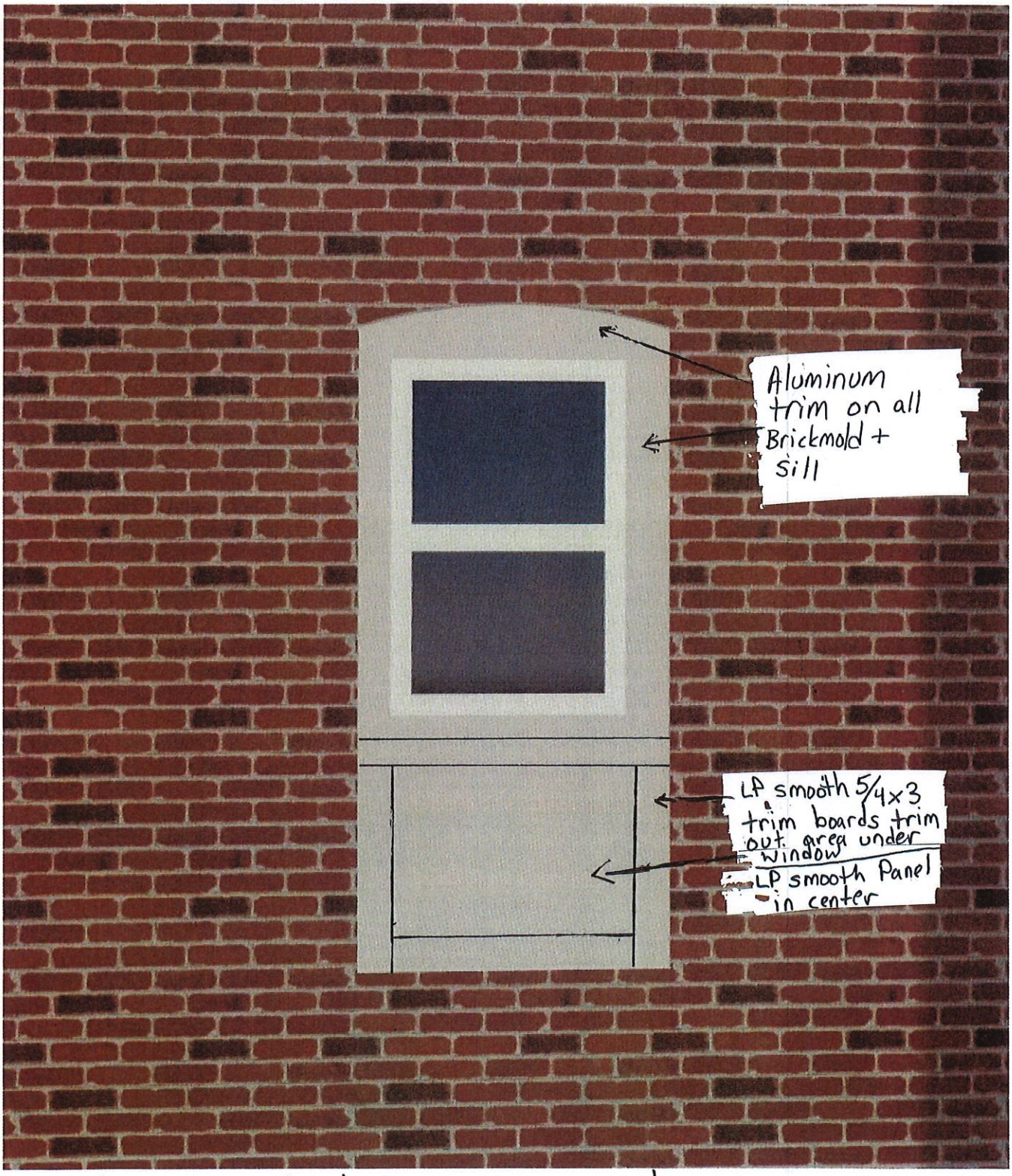
4 - keystones above windows to be concrete stained to match brick

We believe this will create a richer more cohesive look and an aesthetic that is more historically accurate to the city of Mequon.

Attachment: Packet Docs (4747 : Homesealed, LLC for Bank First)



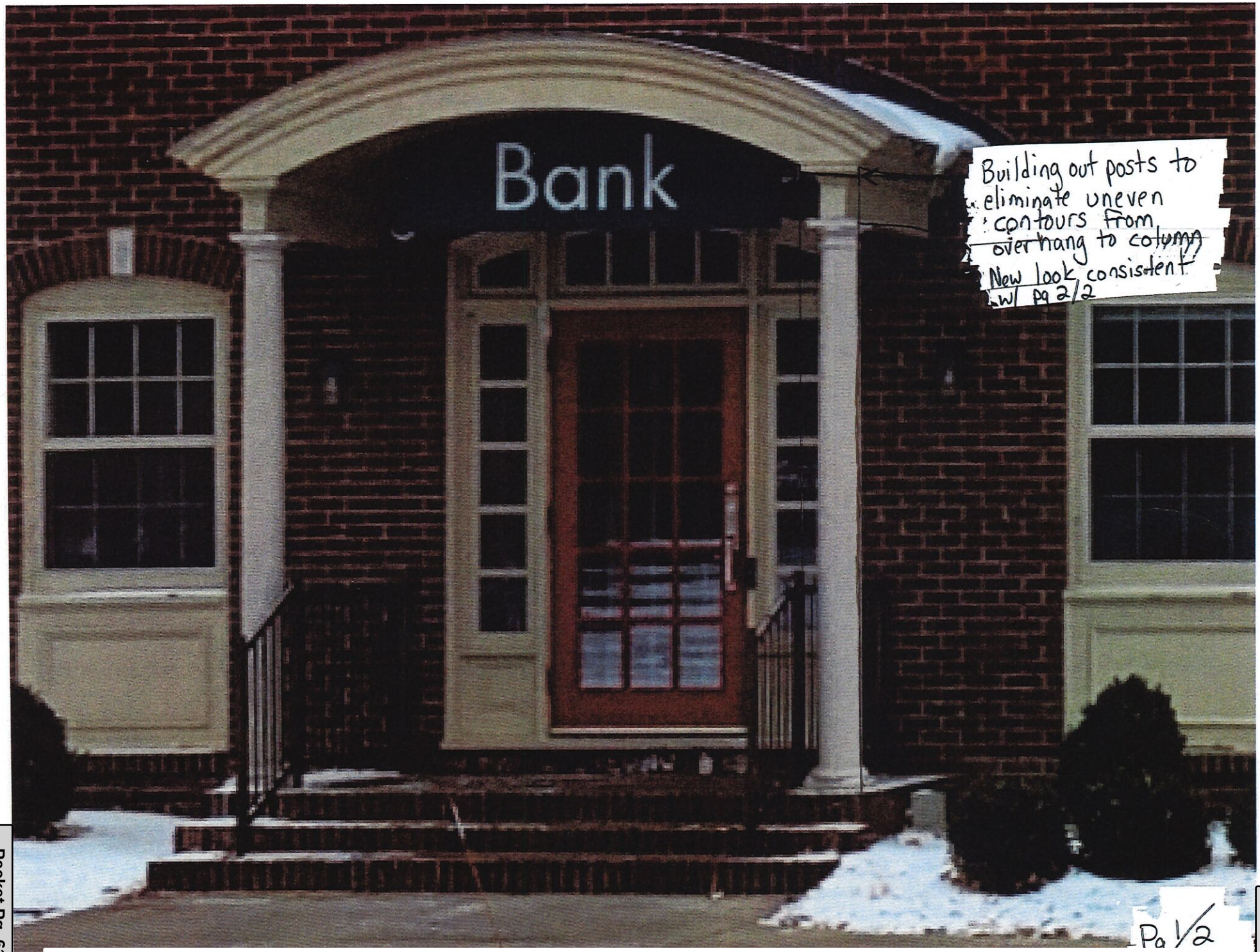
Attachment: Packet Docs (4747 : Homesealed, LLC for Bank First)

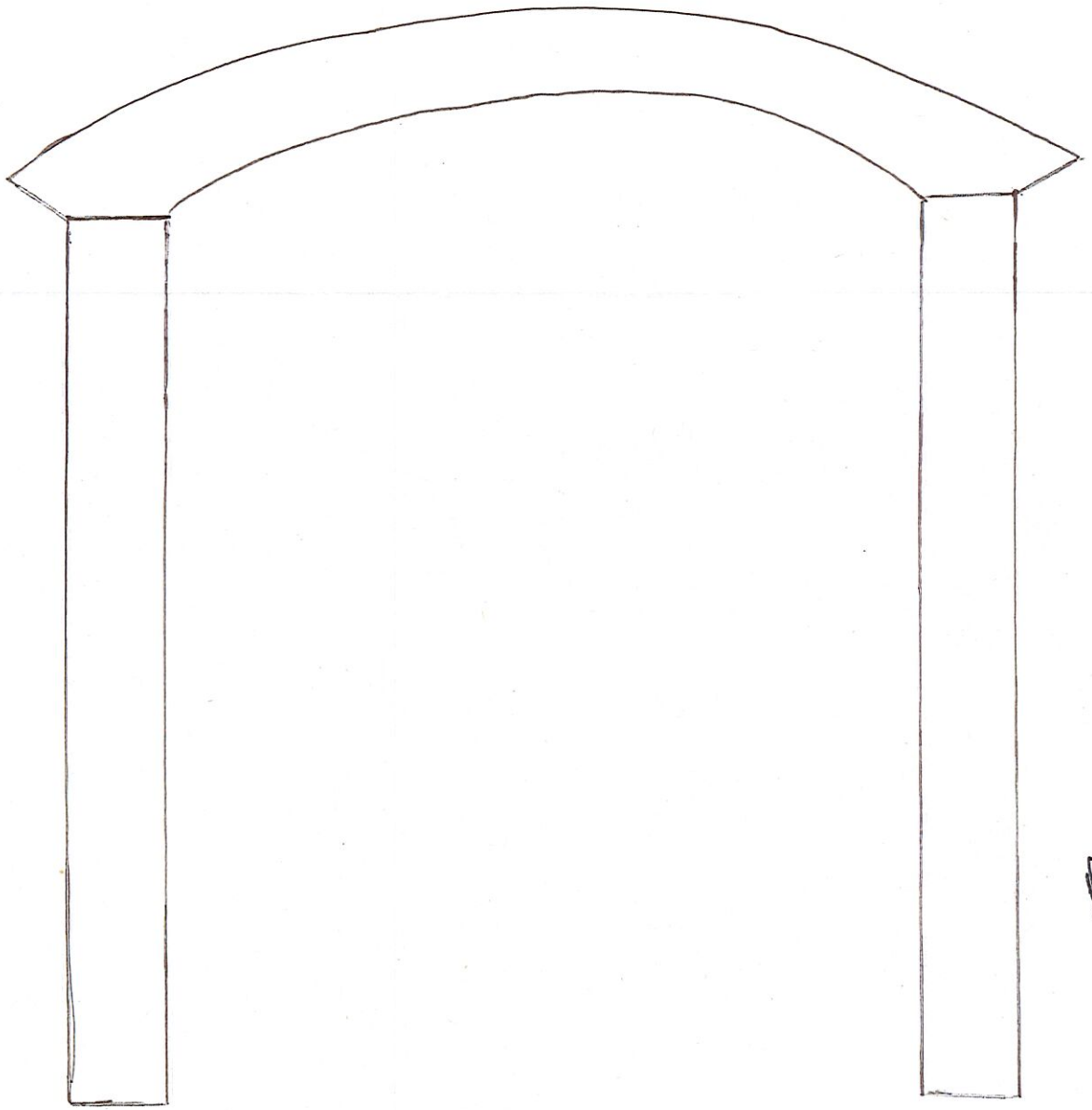


color for all aluminum wrap + siding is Pebblestone Clay

Window color is Almond

Attachment: Packet Docs (4747 : Homesealed, LLC for Bank First)


Bank
Building out posts to eliminate uneven contours from overhang to column
New look consistent w/ Pg 2/2
Pg 1/2



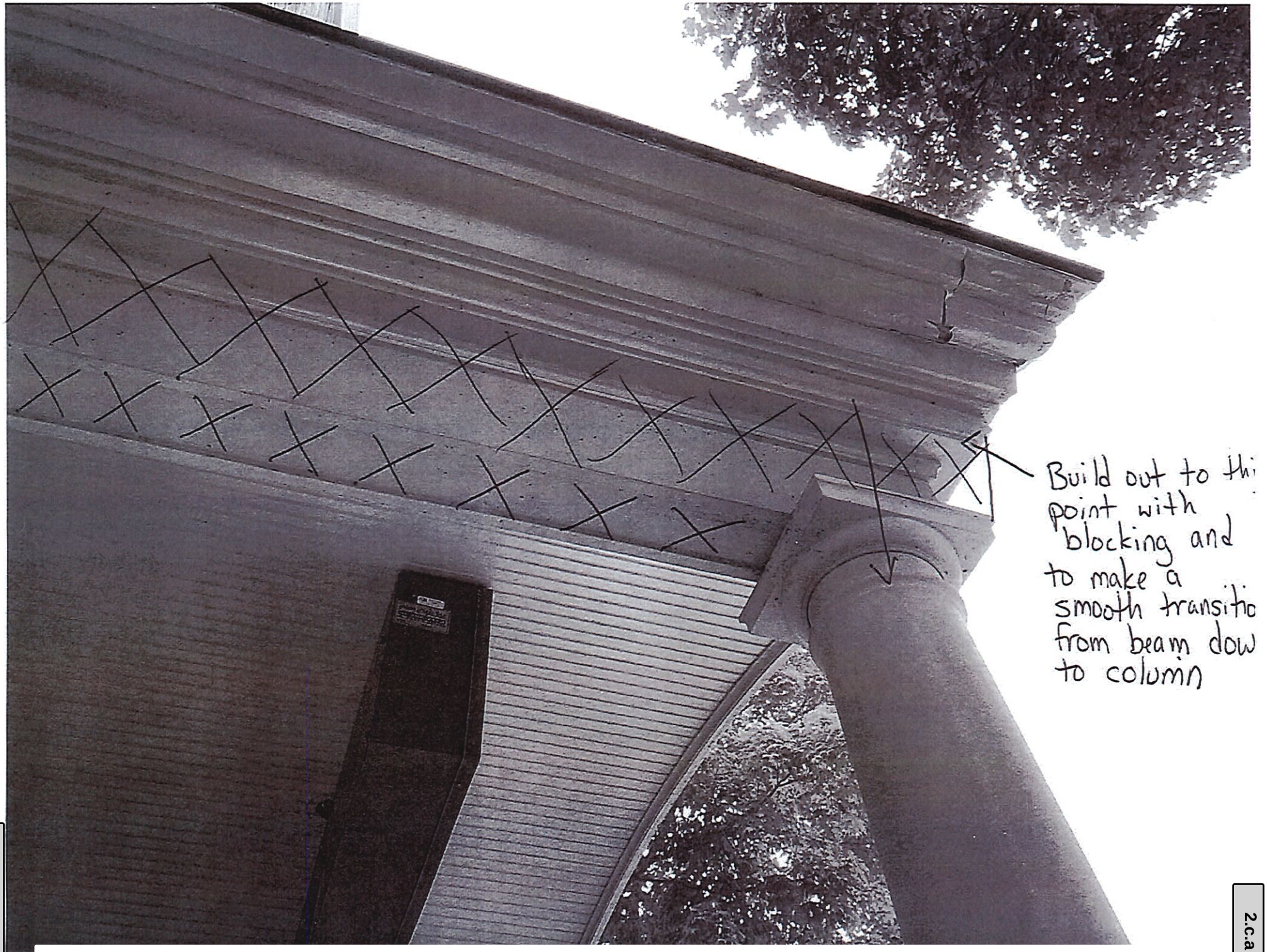
Built out columns will run from point of attachment in both front and rear entryways

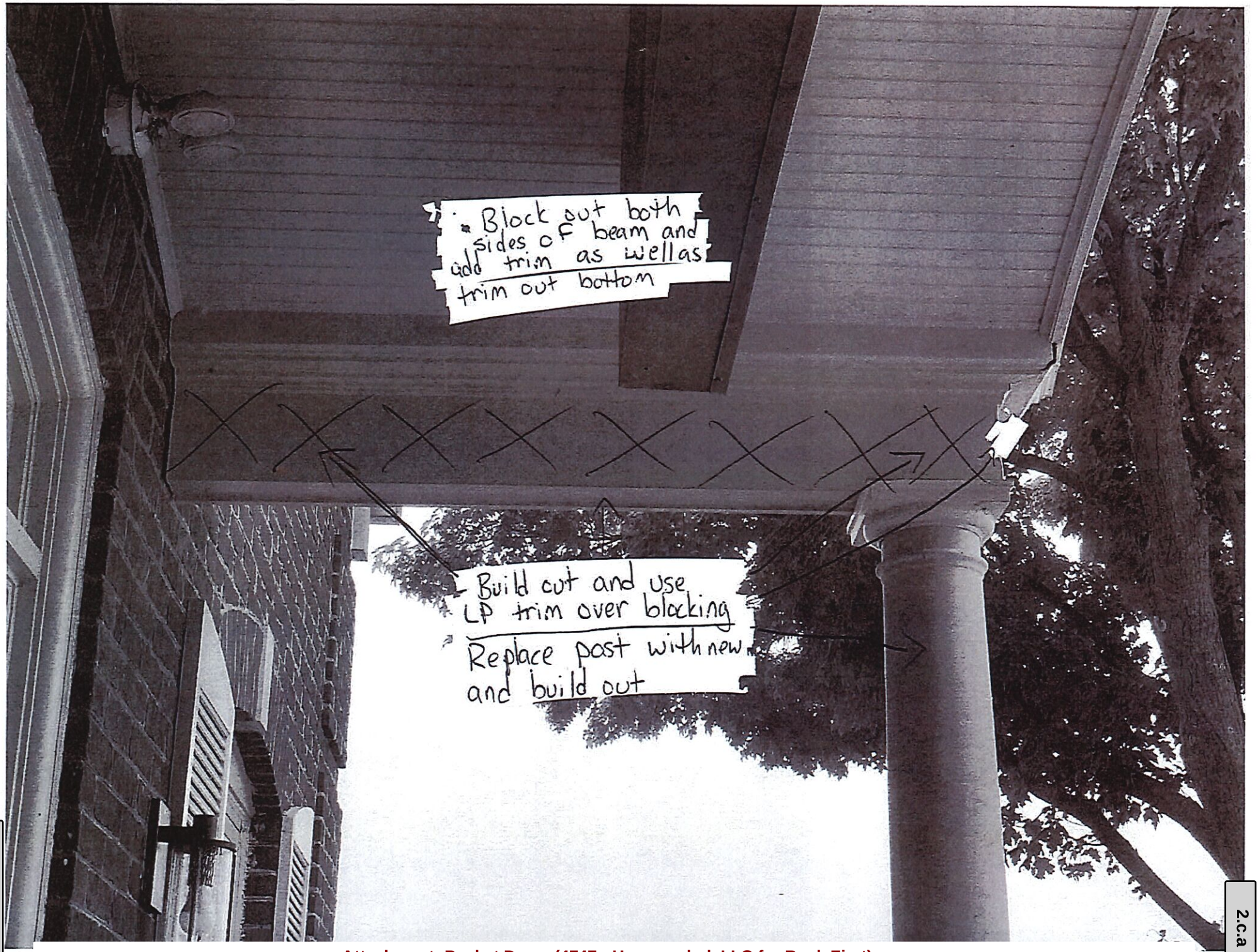
Beam in front will also be built out to match

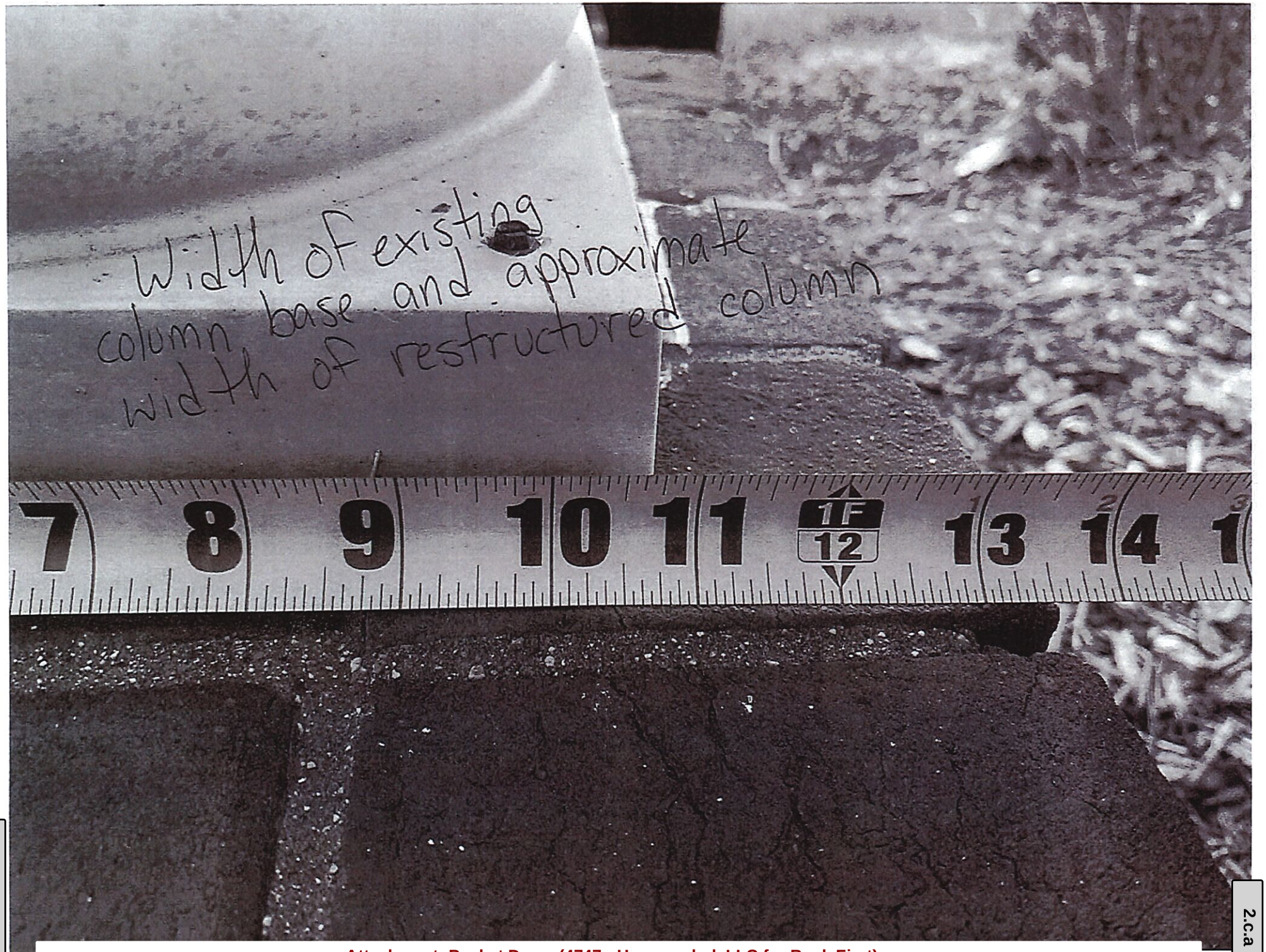
Previously sent pictures illustrate beams

D. 2/c

Attachment: Packet Docs (4747 : Homesealed, LLC for Bank First)


Build out to thi
point with
blocking and
to make a
smooth transitio
from beam dow
to column


* Block out both sides of beam and add trim as well as trim out bottom
Build out and use LP trim over blocking
Replace post with new and build out


Width of existing column base and approximate width of restructured column
7
8
9
10
11
1F
12
13
14

City of Mequon

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: **January 13, 2020**

SUBJECT: **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.**

Applicant:	ICAP Development
Status of Applicant:	Offer to Purchase
Requested:	Certified Survey Map
Existing Use:	Vacant
Existing Zoning:	B-2 (Community Business) PUD (Planned Unit Development)
Land Use Plan:	Community Commercial
Lot size:	8.9 acres
Location:	10865-10911 N. Port Washington Road
Tax Key:	#15-030-04-010.00
District:	#6

Background:
The applicant requests certified survey map approval for the property located at 10865-10911 N Port Washington Road and parcel to the south. The proposed land division creates three lots ranging in size from .99 acres to 6.2 acres and an outlot.

Zoning District Standards:
The PUD for the development was approved in June of 2019 (see attached concept plan and Ord. 2019-1950). The concept plan approved as part of the PUD originally showed five lots. The applicant has now decided to contain the stormwater facilities in outlots instead of on individual properties. This results in lots less that the two-acre minimum lot size of the B-2 zoning district. Because of this the applicant is requesting to amend the PUD to reflect these changes to the concept plan. That request will be addressed by the Planning Commission as a separate item on the agenda. Once the rezoning recommendation and CSM have been approved, a subsequent CSM will be submitted for approval to divide the remaining area of the PUD.

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

The site is located inside the City's sewer service area and connection to the public utility is necessary. A soil evaluation report is not required for the CSM.

Wetlands are present on site. A wetland delineation report has been received. The WDNR has determined that the wetlands are artificial and has provided an exemption letter. Wetlands and

the wetland setbacks are not required to be shown on the CSM. The wetlands are exempt from any wetland regulation.

All existing easement vacations or partial vacations will be included with separate documents. All proposed easements will also be addressed through separate dedication documents as plans are developed.

Other Technical Corrections:
The Engineering Division verified that the parcel closes. There are no technical corrections necessary.

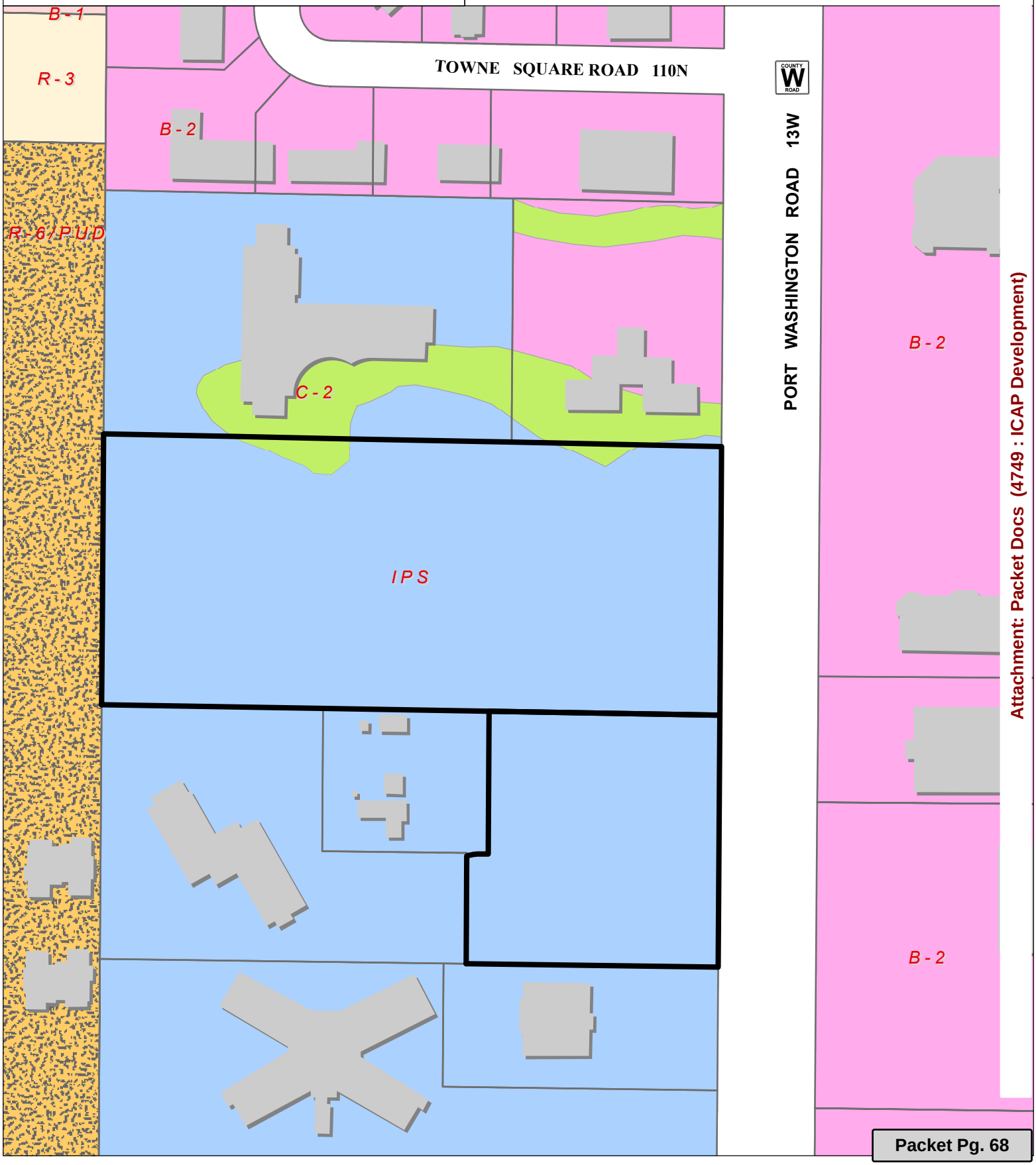
Staff Recommendation:
Planning staff recommends **approval** of the land division subject to the following conditions:

1. Final staff review and approval of CSM.
2. Common Council approval of the PUD amendment.
3. Compliance with the Tree Preservation Ordinance.
4. No certified survey map shall be offered for recording or recorded after 180 days from the date of approval by the Planning Commission.
5. The applicant shall provide a shared access and maintenance agreement, subject to City attorney review and approval.
6. 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)

ICAP

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 (4749 : ICAP Development)

ICAP DEVELOPMENT

December 9, 2019

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

SUBJECT: Draft CSM Approval
10865-10911 North Port Washington Road

Project Location:

The land commonly known as 10865-10911 North Port Washington Road (the "Property"), which is currently owned and by the Jewish Home and Care Center Inc., and was formally home of the Mequon Care Center, prior to demolition around 2007, and has been vacant since. The site consists of two legal parcels totaling 8.9 acres (389,184 SF). A Legal Description is included on the survey provided with this submittal.

Project Description:

ICAP Development ("ICAP") has the Property under contract for purchase and seeks to redevelop the Property for multiple commercial uses, as approved in Ordinance 2019-1550 and associated conceptual site plans. ICAP envisions the parcels with Port Washington Road frontage to be retail and office users that are complementary to the surrounding properties along the Port Washington Road corridor. The western portion of the Property is shown as an office use, but could accommodate a wide range of uses, including professional services, healthcare, health club or residential.

Request: ICAP is seeking draft CSM approval to subdivide the property for purchase and future redevelopment. The draft CSM is consistent with the conceptual site plans previously reviewed and approved by the Plan Commission and Common Council, and per discussions with Planning Staff.

Schedule:

ICAP desires to purchase the Property on April 1, 2020 and commence construction in the spring of 2020.

The following documents are included with this submittal:

- Planning Commission Application
- Land Division Application Fee
- Draft CSM

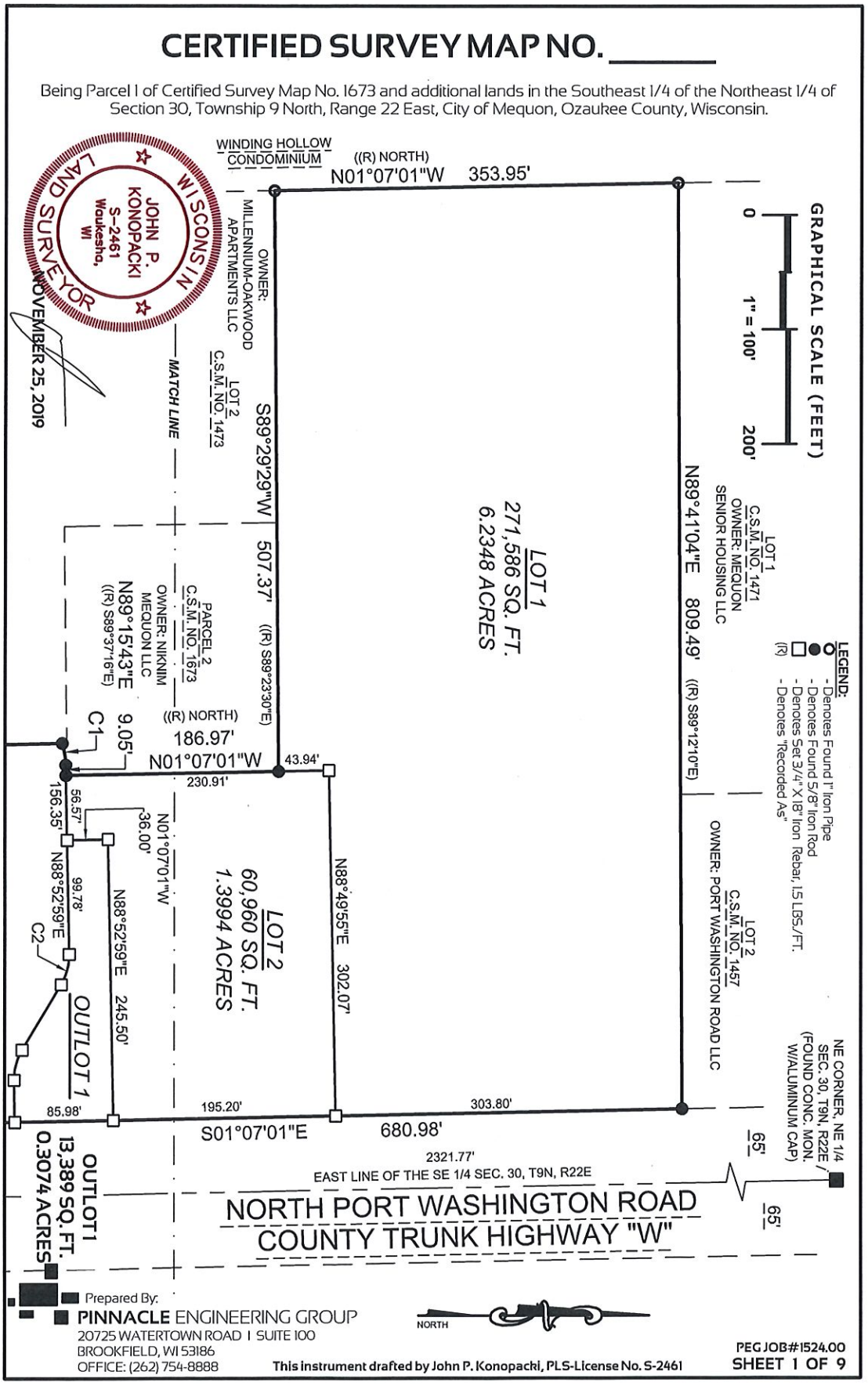
Respectfully Submitted,

Jerad Protaskey
ICAP Development LLC

Attachment: Packet Docs (4749 : ICAP Development)

CERTIFIED SURVEY MAP NO. _____

Being Parcel 1 of Certified Survey Map No. 1673 and additional lands in the Southeast 1/4 of the Northeast 1/4 of Section 30, Township 9 North, Range 22 East, City of Mequon, Ozaukee County, Wisconsin.



Prepared By:
PINNACLE ENGINEERING GROUP
20725 WATERTOWN ROAD I SUITE 100
BROOKFIELD, WI 53186
OFFICE: (262) 754-8888

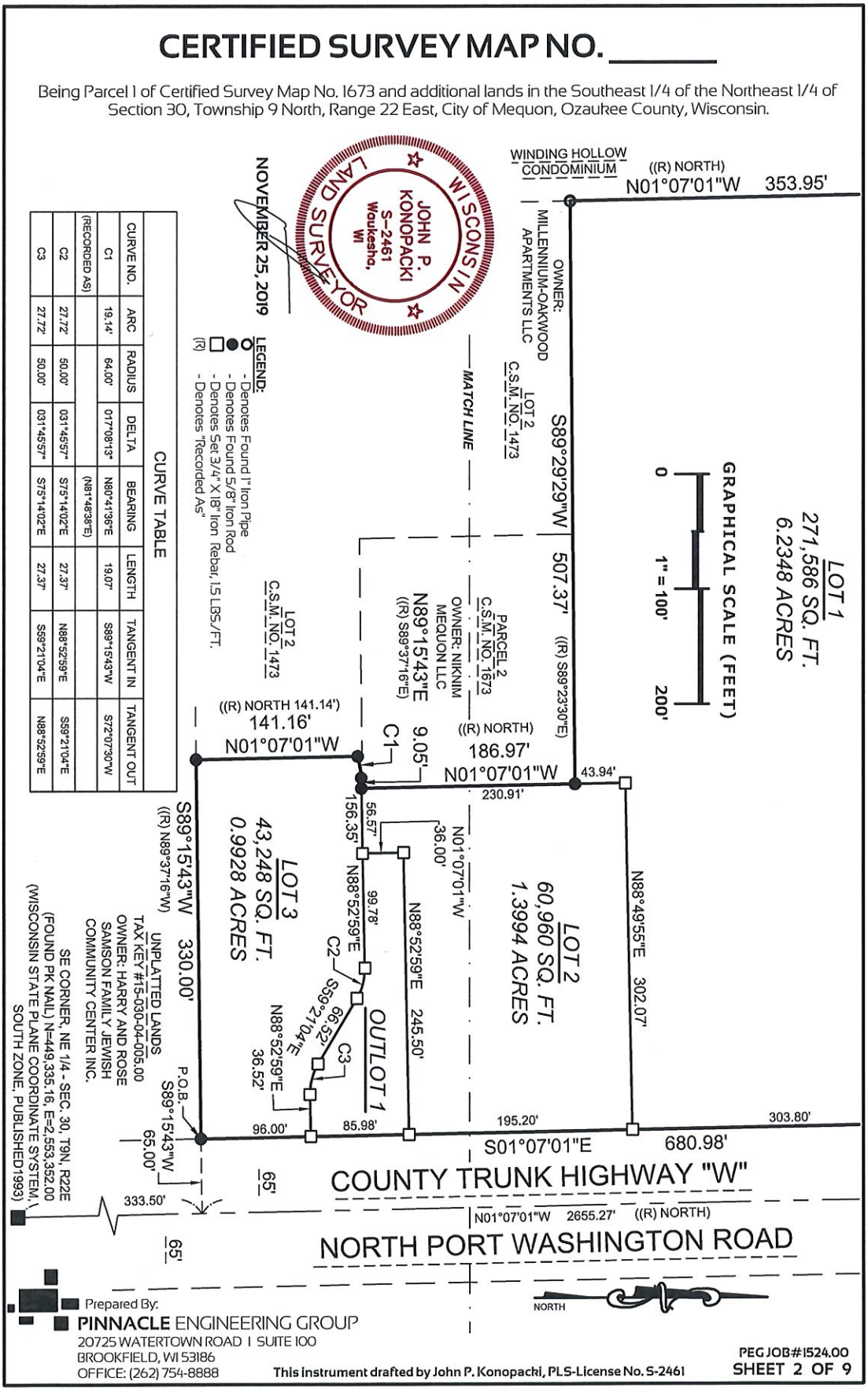
This instrument drafted by John P. Konopacki, PLS-License No. S-2461

PEG JOB#1524.00
SHEET 1 OF 9

Attachment: Packet Docs (4749 : ICAP Development)

CERTIFIED SURVEY MAP NO. _____

Being Parcel 1 of Certified Survey Map No. 1673 and additional lands in the Southeast 1/4 of the Northeast 1/4 of Section 30, Township 9 North, Range 22 East, City of Mequon, Ozaukee County, Wisconsin.



CURVE TABLE

CURVE NO.	ARC	RADIUS	DELTA	BEARING	LENGTH	TANGENT IN	TANGENT OUT
C1	19.14'	64.00'	017°08'13"	N80°41'36"E	19.07'	S89°15'43"W	S72°07'30"W
(RECORDED AS)				(N81°48'38"E)			
C2	27.72'	50.00'	031°45'57"	S75°14'02"E	27.37'	N88°52'59"E	S59°21'04"E
C3	27.72'	50.00'	031°45'57"	S75°14'02"E	27.37'	S59°21'04"E	N88°52'59"E

Prepared By:
PINNACLE ENGINEERING GROUP
20725 WATERTOWN ROAD I SUITE 100
BROOKFIELD, WI 53186
OFFICE: (262) 754-8888

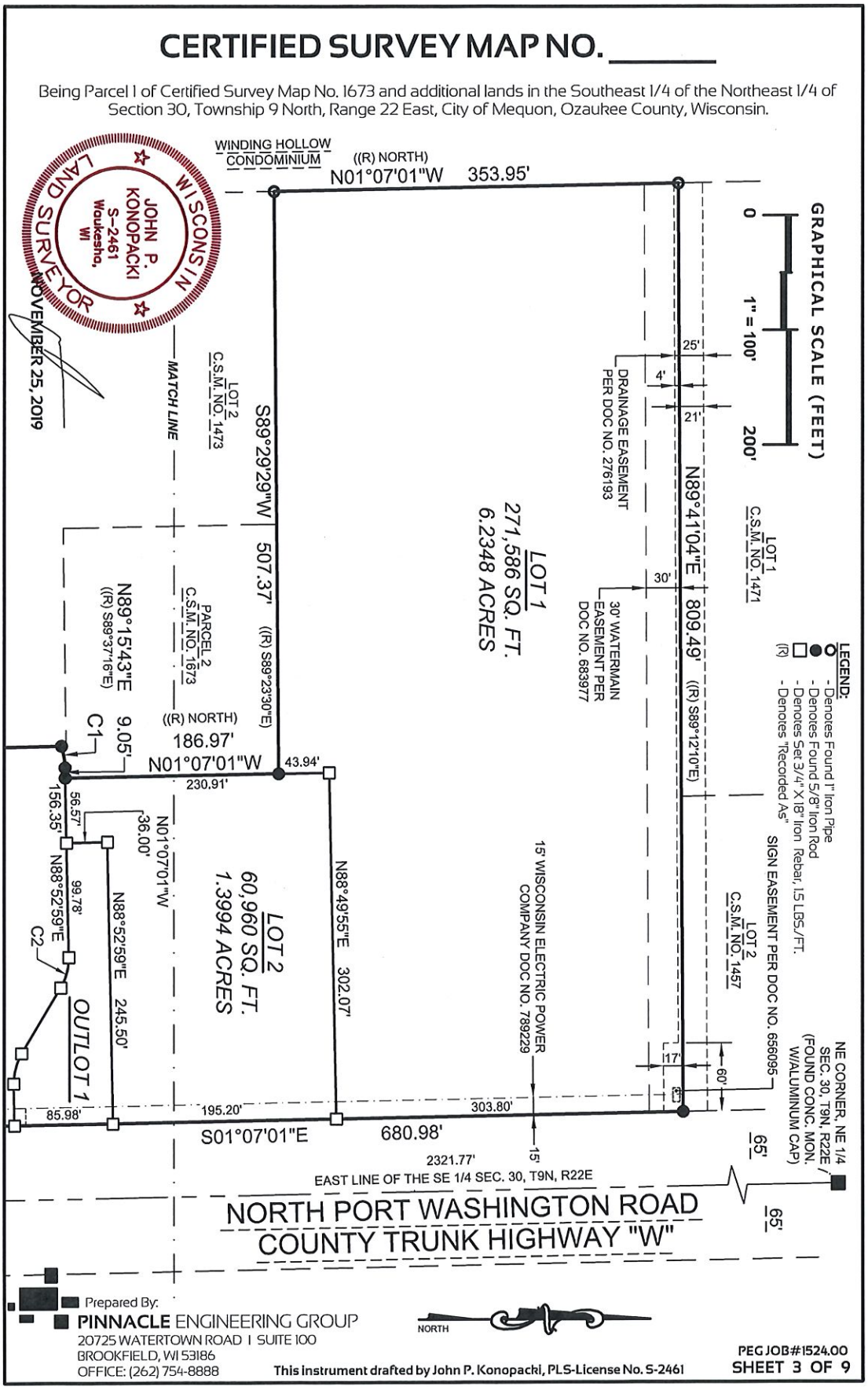
This instrument drafted by John P. Konopacki, PLS-License No. S-2461

PEG JOB#1524.00
SHEET 2 OF 9

Attachment: Packet Docs (4749 : ICAP Development)

CERTIFIED SURVEY MAP NO. _____

Being Parcel 1 of Certified Survey Map No. 1673 and additional lands in the Southeast 1/4 of the Northeast 1/4 of Section 30, Township 9 North, Range 22 East, City of Mequon, Ozaukee County, Wisconsin.



Prepared By:
PINNACLE ENGINEERING GROUP
20725 WATERTOWN ROAD I SUITE 100
BROOKFIELD, WI 53186
OFFICE: (262) 754-8888

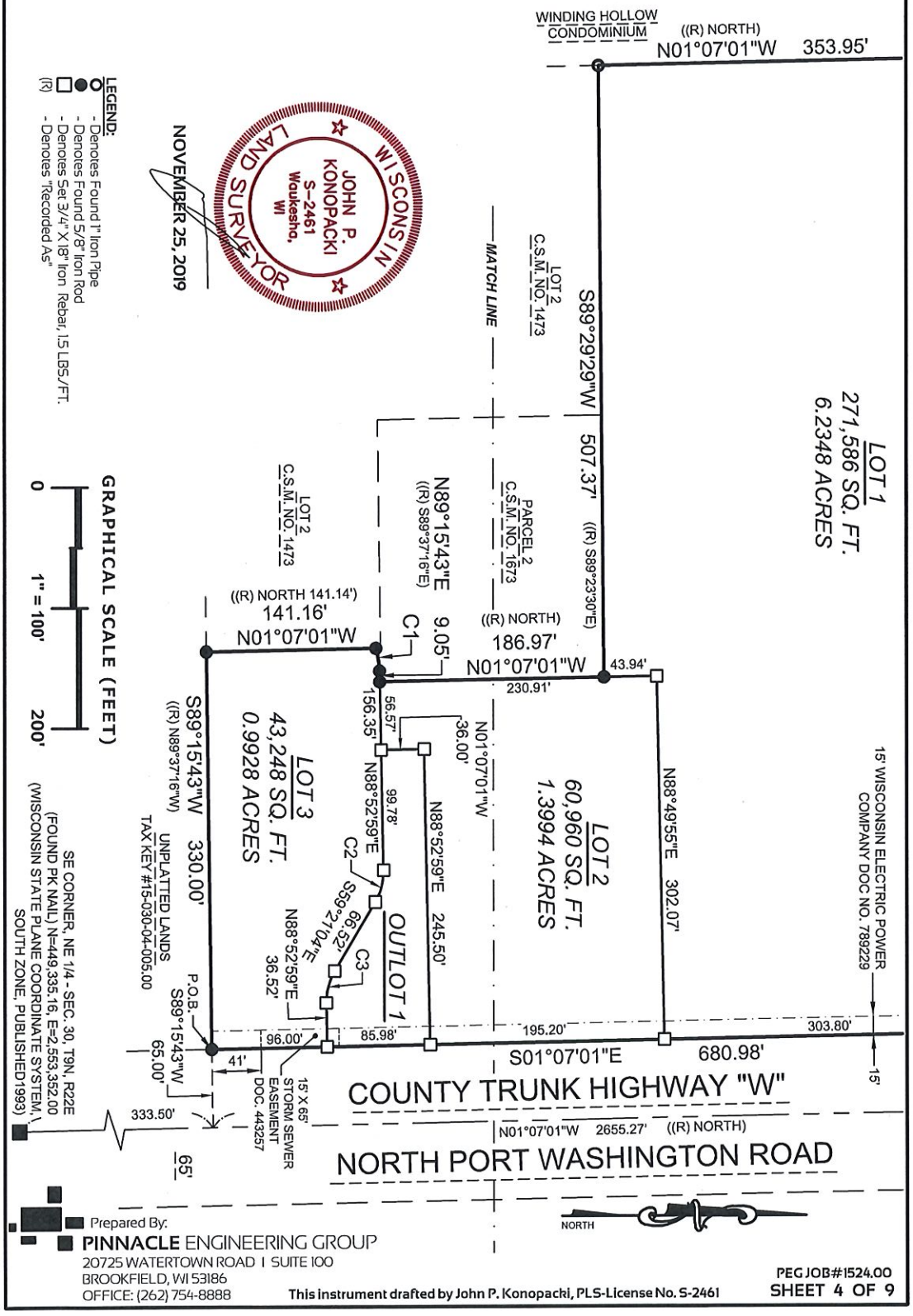
This instrument drafted by John P. Konopacki, PLS-License No. S-2461

PEG JOB#1524.00
SHEET 3 OF 9

Attachment: Packet Docs (4749 : ICAP Development)

CERTIFIED SURVEY MAP NO. _____

Being Parcel 1 of Certified Survey Map No. 1673 and additional lands in the Southeast 1/4 of the Northeast 1/4 of Section 30, Township 9 North, Range 22 East, City of Mequon, Ozaukee County, Wisconsin.



Prepared By:
PINNACLE ENGINEERING GROUP
20725 WATERTOWN ROAD I SUITE 100
BROOKFIELD, WI 53186
OFFICE: (262) 754-8888

This instrument drafted by John P. Konopacki, PLS-License No. S-2461

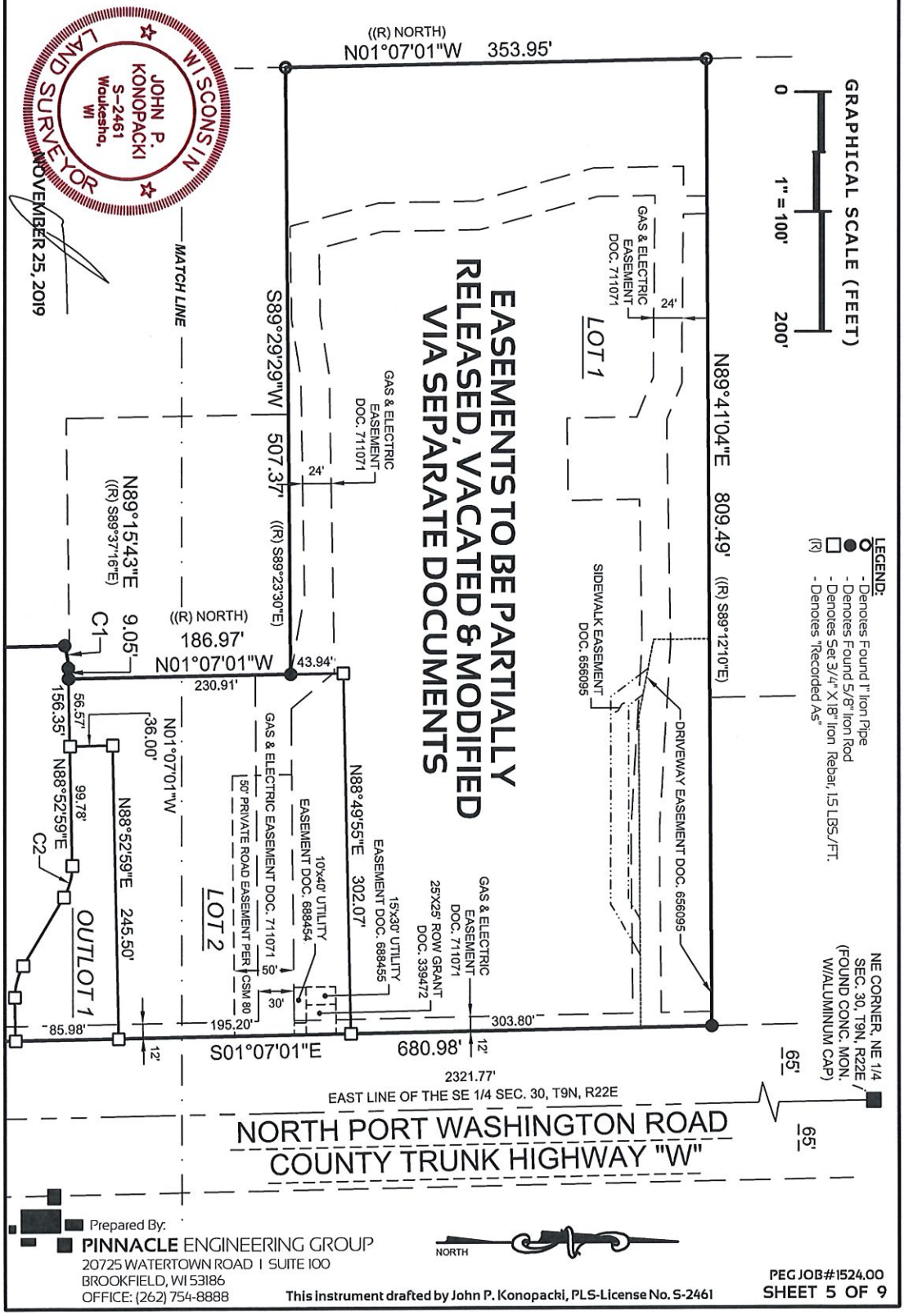
PEG JOB#1524.00

SHEET 4 OF 9

Attachment: Packet Docs (4749 : ICAP Development)

CERTIFIED SURVEY MAP NO. _____

Being Parcel 1 of Certified Survey Map No. 1673 and additional lands in the Southeast 1/4 of the Northeast 1/4 of Section 30, Township 9 North, Range 22 East, City of Mequon, Ozaukee County, Wisconsin.



Prepared By:
PINNACLE ENGINEERING GROUP
20725 WATERTOWN ROAD I SUITE 100
BROOKFIELD, WI 53186
OFFICE: (262) 754-8888

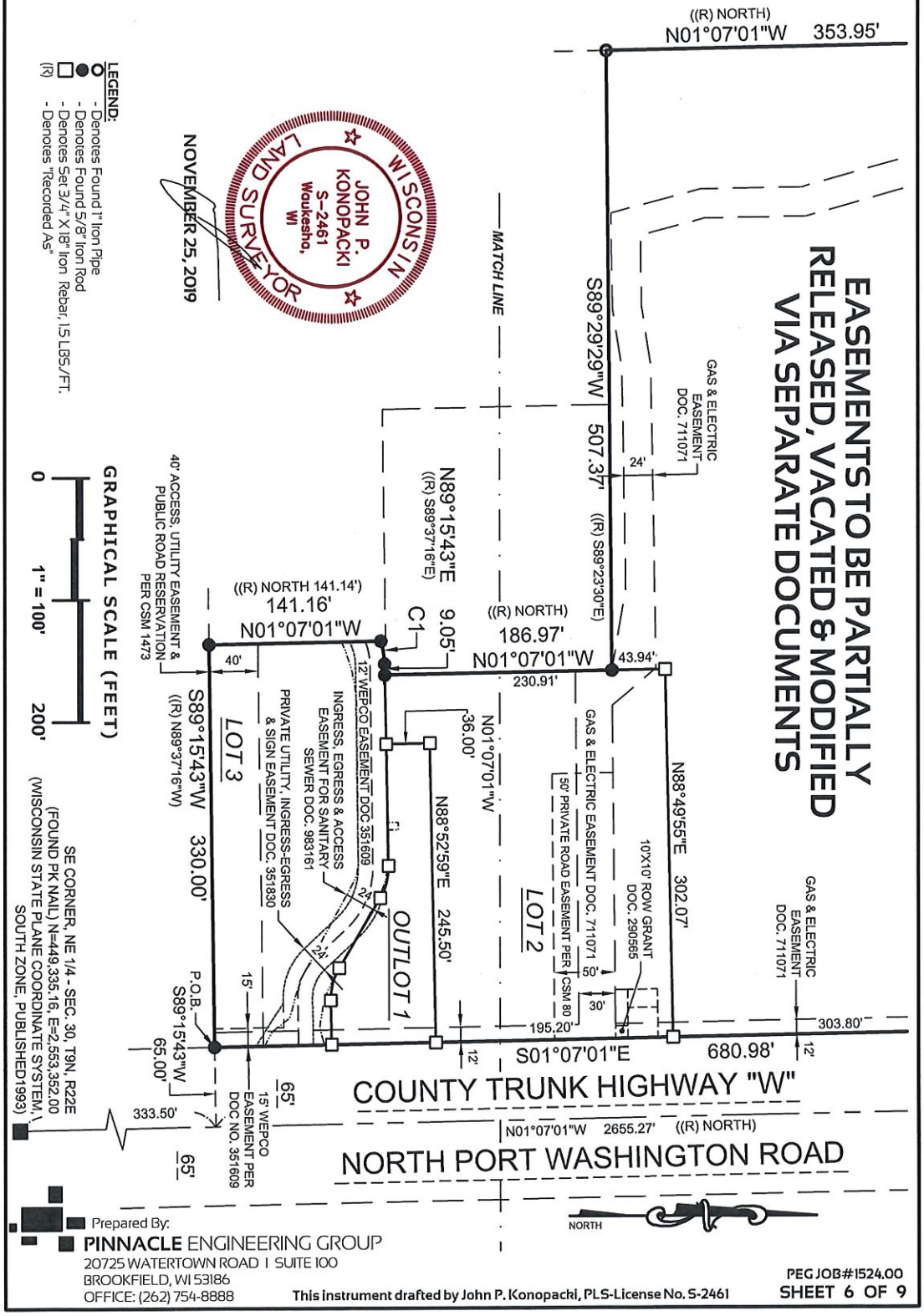
This instrument drafted by John P. Konopacki, PLS-License No. S-2461

PEG JOB#1524.00

Attachment: Packet Docs (4749 : ICAP Development)

CERTIFIED SURVEY MAP NO. _____

Being Parcel 1 of Certified Survey Map No. 1673 and additional lands in the Southeast 1/4 of the Northeast 1/4 of Section 30, Township 9 North, Range 22 East, City of Mequon, Ozaukee County, Wisconsin.



Prepared By:
PINNACLE ENGINEERING GROUP
20725 WATERTOWN ROAD I SUITE 100
BROOKFIELD, WI 53186
OFFICE: (262) 754-8888

This instrument drafted by John P. Konopacki, PLS-License No. S-2461

PEG JOB#1524.00

SHEET 6 OF 9

Attachment: Packet Docs (4749 : ICAP Development)

CERTIFIED SURVEY MAP NO. _____

Being Parcel 1 of Certified Survey Map No. 1673 and additional lands in the Southeast 1/4 of the Northeast 1/4 of Section 30, Township 9 North, Range 22 East, City of Mequon, Ozaukee County, Wisconsin.

SURVEYOR'S CERTIFICATE

STATE OF WISCONSIN)
WAUKESHA COUNTY) SS

I, John P. Konopacki, Professional Land Surveyor, do hereby certify:

That I have surveyed, mapped and divided Parcel 1 of Certified Survey Map No. 1673, as recorded in the Register of Deeds office for Ozaukee County as Document No. 363352, and additional lands in the Southeast 1/4 of the Northeast 1/4 of Section 30, Township 9 North, Range 22 East, City of Mequon, Ozaukee County, Wisconsin, described as follows:

Commencing at the southeast corner of the Northeast 1/4 of said Section 30;
Thence North 01°07'01" West along the east line of said Northeast 1/4, 333.50 feet;
Thence South 89°15'43" West, 65.00 feet to the west right of way line of North Port Washington Road - County Trunk Highway "W" and the southeast corner of Parcel 1 of Certified Survey Map No. 1673 and the Point of Beginning;

Thence continuing South 89°15'43" West along the south line of said Parcel 1, 330.00 feet to the west line of said Parcel 1;
Thence North 01°07'01" West along said west line, 141.16 feet to a point on a curve;
Thence northeasterly 19.14 feet along the arc of said curve to the right, whose radius is 64.00 feet and whose chord bears North 80°41'36" East, 19.07 feet;
Thence North 89°15'43" East along said west line, 9.05 feet;
Thence North 01°07'01" West along said west line, 186.97 feet to the north line of Parcel 2 of said Certified Survey Map No. 1673;
Thence South 89°29'29" West along said north line and then along the north line of Lot 2 of Certified Survey Map No. 1473, 507.37 feet to the east line of Winding Hollow Condominiums;
Thence North 01°07'01" West along said east line, 353.95 feet to the south line of Lot 1 of Certified Survey Map No. 1471;
Thence North 89°41'04" East along said south line and then continuing along the south line of Lot 2 of Certified Survey Map No. 1457, 809.49 feet to the aforesaid west right of way line of North Port Washington Road;
Thence South 01°07'01" East along said west right of way line, 680.98 feet to the Point of Beginning.

Containing 389,183 square feet (8.9344 acres) of land more or less.

That I have made such survey, land division and map by the direction of Jewish Home and Care Center, Inc., owner of said land.

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

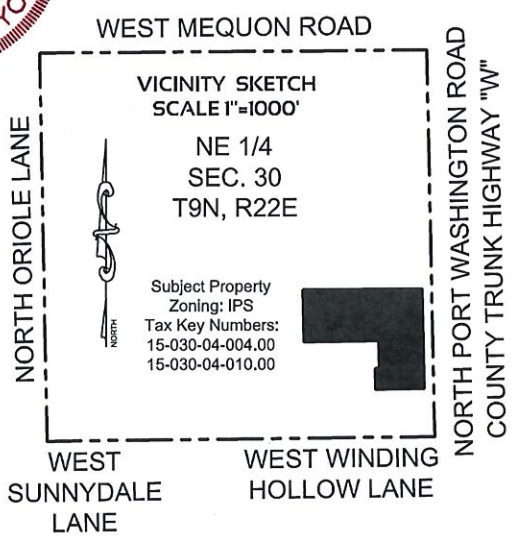
That I have fully complied with the requirements of Chapter 236 of the Wisconsin State Statutes and the City of Mequon Land Division Ordinance in surveying, mapping and dividing the land with in the certified survey map.

Date: NOVEMBER 25, 2019

WISCONSIN
JOHN P. KONOPACKI
S-2461
Waukesha, WI
LAND SURVEYOR

John P. Konopacki
Professional Land Surveyor S-2461

NOTES:
- All measurements have been made to the nearest one-hundredth of a foot.
- All angular measurements have been made to the nearest one second.
- Bearings referenced to the Wisconsin State Plane Coordinate System, South Zone (N.A.D. 1927). The east line of the Northeast 1/4 of Section 30, Township 9 North, Range 22 East bears N01°07'01"W.
- Wetlands delineated by Wetland & Waterways Consulting, LLC. August 10, 2016 determined as artificial per the State of Wisconsin Department of Natural Resources Artificial Wetland Exeption Determination EXE-SE-2019-46-00040 dated January 31, 2019.



Prepared for:
ICAP Development
833 E. Michigan Street
Milwaukee, WI 53202

Prepared By:
PINNACLE ENGINEERING GROUP
20725 WATERTOWN ROAD I SUITE 100
BROOKFIELD, WI 53186
OFFICE: (262) 754-8888

This instrument drafted by John P. Konopacki, PLS-License No. S-2461

PEG JOB#1524.00
SHEET 7 OF 9

Attachment: Packet Docs (4749 : ICAP Development)

CERTIFIED SURVEY MAP NO. _____

Being Parcel 1 of Certified Survey Map No. 1673 and additional lands in the Southeast 1/4 of the Northeast 1/4 of Section 30, Township 9 North, Range 22 East, City of Mequon, Ozaukee County, Wisconsin.

OWNER'S CERTIFICATE

Jewish Home and Care Center, Inc., 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 caused the land described on this certified survey map to be surveyed, divided, mapped and dedicated as represented on this certified survey map.

Jewish Home and Care Center, Inc., as owner, does further certify that this certified survey map is required by Chapter 236 of the Wisconsin State Statutes to be submitted to the following for approval or objection:

1. City of Mequon

IN WITNESS WHEREOF, the said Jewish Home and Care Center, Inc. has caused these presents to be signed by Michael Sattell, President and CEO, at (city) _____, _____ County, Wisconsin, on this _____ day of _____, 20___.

In the presence of: Jewish Home and Care Center, Inc.

_____
Michael Sattell, President and CEO (signature)

STATE OF WISCONSIN)
_____ COUNTY) SS

Personally came before me this _____ day of _____, 20___, Michael Sattell, President and CEO, of the above named corporation, to me known to be the person who executed the foregoing instrument, and to me known to be such President and CEO of said corporation, and acknowledged that they executed the foregoing instrument as such officer as the deed of said corporation, by its authority.

_____
Notary Public
Name:_____
State of Wisconsin
My Commission Expires: _____

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 and mapping of the land described in the forgoing affidavit of John P. Konopacki, surveyor, and does hereby consent to the above certification of owners.

IN WITNESS WHEREOF, the said _____, has caused these presents to be signed by _____, its President, and its corporate seal to be hereunto affixed this _____ day of _____, 20___.

_____ _____
Date President

STATE OF WISCONSIN)
_____ COUNTY) SS

Personally came before me this _____ day of _____, 20___, _____, to me known to be the person who executed the foregoing instrument and to me known to be such officer of said corporation and acknowledged the same.

_____
Notary Public
Name:_____
State of Wisconsin
My Commission Expires: _____

WISCONSIN
JOHN P. KONOPACKI
S-2461
Waukesha, WI
LAND SURVEYOR

NOVEMBER 25, 2019

Prepared By:
PINNACLE ENGINEERING GROUP
20725 WATERTOWN ROAD I SUITE 100
BROOKFIELD, WI 53186
OFFICE: (262) 754-8888

This instrument drafted by John P. Konopacki, PLS-License No. S-2461

PEG JOB#1524.00
SHEET 8 OF 9

Attachment: Packet Docs (4749 : ICAP Development)

CERTIFIED SURVEY MAP NO. _____

Being Parcel 1 of Certified Survey Map No. 1673 and additional lands in the Southeast 1/4 of the Northeast 1/4 of Section 30, Township 9 North, Range 22 East, City of Mequon, Ozaukee County, Wisconsin.

PLAN COMMISSION APPROVAL

Approved by the Plan Commission of the City of Mequon on this _____ day of _____, 20___.

_____ _____
Date John Wirth, Chairman

_____ _____
Date Secretary

COMMON COUNCIL APPROVAL

Approved by the Common Council of the City of Mequon, Wisconsin, on this _____ day of _____, 20___.

_____ _____
Date John Wirth, Mayor

_____ _____
Date Caroline Fochs, City Clerk

WISCONSIN
JOHN P. KONOPACKI
S-2461
Waukesha, WI
LAND SURVEYOR

NOVEMBER 25, 2019

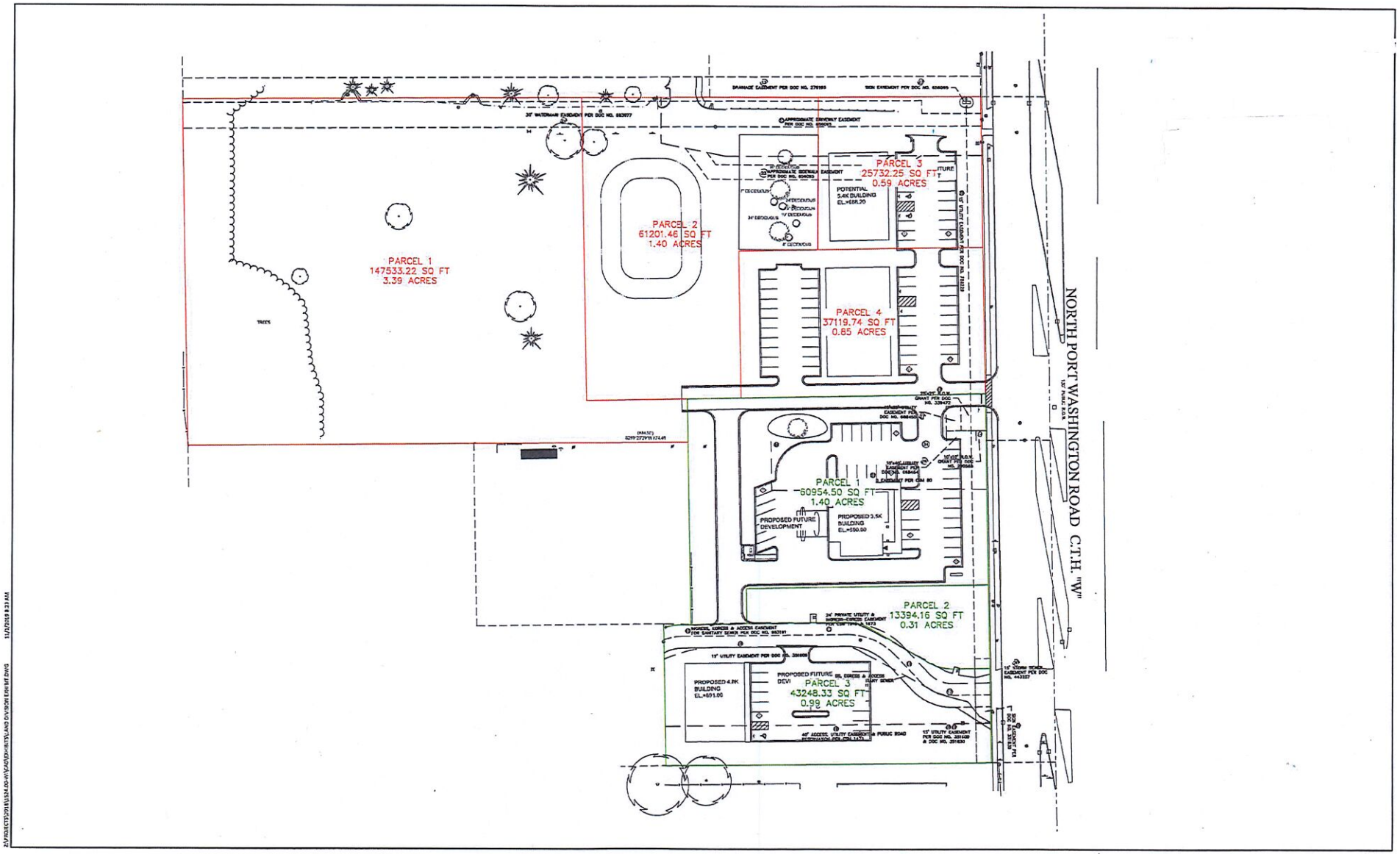
Prepared By:
PINNACLE ENGINEERING GROUP
20725 WATERTOWN ROAD I SUITE 100
BROOKFIELD, WI 53186
OFFICE: (262) 754-8888

This instrument drafted by John P. Konopacki, PLS-License No. S-2461

PEG JOB#1524.00
SHEET 9 OF 9

Attachment: Packet Docs (4749 : ICAP Development)

Concept Plan



ICAP MEQUON -

PINNACLE ENGINEERING GROUP

20725 WATERTOWN ROAD | SUITE 100 | BROOKFIELD, WI 53186 | WWW.PINNACLE-ENGR.COM |

PLAN | DESIGN | DELIVER

11/01/19

PEGJOB# 1524.00

Attachment: Packet Docs (4749 : ICAP Development)

Commission meeting they were surprised to have the tower sign eliminated. They are focused on the corporate branding for Associated Bank. They feel that there needs to be visible signage on the building for southbound traffic. He explained the proposed sign cube in the tower has a somewhat semi translucent and the light in the tower provides light but the cube is not internally illuminated.

When asked whether the applicant is interested in a free standing sign as that is permitted in the sign code, the applicant answered that signage on the building is desirable in regards to both branding and visibility versus a freestanding sign.

There was feedback from the Commission that signage in the tower is not desired. There was agreement that something is needed in the tower as it feels too empty, a suggestion was made for something artistic in that space, but not signage or branding to be allowed. It was also discussed that the tower would be more attractive if it is lowered because it looks too big and empty without something in that glass tower. Some of the Commissioners commented that they are reluctant to set a precedent by allowing there to be signage in the glass tower.

Ald. Strzelczyk made the following suggestions:

- Reduce the north elevation sign to match the 28 sq. ft. size of the east wall sign.
- Lower the tower to within 3-5 feet of the building height (not more than 7 feet above).
- Very dim illumination only, prefers not to have illuminated at all.
- Natural logo only (wood, steel or metal).
- Remove the option of a monument sign going forward.

Action
Commissioner Stoker made a motion to table the motion.
Ald. Strzelczyk seconded the motion to table the item.
A voice vote was taken; vote passed (8-0)

RESULT:	**TABLED [UNANIMOUS]**
MOVER:	John Stoker, Commissioner
SECONDER:	Robert Strzelczyk, Alderman
AYES:	Abendroth, Choren, Hawley, Lemke, Parrish, R. Schaefer, Stoker, Strzelczyk
ABSENT:	J. Schaefer

b) ICAP Development for Jewish Home and Care Center. The applicant is seeking rezoning recommendation from IPS (Institutional and Public Service) to B-2/PUD (Commercial Business/Planned Unit Development (and concept plan approval to redevelop the site for multiple commercial uses for the property located at 10865-10911 N. Port Washington Road (formerly Mequon Care Center) and the parcel to the south.

Commissioner Parrish recused himself from this item.

Asst. Dir. Zader stated that a new drawing was submitted after the packet was posted. He stated

Attachment: Packet Docs (4749 : ICAP Development)

that at the last meeting there was consensus of support for the rezoning request but there were unknowns regarding the quantity and quality of the specimen trees on site. The item was tabled for this reason as well as some design considerations staff recommended. The new plan shows the building to the north shifted to preserve the stand of trees and the other buildings shifted so the long side of the building faces Port Washington Road. The City Forester did locate trees and there are 15 specimen trees along with 35 other trees that are part of a larger ecosystem and they are considered specimen. Feedback from the Commission is requested regarding the specimen trees and what would be allowed to be removed before further discussions with the applicant about design can take place. Staff recommends tabling the item regardless of the decision and Commission feedback will dictate the direction of the project moving forward.

Action
Ald. Strzelczyk made a motion to remove the item from the table for discussion.
Commissioner Stoker seconded the motion.
A voice vote was taken; vote passed (8-0)

Mayor Abendroth stated that there is no hardship to developing this property. He stated that he feels, and according to the ordinance, the trees should stay and not be removed.

The applicant, Jerod Protaskey from ICAP Development, provided a handout of the new plan to the Commission. He talked about the site grading and the need for a stormwater management pond on site. He explained that there are difficulties installing utilities due to the trees on site and an easement on site. He also discussed the issues regarding the roadway and the northern shared access point and the need for improvements there and the difficulties caused by the trees.

Asst. Eng. Henk stated that the hardships are within the control of the developer to change and design around the issues presented.

Asst. Dir. Zader stated that if there are hardships due to the existing conditions of the site, this property is located in the TIF district and they would be eligible to apply for the Fast Track Formula program to have those costs reimbursed if they meet the requirements of the program.

Dewey Strobel – is the neighbor that has the easement of the driveway coming in to the property. He suggested that the utilities can be run straight down the driveway without impacting the trees.

Feedback from the Commission is that there are not hardships to justify the removal of the trees and that the developer should work to design the project to work within the conditions of the site.

Mr. Protaskey stated that the large stand of trees presents problems for them to bring in utilities and well as for buildings to be visible from Port Washington Road. He stated there are many non-specimen trees that need to be cleared up from that area as it is unsightly and that potential tenants want visibility from Port Washington Road.

Action
Mayor Abendroth made a motion to table the motion.
Ald. Strzelczyk seconded the motion to table the item.
A voice vote was taken; vote passed (8-0)

Attachment: Packet Docs (4749 : ICAP Development)

RESULT:	**TABLED [8 TO 0]**
MOVER:	Dan Abendroth, Chairman
SECONDER:	Robert Strzelczyk, Alderman
AYES:	Baka, Abendroth, Choren, Hawley, Lemke, R. Schaefer, Stoker, Strzelczyk
ABSENT:	J. Schaefer
RECUSED:	Parrish

4) Policy

a) Chapter 58 of the Zoning Code as it relates to Animal Uses

Asst. Dir. Zader stated this is a request from Public Welfare due to a resident that requested to have a silkie chicken as a pet. Upon review of the ordinance from Ald. Wirth and staff, it was determined that wholesale changes to the code were necessary. This repeals Chapter 6 and it is now all included in Chapter 58 of the Zoning Code. It better clarifies normal practices and a few minor changes are proposed:

- Updated to include all equine animals as well as sheep as the same amount as horses.
- List of allowable pets in the City. Bees and raptors allowed with conditions.
- Some farming conditional uses have been eliminated.
- Language was added for dog runs and dog houses.
- Miscellaneous pets can go to Public Welfare for consideration.

This was approved by Public Welfare in February; it will be in front of the Common Council tomorrow and then up for a public hearing in April.

Action

Commissioner Stoker made a motion to approve the item.
Ald. Strzelczyk seconded the motion.

The Commission discussed the issue of horses and equine animals allowed on 1.5 acres and many of the Commissioners recommend 2.5 acres. Anyone that already has a horse on 1.5 acres would be grandfathered in.

Commissioner Parrish made an amendment to the motion to change the acreage needed to 2.5 acres for horses and equine animals.
Ald. Strzelczyk seconded the amendment.
A roll call vote was taken; vote passed (5-3)(No: Mayor Abendroth, Stoker, Lemke)

A voice vote was taken on the original motion, vote passed (8-0)

Attachment: Packet Docs (4749 : ICAP Development)

Asst. Eng. Henk stated that the phasing of Industrial Drive, the E buildings and D building at the same time as this parcel will be very crowded and can be complicated on such a small construction area.

Mr. Zader stated that Mequon has always been conservative in the process of building houses and only allows construction, except for the 2 spec homes, until the final plat is approved. This is a very tight development and he does not feel the timing is a compelling argument and he recommends no more than 4 homes be approved.

Action
Ald. Strzelczyk made a motion to approve the item.
Commissioner Jim Schaefer seconded the motion.
A voice vote was taken; vote passed (8-0)

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Robert Strzelczyk, Alderman/Vice Chair
SECONDER:	James Schaefer, Commissioner
AYES:	Wirth, Strzelczyk, Choren, Hawley, Lemke, Parrish, J. Schaefer, R. Schaefer
ABSENT:	Stoker

d) ICAP Development for Jewish Home and Care Center, Inc. The applicant is seeking concept plan, specimen tree removal and rezoning recommendation approval from IPS (Institutional and Public Service) to B-2/PUD (Commercial Business/Planned Unit Development) to redevelop the site for multiple commercial uses for the property located at 10865-10911 N. Port Washington Road and parcel to the south. REMOVE FROM TABLE.

Action
Mayor Wirth made a motion to remove the item from the table.
Ald. Strzelczyk seconded the motion.
A voice vote was taken; vote passed (8-0)

Asst. Dir. Zader stated that a letter from a neighbor was left on the dais for the Commissioners regarding the driveway access. This is the third time this item has been in front of the Commission for a request for rezoning from IPS to B-2/PUD. Much of the past discussions have been centered around the specimen trees on site. The applicant has been working with the City Forester, Mike Gies, as well as they have hired their own arborist and there seems to be an agreement of the scope of the removal. The applicant is now requesting to remove only 7 trees, which are all located in the front of the site. They have decided which trees are less desirable due to the quality as well as the impact they have had over the years from when the previous development was on site. The buildings have been slightly shifted to accommodate additional trees on site. Staff is supportive of the request and has some added conditions that should be noted:

Attachment: Packet Docs (4749 : ICAP Development)

- All facades along Port Washington Road are to be the primary front entrance of the development.
- Use of rear of site has a restriction with a PUD that only allows certain uses past the 300 foot line (no restaurants or retail).
- Sidewalk connection is required from Building A to the rear parking lot and is important throughout the site.

There is a stand-alone Swamp Oak that the application is requesting to have removed and the City Forester does not approve and he is requesting that the site plan be modified and the tree preserved.

Staff recommends the rezoning which will go to Council for a first reading in July and then public hearing and final decision in August.

Rob Irwin-1501W. Winding Hollow Lane – He is Board Chairman of the current owner of the property and a resident for 44 years. He urges the Commission to approve the item as it has been vacant for many years and the addition of neighbor uses are desirable to residents nearby. He appreciates that the applicant modified the plan to preserve as many trees as possible and to incorporate them into the site.

The applicant was represented by Jerod Protaskey from ICAP. He stated that they are in agreement with the City Forester regarding preserving the stand-alone Swamp Oak. The concept plan was developed in January and it has been modified to accommodate the trees as well as the needs of potential users. The site plan continues to be influx as specific users are secured.

Action
Commissioner Choren made a motion to approve the item.
Commissioner Lemke seconded the motion.
A voice vote was taken; vote passed (8-0) (Bach voted in place of Parrish)

RESULT:	**APPROVED [8 TO 0]**
MOVER:	Martin Choren, Commissioner
SECONDER:	Rick Lemke, Commissioner
AYES:	Wirth, Strzelczyk, Choren, Hawley, Lemke, J. Schaefer, R. Schaefer, Bach
ABSENT:	Stoker
RECUSED:	Parrish

5) Policy

a) Renaming of Industrial Drive.

Asst. Dir. Zader stated that handouts were provided to the Commissioners and included in the packet from Dir. Tollefson who submitted a memo and a map showing the portion of Industrial

Attachment: Packet Docs (4749 : ICAP Development)

City of Mequon

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: **January 13, 2020**

SUBJECT: **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.**

Applicant:	David Hoff
Status of Applicant:	Owner
Requested:	Final Plat Certified Survey Map
Existing Use:	Vacant
Existing Zoning:	R-6 (Plex Residential) PUD (Planned Unit Development)
Land Use Plan:	Residential Plex
Lot size:	13 acres
Location:	12431 N Green Bay Road and 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.
Tax Key:	#14-015-04-005.00, #14-015-04-004.00, #14-014-07-012.00, #14-014-06-003.00
District:	#3

Background:
The applicant is requesting final plat for the first phase of the Woods at Highland Park Condominium development. The 28-unit (14 building) development was approved by the Common Council on September 11, 2018 (see attached Ordinance #2018-1526).

Final Plat:
The final plat for Phase 1 includes 18 condominium units (9 buildings) and is consistent with the approved Planned Unit Development (PUD) concept plan. Phase 1 is served by a private road off Green Bay Road. The final condominium plat shall show the general layout of the expansion lands as part of the plat.

Certified Survey Map:
The certified survey map creates two lots for the purpose of segregating the two phases of the development. Lot 1 will contain the 18 units that will be built as part of Phase 1. Lot 2 which is shown as expansion lands for the condominium development will contain the 10 remaining units which will be developed as part of Phase 2.

Staff Recommendation:

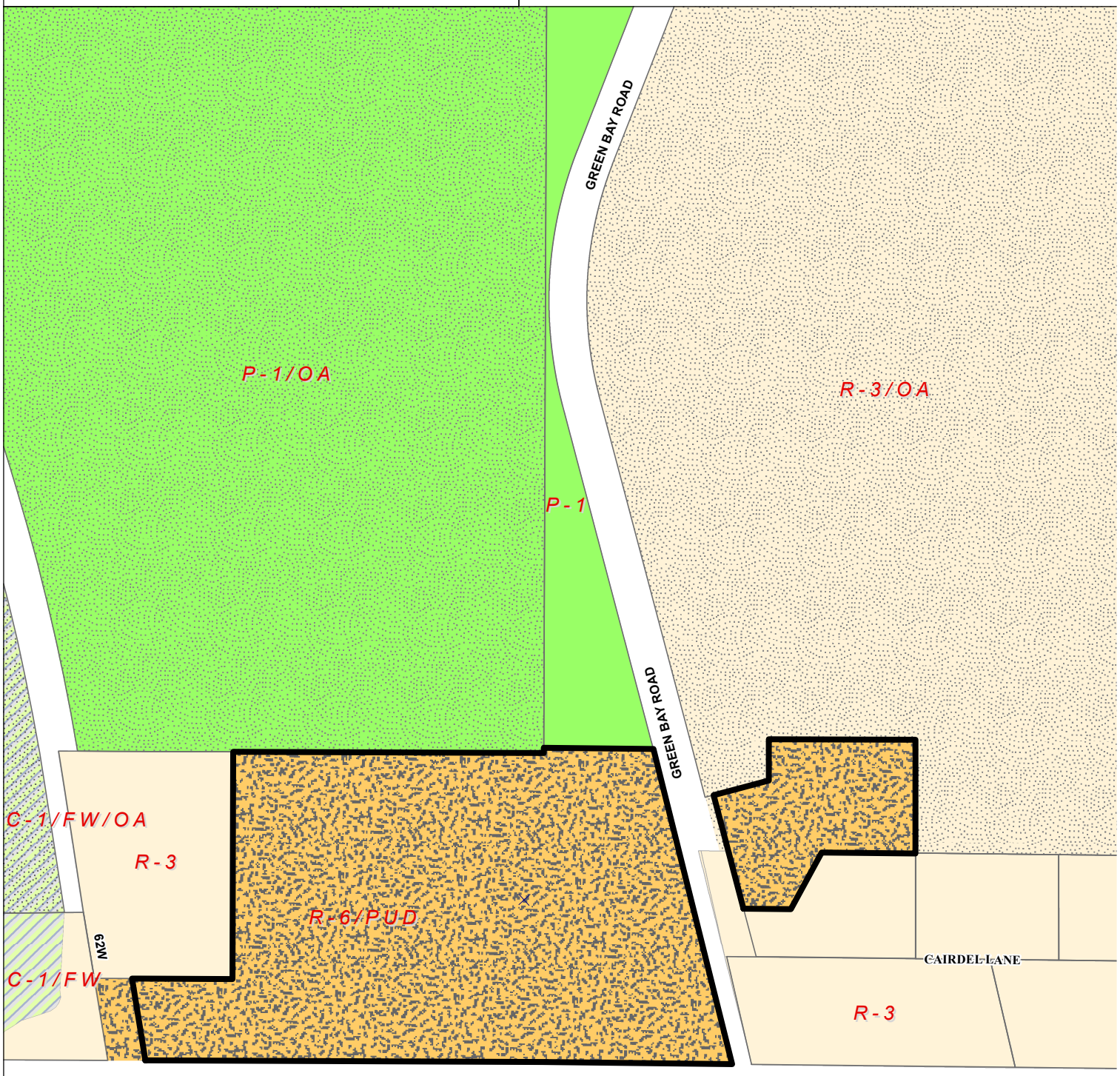
Staff recommends approval of the final plat and certified survey map subject to the following condition(s):

1. Common Council approval of the Final Condominium Plat.
2. Any technical corrections identified by staff shall be made to the final plat.
3. The Final Condominium Plat shall show the general layout of the expansion lands.
4. Completion of the punch list items as distributed by staff on December 26, 2019.
5. Recording of the Sewer Easement, Water Easement, Stormwater Facilities Easement and Maintenance Agreement, Right of Way Waiver, and Shared Access Easement.
6. Completion and acceptance of the as-builts for sewer, water, grading and stormwater management.

Attachments:
Packet Docs (PDF)

Woods at Highland Park

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



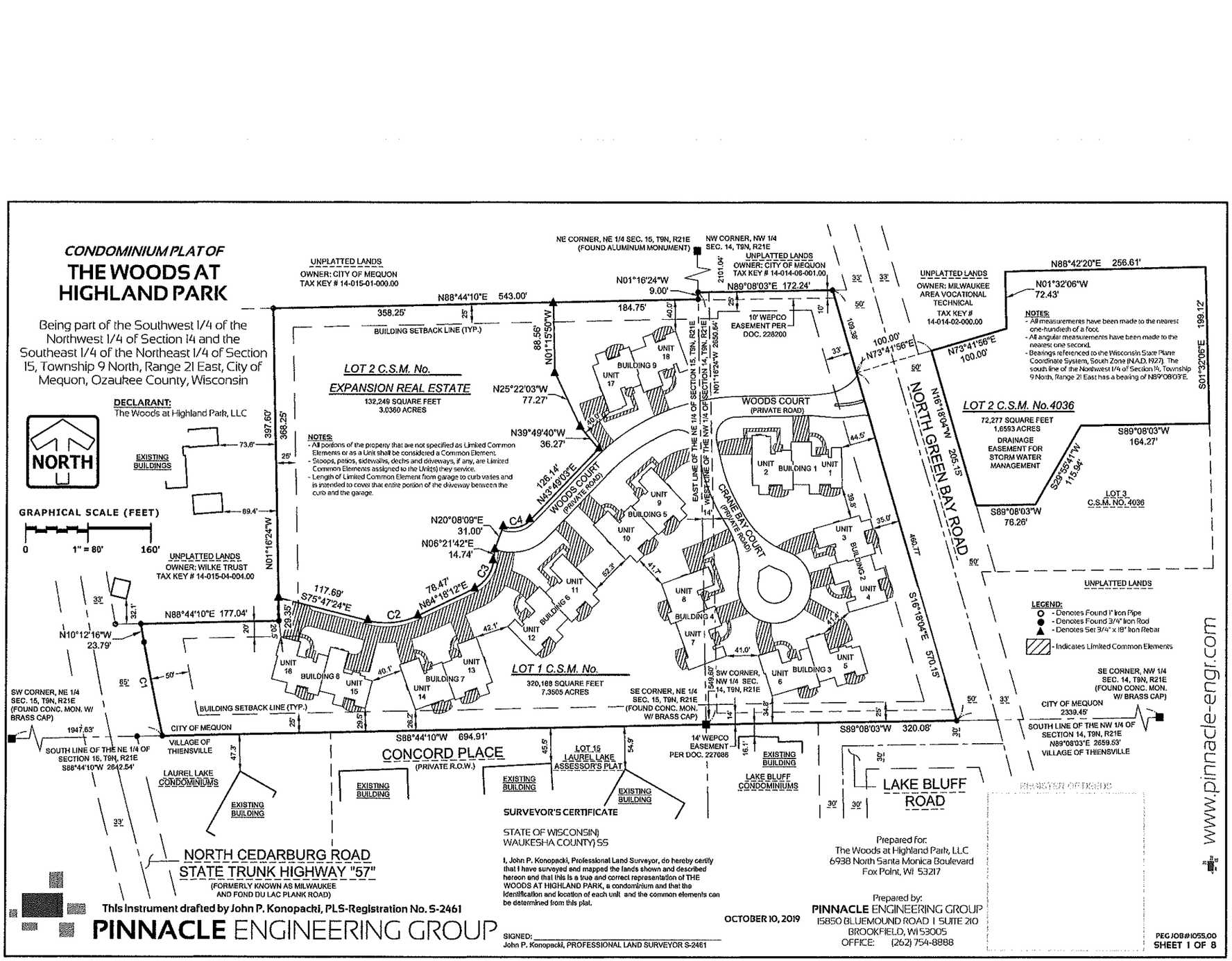
Attachment: Packet Docs (4748 : The Woods at Highland Park)

CONDOMINIUM PLAT OF

THE WOODS AT HIGHLAND PARK

Being part of the Southwest 1/4 of the Northwest 1/4 of Section 14 and the Southeast 1/4 of the Northeast 1/4 of Section 15, Township 9 North, Range 21 East, City of Mequon, Ozaukee County, Wisconsin

DECLARANT:
The Woods at Highland Park, LLC



This instrument drafted by John P. Konopacki, PLS-Registration No. S-2461

PINNACLE ENGINEERING GROUP

SURVEYOR'S CERTIFICATE

STATE OF WISCONSIN)
WAUKESHA COUNTY) SS

I, John P. Konopacki, Professional Land Surveyor, do hereby certify that I have surveyed and mapped the lands shown and described hereon and that this is a true and correct representation of THE WOODS AT HIGHLAND PARK, a condominium and that the identification and location of each unit and the common elements can be determined from this plat.

OCTOBER 10, 2019

SIGNED: _____
John P. Konopacki, PROFESSIONAL LAND SURVEYOR S-2461

Prepared for:
The Woods at Highland Park, LLC
6938 North Santa Monica Boulevard
Fox Point, WI 53217

Prepared by:
PINNACLE ENGINEERING GROUP
15850 BLUEMOUND ROAD | SUITE 210
BROOKFIELD, WI 53005
OFFICE: (262) 754-8888

www.pinnacle-engr.com

PEG JOB#1055.00
SHEET 1 OF 8

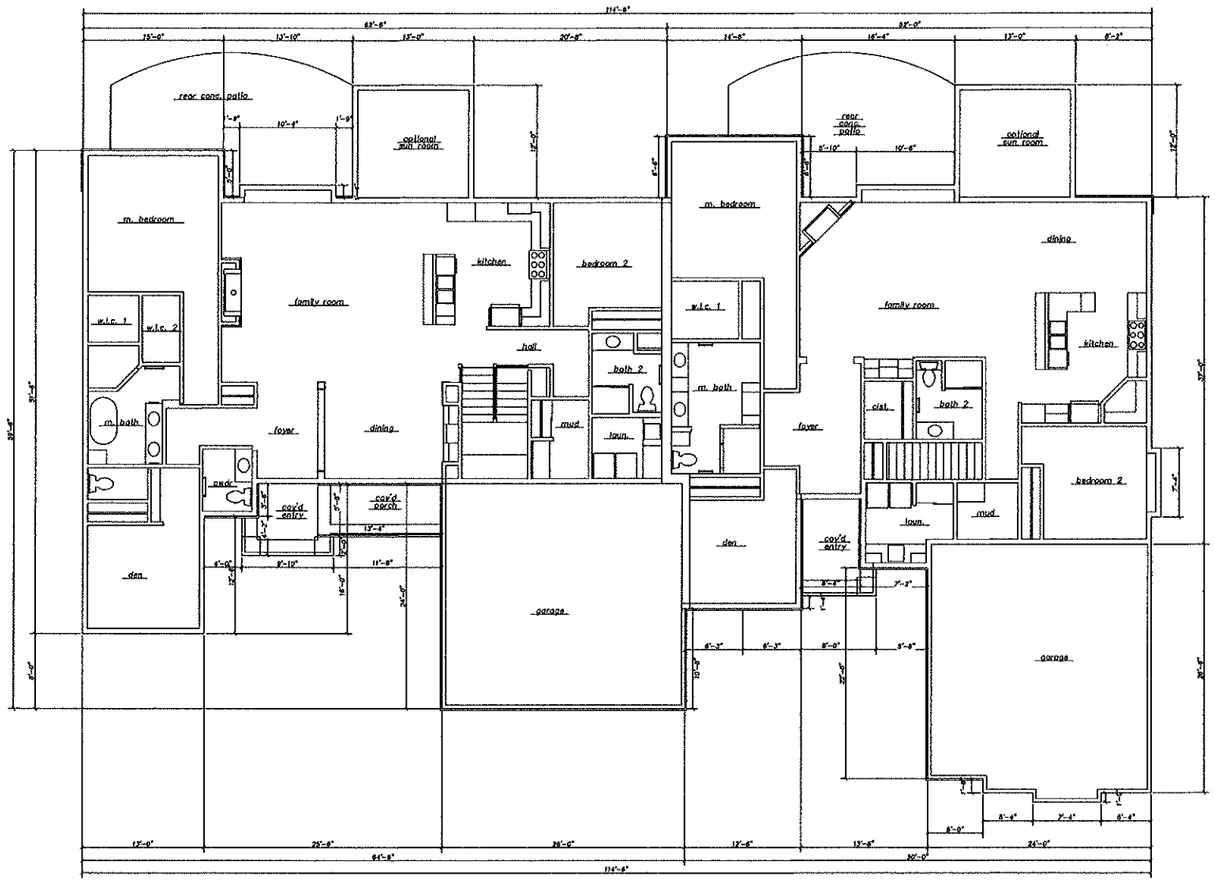
Attachment: Packet Docs (4748 : The Woods at Highland Park)

CONDOMINIUM PLAT OF

THE WOODS AT HIGHLAND PARK

Being part of the Southwest 1/4 of the Northwest 1/4 of Section 14 and the Southeast 1/4 of the Northeast 1/4 of Section 15, Township 9 North, Range 21 East, City of Mequon, Ozaukee County, Wisconsin

NOTES:
- Buildings, improvements and building area shown represent proposed construction.
- Stoops, patios, sidewalks, decks, Limited Common Element planting areas and driveways, if any, are Limited Common Elements assigned to the Unit(s) they service.



OCTOBER 10, 2019

2,225 SQ. FT.
UNIT 1 & UNIT 7

"PRINCETON" A
FIRST FLOOR PLAN
NOT TO SCALE

2,100 SQ. FT.
UNIT 2 & UNIT 8

This instrument drafted by John P. Konopachi, PLS-Registration No. S-2461

PINNACLE ENGINEERING GROUP

PEG JOB#1055.00
SHEET 2 OF 8

www.pinnacle-engr.com

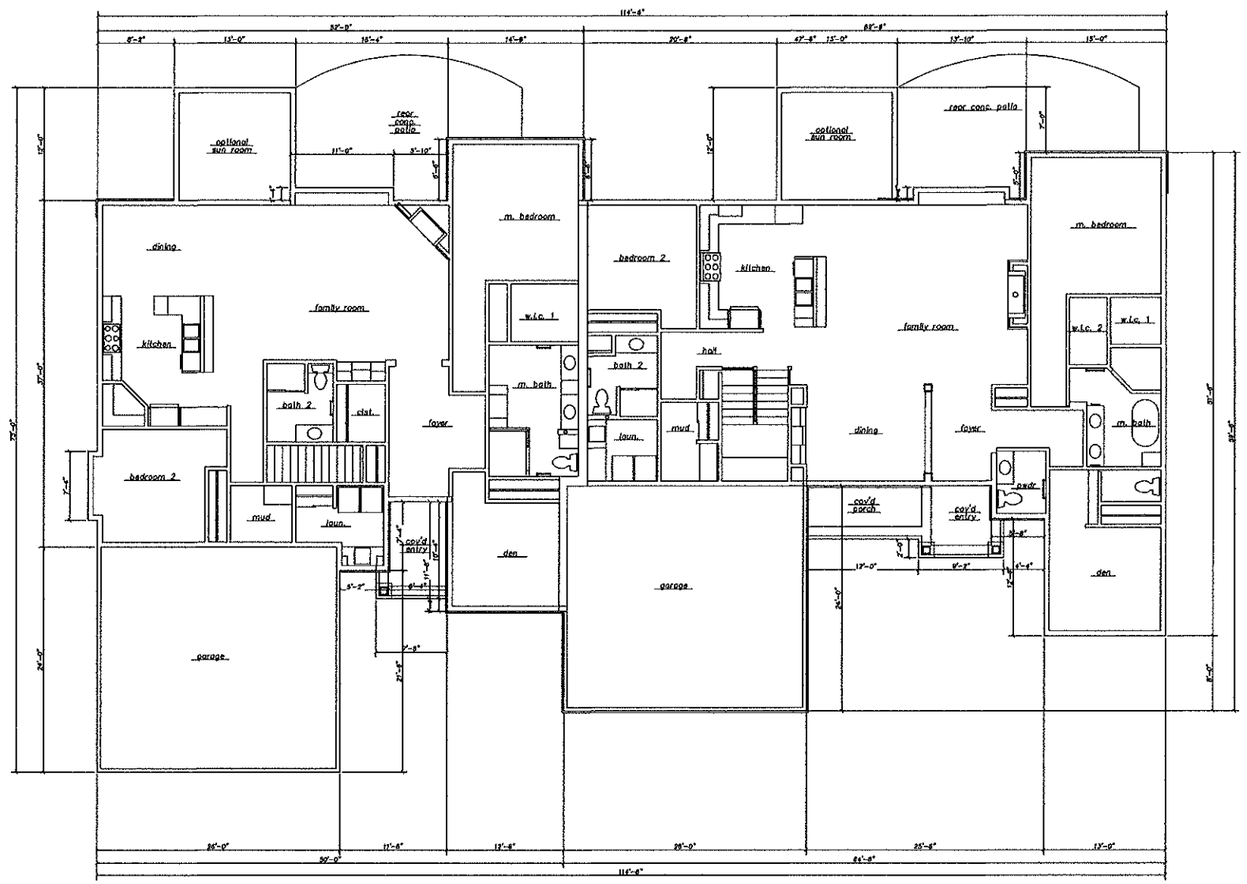
Attachment: Packet Docs (4748 : The Woods at Highland Park)

CONDOMINIUM PLAT OF

THE WOODS AT HIGHLAND PARK

Being part of the Southwest 1/4 of the Northwest 1/4 of Section 14 and the Southeast 1/4 of the Northeast 1/4 of Section 15, Township 9 North, Range 21 East, City of Mequon, Ozaukee County, Wisconsin

NOTES:
- Buildings, improvements and building area shown represent proposed construction.
- Stoops, patios, sidewalks, decks, Limited Common Element planting areas and driveways, if any, are Limited Common Elements assigned to the Unit(s) they service.



www.pinnacle-engr.com

OCTOBER 10, 2019

2,100 SQ. FT.
UNIT 3

"PRINCETON" B
FIRST FLOOR PLAN
NOT TO SCALE

2,225 SQ. FT.
UNIT 4

This instrument drafted by John P. Konopacki, PLS-Registration No. S-2461

PINNACLE ENGINEERING GROUP

PEG JOB#1055.00
SHEET 3 OF 8

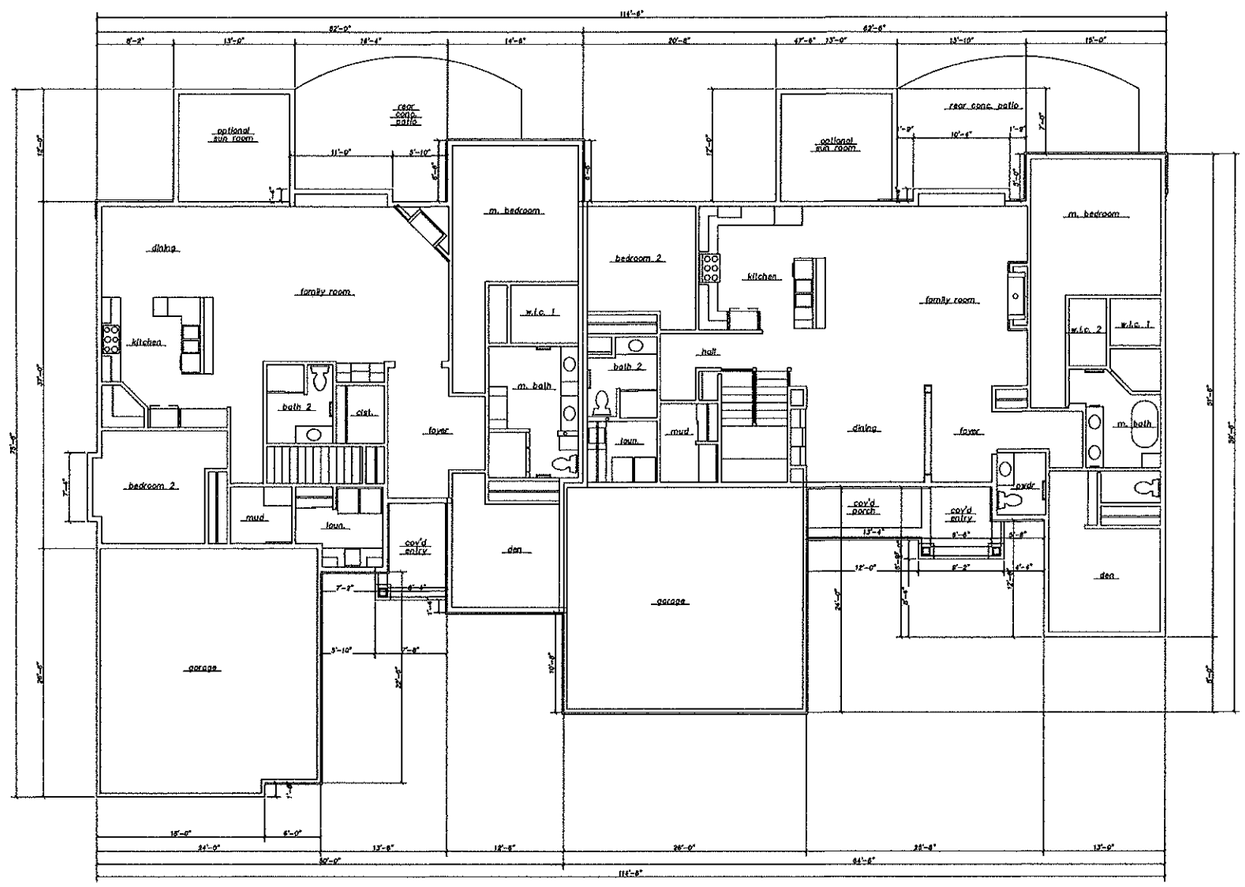
Attachment: Packet Docs (4748 : The Woods at Highland Park)

CONDOMINIUM PLAT OF

THE WOODS AT HIGHLAND PARK

Being part of the Southwest 1/4 of the Northwest 1/4 of Section 14 and the Southeast 1/4 of the Northeast 1/4 of Section 15, Township 9 North, Range 21 East, City of Mequon, Ozaukee County, Wisconsin

NOTES:
- Buildings, improvements and building area shown represent proposed construction.
- Stoops, patios, sidewalks, decks, Limited Common Element planting areas and driveways, if any, are Limited Common Elements assigned to the Unit(s) they service.



OCTOBER 10, 2019

2,100 SQ. FT.
UNIT 11 & UNIT 17

"PRINCETON" C
FIRST FLOOR PLAN
NOT TO SCALE

2,225 SQ. FT.
UNIT 12 & UNIT 18

This instrument drafted by John P. Konopacki, PLS-Registration No. S-2461

PINNACLE ENGINEERING GROUP

PEG JOB#1055.00
SHEET 4 OF 8

www.pinnacle-engr.com

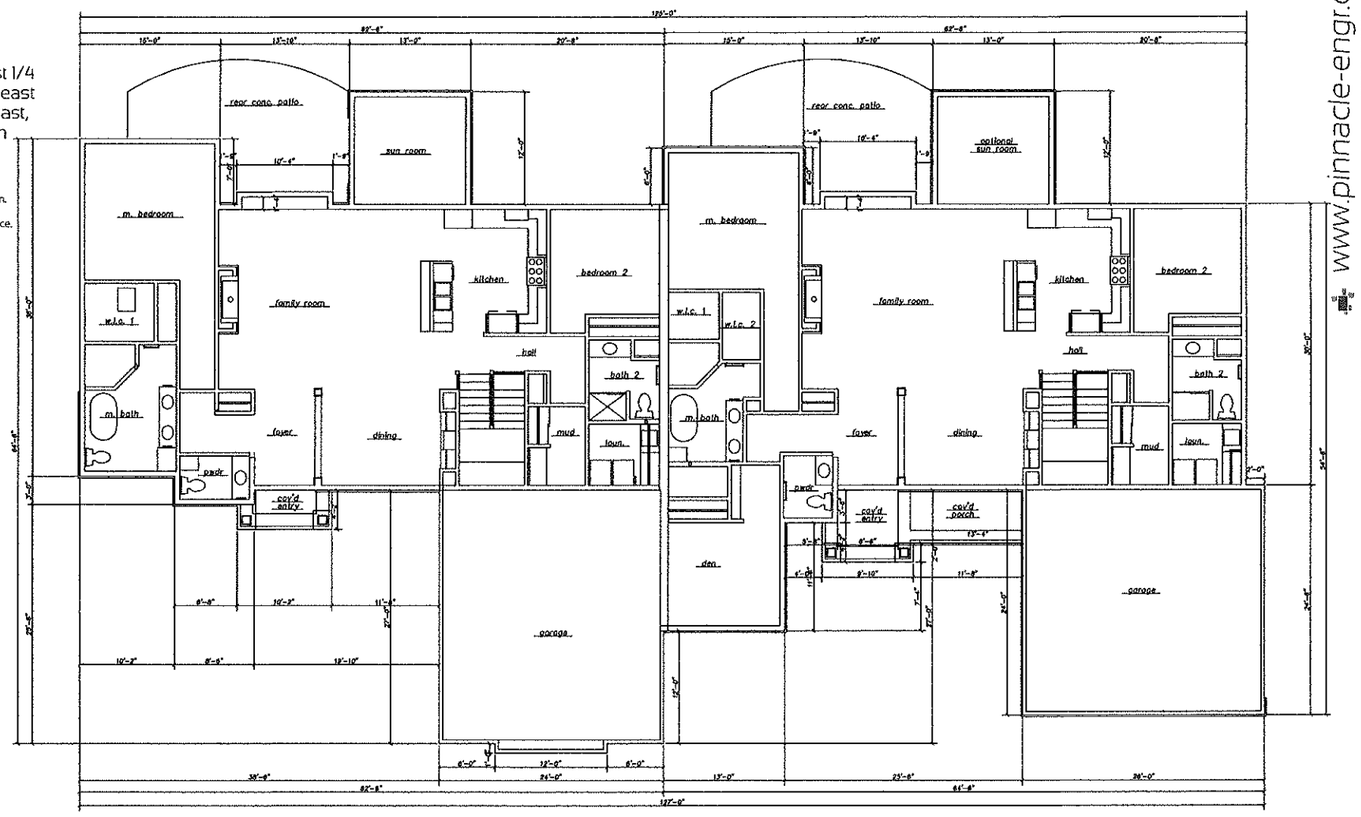
Attachment: Packet Docs (4748 : The Woods at Highland Park)

CONDOMINIUM PLAT OF

THE WOODS AT HIGHLAND PARK

Being part of the Southwest 1/4 of the Northwest 1/4 of Section 14 and the Southeast 1/4 of the Northeast 1/4 of Section 15, Township 9 North, Range 21 East, City of Mequon, Ozaukee County, Wisconsin

NOTES:
- Buildings, improvements and building area shown represent proposed construction.
- Stoops, patios, sidewalks, decks, Limited Common Element planting areas and driveways, if any, are Limited Common Elements assigned to the Unit(s) they service.



OCTOBER 10, 2019

2,180 SQ. FT.
UNIT 5 & UNIT 15

"STANFORD" D
FIRST FLOOR PLAN
NOT TO SCALE

2,225 SQ. FT.
UNIT 6 & UNIT 16

This instrument drafted by John P. Konopacki, PLS-Registration No. S-2461

PINNACLE ENGINEERING GROUP

PEG JOB# 1055.00
SHEET 5 OF 8

www.pinnacle-engr.com

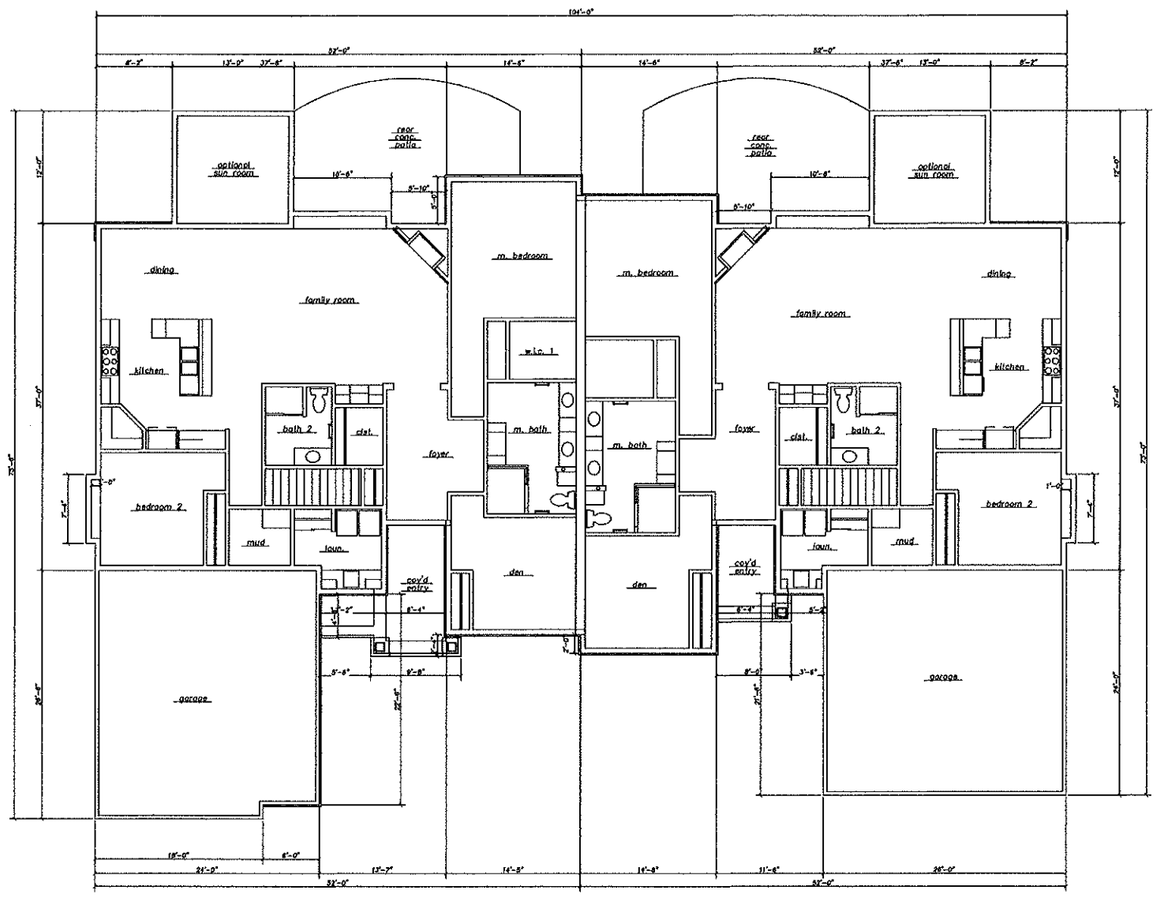
Attachment: Packet Docs (4748 : The Woods at Highland Park)

CONDOMINIUM PLAT OF

THE WOODS AT HIGHLAND PARK

Being part of the Southwest 1/4 of the Northwest 1/4 of Section 14 and the Southeast 1/4 of the Northeast 1/4 of Section 15, Township 9 North, Range 21 East, City of Mequon, Ozaukee County, Wisconsin

NOTES:
- Buildings, improvements and building area shown represent proposed construction.
- Stoops, patios, sidewalks, decks, Limited Common Element planting areas and driveways, if any, are Limited Common Elements assigned to the Unit(s) they service.



www.pinnacle-engr.com

OCTOBER 10, 2019

2,100 SQ. FT.
UNIT 9

"NOTRE DAME" F
FIRST FLOOR PLAN
NOT TO SCALE

2,100 SQ. FT.
UNIT 10

This instrument drafted by John P. Konopacki, P.L.S-Registration No. S-2461

PINNACLE ENGINEERING GROUP

PEG JOB#1055.00
SHEET 6 OF 8

Attachment: Packet Docs (4748 : The Woods at Highland Park)

CONDOMINIUM PLAT OF

THE WOODS AT HIGHLAND PARK

Being part of the Southwest 1/4 of the Northwest 1/4 of Section 14 and the Southeast 1/4 of the Northeast 1/4 of Section 15, Township 9 North, Range 21 East, City of Mequon, Ozaukee County, Wisconsin

NOTES:
- Buildings, improvements and building area shown represent proposed construction.
- Stoops, patios, sidewalks, decks, Limited Common Element planting areas and driveways, if any, are Limited Common Elements assigned to the Unit(s) they service.

www.pinnacle-engr.com

OCTOBER 10, 2019

2,100 SQ. FT.
UNIT 13

"NOTRE DAME" G
FIRST FLOOR PLAN
NOT TO SCALE

2,100 SQ. FT.
UNIT 14

This instrument drafted by John P. Konopacki, PLS-Registration No. S-2461

PINNACLE ENGINEERING GROUP

PEG JOB#1055.00
SHEET 7 OF 8

Attachment: Packet Docs (4748 : The Woods at Highland Park)

CONDOMINIUM PLAT OF

THE WOODS AT HIGHLAND PARK

Being part of the Southwest 1/4 of the Northwest 1/4 of Section 14 and the Southeast 1/4 of the Northeast 1/4 of Section 15, Township 9 North, Range 21 East, City of Mequon, Ozaukee County, Wisconsin

www.pinnacle-engr.com

PLAN COMMISSION APPROVAL

Approved by the Plan Commission of the City of Mequon on this _____ day of _____, 20___.

_____ _____
Date John Wirth, Chairman

_____ _____
Date Secretary

COMMON COUNCIL APPROVAL

Approved by the Common Council of the City of Mequon, Wisconsin, on this _____ day of _____, 20___.

_____ _____
Date John Wirth, Mayor

_____ _____
Date Caroline Fochs, City Clerk

LEGAL DESCRIPTION:

All of Lot 1 of Certified Survey Map No. _____ as recorded in the Register of Deeds office for Ozaukee County as Document No. _____ and all of Lot 2 of Certified Survey Map No. 4036, as recorded in the Register of Deeds office for Ozaukee County as Document No. 1070242, being a part of the Southwest 1/4 of the Northwest 1/4 of Section 14 and the Southeast 1/4 of the Northeast 1/4 of Section 15, Township 9 North, Range 21 East, City of Mequon, Ozaukee County, Wisconsin, described as follows:

Beginning at the southeast corner of the Northeast 1/4 of said Section 15; Thence South 88°44'10" West along the south line of said Northeast 1/4, 694.91 feet to the east right of way line of North Cedarburg Road - State Trunk Highway "57" and a point on a curve; Thence northerly 121.42 feet along the arc of said curve to the right and said east right of way line, whose radius is 2799.79 feet and whose chord bears North 11°26'49" West, 121.41 feet; Thence North 10°12'16" West along said east right of way line, 23.79 feet; Thence North 88°44'10" East, 177.04 feet; Thence North 01°16'24" W, 29.35 feet; Thence South 75°47'24" East, 117.89 feet to a point of curvature; Thence easterly 66.17 feet along the arc of said curve to the left, whose radius is 95.00 feet and whose chord bears North 84°15'24' East, 64.84 feet; Thence North 64°18'12" East, 78.47 feet to a point of curvature; Thence northeasterly 45.51 feet along the arc of said curve to the left, whose radius is 45.00 feet and whose chord bears North 35°19'57" East, 43.59 feet; Thence North 06°21'42" East, 14.74 feet; Thence North 20°08'09" East, 31.00 feet to a point on a curve; Thence northeasterly 37.04 feet along the arc of said curve to the left, whose radius is 32.00 feet and whose chord bears North 76°58'36" East, 35.01 feet; Thence North 43°49'03" East, 126.14 feet; Thence North 39°49'40" West, 36.27 feet; Thence North 25°22'03" West, 77.27 feet; Thence North 01°15'50" West, 88.56 feet; thence North 88°44'10" East, 184.75 feet to the east line of the Northeast 1/4 of said Section 15; Thence North 01°16'24" West along said east line, 9.00 feet; Thence North 69°08'03" East, 172.24 feet to the west right of way line of North Green Bay Road; Thence South 16°18'04" East along said west right of way line, 109.38 feet; Thence North 73°41'56" East, 100.00 feet to the east right of way line of North Green Bay Road and the northwest corner of Lot 2 of said Certified Survey Map No. 4036; Thence continuing North 73°41'56" East along the north line of said Lot 2, 100.00 feet; Thence North 01°32'06" West along said north line, 72.43 feet; Thence North 88°42'20" East along said north line, 256.61 feet to the east line of said Lot 2; Thence South 01°32'06" East along said east line, 199.12 feet to the south line of said Lot 2; Thence South 89°08'03" West along said south line, 184.27 feet; Thence South 29°65'41" West along said south line, 115.94 feet; Thence South 89°08'03" West along said south line, 76.26 feet to the aforesaid east right of way line of North Green Bay Road; Thence North 16°18'04" West along said east right of way line, 205.15 feet to the aforesaid northwest corner of Lot 2; Thence South 73°41'56" West, 100.00 feet to the west right of way line of the aforesaid North Green Bay Road; Thence South 16°18'04" East along said west right of way line, 480.77 feet to the south line of the Northwest 1/4 of said Section 14; Thence South 89°08'03" West along said south line, 320.08 feet to the Point of Beginning.

Said land containing 392,464 Square Feet (9.0097 Acres) of land, more or less.

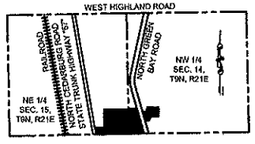
EXPANSION REAL ESTATE:

All of Lot 2 of Certified Survey Map No. _____, as recorded in the Register of Deeds office for Ozaukee County as Document No. _____, being a part of the Southwest 1/4 of the Northwest 1/4 of Section 14 and the Southeast 1/4 of the Northeast 1/4 of Section 15, Township 9 North, Range 21 East, City of Mequon, Ozaukee County, Wisconsin, described as follows:

Commencing at the southeast corner of the Northeast 1/4 of said Section 15; Thence South 88°44'10" West along the south line of said Northeast 1/4, 694.91 feet to the east right of way line of North Cedarburg Road - State Trunk Highway "57" and a point on a curve; Thence northerly 121.42 feet along the arc of said curve to the right and said east right of way line, whose radius is 2799.79 feet and whose chord bears North 11°26'49" West, 121.41 feet; Thence North 10°12'16" West along said east right of way line, 23.79 feet; Thence North 88°44'10" East, 177.04 feet; Thence North 01°16'24" W, 29.35 feet to the Point of Beginning; Thence South 75°47'24" East, 117.89 feet to a point of curvature; Thence easterly 66.17 feet along the arc of said curve to the left, whose radius is 95.00 feet and whose chord bears North 84°15'24' East, 64.84 feet; Thence North 64°18'12" East, 78.47 feet to a point of curvature; Thence northeasterly 45.51 feet along the arc of said curve to the left, whose radius is 45.00 feet and whose chord bears North 35°19'57" East, 43.59 feet; Thence North 06°21'42" East, 14.74 feet; Thence North 20°08'09" East, 31.00 feet to a point on a curve; Thence northeasterly 37.04 feet along the arc of said curve to the left, whose radius is 32.00 feet and whose chord bears North 76°58'36" East, 35.01 feet; Thence North 43°49'03" East, 126.14 feet; Thence North 39°49'40" West, 36.27 feet; Thence North 25°22'03" West, 77.27 feet; Thence North 01°15'50" West, 88.56 feet; Thence South 88°44'10" West, 358.25 feet; Thence South 01°16'24" East, 368.25 feet to the Point of Beginning.

Said land containing 132,249 Square Feet (3.0360 Acres) of land, more or less.

CURVE TABLE					
CURVE NO.	LENGTH	RADIUS	DELTA	CHORD BEARING	CHORD LENGTH
C1	121.42'	2799.79'	002°29'05"	N11°26'49"W	121.41'
C2	66.17'	95.00'	039°54'24"	N84°15'24"E	64.84'
C3	45.51'	45.00'	057°56'30"	N35°19'57"E	43.59'
C4	37.04'	32.00'	066°16'07"	N76°58'36"E	35.01'



VICINITY SKETCH
SCALE 1"=2000'

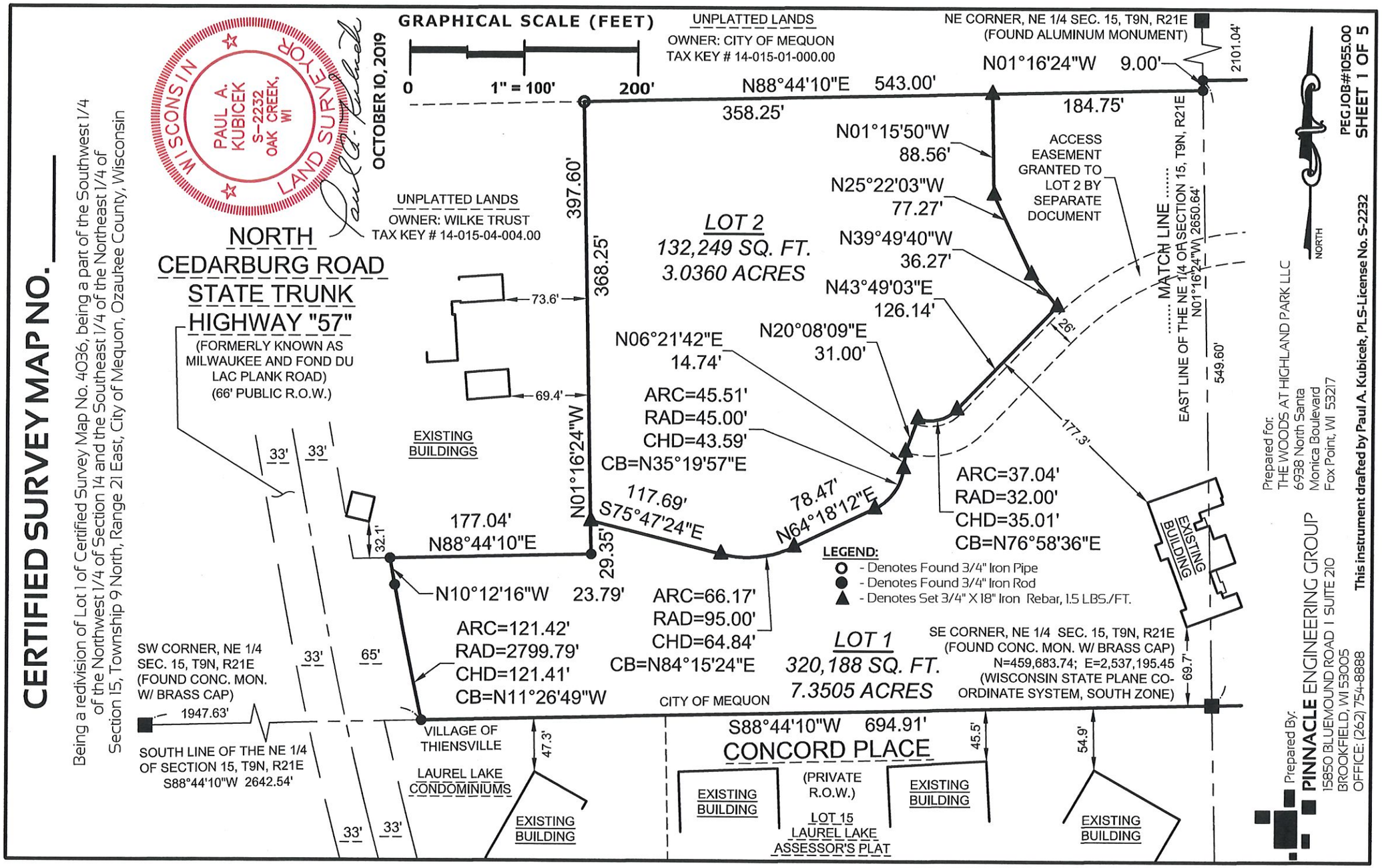
This instrument drafted by John P. Konopacki, PLS-Registration No. S-2461

PINNACLE ENGINEERING GROUP

OCTOBER 10, 2019

PEG JOB#1055.00
SHEET 8 OF 8

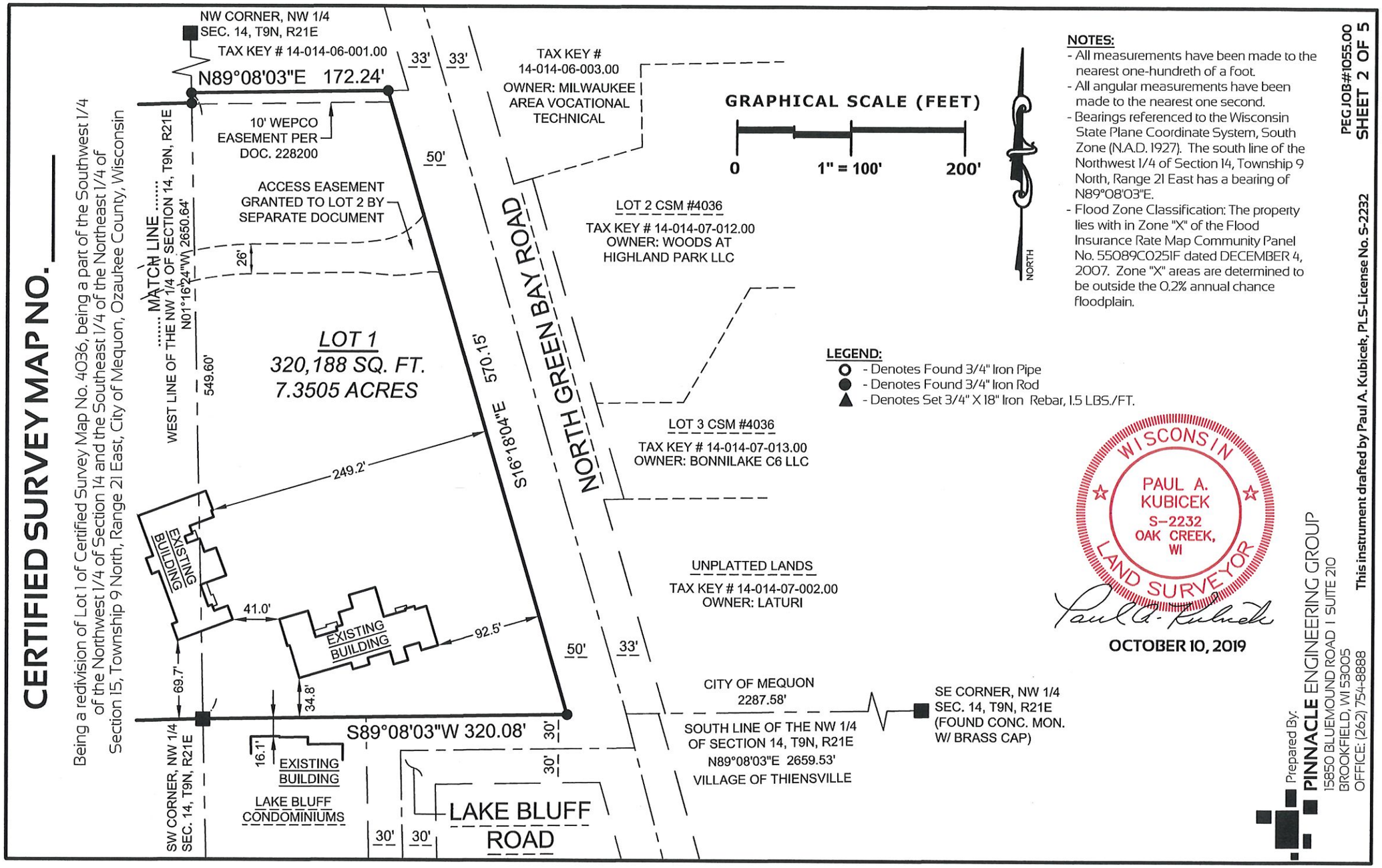
Attachment: Packet Docs (4748 : The Woods at Highland Park)



Attachment: Packet Docs (4748 : The Woods at Highland Park)

CERTIFIED SURVEY MAP NO. _____

Being a redivision of Lot 1 of Certified Survey Map No. 4036, being a part of the Southwest 1/4 of the Northwest 1/4 of Section 14 and the Southeast 1/4 of the Northeast 1/4 of Section 15, Township 9 North, Range 21 East, City of Mequon, Ozaukee County, Wisconsin



NOTES:

- All measurements have been made to the nearest one-hundreth of a foot.
- All angular measurements have been made to the nearest one second.
- Bearings referenced to the Wisconsin State Plane Coordinate System, South Zone (N.A.D. 1927). The south line of the Northwest 1/4 of Section 14, Township 9 North, Range 21 East has a bearing of N89°08'03"E.
- Flood Zone Classification: The property lies with in Zone "X" of the Flood Insurance Rate Map Community Panel No. 55089C0251F dated DECEMBER 4, 2007. Zone "X" areas are determined to be outside the 0.2% annual chance floodplain.

LEGEND:

- ○ - Denotes Found 3/4" Iron Pipe
- ● - Denotes Found 3/4" Iron Rod
- ▲ - Denotes Set 3/4" X 18" Iron Rebar, 1.5 LBS./FT.

WISCONSIN
PAUL A. KUBICEK
S-2232
OAK CREEK, WI
LAND SURVEYOR

OCTOBER 10, 2019

PEG JOB#1055.00
SHEET 2 OF 5

This instrument drafted by Paul A. Kubicek, PLS-License No. S-2232

Prepared By:
PINNACLE ENGINEERING GROUP
15850 BLUEMOUND ROAD I SUITE 210
BROOKFIELD, WI 53005
OFFICE: (262) 754-8888

Attachment: Packet Docs (4748 : The Woods at Highland Park)

CERTIFIED SURVEY MAP NO. _____

Being a redivision of Lot 1 of Certified Survey Map No. 4036, being a part of the Southwest 1/4 of the Northwest 1/4 of Section 14 and the Southeast 1/4 of the Northeast 1/4 of Section 15, Township 9 North, Range 21 East, City of Mequon, Ozaukee County, Wisconsin

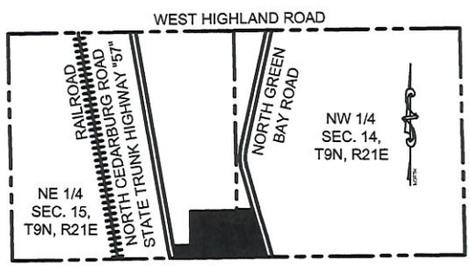
SURVEYOR'S CERTIFICATE

STATE OF WISCONSIN)
WAUKESHA COUNTY) SS

I, Paul A. Kubicek, Professional Land Surveyor, do hereby certify:

That I have surveyed, mapped and divided Lot 1 of Certified Survey Map No. 4036, recorded as Document No. 1070242, Ozaukee County Register of Deeds Office, being a part of the Southwest 1/4 of the Northwest 1/4 of Section 14 and the Southeast 1/4 of the Northeast 1/4 of Section 15, Township 9 North, Range 21 East, City of Mequon, Ozaukee County, Wisconsin, described as follows:

VICINITY SKETCH
SCALE 1"=2000'



Beginning at the southeast corner of the Northeast 1/4 of said Section 15;
Thence South 88°44'10" West along the south line of said Northeast 1/4, 694.91 feet to the east right-of-way line of North Cedarburg Road - State Trunk Highway "57" and a point on a curve;
Thence northerly 121.42 feet along said east right-of-way line and the arc of said curve to the right, whose radius is 2799.79 feet and whose chord bears North 11°26'49" West, 121.41 feet;
Thence North 10°12'16" West along said east right-of-way line, 23.79 feet;
Thence North 88°44'10" East, 177.04 feet;
Thence North 01°16'24" West, 397.60 feet;
Thence North 88°44'10" East, 543.00 feet to the east line of the Northeast 1/4 of said Section 15;
Thence North 01°16'24" West along said east line, 9.00 feet;
Thence North 89°08'03" East, 172.24 feet to the west right-of-way line of North Green Bay Road;
Thence South 16°18'04" East along said west right-of-way line, 570.15 feet to the south line of the Northwest 1/4 of said Section 14;
Thence South 89°08'03" West along said south line, 320.08 feet to the Point of Beginning.

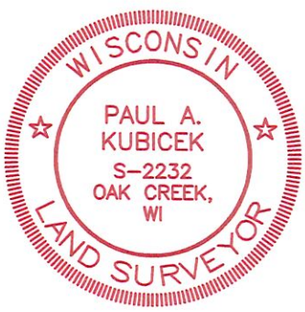
Containing 452,437 square feet (10.3865 acres) of land more or less.

That I have made such survey, land division and map by the direction of THE WOODS AT HIGHLAND PARK LLC, owner of said land.

That such plat 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 requirements of Chapter 236 of the Wisconsin State Statutes and the City of Mequon Land Division Ordinance in surveying, mapping and dividing the land with in the certified survey map.

Date: OCTOBER 10, 2019



Paul A. Kubicek
Professional Land Surveyor S-2232

Prepared By:
PINNACLE ENGINEERING GROUP
15850 BLUEMOUND ROAD I SUITE 210
BROOKFIELD, WI 53005
OFFICE: (262) 754-8888

This instrument drafted by Paul A. Kubicek, PLS-License No. S-2232

PEG JOB#1055.00
SHEET 3 OF 5

Attachment: Packet Docs (4748 : The Woods at Highland Park)

CERTIFIED SURVEY MAP NO. _____

Being a redivision of Lot 1 of Certified Survey Map No. 4036, being a part of the Southwest 1/4 of the Northwest 1/4 of Section 14 and the Southeast 1/4 of the Northeast 1/4 of Section 15, Township 9 North, Range 21 East, City of Mequon, Ozaukee County, Wisconsin

OWNER'S CERTIFICATE OF DEDICATION

THE WOODS AT HIGHLAND PARK LLC a limited liability company duly organized and existing under and by virtue of the laws of the State of Wisconsin, as owner, does hereby certify that said limited liability company caused the land described on this certified survey map to be surveyed, divided and mapped as represented on this certified survey map.

THE WOODS AT HIGHLAND PARK LLC, as owner, does further certify that this certified survey map is required by Chapter 236 of the Wisconsin State Statutes to be submitted to the following for approval or objection:

1. City of Mequon

IN WITNESS WHEREOF, the said THE WOODS AT HIGHLAND PARK LLC. has caused these presents to be signed by DAVID J. HOFF, Member, at _____, _____ County, Wisconsin, on this _____ day of _____, 20___.

In the presence of: THE WOODS AT HIGHLAND PARK LLC

_____
DAVID J. HOFF - Member

STATE OF WISCONSIN)
_____ COUNTY) SS

Personally came before me this _____ day of _____, 20___, DAVID J. HOFF, Member, of the above named limited liability company, to me known to be the person who executed the foregoing instrument, and to me known to be such Member of said limited liability company, and acknowledged that he executed the foregoing instrument as such officer as the deed of said limited liability company, by its authority.

_____
Notary Public
Name:_____
State of Wisconsin
My Commission Expires: _____

CONSENT OF CORPORATE MORTGAGEE

Park Bank, a bank 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 in the forgoing affidavit of Paul A. Kubicek, surveyor, and does hereby consent to the above certification of owners.

IN WITNESS WHEREOF, the said _____, has caused these presents to be signed by _____, its _____ this _____ day of _____, 20___.

_____ _____
Date _____

STATE OF WISCONSIN)
_____ COUNTY) SS

Personally came before me this _____ day of _____, 20___, _____, to me known to be the person who executed the foregoing instrument and to me known to be such officer of said bank and acknowledged the same.

_____
Notary Public
Name:_____
State of Wisconsin
My Commission Expires: _____

WISCONSIN
PAUL A. KUBICEK
S-2232
OAK CREEK, WI
LAND SURVEYOR

OCTOBER 10, 2019

Prepared By:
PINNACLE ENGINEERING GROUP
15850 BLUEMOUND ROAD I SUITE 210
BROOKFIELD, WI 53005
OFFICE: (262) 754-8888

This instrument drafted by Paul A. Kubicek, PLS-License No. S-2232

PEG JOB#1055.00

Attachment: Packet Docs (4748 : The Woods at Highland Park)

CERTIFIED SURVEY MAP NO. _____

Being a redivision of Lot 1 of Certified Survey Map No. 4036, being a part of the Southwest 1/4 of the Northwest 1/4 of Section 14 and the Southeast 1/4 of the Northeast 1/4 of Section 15, Township 9 North, Range 21 East, City of Mequon, Ozaukee County, Wisconsin

PLAN COMMISSION APPROVAL

Approved by the Plan Commission of the City of Mequon on this _____ day of _____, 20___.

_____ _____
Date

_____
John Wirth, Chairman

_____ _____
Date

_____
Secretary

WISCONSIN
PAUL A. KUBICEK
S-2232
OAK CREEK, WI
LAND SURVEYOR

Paul A. Kubicek

OCTOBER 10, 2019

Prepared By:
PINNACLE ENGINEERING GROUP
15850 BLUEMOUND ROAD | SUITE 210
BROOKFIELD, WI 53005
OFFICE: (262) 754-8888

This instrument drafted by Paul A. Kubicek, PLS-License No. S-2232

PEG JOB#1055.00
SHEET 5 OF 5

Attachment: Packet Docs (4748 : The Woods at Highland Park)

COMMON COUNCIL
OF THE
CITY OF MEQUON

ORDINANCE 2018-1526

An Ordinance Authorizing a Planned Unit Development Amendment for Properties Located at 12431 N. Green Bay Road, Immediately West of 12431 N. Green Bay Road, 12424 N. Green Bay Road and 5555 W. Highland Drive to Allow a 28-Unit (14 Building) Plex Development

SECTION I:

Following recommendation of the Planning Commission on July 23, 2018, and after due notice and hearing by the Common Council of the City of Mequon on September 11, 2018, the existing and official City of Mequon district zoning maps are hereby amended so as to amend the previously approved PUD (Ord #1497) of certain properties, as described and illustrated in Exhibit A, to R-6 (Suburban Residential Attached) and PUD (Planned Unit Development) subject to the following conditions:

1. Common Council approval of the rezoning.
2. There shall be no less than 30 feet separation between buildings.
3. All plex condominium buildings shall maintain a minimum building setback of 20' from the interior road.
4. The applicant shall submit three different and distinct conceptual building designs as part of the Building/Site Plan submittal. No one building design shall be used in more than half of the buildings in the development.
5. A substantial landscape buffer shall be required along the west property line adjacent to the single family parcel.
6. The entire property is subject to the City of Mequon Tree Preservation Ordinance and a preservation easement shall be established, if necessary.
7. Architectural design of residential buildings shall comply with the attached Exhibits and the Architectural Board's publication entitled "Guidelines for Residential Structures".
8. The applicant will work with staff to maximize the number of side-loading driveways.
9. Any substantial change to the general concept plans illustrated in the attached exhibits shall require the review and approval of the Planning Commission.
10. Street trees are subject to the approval of the Tree Board and Planning Commission.
11. Street lighting, if proposed, is subject to the approval of the Planning Commission.
12. Entryway signage and landscaping is subject to the approval of the Planning Commission.

SECTION II:

All other ordinances or parts of ordinances contravening the terms of this ordinance are hereby and to that extent repealed.

Approved by: Dan Abendroth, Mayor

Attachment: Packet Docs (4748 : The Woods at Highland Park)

Date Approved: September 11, 2018

I certify that the foregoing Ordinance was adopted by the Common Council of the City of Mequon, Wisconsin, at a meeting held on September 11, 2018.

Caroline Fochs, City Clerk

Published: September 18, 2018

Attachment: Packet Docs (4748 : The Woods at Highland Park)

Asst. Dir. Zader explained that the wall sign already exceeds the Town Center requirements as they were still governed by the former 10 ft. requirement. Current is a 6 ft. maximum. He commented that the main wall sign is around 60 sq. ft. which is twice the typical allowed sign size for a multi-tenant building.

Ald. Wirth stated that changes should be a policy decision and not made for each tenant as it is not fair to all businesses.

Action
Ald. Wirth made a motion to deny the request.
Commissioner Mason seconded this motion.
A roll call vote was called; vote passed 7-1 (No: Parrish)

RESULT:	**APPROVED [6 TO 1]**
MOVER:	John Wirth, Alderman
SECONDER:	John Mason, Commissioner
AYES:	Abendroth, Choren, Mason, Schaefer, Schaefer, Wirth, Lemke
NAYS:	Parrish
EXCUSED:	Stoker, Hawley
RECUSED:	

d) The Hoff Group. The applicant is seeking rezoning recommendation, land use plan amendment and concept plan approval for a proposed 32 unit residential side-by-side plex duplex condominium project from Institutional/Residential 1 - 1.5 acre to Plex zoning for the properties located at 12431 N. Green Bay Road and the parcel located immediately west.

Asst. Dir. Zader stated that there are two parcels that are part of this request. One is owned by the city and is used for storage. In July, the Common Council approved the sale of the parcel to the applicant contingent on getting approvals. The applicant has a contract on the other parcel and it is zoned R-1. The request is to change the zoning from R-1 and Institutional to R-6 plex to allow for 16 side-by-side units. Staff feels that this is an appropriate location for the rezoning and for this type of development; as there is a larger multi-family complex to the south and rural and single family homes to the north. Staff feels that this is a good location for this type of transition.

There is one single family home to the west and the resident is not opposed to development but has asked for a few conditions that would be added as conditions of approval (letter included in board packet). One of the issues is related to the roadway connection. The plan currently shows two access points; one off Cedarburg Road and one off Green Bay Road. The neighbor is requesting the Cedarburg Road access be eliminated. The engineering issue does indicate that there is spacing issue on Cedarburg Road and does not meet the spacing requirement. If the road goes in, the neighbor requests additional buffering between his property and the development.

The applicant is requesting a few waivers as part of the PUD; there are some deviations from the current setback requirement. Staff is supportive of the waivers. There is also a request to

Attachment: Packet Docs (4748 : The Woods at Highland Park)

deviate from the required 30% maximum impervious surfaces. If the driveway is removed, it will be close to meeting the requirement. There have been conversations about other options regarding whether it would be a private or public road there.

It has been the Commission's policy, not an ordinance, that 50% of the garages be side loading. It is difficult in this case because of the ranch style units and the higher density. Staff feels there is opportunity to get a few more side loading garages than proposed. Staff has talked to the developer and suggested that in exchange for not meeting the 50% requirement, that a more architectural door may be required on the garages.

The City Forester visited the site and there are some specimen trees located on the south property line but the majority is located within the setback area and should not be impacted by the development.

Staff recommends approval subject to the conditions in the report.

Greg Latsch – 5108 W. Cairdel Lane – asked about the lighting and if the light could be reduced. He asked about the implications of not meeting the impervious surface requirements and the effect on the storm water management.

Asst. Dir. Zader answered that street trees are not a requirement of the city and if they are provided by the developer they would need approval from the Commission. There are standards in regard to street lighting and in this case requires them to be full cut off fixtures. If they are not full cut off and are partial cut off then the amount of lumens has to be significantly reduced.

He answered that they still need to meet the storm water management plan based on the impervious surface created whether it meets the 30% or not. The other issue is a zoning issue as the R-6 allows for 4 units per acre and there would be no way to meet that density and meet the 30% lot impervious requirement.

James Wilke – 12434 N. Cedarburg Road – lives just west of the proposed project. His biggest concern is the road access onto Cedarburg Road as there will be many cars there and he feels that there is a safety issue. He commented that there are four drive ways with multiple family homes in close proximity. He said that there is a school bus stop there as well. He feels that the access should only be from Green Bay Road. He also expressed concern regarding the setback and he heard from the developer that the size of the cul du sacs could change which would give him more set back. He also stated that the developer stated that he would only take green space foliage away within 15 feet of all the buildings. He expects this standard to be honored.

The applicant, David Hoff, stated that he feels that this is a great site as it is heavily wooded and there is a good market for this design of housing and price point. He stated that he met with Mr. Wilke and they have discussed Mr. Wilke's concerns. He said that he was unaware of the amount of traffic there. The plan is to lay out public sized road and public sized cul du sacs. The concept plan shows 32 units, 16 duplex buildings which are 2.9 units per acre. The

Attachment: Packet Docs (4748 : The Woods at Highland Park)

impervious area of 30% would be impossible to achieve but they are proposing 36% which is close.

Mr. Hoff stated his intent is only to clear the minimum amount of foliage from around the buildings specifically in the buffer areas; the perimeter of the property, especially the north property line. He stated that it is to his benefit to keep as many of those trees as a buffer as possible. He stated that he will include a penalty in his contract with the excavator of $500 per tree that may be accidently taken down. On the west side of the property, other than 15 ft. around the building pads, the rest of the foliage would be protected. The roadways will be private and will be close to city specification. He will reduce the size of the cul du sacs which will allow him to move some of the buildings to the east to increase the setback there.

Regarding the access to Cedarburg Road, Mr. Hoff felt that this would be the main entrance and Green Bay Road access would be a secondary entry. He feels about 75% of the traffic will be coming from the south. He is sensitive to the safety concerns there. He will analysis the site plan to look at other options to mitigate the safety issues and possibly eliminate the Cedarburg Road entrance.

Mr. Hoff stated that the roadway would be about 20 ft. in width and must accommodate trash trucks, fire trucks and moving trucks.

He stated that he is very sensitive to light poles and light pollution. He would like the community to keep a lower profile and would most likely not have light poles out in front of every building.

Mr. Hoff stated that the biggest issue is regarding the ability to have side loading garages on all of the buildings. He showed examples of current units in Mequon that will be similar to his project. He explained that the cul du sac prevents the side loading garages because there is not enough surface area at those buildings. He needs to find another solution but the solution will not meet the 50% side loading requirement. He stated that the garage doors that will be facing the street will be upgraded doors and will be very attractive.

He explained the driveways will be designed to accommodate two cars and there will be two parking spaces in the garages. Cars can park on the road if necessary.

Mr. Hoff explained that the site is currently not serviced by city water. The nearest water main is about ¼ mile south of the site. He is currently analyzing a private well system that would be multiple high capacity wells and also analyzing what it would cost to extend the water main to the site. The wells are less costly than extending the water main. If the water quality from the wells is great, that may be the preferred choice. If the water quality is an issue or the costs are close, then city water will be brought to the site.

Mayor Abendroth stated that any new development in the city requires city water hook up unless a waiver is granted.

Mr. Hoff stated that he would request a waiver is it makes sense for him to do so.

Attachment: Packet Docs (4748 : The Woods at Highland Park)

Asst. Dir. Zader stated that the Commission may want to weigh in on the issue of the two roads and make a recommendation to the Council. The ordinance will state that any substantial change to the concept plan will require an amendment to the PUD.

Ald. Wirth stated that he prefers that all developments have dual accesses. He feels that there is a safety benefit for emergency vehicles, plows and road reconstruction, so there is another option available. He thinks there definitely should be an access to Cedarburg Road but engineering needs to look at the safety issues there.

Asst. Dir. Zader commented that staff will work with the applicant to analysis public versus private road and one access versus two accesses and will evaluate all possible alternatives.

Commissioner Jim Schaefer stated that he feels that this is a well thought-out development and he agrees that the Cedarburg Road access should be maintained and suggested a deceleration lane could be installed. He does not feel that the side loading garages make sense on the cul du sac buildings.

Motion
Mayor Abendroth made a motion to approve per staff conditions; with the exception to #8 that staff works with the applicant to maximize the number of appropriate side loading garages.
Ald. Wirth seconded the motion
All voted aye; vote passed (8-0).

RESULT:	**APPROVED WITH CONDITIONS [UNANIMOUS]**
MOVER:	Dan Abendroth, Chairman
SECONDER:	John Wirth, Alderman
AYES:	Abendroth, Choren, Mason, Parrish, J. Schaefer, R. Schaefer, Wirth, Lemke
EXCUSED:	Stoker, Hawley

e) Alex Leykin. The applicant is seeking rezoning recommendation from R-1/PUD to R-1 for the properties located at 14097, 14155, 14137 and 14207 N. Birchwood Lane.

Asst. Dir. Zader explained that the previous owner had requested a 4-lot land division on this property. There were some neighbors that were highly concerned about the impact on the wetlands. At the time, the PUD ordinance was approved to allow the four lots to be smaller and the wetlands were placed in an out lot. The four lots are also in keeping with the pattern in the area.

The applicant is looking to rezone it to remove the PUD to allow for a similar land division. Staff feels that the Commission at the time was supportive of the 4-lot PUD and rezoning it back would be a step backwards. Staff recommends denial of the request based on the protection of the wetlands as a high concern for the city as well as for some of the neighbors that were here at the time.

Attachment: Packet Docs (4748 : The Woods at Highland Park)

and does not fit with the intent of the shopping center. They are worried about setting a precedent for other tenants if this is approved. They feel that the applicant did not prove why their brand should be given a waiver to the MSP.

There was discussion regarding options that would be acceptable to the Commission such as a smaller sign with white channel letters. The current MSP does allow different colored channel signs and a raceway is allowed.

Action
Ald. Strzelczyk made a motion to table this item.
Commissioner Choren seconded the motion.
A voice vote was called; vote passed (8-0)

RESULT:	**TABLED [UNANIMOUS]**
MOVER:	Robert Strzelczyk, Alderman
SECONDER:	Martin Choren, Commissioner
AYES:	Abendroth, Strzelczyk, Choren, Parrish, Stoker, J. Schaefer, R. Schaefer, Lemke

g) David Hoff. The applicant is seeking rezoning recommendation from R-3/OA and R-6/PUD and R-3 (Suburban Residential Attached District) to R-6/PUD (Plex Residential District), preliminary plat, certified survey map and development agreement approval to allow for a 28-unit (14 building) plex development located at 12431 N. Green Bay Road, the parcel immediately to the west, 12424 N. Green Bay Road and 5555 W. Highland Drive (the Woods at Highland Park).

Asst. Dir. Zader highlighted some items from the staff report and he stated that this item was in front of the Commission in September of 2017 and that after the approval there were some issues with compliance involving the storm water management plan. Mr. Hoff has secured some additional land and his new plan shows four less units than the original plan for a total of 28 units. The total density is 2.1units/acre. The newly acquired land area is part of the MATC campus and that area will be used as part of for the storm water management plan. The increased land area is the cause of the PUD amendment. There will be a wavier to the Green Bay Road set back as well as to the south; but it is more compliant than original plan. They still do not meet the side-loading garage 50% requirement but there is discussion about adding some additional features to the garages. There is one access point from Green Bay Road. The applicant will need to return for approval of three different models of the architecture as well as landscaping and lighting. The applicant would like to have the Development Agreement be tabled as there are some items to continue to work through. Mr. Zader stated that the attorney for the neighbor, Jim Wilke, is requesting language be added to the staff report condition #7 and be entered into the record (submitted handout with language). Mr. Zader read the statement:

> "Prior to the submission to the Common Council, Applicant shall be required to have a written agreement with neighbor to the west (Wilke Trust) confirming and approving of installing substantial landscaping along the West boundary and

Attachment: Packet Docs (4748 : The Woods at Highland Park)

provisions for aerating the water at southwest corner of site with applicant paying all costs, in any way, relating to the landscaping and aeration".

Mr. Zader stated that staff is supportive of the request for approval per the conditions in the staff report.

Alan Deutch representing Jim Wilke (neighbor to the west) stated that they have had numerous conversations with David Hoff regarding their concerns that the proposed project is not a compatible use as well as the issue of the storm water. They have reached some agreements and requested the language be added into condition #7.

Action
Mayor Abendroth made a motion to table the development agreement.
Commissioner Stoker seconded the motion.
A voice vote was called; vote passed (8-0)

Action
Mayor Abendroth made a motion add the requested language to condition #7 and approval of the other requests per the conditions in the staff report.
Ald. Strzelczyk seconded the motion.
A voice vote was called; vote passed (8-0)

RESULT:	**APPROVED WITH CONDITIONS [UNANIMOUS]**
MOVER:	Dan Abendroth, Chairman
SECONDER:	Robert Strzelczyk, Alderman
AYES:	Abendroth, Strzelczyk, Choren, Parrish, Stoker, J. Schaefer, R. Schaefer, Lemke

5) Announcements

a) Moratorium Study Update

Staff provided update in the packet.

The next meeting is on Wednesday, September 5th at 6:00 p.m.

6) Adjourn

Action
Mayor Abendroth made a motion to adjourn.
Ald. Strzelczyk seconded the motion.
A voice vote was called; vote passed (8-0)

Respectfully Submitted,

Jac Zader

Attachment: Packet Docs (4748 : The Woods at Highland Park)

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Robert Strzelczyk, Alderman
SECONDER:	Dan Abendroth, Chairman
AYES:	Abendroth, Strzelczyk, Choren, Parrish, J. Schaefer, R. Schaefer, Lemke, Hawley
ABSENT:	Stoker

b) The Woods at Highland Park. The applicant is seeking development agreement amendment, building plan and landscape plan approval for the property located at 12431 N. Green Bay Road and the parcel immediately to the west, 12424 N. Green Bay road and 5555 W. Highland Drive (The Woods at Highland Park). Remove from table.

Action
Ald. Strzelczyk made a motion to remove this item from the table.
Commissioner Choren seconded the motion.
A voice vote was taken, vote passed (8-0)

Asst. Dir. Zader stated that this item was tabled at the previous meeting as some issues needed to be worked out with the development agreement. The item is back along with the concept plan and landscape plan. There are three different designs for the proposed development which staff approves with the condition that no more than 50% of the buildings can be of one design. One of the issues that was a sticking point in the development agreement was the number of spec homes that would be allowed. Typically only two would be allowed but the applicant is requesting three. There is environmental clean-up that needs to be done which includes excavation. The applicant would like to excavate the basements and replace it all with clean fill, which would require all the buildings to be done at the same time. Without doing all three buildings he would not be able to get clear title on the property, so staff is supportive of allowing the three spec homes. Regarding the landscape plan, staff is requiring the street tree requirement be met on Green Bay Road. Staff will work with the applicant on this issue. Staff recommends approval subject to the conditions in the staff report.

The applicant, David Hoff, stated that he has no outstanding issues as he has worked through them with staff.

He did state that he would like to have the bypass lane be removed from the other side of the road from the development.

Action
Mayor Abendroth made a motion to approve the item subject to the conditions in the staff report and approves the removal of the bypass lane on the opposite side of the road.
Ald. Strzelczyk seconded the motion.
A voice vote was taken, vote passed (8-0)

Attachment: Packet Docs (4748 : The Woods at Highland Park)

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Dan Abendroth, Chairman
SECONDER:	Robert Strzelczyk, Alderman
AYES:	Abendroth, Strzelczyk, Choren, Parrish, J. Schaefer, R. Schaefer, Lemke, Hawley
ABSENT:	Stoker

c) The Hoff Group for Dave Schenker. The applicant is seeking rezoning recommendation from B-3 (Office) to R-6 (Residential plex) to allow for 6 condominiums for the properties located at 10950 & 10922 N. Cedarburg Road (Riverway Condominium). Remove from table.

Action
Commissioner Parrish made a motion to remove this item from the table.
Commissioner Becky Schaefer seconded the motion.
A voice vote was taken, vote passed (8-0)

Asst. Dir. Zader stated that this item was tabled in January of this year. The request is to rezone a portion of the property. The south half would remain B-3 and the north would be changed to R-6 with a PUD overlay. The applicant is proposing a condominium development as it does not meet the lot width for either of the zoning districts. The requirement for the fill has been approved by the DNR. Mr. Zader gave an overview of the details in the staff report. He noted that there is one specimen tree that will need to be removed. The concept plan does not comply with a number of requirements; rear offset, side offset and lot coverage. The Riverwalk Highlands are supportive of the project as long as there is understanding regarding the shared access. Staff recommends approval subject to the conditions in the staff report and C-LOMR approval from FEMA.

Brian Schneider – 10923 N. Cedarburg Road lives directly across from the proposed development and stated that there are many emergency vehicles that go to the Riverwalk Highlands. He is concerned that adding six more units is not favorable to the neighbors.

Action
Ald. Strzelczyk made a motion to approve this item subject to staff recommendations.
Commissioner Choren seconded the motion.
A voice vote was taken, vote passed (8-0)

Attachment: Packet Docs (4748 : The Woods at Highland Park)

City of Mequon

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: **January 13, 2020**

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

Applicant:	Bauer Sign & Lighting
Status of Applicant:	Agent
Requested:	I-43 Sign
Existing Zoning:	B-4 (Business Park)
Land Use Plan:	Business Park
Lot size:	3.12 acres
Location:	12308 N. Corporate Parkway
Tax Key:	#15-017-10-007.00
District:	#5

Background:
The applicant is seeking approval for three wall signs facing I-43 at 12308 N Corporate Parkway. The request for wall signs facing I-43 requires Planning Commission approval. The property is zoned B-4 (Business Park).

I-43 Wall Signs:
The Planning Commission previously approved two I-43 wall signs for this property for Trustmark and Techteriors. These previously approved signs will be removed, and the applicant requests three new I-43 wall signs: one is for Trustmark, who previously received approval, and two additional wall signs for new tenants. The proposal does not include a sign for Techteriors. The proposed signs are direct mounted white channel letters with a colored logo.

The applicant is proposing the following sign for the multi-tenant building:

Proposed I-43 Sign (east elevation)	Size	Channel Letter Height
Powers Realty	13.1 SF	12”
Robertson Ryan & Associates	30.9 SF	12”
Trustmark	28.3 SF	23.8”

The applicant is requesting two waivers to the I-43 sign requirements. See attached Section 62-12. for standards for signs facing I-43. The first waiver is to the minimum height of the letters. Two of the wall signs do not meet the 18-inch minimum letter height requirement for I-43 signs. See attached plan showing signs that meet the 18-inch requirement. Staff believes these signs are too large for the elevation. In addition, the sign area would exceed the code requirement by 30 square feet.

Staff supports the sign plan showing letters at 12 inches for two of the signs (Powers Realty and Roberstson Ryan & Associates) and 23.8 inches for the third sign (Trustmark). Signs up to 24 inches in height are allowed. A second waiver is required for the sign area. With these proposed heights, the signs have a total sign area of 72.3 square feet which exceeds the total sign area allowed by 7.3 square feet. Staff feels that the signs at these heights are more appropriate for the elevation compared to signs that meet the height requirement. If the signs are reduced to meet the sign area requirement, the signs would be too small and out of scale with the building. Due to these factors, staff supports the waivers to the minimum letter height and sign area requirements. The proposed signs meet all other standards for I-43 signage, including halo glow illumination only.

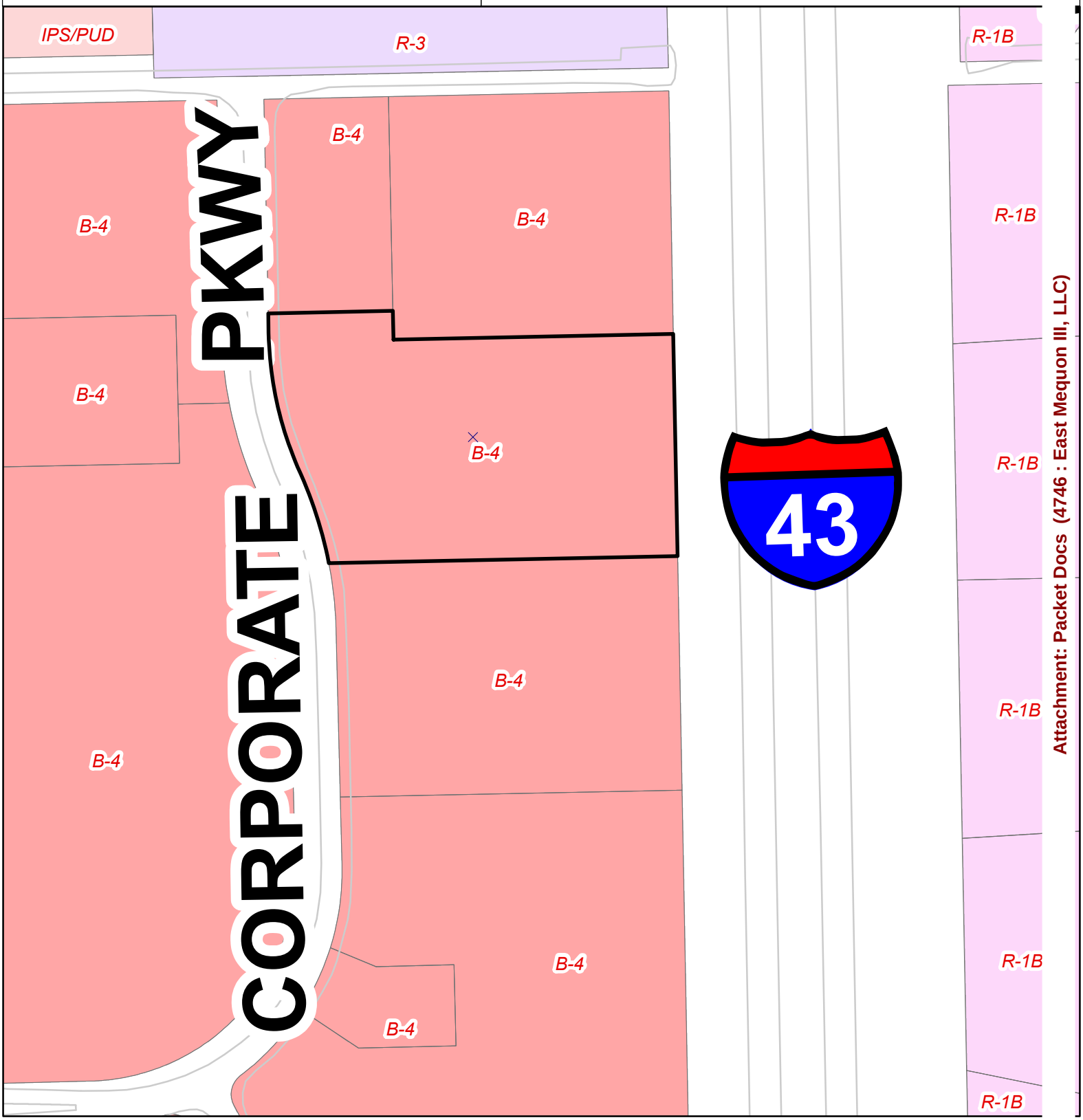
Staff Recommendation: Planning staff recommends approval of the I-43 wall signs subject to the following conditions:

1. Planning staff review and approval of final sign plan prior to the 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. Sign permit approval for each sign.
3. Two signs (Powers Realty and Roberstson Ryan & Associates) shall have letters at 12” in height and one sign (Trustmark) shall have letters at 24’ in height.
4. The total sign area of all signs shall not exceed 72.3 square feet.
5. The wall sign shall be halo glow illumination only. The illumination shall not exceed 15 foot-candles.
6. Compliance with I-43 sign code standards.
7. All other requirements of the sign code shall be met.

Attachments:
Packet Docs (PDF)

East Mequon III LLC

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		



BAUER Sign & Lighting COMPANY

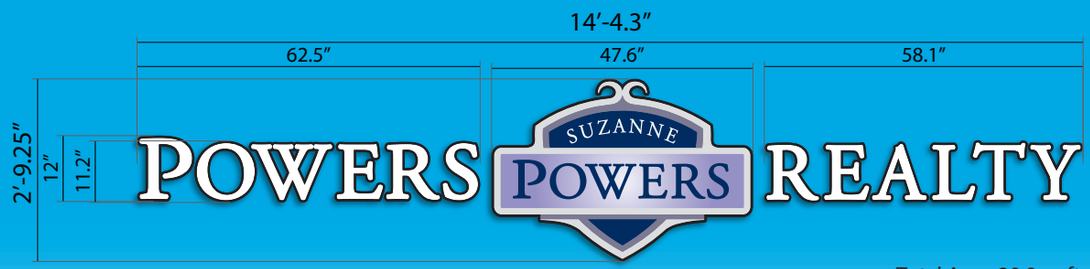
2500 South 170th
New Berlin, Wisconsin

Proudly Made in the USA!

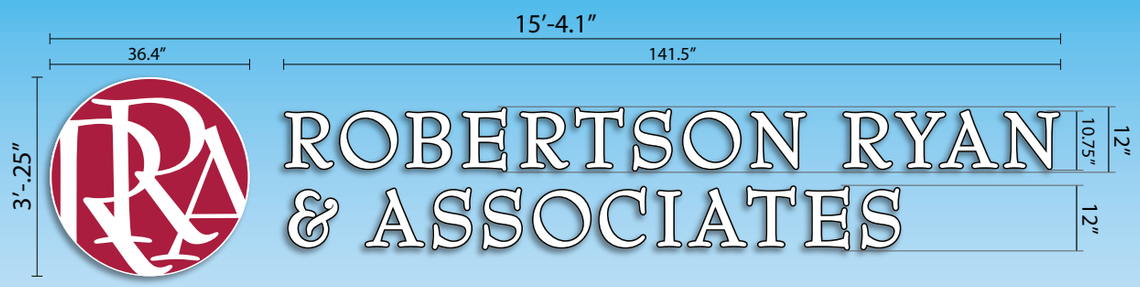
Web: www.bauersignusa.com
Phone: 262-784-0500
Fax: 262-787-6675

File	12308 N. Corporate Pky
Location	Mequon
Client	
Sales rep	Dave Sall
Date	cb 12/10/
Revision	SC 12/16/19, cb 12/31/19, cb 01/08/20

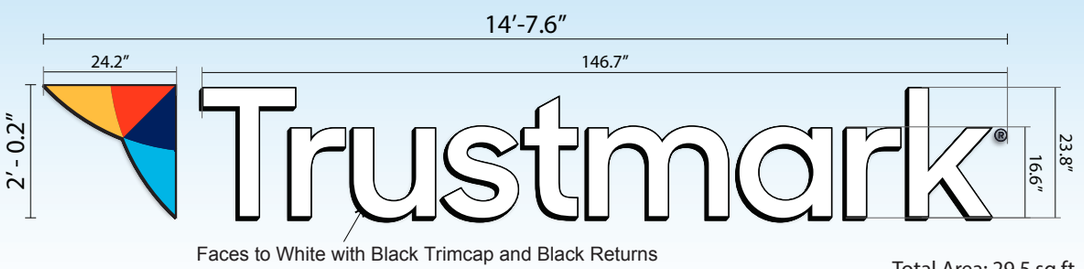
R:\B\Bob Patch\Artwork\Mequon\Artwork



Total Area: 39.8 sq ft.



Total Area: 46.3 sq ft.



Total Area: 29.5 sq ft.

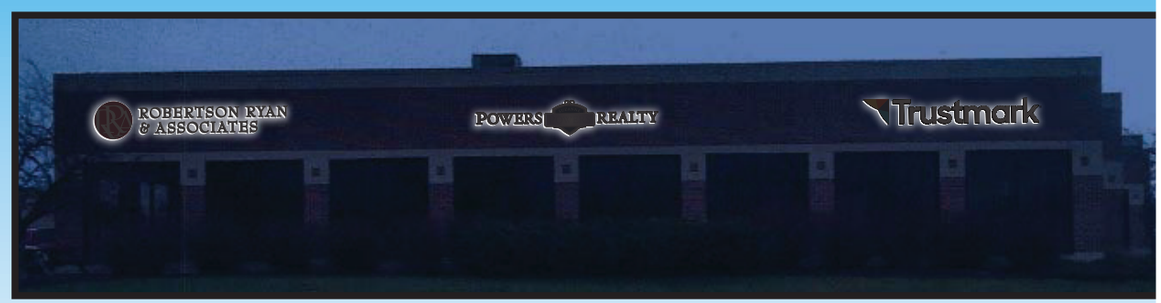


IMAGE FOR ILLUSTRATIVE PURPOSES ONLY
SIZING AND PLACEMENT APPROXIMATE

Exhibit B

Direct Mount, Halo Lit Channel Letters

Attachment: Packet Docs (4746 : East Mequon III, LLC)

Printed artwork colors are not always representative of final product colors. Please refer to specifications for call out or salesman for samples.

These drawings are the exclusive property of Bauer Sign Company. Not to be duplicated in any way without expressed written permission!

FINAL ELECTRICAL CONNECTION IS CLIENT'S RESPONSIBILITY

our products are certified by: Underwriters Laboratories, Inc.

This sign shall be manufactured in accordance with the Article 600 of the National Electrical Code and/or the applicable local codes. This includes proper grounding and bonding of the sign. Sign shall bear correct UL Labels.

Scale: 3/8"

BAUER Sign & Lighting COMPANY

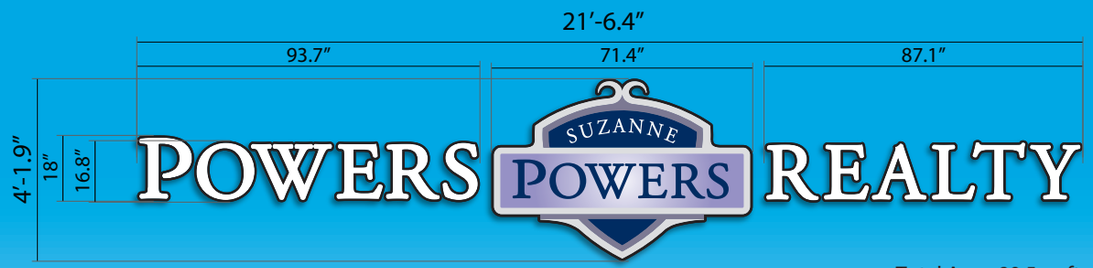
2500 South 170th
New Berlin, Wisconsin

Proudly Made in the USA!

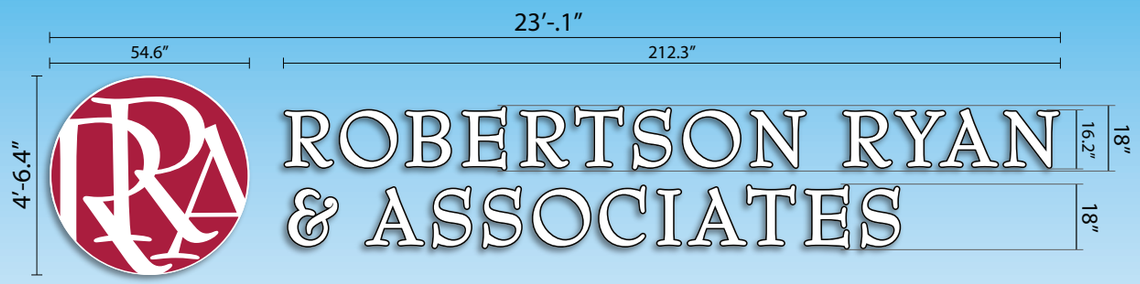
Web: www.bauersignusa.com
Phone: 262-784-0500
Fax: 262-787-6675

File	12308 N. Corporate Pky
Location	Mequon
Client	
Sales rep	Dave Sall
Date	cb 12/10/
Revision	SC 12/16/19, cb 12/31/19, cb 01/08/20

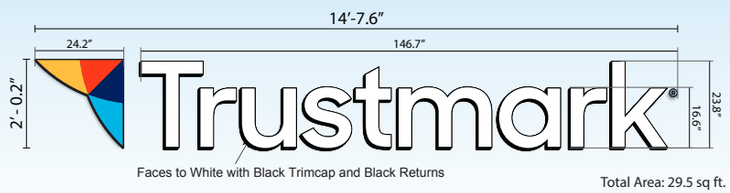
R:\B\Bob Patch\Artwork\Mequon\Artwork



Total Area: 89.5 sq ft.



Total Area: 104.3 sq ft.



Faces to White with Black Trimcap and Black Returns

Total Area: 29.5 sq ft.

IMAGE FOR ILLUSTRATIVE PURPOSES ONLY
SIZING AND PLACEMENT APPROXIMATE

Exhibit B

Direct Mount, Halo Lit Channel Letters

Attachment: Packet Docs (4746 : East Mequon III, LLC)

Printed artwork colors are not always representative of final product colors. Please refer to specifications for call out or salesman for samples.

These drawings are the exclusive property of Bauer Sign Company. Not to be duplicated in any way without expressed written permission!

FINAL ELECTRICAL CONNECTION IS CLIENT'S RESPONSIBILITY

our products are certified by: Underwriters Laboratories, Inc.

This sign shall be manufactured in accordance with the Article 600 of the National Electrical Code and/or the applicable local codes. This includes proper grounding and bonding of the sign. Sign shall bear correct UL Labels.

Scale: 1/4"= 1'

Sec. 62-12. - Signs facing I-43.

(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.

Attachment: Packet Docs (4746 : East Mequon III, LLC)

CITY OF MEQUON
WISCONSIN
PLANNING COMMISSION MINUTES
December 1, 2014

Commissioners present: Mayor Dan Abendroth, Brian Parrish, Patrick Marchese, John Mason, James Schaefer, Alderman Adams, Alt. Bessler (arrived at 7:30pm)

Staff members present: Jac Zader, Asst. Director of Community Development

James Keegan, Engineering Services Manager

Minutes of the meeting held on Monday, November 11, 2014 at 7:00 p.m. in the Common Council Chambers, Mequon City Hall, 11333 N. Cedarburg Road. [Note: Planning Commission meeting was audiotaped.]

1. a. Call to Order, Roll Call

b. Approval of the November 11, 2014 Planning Commission meeting.

Action:

Commissioner J. Schaeffer moved to approve the November 11, 2014 minutes.

Commissioner Parrish seconded the motion to approve minutes.

A voice vote was called. All voted aye, 6-0.

Regular Business

2. Techteriors LLC

Address: 12308 Corporate Parkway District: # 3 Tax Key: #15-017-10-007.00 Zoning: B-4

Request:

1. Minor Request – Sign Approval on I-43

Briefing:

The applicant is seeking approval for a new sign on their building facing I-43.

Staff Conditions of Approval:

1. Submittal of a sign permit to be reviewed and approved by staff.
2. All other requirements of the sign code shall be met.

Discussion:

Asst. Dir Jac Zader stated that in 2011 the Common Council amended the sign code to allow for signage facing I-43 although it does require Planning Commission approval for all signage. The renderings submitted comply with all the requirements of the sign code and staff feels that it is an appropriate and attractive sign for the development and recommends approves.

The applicants, John and Alex DeToro, asked for the approval of the sign to help build their brand and promote their business.

Attachment: Packet Docs (4746 : East Mequon III, LLC)

Alderman Adams asked about how lit signs were monitored and what hours the signs are allowed to be lit.

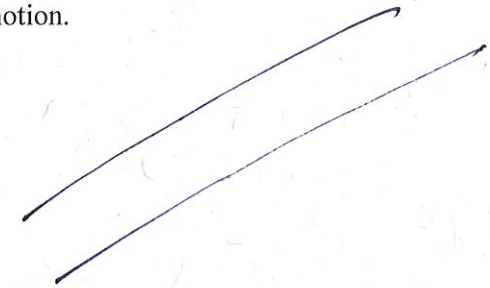
Asst. Dir. Zader stated that all signs are required to be off at the time of business close.

Action:

Commissioner Marchese moved to approve the motion.

Commissioner Parrish seconded the motion.

A voice vote was called, All voted aye, 6-0



3. **Mequon Town Center**

Address: 11205 -11315 N. Cedarburg Rd and 5900-6048 W Mequon Road District: #2

Tax Key: # 14-050-02-050.003 Zoning: TC

Address: 10922 N. Cedarburg Rd District: #6 Tax Key: # 14-171-0002.000 Zoning: B-3, FFO, FW

CANCELLED

Request:

2. Minor Request – Master Sign Plan

Briefing:

The applicant is seeking a master sign plan for the Mequon Town Center.

4. Andrew Petzold, Concord Development Company for Mark & Lynn Leonard

Address: 11409 N. Port Washington Road District: # 5 Tax Key: #15-019-13-014.00 Zoning: B-3

Address: 11421 N. Port Washington Road District: # 5 Tax Key: #15-019-13-013.00 Zoning: B-3

Request:

1. Building and Site plan
2. Certified Survey Map approval
3. Master Sign Plan

Briefing:

The applicant is seeking a building and site plan, certified survey map and master sign plan approval for a 13,800 square foot multi-tenant building.

Discussion: Asst. Dir. Zader stated that this item was cancelled from the previous month's meeting as a conditional use grant. It was a conditional use grant because the applicant was asking for waivers to code

Attachment: Packet Docs (4746 : East Mequon III, LLC)

CITY OF MEQUON
WISCONSIN
PLANNING COMMISSION MINUTES
January 12, 2015

Commissioners present: Mayor Dan Abendroth, John Stoker, Patrick Marchese, John Mason, James Schaefer, David Fuchs, Alderman Strzelczyk, Alt. Bessler, Alt. Becky Schaefer

Staff members present: Jac Zader, Asst. Director of Community Development

James Keegan, Engineering Services Manager

Minutes of the meeting held on Monday, December 1, 2014 at 7:00 p.m. in the Common Council Chambers, Mequon City Hall, 11333 N. Cedarburg Road. [Note: Planning Commission meeting was audiotaped.]

1. a. Call to Order, Roll Call

b. Approval of the December 1, 2014 Planning Commission meeting.

Action:

Commissioner Mason moved to approve the December 1, 2014 minutes.

Aldermen Strzelczyk seconded the motion to approve minutes.

A voice vote was called. All voted aye, 8-0.

Consent Items

2. Innovative Signs

Address: 12308 N Corporate Parkway District: #5 Tax Key: #15-017-10-007.00 Zoning: B-4

Request:
1. Minor Request – Sign Approval on I-43

Briefing:

The applicant is seeking approval for sign facing I-43 located at 12308 N Corporate Parkway.

3. Mequon Soccer Club

Address: 8200 W Donges Bay Road Tax Key: #14-028-15-006.00 & #14-028-09-002.00
District: #4 Zoning: R-3/CGO

Request:
1. Minor Land Division – CSM Approval

Briefing:

The applicant is seeking approval for a one lot certified survey map located at 8200 W Donges Bay Road.

Attachment: Packet Docs (4746 : East Mequon III, LLC)

City of Mequon

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: **January 13, 2020**

SUBJECT: **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.**

Applicant:	ICAP Development
Status of Applicant:	Offer to Purchase
Requested:	Building and Site Plan
Existing Use:	Vacant
Existing Zoning:	B-2 (Community Commercial) PUD (Planned Unit Development)
Land Use Plan:	Community Commercial
Lot size:	1.4 acres
Location:	10865-10911 N. Port Washington Road
Tax Key:	#15-030-04-010.00
District:	#6

Background:
The applicant is requesting building and site plan approval for a new credit union at 10865-10911 N Port Washington Road. The new development is part of the recently approved PUD (Ord 2019-1550) that included a total of nine acres of land and five potential building sites. There are two other items on the consent agenda related to this item. The Certified Survey Map application will create the initial three lots of the development including the site for the credit union and the PUD amendment will allow for the lots to be less than the 2-acre lot size requirement. The building and site plan request will be conditioned on both of these items being approved.

B-2 District Standards: The following table compares the proposed plan to the B-2 district standards:

District Regulations:	**B-2:**	**Proposed Use:**
Minimum Lot Area:	2 acres	**1.4 acre***
Minimum Lot Width:	150 feet	195 feet
Open Space Ratio:	40%	**38.27%***
Maximum FAR:	30%	5.7%
Maximum Building Height:	42 feet	27 feet
Building Setback	95 feet	95 feet
Building North Side Yard Offset:	20 feet	97 feet
Building South Side Yard Offset	20 feet	32 feet
Building West Side Yard Offset:	20 feet	140 feet

Minimum Parking Setback:	25 feet	25 feet
Minimum Parking Offset:	20 feet	25 feet
Off-Street Parking:	28 stalls	32 stalls

* Approved by PUD Ordinance

Site Plan:
The applicant has modified the site plan in response to staff comments at the time of the consultation. The proposed site currently shows 32 parking spaces which is reduced from the 36 stalls shown on the previous plan. The 32 stalls exceed the 28 stalls required by code. The angle parking stalls on west end of the site have been replaced by three parallel stalls. This will provide for additional space for vehicles maneuvering around the drive thru. The plan meets all other site design criteria of the code except for the green space ratio and the total lot area. The green space ratio of 38.27% falls short of the code required 40%. As the Commissioners may recall, the PUD (see attached Ord. 2019-) requires the entire area to comply with the 40% and allows flexibility on a site by site basis. The B-2 zoning district requires a minimum lot size of two acres. The proposed site is 1.48 acres in size. The proposed amendment to the PUD will address the ability to allow for the lots to be less than two acres. One of the primary reasons for this deviation is the decision to place the storm water facilities in an outlot. Staff is supportive of this configuration, since the facilities will be governed by an association of all the parcel owners.

Building Design:
The building materials include brick, precast stone, and aluminum windows. Accent materials include cedar columns, aluminum soffit and fascia and metal wall panels. The applicant has updated the design since the consultation with the following changes:

- Brick detail/roof cap added around the premier of the building
- Brick recess added along the east wall at building wall sign location

After the December meeting, staff reached out to the applicant to discuss several design issues that were brought up by Commission members. Other than the minor changes detailed above, the applicant was not willing to make any other modifications to the building. The Commission will have to determine whether the proposed changes are acceptable or whether further modifications are warranted. The applicant states that they will have material samples available at the meeting.

At the request of staff, the applicant has submitted elevations that show which of the windows will be treated with window shades (see attached). The applicant will be using a chocolate linen roller shade with 3% openness on a majority of the windows on the east, north and south elevations.

Lighting Plan:
The proposed lighting plan includes parking lot lights, recessed can lights and a wall pack. The parking lot lights are mounted at 16 feet in height which complies with code. The dispersion plan shows the average parking lot illumination is 2.3 foot-candles which is slightly above the 2.0 foot-candle requirement. Staff recommends modifications to plan to meet the code required maximum through a staff approval, but should it not be feasible, staff doesn't have an issue with the slight exceedance to the code as it would be visually imperceptible to the eye. All other aspects of the plan are in compliance with the lighting code.

Landscape Plan:
The plan was submitted to the city's landscape architect consultant, Terry Higgins, for review and comment. Based on his review, staff will require the applicant resubmit the plan with the following changes:

1. Minimum 3" caliper for all proposed deciduous trees.

2. Minimum height of 7 feet for all proposed evergreen trees.
3. Replace malus trees in parking lot area with a more typical canopy tree.
4. Provide street trees along Port Washington road at 35-foot intervals

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

Port Washington Road is the jurisdiction of Ozaukee County, approval of the alignment and location of the access points is subject to Ozaukee County approval. As proposed, the site has two access points. Access to the site is proposed to be at an existing access to the south of the proposed building and a new access to the north of the proposed building. The change in usage may warrant a reconfiguration of the median opening on Port Washington Road. A traffic study was completed and provided to the City for this development. The intersection improvements as identified in the TIA shall be incorporated with or prior to the development of this parcel.

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 with concurrence by the Wisconsin Department of Natural Resources was performed and the wetlands were considered exempt. The exemption of the wetlands has been received, but the report has not. The wetland delineation report is required to be provided to the City.

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 and therefore requires a stormwater management plan (SWMP). The proposed site will be required to provide stormwater management to meet the current City of Mequon, WDNR and MMSD criteria.

A Filling and Excavation permit is required for any export or import of materials. The total amount of filling and excavation is anticipated to be less than 1,000 cubic yards; however, should the filling or excavation exceed 1,000 cubic yards a haul route would be reviewed and approved by staff with the site grading. A haul route bond of $5,000 would be required if the haul route utilizes local roads. These requirements are consistent with other sites that include hauling greater than 1,000 cubic yards.

Staff Comment:
Planning staff recommends **approval** of the building and site plan approval based on the following conditions:

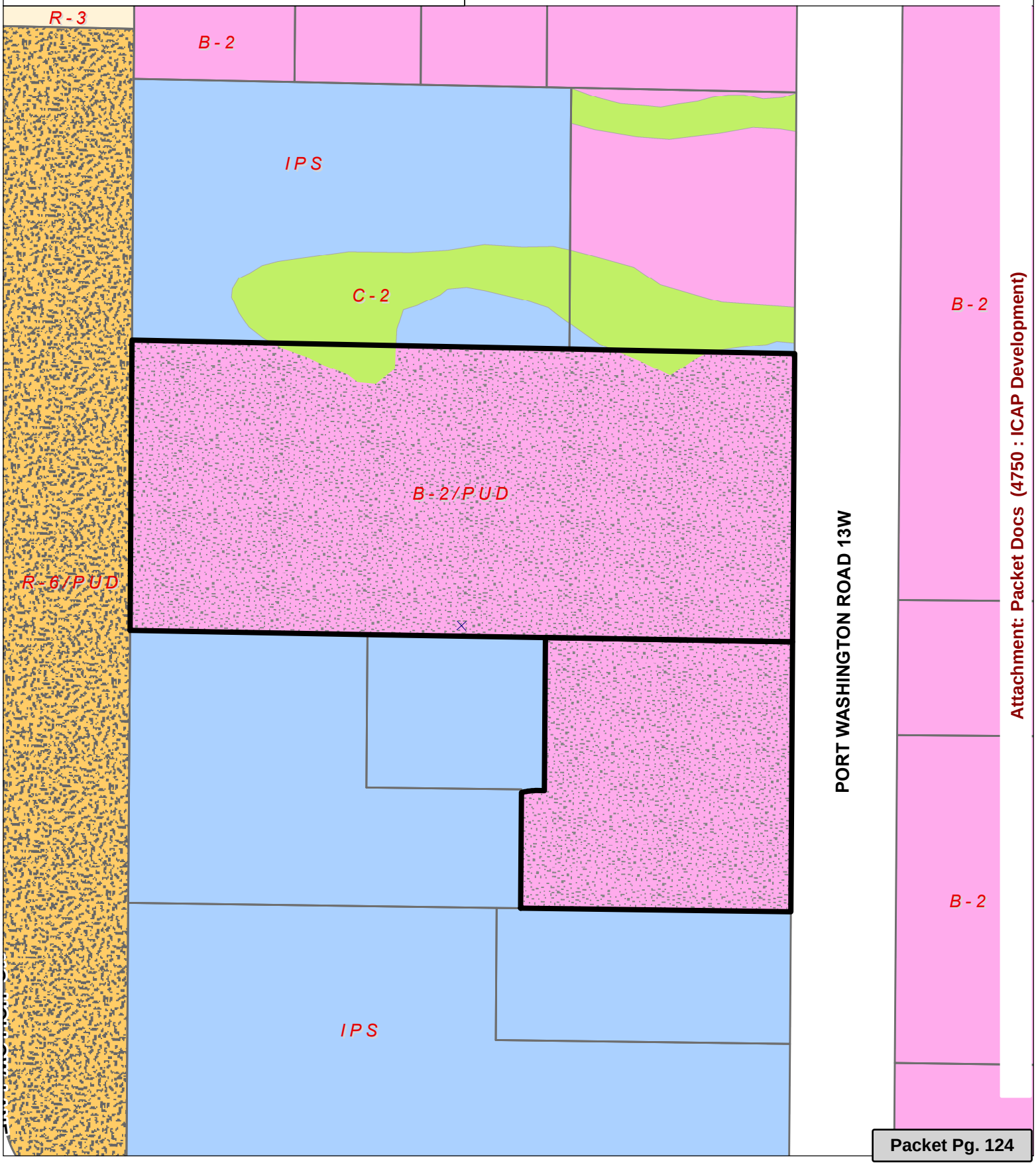
1. Planning Commission approval of the Certified Survey Map.
2. Common Council approval of the PUD Amendment.
3. Compliance with Ord. 2019-1550
4. The landscaping plan shall be updated to address the following issues:
    - Minimum 3" caliper for all proposed deciduous trees.
    - Minimum height of 7 feet for all proposed evergreen trees.
    - Replace malus trees in parking lot area with a more typical canopy tree.
    - Provide street trees along Port Washington road at 35-foot intervals

5. Staff review and approval of final site, building and lighting prior to issuance of permits. The applicant shall submit such plan within 30 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.
6. Engineering Division review and approval of grading, drainage, sanitary sewer, watermain, and erosion control plans in conformance to City ordinances and the Standard Specifications for Land Development.
7. The intersection improvements as identified in the TIA shall be incorporated with or prior to the development of this parcel and approved by Ozaukee County.
8. Connection to public water and sanitary sewer.
9. Applicant shall provide the wetland delineation report.
10. Application for and approval of a City erosion control permit, subject to applicable fees and conditioned upon WDNR issuance of a WRAPP permit.
11. Application for and approval of a City Filling and Excavation Permit.
12. Filling or Excavation greater than 1,000 cubic yards requires staff approval of a haul route and a haul route bond of $5,000 if local roads are utilized.
13. Approval of a storm water management plan for the site in conformance to City ordinances, WDNR and MMSD Chapter 13, including execution of a Storm Water Facilities Maintenance and Easement Agreement.
14. 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)

ICAP Development

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 (4750 : ICAP Development)

THESE PLANS AND DESIGNS ARE COPYRIGHT PROTECTED AND MAY NOT BE USED IN WHOLE OR IN PART WITHOUT THE WRITTEN CONSENT OF PINNACLE ENGINEERING GROUP, LLC

ONSITE CIVIL ENGINEERING INFRASTRUCTURE PLANS

FOR

CREDIT UNION

10865-10911 N PORT WASHINGTON RD, MEQUON, WI

PLANS PREPARED
FOR

ICAP DEVELOPMENT

833 E MICHIGAN ST, SUITE 510
MILWAUKEE, WI 53202

LOCATION MAP
SCALE: 1" = 200'

INDEX OF SHEETS

C-1	COVER SHEET
C-2	GENERAL NOTES
C-3	EXISTING CONDITIONS AND DEMO PLAN
C-4	SITE, DIMENSIONAL, AND PAVING PLAN
C-5	GRADING AND EROSION PLAN
C-6	SPOT GRADE PLAN
C-7	UTILITY PLAN
C-8	CONSTRUCTION DETAILS

GOVERNMENT CONTACTS

ASSISTANT CITY ENGINEER:
BRIDGET HENK, P.E.
CITY OF MEQUON
11333 N. CEDARBURG RD.
MEQUON, WI 53092
MAIN: (262) 236-2957
bhenk@ci.mequon.wi.us

LEGEND

	EXISTING	PROPOSED
SANITARY SEWER MANHOLE	◎	◉
STORM SEWER MANHOLE	◎	◉
STORM SEWER AREA DRAIN		▮
STORM SEWER INLET (ROUND CASTING)	○	●
STORM SEWER INLET (RECTANGULAR CASTING)	□	■
PRECAST FLARED END SECTION	◁	▶
CONCRETE HEADWALL	⊂	⊂
VALVE VAULT	⊗	⊕
VALVE BOX	▪	◪
FIRE HYDRANT		
BUFFALO BOX	⊙	●
CLEANOUT	⊠	⊞
SANITARY SEWER		
FORCE MAIN		
STORM SEWER		
DRAIN TILE		
WATER MAIN	W	W
UTILITY CROSSING		V
LIGHTING		
ELECTRICAL CABLE	E	E
OVERHEAD WIRES	OHW	OHW
CAUTION EXISTING UTILITIES NEARBY		CAUTION
ELECTRICAL TRANSFORMER OR PEDESTAL		
POWER POLE		
POWER POLE WITH LIGHT		
STREET SIGN		
GAS MAIN	G	G
TELEPHONE LINE	T	T
CONTOUR	749	749
SPOT ELEVATION	×(750.00)	×750.00
WETLANDS		
FLOODWAY		
FLOODPLAIN		
HIGH WATER LEVEL (HWL)		
NORMAL WATER LEVEL (NWL)		
DIRECTION OF SURFACE FLOW		
DITCH OR SWALE		
DIVERSION SWALE		
OVERFLOW RELIEF ROUTING		
TREE WITH TRUNK SIZE	6" 12"	6" 12"
SOIL BORING		B1
TOPSOIL PROBE		P1
FENCE LINE, TEMPORARY SILT	SF	SF
FENCE LINE, WIRE		
FENCE LINE, CHAIN LINK OR IRON		
FENCE LINE, WOOD OR PLASTIC		
CONCRETE SIDEWALK		
CURB AND GUTTER		
DEPRESSED CURB		
REVERSE PITCH CURB & GUTTER		
EASEMENT LINE		

ABBREVIATIONS

BL	BASE LINE	NWL	NORMAL WATER LEVEL
C	LONG CHORD OF CURVE	PC	POINT OF CURVATURE
C & G	CURB AND GUTTER	PT	POINT OF TANGENCY
CB	CATCH BASIN	PVI	POINT OF VERTICAL INTERSECTION
CL	CENTERLINE	R	RADIUS
D	DEGREE OF CURVE	ROW	RIGHT-OF-WAY
EP	EDGE OF PAVEMENT	SAN	SANITARY SEWER
FF	FINISHED FLOOR	ST	STORM SEWER
FG	FINISHED GRADE	T	TANGENCY OF CURVE
FL	FLOW LINE	TB	TOP OF BANK
FP	FLOODPLAIN	TC	TOP OF CURB
FR	FRAME	TF	TOP OF FOUNDATION
FW	FLOODWAY	TP	TOP OF PIPE
HWL	HIGH WATER LEVEL	TS	TOP OF SIDEWALK
INV	INVERT	TW	TOP OF WALK
L	LENGTH OF CURVE	WM	WATER MAIN
MH	MANHOLE	Δ	INTERSECTION ANGLE
NTS	NOT TO SCALE		

GENERAL NOTES

1. THE INTENTION OF THE PLANS AND SPECIFICATIONS IS TO SET FORTH PERFORMANCE AND CONSTRUCTION MATERIAL STANDARDS FOR THE PROPER EXECUTION OF WORK. ALL WORKS CONTAINED WITHIN THE PLANS AND SPECIFICATIONS SHALL BE COMPLETED IN ACCORDANCE WITH ALL REQUIREMENTS FROM LOCAL, STATE, FEDERAL OR OTHER GOVERNING AGENCY'S LAWS, REGULATIONS, JURISDICTIONAL ORDINANCES/CODES/RULES/ETC., AND THE OWNER'S DIRECTION.
2. A GEOTECHNICAL REPORT HAS BEEN PREPARED BY TERRACON DATED 02-05-2019 FOR THE PROJECT SITE. THE DATA ON SUB-SURFACE SOIL CONDITIONS IS NOT INTENDED AS A REPRESENTATION OR WARRANTY OF THE CONTINUITY OF SUCH CONDITIONS BETWEEN BORINGS OR INDICATED SAMPLING LOCATIONS. IT SHALL BE EXPRESSLY UNDERSTOOD THAT OWNER WILL NOT BE RESPONSIBLE FOR ANY INTERPRETATIONS OR CONCLUSIONS DRAWN THERE FROM BY THE CONTRACTOR. DATA IS MADE AVAILABLE FOR THE CONVENIENCE OF THE CONTRACTOR. THE CONTRACTOR IS RESPONSIBLE FOR PERFORMING ANY ADDITIONAL SOILS INVESTIGATIONS THEY FEEL IS NECESSARY FOR THE PROPER EVALUATION OF THE SITE FOR PURPOSES OF PLANNING, BIDDING, OR CONSTRUCTING THE PROJECT AT NO ADDITIONAL COST TO THE OWNER.
3. THE CONTRACTOR IS RESPONSIBLE TO REVIEW AND UNDERSTAND ALL COMPONENTS OF THE PLANS AND SPECIFICATIONS, INCLUDING FIELD VERIFYING SOIL CONDITIONS, PRIOR TO SUBMISSION OF A BID PROPOSAL.
4. THE CONTRACTOR SHALL PROMPTLY REPORT ANY ERRORS OR AMBIGUITIES LEARNED AS PART OF THEIR REVIEW OF PLANS, SPECIFICATIONS, REPORTS AND FIELD INVESTIGATIONS.
5. THE CONTRACTOR IS SOLELY RESPONSIBLE FOR THE COMPUTATION OF QUANTITIES AND WORK REQUIRED TO COMPLETE THIS PROJECT. THE CONTRACTOR'S BID SHALL BE BASED ON ITS OWN COMPUTATIONS AND IN NO SUCH INSTANCE RELY ON THE ENGINEER'S ESTIMATE.
6. QUESTIONS/CLARIFICATIONS WILL BE INTERPRETED BY ENGINEER/OWNER PRIOR TO THE AWARD OF CONTRACT. ENGINEER/OWNER WILL SUBMIT OFFICIAL RESPONSES IN WRITING. INTERPRETATIONS PRESENTED IN OFFICIAL RESPONSES SHALL BE BINDING ON ALL PARTIES ASSOCIATED WITH THE CONTRACT. IN NO WAY SHALL WORD-OF-MOUTH DIALOG CONSTITUTE AN OFFICIAL RESPONSE.
7. PRIOR TO START OF WORK, CONTRACTOR SHALL BE COMPLETELY FAMILIAR WITH ALL CONDITIONS OF THE SITE, AND SHALL ACCOUNT FOR CONDITIONS THAT AFFECT, OR MAY AFFECT CONSTRUCTION INCLUDING, BUT NOT LIMITED TO, LIMITATIONS OF WORK ACCESS, SPACE LIMITATIONS, OVERHEAD OBSTRUCTIONS, TRAFFIC PATTERNS, LOCAL REQUIREMENTS, ADJACENT ACTIVITIES, ETC. FAILURE TO CONSIDER SITE CONDITIONS SHALL NOT BE CAUSE FOR CLAIM OF JOB EXTRAS.
8. COMMENCEMENT OF CONSTRUCTION SHALL EXPLICITLY CONFIRM THAT THE CONTRACTOR HAS REVIEWED THE PLANS AND SPECIFICATIONS IN ENTIRETY AND CERTIFIES THAT THEIR SUBMITTED BID PROPOSAL CONTAINS PROVISIONS TO COMPLETE THE PROJECT, WITH THE EXCEPTION OF UNFORESEEN FIELD CONDITIONS; ALL APPLICABLE PERMITS HAVE BEEN OBTAINED; AND CONTRACTOR UNDERSTANDS ALL OF THE REQUIREMENTS OF THE PROJECT.
9. SHOULD ANY DISCREPANCIES OR CONFLICTS IN THE PLANS OR SPECIFICATIONS BE DISCOVERED AFTER THE AWARD OF CONTRACT, ENGINEER SHALL BE NOTIFIED IN WRITING IMMEDIATELY AND CONSTRUCTION OF ITEMS AFFECTED BY THE DISCREPANCIES/CONFLICTS SHALL NOT COMMENCE, OR CONTINUE, UNTIL A WRITTEN RESPONSE FROM ENGINEER/OWNER IS DISTRIBUTED. IN THE EVENT OF A CONFLICT BETWEEN REFERENCED CODES, STANDARDS, SPECIFICATIONS AND PLANS, THE ONE ESTABLISHING THE MOST STRINGENT REQUIREMENTS SHALL BE FOLLOWED.
10. THE CONTRACTOR SHALL, AT ITS OWN EXPENSE, OBTAIN ALL NECESSARY PERMITS AND LICENSES TO COMPLETE THE PROJECT. OBTAINING PERMITS, OR DELAYS, IS NOT CAUSE FOR DELAY OF THE CONTRACT OR SCHEDULE. CONTRACTOR SHALL COMPLY WITH ALL PERMIT REQUIREMENTS.
11. THE CONTRACTOR SHALL NOTIFY ALL INTERESTED GOVERNING AGENCIES, UTILITY COMPANIES AFFECTED BY THIS CONSTRUCTION PROJECT, AND DIGGER'S HOTLINE IN ADVANCE OF CONSTRUCTION TO COMPLY WITH ALL JURISDICTIONAL ORDINANCES/CODES/RULES/ETC., PERMIT STIPULATIONS, AND OTHER APPLICABLE STANDARDS.
12. SAFETY IS THE SOLE RESPONSIBILITY OF THE CONTRACTOR. THE CONTRACTOR SHALL BE RESPONSIBLE TO INITIATE, INSTITUTE, ENFORCE, MAINTAIN, AND SUPERVISE ALL SAFETY PRECAUTIONS AND JOB SITE SAFETY PROGRAMS IN CONNECTION WITH THE WORK.
13. CONTRACTOR SHALL KEEP THE JOBSITE CLEAN AND ORDERLY AT ALL TIMES. ALL LOCATIONS OF THE SITE SHALL BE KEPT IN A WORKING MANNER SUCH THAT DEBRIS IS REMOVED CONTINUOUSLY AND ALL RESPECTIVE CONTRACTORS OPERATE UNDER GENERAL "GOOD HOUSEKEEPING."
14. THE CONTRACTOR SHALL INDEMNIFY THE OWNER, ENGINEER, AND THEIR AGENTS FROM ALL LIABILITY INVOLVED WITH THE CONSTRUCTION, INSTALLATION, AND TESTING OF THE WORK ON THIS PROJECT.

PROJECT TEAM CONTACTS

CIVIL ENGINEER:
MARK SEIDL, P.E.
PINNACLE ENGINEERING GROUP
20275 WATERTOWN ROAD, SUITE 100
BROOKFIELD, WI 53186
MAIN: (262) 754-8888
E-MAIL: mseid@pinnacle-engr.com

SURVEYOR:
STEPHAN G. SOUTHWELL, P.L.S.
RA SMITH
16745 W. BLUEMOUND ROAD
BROOKFIELD, WI 53005
MAIN: (262) 781-1000
E-MAIL: steve.southwell@rasmith.com

APPLICANT/OWNER:
JERAD PROTASKEY
ICAP DEVELOPMENT
833 E MICHIGAN ST, SUITE 510
MILWAUKEE, WI 53202
E-MAIL: jerad.protaskey@icap-dev.com

DIGGERS HOTLINE
Toll Free (800) 242-8511
Milwaukee Area (414) 259-1181
Hearing Impaired TDD (800) 542-2289
www.diggershotline.com

PINNACLE ENGINEERING GROUP, LLC
ENGINEER'S LIMITATION

PINNACLE ENGINEERING GROUP, LLC AND THEIR CONSULTANTS DO NOT WARRANT OR GUARANTEE THE ACCURACY AND COMPLETENESS OF THE DELIVERABLES HEREIN BEYOND A REASONABLE DILIGENCE. IF ANY MISTAKES, OMISSIONS, OR DISCREPANCIES ARE FOUND TO EXIST WITHIN THE DELIVERABLES, THE ENGINEER SHALL BE PROMPTLY NOTIFIED PRIOR TO BID SO THAT HE MAY HAVE THE OPPORTUNITY TO TAKE WHATEVER STEPS NECESSARY TO RESOLVE THEM. FAILURE TO PROMPTLY NOTIFY THE ENGINEER OF SUCH CONDITIONS SHALL ABSOLVE THE ENGINEER FROM ANY RESPONSIBILITY FOR THE CONSEQUENCES OF SUCH FAILURE. ACTIONS TAKEN WITHOUT THE KNOWLEDGE AND CONSENT OF THE ENGINEER, OR IN CONTRADICTION TO THE ENGINEER'S DELIVERABLES OR RECOMMENDATIONS, SHALL BECOME THE RESPONSIBILITY NOT OF THE ENGINEER BUT OF THE PARTIES RESPONSIBLE FOR TAKING SUCH ACTION.

FURTHERMORE, PINNACLE ENGINEERING GROUP, LLC IS NOT RESPONSIBLE FOR CONSTRUCTION SAFETY OR THE MEANS AND METHODS OF CONSTRUCTION.

REVIEWED: MTS
DESIGNED: ACT
DRAFTED: ACT

PLAN I DESIGN I DELIVER
www.pinnacle-engr.com

PINNACLE ENGINEERING GROUP
ENGINEERING I NATURAL RESOURCES I SURVEYING

WISCONSIN OFFICE:
20725 WATERTOWN ROAD, SUITE 100
BROOKFIELD, WI 53186
(262) 754-8888
CHICAGO I MILWAUKEE - NATIONWIDE

CREDIT UNION

10865-10911 N PORT WASHINGTON RD, MEQUON, WI

COVER SHEET

REVISIONS

1	REV PER PC CONSULTATION	12/12/19

PEG JOB No. 1524.00A
PEG PM MTS
START DATE 10/04/19
SCALE N.T.S

SHEET
C-1
C-8

© COPYRIGHT 2019

COVER SHEET

Z:\PROJECTS\2018\1524.00A-WI\CAD\SHEETS\C-1 COVER SHEET.DWG

Attachment: Packet Docs (4750 : ICAP Development)

THESE PLANS AND DESIGNS ARE COPYRIGHT PROTECTED AND MAY NOT BE USED IN WHOLE OR IN PART WITHOUT THE WRITTEN CONSENT OF PINNACLE ENGINEERING GROUP, LLC

GENERAL SPECIFICATIONS FOR CONSTRUCTION ACTIVITIES

1. THE PROPOSED IMPROVEMENTS SHALL BE CONSTRUCTED ACCORDING TO THE WISCONSIN D.O.T. STANDARD SPECIFICATIONS FOR HIGHWAY AND STRUCTURE CONSTRUCTION, LATEST EDITION, THE STANDARD SPECIFICATIONS FOR SEWER & WATER IN WISCONSIN, AND WISCONSIN ADMINISTRATIVE CODE, SPS 360, 382-383, AND THE LOCAL ORDINANCES AND SPECIFICATIONS.
2. THE CONTRACTOR SHALL OBTAIN ALL PERMITS REQUIRED FOR EXECUTION OF THE WORK. THE CONTRACTOR SHALL CONDUCT HIS WORK ACCORDING TO THE REQUIREMENTS OF THE PERMITS.
3. THE CONTRACTOR SHALL NOTIFY THE OWNER AND THE MUNICIPALITY FORTY- EIGHT (48) HOURS PRIOR TO THE START OF CONSTRUCTION.
4. THE MUNICIPALITY SHALL HAVE THE RIGHT TO INSPECT, APPROVE, AND REJECT THE CONSTRUCTION OF THE PUBLIC PORTIONS OF THE WORK. THE OWNER SHALL HAVE THE RIGHT TO INSPECT, APPROVE, AND REJECT THE CONSTRUCTION OF ALL PRIVATE PORTIONS OF THE WORK.
5. THE CONTRACTOR SHALL INDEMNIFY THE OWNER, THE ENGINEER, AND THE MUNICIPALITY, THEIR AGENTS, ETC, FROM ALL LIABILITY INVOLVED WITH THE CONSTRUCTION, INSTALLATION, AND TESTING OF THE WORK ON THIS PROJECT.
6. SITE SAFETY SHALL BE THE SOLE RESPONSIBILITY OF THE CONTRACTOR.
7. THE CONTRACTOR IS RESPONSIBLE FOR FIELD VERIFYING ALL UTILITY INFORMATION SHOWN ON THE PLANS PRIOR TO THE START OF CONSTRUCTION. THE CONTRACTOR SHALL CALL DIGGER'S HOTLINE AT 1-800-242-8511 TO NOTIFY THE UTILITIES OF HIS INTENTIONS, AND TO REQUEST FIELD STAKING OF EXISTING UTILITIES.
8. SILT FENCE AND OTHER EROSION CONTROL FACILITIES MUST BE INSTALLED PRIOR TO CONSTRUCTION OR ANY OTHER LAND DISTURBING ACTIVITY. FOLLOW THE SEQUENCE OF CONSTRUCTION ON THE GRADING & EROSION CONTROL PLAN FOR MORE DETAILS. INSPECTIONS SHALL BE MADE WEEKLY OR AFTER EVERY RAINFALL OF 0.5" OR MORE. REPAIRS SHALL BE MADE IMMEDIATELY. THE CONTRACTOR SHALL BE RESPONSIBLE FOR REMOVING ALL EROSION CONTROL FACILITIES ONCE THE THREAT OF EROSION HAS PASSED WITH THE APPROVAL OF THE GOVERNING AGENCY.
9. ANY ADJACENT PROPERTIES OR ROAD RIGHT-OF-WAYS WHICH ARE DAMAGED DURING CONSTRUCTION MUST BE RESTORED BY THE CONTRACTOR.
10. TRASH AND DEBRIS SHALL BE NOT BE ALLOWED TO ACCUMULATE ON THIS SITE AND THE SITE SHALL BE CLEAN UPON COMPLETION OF WORK.
11. THE OWNER SHALL HAVE THE RIGHT TO HAVE ALL MATERIALS USED IN CONSTRUCTION TESTED FOR COMPLIANCE WITH THESE SPECIFICATIONS.
12. SPOT ELEVATIONS REPRESENT THE GRADE ON PAVEMENT SURFACE OR FLOW LINE UNLESS OTHERWISE NOTED.
13. THE CONTRACTOR SHALL IMMEDIATELY NOTIFY ENGINEER/OWNER IF GROUNDWATER IS ENCOUNTERED DURING EXCAVATION.
14. WORK WITHIN ANY ROADWAY RIGHT-OF-WAY SHALL BE COORDINATED WITH THE APPROPRIATE MUNICIPAL OFFICIAL PRIOR TO COMMENCEMENT OF ANY CONSTRUCTION ACTIVITIES. CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND FEES. GRADING WITHIN RIGHT-OF-WAY IS SUBJECT TO APPROVAL BY SAID OFFICIALS. RESTORATION OF RIGHT-OF-WAY IS CONSIDERED INCIDENTAL AND SHALL BE INCLUDED IN THE COST OF GRADING. RESTORATION SHALL INCLUDE ALL ITEMS NECESSARY TO RESTORE RIGHT-OF-WAY IN-KIND INCLUDING LANDSCAPING.
15. CONTRACTOR SHALL COMPLY WITH ALL CITY OF MEQUON CONSTRUCTION STANDARDS/ORDINANCES.
16. LANDSCAPE AND TURF AREAS SHALL HAVE A MINIMUM OF 4-INCH TOPSOIL REPLACEMENT.

SPECIFICATIONS FOR GRADING & EROSION CONTROL

1. THE CONTRACTOR SHALL ASSUME SOLE RESPONSIBILITY FOR THE COMPUTATIONS OF ALL GRADING AND FOR ACTUAL LAND BALANCE, INCLUDING UTILITY TRENCH SPOIL. THE CONTRACTOR SHALL IMPORT OR EXPORT MATERIAL AS NECESSARY TO COMPLETE THE PROJECT. CONTRACTOR SHALL NOTIFY OWNER OF THE NEED TO IMPORT OR HAUL OFF SOIL. ON-SITE LOCATIONS SUITABLE FOR BORROW OR FILL MAY BE PRESENT. COORDINATE WITH OWNER.
2. THE CONTRACTOR IS RESPONSIBLE FOR VERIFYING SOIL CONDITIONS PRIOR TO COMMENCEMENT OF CONSTRUCTION. A GEOTECHNICAL REPORT MAY BE AVAILABLE FROM THE OWNER.
3. SITE SHALL BE CLEARED TO THE LIMITS SHOWN ON THE PLANS. REMOVE VEGETATION FROM THE SITE. BURNING IS NOT PERMITTED. PROTECT TREES AND OTHER FEATURES FROM DAMAGE WITH FENCING. STOCKPILES SHALL NOT BE LOCATED CLOSER THAN 25' TO A DRAINAGE STRUCTURE OR FEATURE AND SHALL BE SURROUNDED WITH SILT FENCE.
4. THE GEOTECHNICAL ENGINEER IS RESPONSIBLE FOR VERIFYING COMPACTION AND FILL PLACEMENT IN THE FIELD. THE GEOTECHNICAL ENGINEER MAY SUPERCEDE THESE SPECIFICATIONS IF THERE IS GOOD CAUSE TO DO SO. AN EXPLANATION MUST BE SUBMITTED TO THE ENGINEER IN WITTING BEFORE ANY DEVIATIONS ARE MADE.
5. IF NO GEOTECHNICAL RECOMMENDATION IS AVAILABLE, THEN THE FOLLOWING SPECIFICATIONS SHALL APPLY. ALL FILL SHALL BE CONSIDERED STRUCTURAL FILL AND SHALL BE PLACED IN ACCORDANCE WITH THE FOLLOWING: THE COMPACTED FILL SUBGRADE SHALL CONSIST OF AND SHALL BE UNDERLAIN BY SUITABLE BEARING MATERIALS, FREE OF ALL ORGANIC, FROZEN OR OTHER DELETERIOUS MATERIAL AND INSPECTED AND APPROVED BY THE RESIDENT GEOTECHNICAL ENGINEER. PREPARATION OF THE SUBGRADE, AFTER STRIPPING, SHALL CONSIST OF PROOF-ROLLING TO DETECT UNSTABLE AREAS THAT MIGHT BE UNDERCUT, AND COMPACTING THE SCARIFIED SURFACE TO THE SAME MINIMUM DENSITY INDICATED BELOW. THE COMPACTED FILL MATERIALS SHALL BE FREE OF ANY DELETERIOUS, ORGANIC OR FROZEN MATTER AND SHALL HAVE A MAXIMUM LIQUID LIMIT (ASTM-D-423) AND PLASTICITY INDEX (ASTM D-424) IF 30 AND 10 RESPECTFULLY, UNLESS SPECIFICALLY TESTED AND FOUND TO HAVE LOW EXPANSIVE PROPERTIES AND APPROVED BY AN EXPERIENCED SOILS ENGINEER. THE TOP TWELVE (12") INCHES OF COMPACTED FILL SHOULD HAVE A MAXIMUM THREE (3") INCH PARTICLE DIAMETER AND ALL UNDERLYING COMPACTED FILL A MAXIMUM SIX (6") INCH PARTICLE DIAMETER UNLESS SPECIFICALLY APPROVED BY AN EXPERIENCED SOILS ENGINEER. ALL FILL MATERIAL MUST BE TESTED AND APPROVED UNDER THE DIRECTION AND SUPERVISION OF AN EXPERIENCED SOILS ENGINEER PRIOR TO PLACEMENT. IF THE FILL IS TO PROVIDE NON-FROST SUSCEPTIBLE CHARACTERISTICS, IT MUST BE CLASSIFIED AS A CLEAN GW, GP, SW, OR SP PER UNITED SOIL CLASSIFICATION SYSTEM (ASTM D-2487). FOR STRUCTURAL FILL THE DENSITY OF THE STRUCTURAL COMPACTED FILL AND SCARIFIED SUBGRADE AND GRADES SHALL NOT BE LESS THAN 95 PERCENT OF THE MAXIMUM DRY DENSITY AS DETERMINED BY THE STANDARD PROCTOR (ASTM D-698) WITH THE EXCEPTION TO THE TOP 12 INCHES OF PAVEMENT SUBGRADE WHICH SHALL A MINIMUM IN-SITU DENSITY OF 100 PERCENT OF THE MAXIMUM DRY DENSITY, OR 5 PERCENT HIGHER THAN UNDERLYING FILL MATERIALS. THE MOISTURE CONTENT OF COHESIVE SOIL SHALL NOT VARY BY MORE THAN -1 TO +3 PERCENT AND GRANULAR SOIL ±3 PERCENT OF OPTIMUM WHEN PLACED AND COMPACTED OR RECOMPACTED, UNLESS SPECIFICALLY APPROVED BY THE SOILS ENGINEER TAKING INTO CONSIDERATION THE TYPE OF MATERIALS AND COMPACTION EQUIPMENT BEING USED. THE COMPACTION EQUIPMENT SHOULD CONSIST OF SUITABLE MECHANICAL EQUIPMENT SPECIFICALLY DESIGNED FOR SOIL COMPACTION. BULLDOZERS OR SIMILAR TRACKED VEHICLES ARE TYPICALLY NOT SUITABLE FOR COMPACTION. MATERIAL THAT IS TOO WET TO PERMIT PROPER COMPACTION MAY BE SPREAD ON THE FILL AND PERMITTED TO DRY. DISCING, HARROWING OR PULVERIZING MAY BE NECESSARY TO REDUCE THE MOISTURE CONTENT TO A SATISFACTORY VALUE, AFTER WHICH IT SHALL BE COMPACTED. THE FINISHED SUBGRADE AREAS OF THE SITE SHALL BE COMPACTED TO 100 PERCENT OF THE STANDARD PROCTOR (ASTM D-398) MAXIMUM DENSITY.
6. NO FILL SHALL BE PLACED ON A WET OR SOFT SUBGRADE. THE SUBGRADE SHALL BE PROOF-ROLLED AND INSPECTED BY THE GEOTECHNICAL ENGINEER BEFORE ANY MATERIAL IS PLACED.
7. SUBGRADE TOLERANCES ARE +/-1" FOR LANDSCAPE AREAS AND +/- ½" FOR ALL PAVEMENT AND BUILDING AREAS.
8. TOPSOIL SHALL BE FREE OF DELETERIOUS MATERIALS, ROOTS, OLD VEGETATION, ROCKS OVER 2" DIAMETER AND SHALL NOT BE EXCESSIVELY CLAYEY IN NATURE. NO CLUMPS LARGER THAN 4" ARE ACCEPTABLE. TOPSOIL MAY BE AMENDED AS NEEDED WITH SAND OR COMPOST TO BE LOOSE WHEN SPREAD.
9. THE CONTRACTOR SHALL MAINTAIN SITE DRAINAGE THROUGHOUT CONSTRUCTION. THIS MAY INCLUDE THE EXCAVATION OF TEMPORARY DITCHES OR PUMPING TO ALLEVIATE WATER PONDING. ANY DEWATERING SHALL NOT GO DIRECTLY TO STREAMS, CREEKS, WETLANDS OR OTHER ENVIRONMENTALLY SENSITIVE AREAS WITHOUT BEING TREATED FIRST. A DIRT BAG OR OTHER DEWATERING TREATMENT DEVICE MAY BE USED TO CAPTURE SEDIMENT FROM THE PUMPED WATER.
10. CONTRACTOR IS ADVISED THAT ALL MUD AND DEBRIS MUST NOT BE DEPOSITED ONTO THE ADJACENT ROADWAYS PER THE REQUIREMENT OF THE MUNICIPALITY OR OTHER APPROPRIATE GOVERNMENT AGENCIES. IN THE EVENT THIS OCCURS, THE ROADWAYS SHALL BE POWER SWEPT IMMEDIATELY AND ALL SEDIMENT REMOVED FROM DOWNSTREAM FACILITIES.

SPECIFICATIONS FOR PRIVATE UTILITIES

1. BEFORE PROCEEDING WITH ANY UTILITY CONSTRUCTION, THE CONTRACTOR SHALL EXCAVATE EACH EXISTING LATERAL OR POINT OF CONNECTION AND VERIFY THE LOCATION AND ELEVATION OF ALL UTILITIES. IF ANY EXISTING UTILITIES ARE NOT AS SHOWN ON THE DRAWINGS, THE CONTRACTOR SHALL NOTIFY THE ENGINEER IMMEDIATELY FOR POSSIBLE REDESIGN.
2. ALL CONNECTIONS TO EXISTING PIPES AND MANHOLES SHALL BE CORED CONNECTIONS. CONNECTIONS TO WATERMAIN SHALL BE WET TAPED WITH A STAINLESS STEEP TAPPING SLEEVE.
3. PROPOSED SANITARY SEWER AND INTERNALLY CONNECTED STORM SEWER SHOWN ON THIS PLAN SHALL TERMINATE AT A POINT FIVE (5) FEET FROM THE EXTERIOR BUILDING WALL. THE EXACT LOCATION OF ALL DOWN SPOUTS CONNECTIONS SHALL BE PER THE ARCHITECTURAL PLANS.
4. CONTRACTOR SHALL NOT SHUT OFF WATER OR PLUG SANITARY SEWER IN MUNICIPAL LINES WITHOUT PRIOR APPROVAL.
5. MATERIALS FOR STORM SEWER SHALL BE AS FOLLOWS: STORM SEWER PIPE 48" OR LESS SHALL BE HIGH DENSITY POLYETHYLENE (HDPE) CORRUGATED PIPE WITH AN INTEGRALLY FORMED SMOOTH WATERWAY SUCH AS ADS N-12. FOR PIPE 10" OR LESS IN DIAMETER, PVC, ASTM D-3034, SDR-26, MAY ALSO BE USED. WHERE SPECIFICALLY REQUIRED, REINFORCED CONCRETE PIPE (RCP), ASTM C-76, CLASS III OR HIGHER, MAY BE USED. TRENCH SECTION SHALL BE CLASS "B" FOR PVC AND HDPE AND CLASS "C" FOR CONCRETE (PER STANDARD SPECIFICATIONS). MANHOLES, INLETS AND CATCH BASINS SHALL BE PRE CAST REINFORCED CONCRETE, ASTM C-478. CASTINGS SHALL BE HEAVY DUTY CAST IRON. AREA DRAINS SHALL BE PER DETAIL ON PLAN OR EQUIVALENT AND SHALL BE A MINIMUM OF 24" IN DIAMETER. CONNECTIONS TO EXISTING PIPES SHALL BE MADE WITH INSERTA WYE OR EQUIVALENT. LAST (3) THREE JOINTS SHALL BE RESTRAINED WITH RODS.
6. MATERIALS FOR SANITARY SEWER SHALL BE AS FOLLOWS: SANITARY SEWER SHALL BE PVC, ASTM D-3034, SDR-35 WITH RUBBER GASKETED JOINTS, CONFORMING TO ASTM D-3212. TRENCH SECTIONS SHALL BE CLASS "B" BEDDING (PER STANDARD SPECIFICATIONS). CRUSHED STONE CHIPS SHALL BE USED FOR BEDDING MATERIAL. CONNECTIONS SHALL BE MAD WITH A INSERTA WYE OR EQUIVALENT. A MINIMUM OF 6' OF COVER IS REQUIRED FOR ALL SANITARY SEWER.
7. MATERIALS FOR WATER SERVICES AND PRIVATE HYDRANTS SHALL BE AS FOLLOWS: WATER SERVICES SHALL BE PVC, HDPE, OR DI AS ALLOWED BY MUNICIPAL CODE, PVC SHALL BE AWWA C-900. DI SHALL BE AWWA C151, CLASS 52 (OR AS REQUIRED BY LOCAL CODE). TRENCH SECTIONS SHALL BE CLASS "B" BEDDING (PER STANDARD SPECIFICATIONS). CRUSHED STONE CHIPS SHALL BE USED FOR BEDDING MATERIAL. CONNECTION SHALL BE MADE WITH A WET TAP, CORPORATE STOP AND VALVE BOX PER MUNICIPAL STANDARDS. A MINIMUM OF 6' COVER IS REQUIRED FOR ALL WATERMAIN. VALVES SHALL BE NONRISING STEM, RESILIENT SEATED GATE VALVES COMPLYING WITH AWWA C509 WITH A THREE PIECE CAST IRON VALVE BOX. INSTALL THRUST BLOCKS AT ALL BENDS AND TEES. DISINFECT ALL NEW LINES AND OBTAIN SAFE WATER SAMPLE PRIOR TO USE.
8. EXTREME CAUTION MUST BE FOLLOWED REGARDING THE COMPACTION OF ALL UTILITY TRENCHES. MECHANICALLY COMPACTED GRANULAR BACKFILL IS REQUIRED UNDER & WITHIN 5 FEET OF ALL PAVEMENT INCLUDING SIDEWALKS. FLOODING OF BACKFILL MATERIAL IS NOT ALLOWED.
9. TRACER WIRE (NO. 10 SINGLE STRAND COPPER) AND WARNING TAPE SHALL BE INSTALLED ON ALL UTILITIES IN ACCORDANCE WITH THE LOCAL AND STATE CODES. TRACER WIRE SHALL TERMINATE IN A VALVECO TERMINAL BOX AT EACH END.
10. MANDREL TESTING ON SANITARY LINES AND PRESSURE TESTING ON WATERMAIN MAY BE REQUIRED BY THE OWNER OR MUNICIPALITY.
11. UPON COMPLETION OF FINAL PAVING OPERATIONS, THE UTILITY CONTRACTOR SHALL ADJUST ALL MANHOLE AND INLET RIMS AND VALVE BOXES TO FINISHED GRADE.
12. 45° BENDS SHALL BE USED IN PLACE OF 90° BENDS WHEREVER POSSIBLE

SPECIFICATIONS FOR PAVING

1. ALL DIMENSIONS ARE TO FACE OF CURB OR FACE OF BUILDING UNLESS NOTED OTHERWISE. ALL UTILITY DIMENSIONS ARE TO OUTSIDE OF PIPE OR CENTER OF STRUCTURE UNLESS OTHERWISE NOTED. ALL PAVING DIMENSIONS ARE TO FACE OF CURB OR TO EDGE OF PAVEMENT; EXCEPT FOR THE SETBACK FROM PARKING LOTS, MANEUVERING LANES AND FIRE ACCESS LANES, WHERE THE SETBACK IS MEASURED FROM THE BACK OF CURB TO THE PROPERTY LINE.
2. AGGREGATES USED IN THE CRUSHED STONE BASE SHALL CONFORM TO THE GRADATION REQUIREMENTS SECTIONS 301.2 AND 305.2.2 OF THE STANDARD SPECIFICATIONS. THICKNESS SHALL BE PER THE DETAIL ON THE PLANS. BASE SHALL BE 1 ½ INCH DIAMETER LIMESTONE UNLESS NOTED OTHERWISE. RECYCLED MATERIALS MAY BE ALLOWED WITH APPROVAL FROM THE OWNER.
3. SUBGRADE SHALL BE PROOFROLLED AND APPROVED BY A GEOTECHNICAL ENGINEER PRIOR TO PLACEMENT OF STONE BASE. EXCAVATE UNSUITABLE AREAS AND REPLACE WITH BREAKER RUN STONE AND RECOMPACT. REFER TO THE GEOTECHNICAL REPORT FOR ADDITIONAL SPECIFICATIONS.
4. EXISTING PAVEMENT SHALL BE SAWCUT IN NEAT STRAIGHT LINES TO FULL DEPTH AT ANY POINT WHERE EXISTING PAVEMENT IS REMOVED. CURB AND WALK SHALL BE REMOVED TO THE NEAREST JOINT. REMOVED PAVEMENT SHALL BE REPLACED WITH THE SAME SECTION AS EXISTING. MUNICIPAL STANDARDS MAY REQUIRE ADDITIONAL WORK.
5. ASPHALT FOR PARKING AREAS AND THE PRIVATE ROAD SHALL BE PER THE DETAILS. MATERIALS AND PLACEMENT SHALL CONFORM TO THE DOT STANDARD SPECIFICATIONS, SECTION 450 AND 460 TYPE LT IS REQUIRED UNLESS NOTED OTHERWISE. A COMMERCIAL GRADE MIX MAY BE SUBSTITUTED ONLY WITH APPROVAL FROM THE OWNER.
6. CONCRETE FOR CURB, DRIVEWAY, WALKS AND NON-FLOOR SLABS SHALL CONFORM TO THE SECTION 415 OF THE STANDARD SPECIFICATIONS, GRADE A, ASTM C-94, 6 BAG MIX, WITH A MINIMUM 28 DAY COMPRESSIVE STRENGTH OF 3,500 PSI. JOINTING SHALL BE PER SECTION 415.3.7 OF THE STANDARD SPECIFICATION WITH CONSTRUCTION JOINTS HAVING A MAXIMUM SPACING OF 10'. EXPANSION JOINTS SHALL BE PROVIDED EVERY 50'. CONCRETE SHALL BE FINISHED PER SECTION 415.3.8 WITH A MEDIUM BROOM TEXTURE. A CURING MEMBRANE IN CONFORMANCE WITH SECTION 415.3.12 IS REQUIRED.
7. PROVIDE CONTRACTOR GRADE ACRYLIC, STRIPING PAINT FOR NEW ASPHALT OR COATED ASPHALT. APPLY MARKING PAINT AT A RATE OF ONE (1) GALLON PER THREE TO FOUR HUNDRED (300-400) LINEAL FEET OF FOUR (4) INCH WIDE STRIPES OR TO MANUFACTURER'S SPECIFICATION, WHICHEVER IS GREATER.
8. THOROUGHLY CLEAN SURFACES FREE OF DIRT, SAND, GRAVEL, OIL AND OTHER FOREIGN MATTER. CONTRACTOR RESPONSIBLE TO INSPECT EXISTING PAVEMENT SURFACES FOR CONDITIONS AND DEFECTS THAT WILL ADVERSELY AFFECT QUALITY OF WORK, AND WHICH CANNOT BE PUT INTO AN ACCEPTABLE CONDITION THROUGH NORMAL PREPARATORY WORK AS SPECIFIED.

GENERAL EROSION AND SEDIMENT CONTROL NOTES

1. ALL CONSTRUCTION SHALL ADHERE TO THE REQUIREMENTS SET FORTH IN EPA'S NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) STORMWATER GENERAL PERMIT FOR CONSTRUCTION SITE LAND DISTURBANCE ACTIVITIES. ALL EROSION AND SEDIMENT CONTROL MEASURES ARE TO BE CONSTRUCTED AND MAINTAINED IN ACCORDANCE WITH LOCAL, STATE AND FEDERAL TECHNICAL STANDARDS AND PROVISIONS IN EFFECT AT THE TIME OF CONSTRUCTION. THESE PROCEDURES AND STANDARDS SHALL BE REFERRED TO AS BEST MANAGEMENT PRACTICES (BMP'S). IT IS THE RESPONSIBILITY OF ALL CONTRACTORS ASSOCIATED WITH THE PROJECT TO OBTAIN A COPY OF, AND UNDERSTAND, THE BMP'S PRIOR TO THE START OF CONSTRUCTION ACTIVITIES.
2. THE EROSION CONTROL MEASURES INDICATED ON THE PLANS ARE THE MINIMUM REQUIREMENTS. ADDITIONAL CONTROL MEASURES AS DIRECTED BY OWNER/ENGINEER OR GOVERNING AGENCIES SHALL BE INSTALLED WITHIN 24 HOURS OF REQUEST.
3. MODIFICATIONS TO THE APPROVED SWPPP IN ORDER TO MEET UNFORESEEN FIELD CONDITIONS ARE ALLOWED IF MODIFICATIONS CONFORM TO BMP'S. ALL MODIFICATIONS MUST BE APPROVED BY OWNER/ENGINEER/GOVERNING AGENCY PRIOR TO DEVIATION OF THE APPROVED PLAN.
4. INSTALL PERIMETER EROSION CONTROL MEASURES (SUCH AS CONSTRUCTION ENTRANCES, SILT FENCE AND EXISTING INLET PROTECTION) PRIOR TO ANY SITE WORK, INCLUDING GRADING OR DISTURBANCE OF EXISTING SURFACE COVER, AS SHOWN ON PLAN IN ORDER TO PROTECT ADJACENT PROPERTIES/STORM SEWER SYSTEMS FROM SEDIMENT TRANSPORT.
5. CONSTRUCTION ENTRANCES SHALL BE INSTALLED AT ALL LOCATIONS OF VEHICLE INGRESS/EGRESS POINTS. CONTRACTOR IS RESPONSIBLE TO COORDINATE LOCATION(S) WITH THE PROPER AUTHORITIES, PROVIDE NECESSARY FEES AND OBTAIN ALL REQUIRED APPROVALS OR PERMITS. ADDITIONAL CONSTRUCTION ENTRANCES OTHER THAN AS SHOWN ON THE PLANS MUST BE APPROVED BY THE APPLICABLE GOVERNING AGENCIES PRIOR TO INSTALLATION.
6. PAVED SURFACES ADJACENT TO CONSTRUCTION ENTRANCES SHALL BE SWEPT AND/OR SCRAPED TO REMOVE ACCUMULATED SOIL, DIRT AND/OR DUST IMMEDIATELY AND AS REQUESTED BY THE GOVERNING AGENCIES.
7. ALL EXISTING STORM SEWER FACILITIES THAT WILL COLLECT RUNOFF FROM DISTURBED AREAS SHALL BE PROTECTED TO TO PREVENT SEDIMENT DEPOSITION WITHIN STORM SEWER SYSTEMS. INLET PROTECTION SHALL BE IMMEDIATELY FITTED AT THE INLET OF ALL INSTALLED STORM SEWER AND SILT FENCE SHALL BE IMMEDIATELY FITTED AT ALL INSTALLED CULVERT INLETS . ALL INLETS, STRUCTURES, PIPES, AND SWALES SHALL BE KEPT CLEAN AND FREE OF SEDIMENTATION AND DEBRIS.
8. EROSION CONTROL FOR UTILITY CONSTRUCTION (STORM SEWER, WATER MAIN, ETC.) OUTSIDE OF THE PERIMETER CONTROLS SHALL INCORPORATE THE FOLLOWING:

   PLACE EXCAVATED TRENCH MATERIAL ON THE HIGH SIDE OF THE TRENCH.

   BACKFILL, COMPACT AND STABILIZE THE TRENCH IMMEDIATELY AFTER PIPE CONSTRUCTION.

   DISCHARGE TRENCH WATER INTO A SEDIMENTATION BASIN OR FILTERING TANK IN ACCORDANCE WITH BMP'S PRIOR TO RELEASE INTO STORM SEWER OR DITCHES.

9. AT A MINIMUM, SEDIMENT BASINS AND NECESSARY TEMPORARY DRAINAGE PROVISIONS SHALL BE CONSTRUCTED AND OPERATIONAL BEFORE BEGINNING OF SIGNIFICANT MASS GRADING OPERATIONS TO PREVENT OFFSITE DISCHARGE OF UNTREATED RUNOFF.
10. IF APPLICABLE, ALL WATERCOURSES AND WETLANDS SHALL BE PROTECTED WITH DOUBLE ROW OF SILT FENCE TO PREVENT ANY DIRECT DISCHARGE FROM DISTURBED SOILS.
11. ALL TEMPORARY AND PERMANENT EROSION CONTROL MEASURES MUST BE MAINTAINED AND REPAIRED AS NEEDED. THE GENERAL CONTRACTOR WILL BE RESPONSIBLE FOR INSPECTION AND REPAIR DURING CONSTRUCTION. THE OWNER WILL BE RESPONSIBLE IF EROSION CONTROL IS REQUIRED AFTER THE CONTRACTOR HAS COMPLETED THE PROJECT.
12. TOPSOIL STOCKPILES SHALL HAVE A BERM OR TRENCH AROUND THE CIRCUMFERENCE AND PERIMETER SILT FENCE TO CONTROL SILT. IF TOPSOIL STOCKPILE REMAINS UNDISTURBED FOR MORE THAN SEVEN (7) DAYS, TEMPORARY SEEDING AND STABILIZATION IS REQUIRED.
13. EROSION CONTROL MEASURES TEMPORARILY REMOVED FOR UNAVOIDABLE CONSTRUCTION ACTIVITIES SHALL BE IN WORKING ORDER IMMEDIATELY FOLLOWING COMPLETION OF SUCH ACTIVITIES OR PRIOR TO THE COMPLETION OF EACH WORK DAY, WHICH EVER OCCURS FIRST.
14. MAINTAIN SOIL EROSION CONTROL DEVICES THROUGH THE DURATION OF THIS PROJECT. ALL TEMPORARY EROSION AND SEDIMENT CONTROL MEASURES SHALL BE REMOVED WITHIN THIRTY (30) DAYS AFTER FINAL SITE STABILIZATION IS ACHIEVED OR AFTER THE TEMPORARY MEASURES ARE NO LONGER NEEDED. DISTURBANCES ASSOCIATED WITH EROSION CONTROL REMOVAL SHALL BE IMMEDIATELY STABILIZED.
15. PUMPS MAY BE USED AS BYPASS DEVICES. IN NO CASE SHALL PUMPED WATER BE DIVERTED OUTSIDE THE PROJECT LIMITS. PUMP DISCHARGE SHALL BE DIRECTED INTO AN APPROVED FILTER BAG OR APPROVED SETTLING DEVICE.
16. GRADING EFFORTS SHALL BE CONDUCTED IN SUCH A MANNER AS TO MINIMIZE EROSION. EROSION AND SEDIMENT CONTROL MEASURES SHALL CONSIDER THE TIME OF YEAR, SITE CONDITIONS, AND THE USE OF TEMPORARY OR PERMANENT MEASURES. ALL DISTURBED AREAS THAT WILL NOT BE WORKED FOR A PERIOD OF FOURTEEN (14) DAYS REQUIRE TEMPORARY SEEDING FOR EROSION CONTROL. SEEDING FOR EROSION CONTROL SHALL BE IN ACCORDANCE WITH TECHNICAL STANDARDS.
17. ALL DISTURBED SLOPES EXCEEDING 4:1, SHALL BE STABILIZED WITH NORTH AMERICAN GREEN S75BN EROSION MATTING (OR APPROVED EQUAL) AND ALL CHANNELS SHALL BE STABILIZED WITH NORTH AMERICAN GREEN C125BN (OR APPROVED EQUAL) OR APPLICATION OF AN APPROVED POLYMER SOIL STABILIZATION TREATMENT OR A COMBINATION THEREOF, AS REQUIRED. EROSION MATTING AND/OR NETTING USED ONSITE SHALL BE INSTALLED IN ACCORDANCE WITH MANUFACTURER'S GUIDELINES.
18. DURING PERIODS OF EXTENDED DRY WEATHER, THE CONTRACTOR SHALL KEEP A WATER TRUCK ON SITE FOR THE PURPOSE OF WATERING DOWN SOILS WHICH MAY OTHERWISE BECOME AIRBORNE.THE CONTRACTOR IS RESPONSIBLE FOR CONTROLLING WIND EROSION (DUST) DURING CONSTRUCTION AT HIS/HER EXPENSE.
19. DISTURBED AREAS AND AREAS USED FOR STORAGE OF MATERIALS THAT ARE EXPOSED TO PRECIPITATION SHALL BE VISUALLY INSPECTED FOR EVIDENCE OF, OR THE POTENTIAL FOR, POLLUTANTS ENTERING THE DRAINAGE SYSTEM ON A DAILY BASIS.
20. QUALIFIED PERSONNEL (PROVIDED BY THE GENERAL/PRIME CONTRACTOR) SHALL INSPECT DISTURBED AREAS OF THE CONSTRUCTION SITE THAT HAVE NOT BEEN FINALLY STABILIZED AND EROSION AND SEDIMENT CONTROLS WITHIN 24 HOURS OF ALL 0.5-INCH, OR MORE, PRECIPITATION EVENTS WITH A MINIMUM INSPECTION INTERVAL OF ONCE EVERY SEVEN (7) CALENDAR DAYS IN THE ABSENCE OF A QUALIFYING RAIN OR SNOWFALL EVENT. REPORTING SHALL BE IN ACCORDANCE WITH OF THE GENERAL PERMIT. CONTRACTOR SHALL IMMEDIATELY ARRANGE TO HAVE ANY DEFICIENT ITEMS REVEALED DURING INSPECTIONS REPAIRED/REPLACED.
21. SEE ADDITIONAL DETAILS AND NOTES ON SITE STABILIZATION AND CONSTRUCTION DETAILS.

DEMOLITION NOTES

1. PERIMETER SILT FENCING AND CONSTRUCTION ENTRANCES SHALL BE INSTALLED PRIOR TO ANY DEMOLITION. PLEASE REFER TO GRADING AND EROSION AND SEDIMENT CONTROL PLAN SHEETS FOR FURTHER DETAILS.
2. EXISTING FEATURES ARE SHOWN FOR INFORMATIONAL PURPOSES ONLY AND ARE NOT GUARANTEED TO BE ACCURATE OR ALL INCLUSIVE. CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING THE TYPE, LOCATION, SIZE AND ELEVATION OF UNDERGROUND UTILITIES AS THEY DEEM NECESSARY TO AVOID DAMAGE THERETO. CONTRACTOR/OWNER SHALL CALL "MISS DIG" PRIOR TO ANY DEMOLITION.
3. CONTRACTOR SHALL PERFORM ALL DEMOLITION WORK IN ACCORDANCE WITH ALL APPLICABLE FEDERAL, STATE, AND LOCAL REQUIREMENTS.
4. COORDINATE WITH ALL APPLICABLE UTILITY COMPANIES AND THE MUNICIPALITY TO PROTECT EXISTING FUNCTIONING UTILITIES, BULKHEAD/REMOVE CONNECTIONS AS NECESSARY, AND TO ENSURE ALL UTILITIES ARE INACTIVE PRIOR TO ANY DEMOLITION ACTIVITIES. CONTRACTOR SHALL TAKE ADEQUATE PRECAUTIONS TO ENSURE PROTECTION OF EXISTING UTILITIES THAT ARE NOT TO BE IMPACTED. THE CONTRACTOR IS RESPONSIBLE FOR REPAIR OF ANY EXISTING UTILITIES DAMAGED AS A RESULT OF THE DEMOLITION.
5. VOIDS LEFT BY REMOVAL OF FEATURES SHALL BE MODIFIED/FILLED TO PREVENT PONDING OF WATER.
6. DEMOLISH AND DISPOSE EXISTING PIPING, CABLE/WIRES, STRUCTURES, OR OTHER SURFACE FEATURES INDICATED ON THE PLANS TO BE REMOVED.
7. CLEARING AND GRUBBING DESIGNATIONS SHALL INCLUDE CLEARING, GRUBBING, REMOVING, AND DISPOSING OF ALL VEGETATION AND DEBRIS WITHIN THE LIMITS OF CONSTRUCTION, AS DESIGNATED ON THE PLANS. CONTRACTOR SHALL REMOVE ONLY THOSE TREES ABSOLUTELY NECESSARY TO ALLOW FOR CONSTRUCTION.
8. CONTRACTOR SHALL REMOVE EXISTING FENCING IN A MANNER TO ALLOW REUSE. ANY FENCING MATERIAL TO BE REUSED IN THE CONSTRUCTION OF RELOCATED FENCE LINES SHALL BE PRESENTED TO ENGINEER FOR INSPECTION AND PROPOSED CONTRACT DEDUCT ASSOCIATED WITH REUSE OF THE SALVAGED MATERIAL. ENGINEER OR OWNER WILL PROVIDE WRITTEN ACCEPTANCE OF THE PROPOSED SALVAGED MATERIAL.
9. CONTRACTOR SHALL COORDINATE WITH THE MUNICIPALITY FOR TERMINATION OF PUBLIC UTILITY CONNECTIONS TO SITE.
10. CONTRACTOR SHALL COORDINATE STOCKPILE LIMITS AND LOCATIONS WITH ENGINEER/OWNER PRIOR TO DEMOLITION.

Attachment: Packet Docs (4750 : ICAP Development)

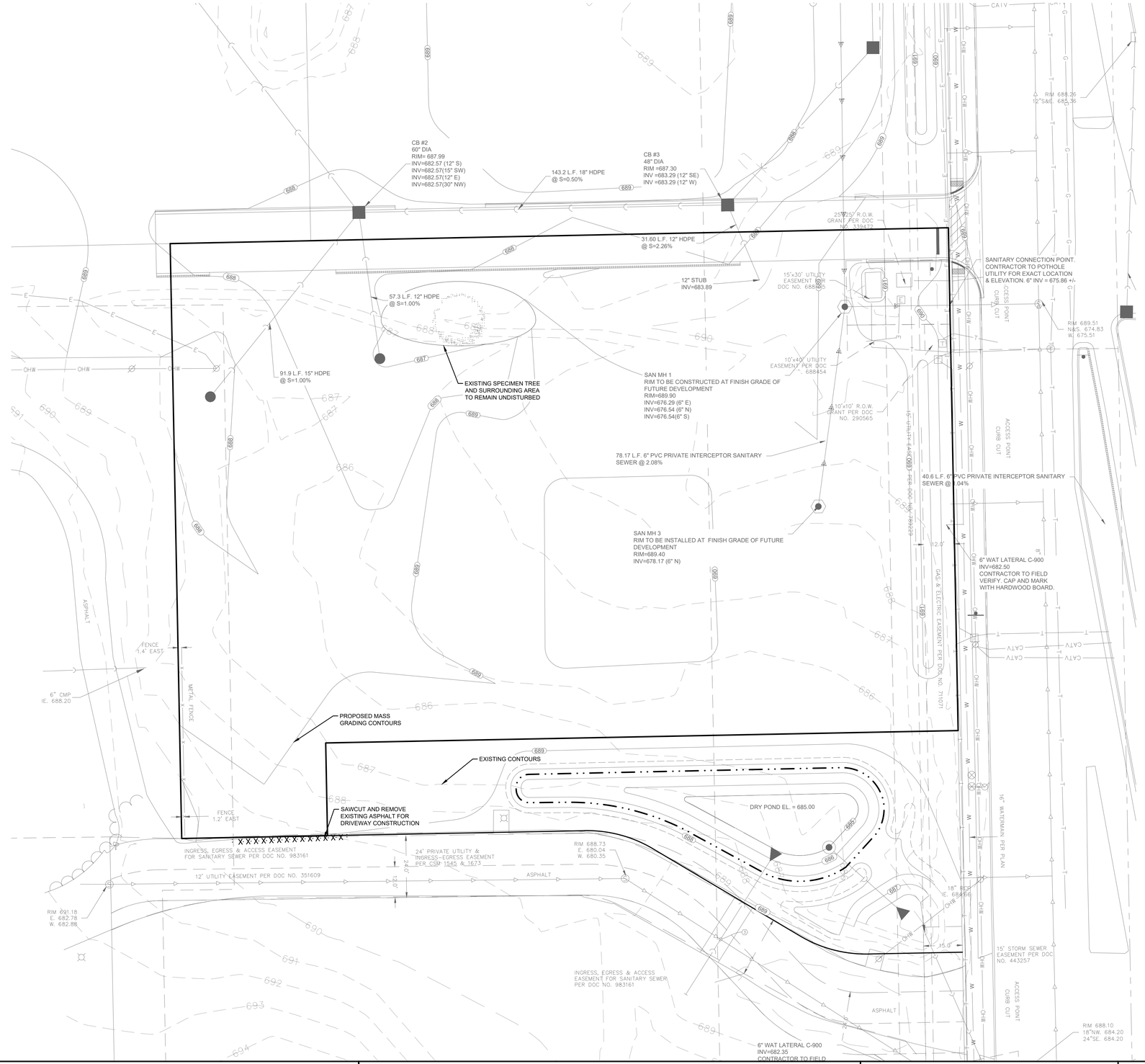
DRAFTED: ACT
DESIGNED: ACT
REVIEWED: MTS

PLAN | DESIGN | DELIVER
www.pinnacle-engr.com

PINNACLE ENGINEERING GROUP
ENGINEERING | NATURAL RESOURCES | SURVEYING

WISCONSIN OFFICE:
20725 WATER

THESE PLANS AND DESIGNS ARE COPYRIGHT PROTECTED AND MAY NOT BE USED IN WHOLE OR IN PART WITHOUT THE WRITTEN CONSENT OF PINNACLE ENGINEERING GROUP, LLC



LEGEND

	EXISTING
SANITARY SEWER MANHOLE	Ⓢ
STORM SEWER MANHOLE	ⓢ
STORM SEWER CATCH BASIN (ROUND CASTING)	◍
STORM SEWER CATCH BASIN (RECTANGULAR CASTING)	□
PRECAST FLARED END SECTION	◁
CONCRETE HEADWALL	⊂
VALVE BOX	⋈
FIRE HYDRANT	⍜
CLEANOUT	⊡
SANITARY SEWER	——▷——
FORCE MAIN	——\/\/\——
STORM SEWER	——○——
DRAIN TILE	——┤——
WATER MAIN	—— W ——
ELECTRICAL CABLE	—— E ——
OVERHEAD WIRES	—— OHW ——
GAS MAIN	—— G ——
TELEPHONE LINE	—— T ——
LIGHTING	⊠
ELECTRICAL TRANSFORMER OR PEDESTAL	[E]
POWER POLE	⌐
GUY WIRE	◂
STREET SIGN	⊦
WETLANDS	———
TREE	✱ ◯
FENCE LINE, WIRE	·····
FENCE LINE, CHAIN LINK OR IRON	———
FENCE LINE, WOOD OR PLASTIC	———
CONCRETE SIDEWALK	– – – – –
CURB AND GUTTER	═══
EASEMENT LINE	———

NORTH

GRAPHICAL SCALE (FEET)

0 1" = 20' 40'

DRAFTED: ACT
DESIGNED: ACT
REVIEWED: MTS

PLAN I DESIGN I DELIVER
www.pinnacle-engr.com

PINNACLE ENGINEERING GROUP
ENGINEERING I NATURAL RESOURCES I SURVEYING

WISCONSIN OFFICE:
20725 WATERTOWN ROAD, SUITE 100
BROOKFIELD, WI 53186
(262) 754-8888
CHICAGO I MILWAUKEE : NATIONWIDE

CREDIT UNION

10865-10911 N PORT WASHINGTON RD, MEQUON, WI

EXISTING CONDITIONS AND DEMO PLAN

REVISIONS

1	REV PER PC CONSULTATION	12/12/19			

PEG JOB No. 1524.00A
PEG PM MTS
START DATE 10/04/19
SCALE 1" = 20'

SHEET
C-3
C-8

EXISTING CONDITIONS AND DEMO PLAN

© COPYRIGHT 2019

Attachment: Packet Docs (4750 : iCAP Development)

Z:\PROJECTS\2018\1524.00A-WI\CAD\SHEETS\C-3 EXISTING CONDITIONS AND DEMO PLAN.DWG

THESE PLANS AND DESIGNS ARE COPYRIGHT PROTECTED AND MAY NOT BE USED IN WHOLE OR IN PART WITHOUT THE WRITTEN CONSENT OF PINNACLE ENGINEERING GROUP, LLC

LEGEND

- **LIGHT DUTY ASPHALT PAVEMENT**
  - 8" - 1 ¼" CRUSHED AGGREGATE TB
  - 3 ½" HMA PAVEMENT (2 LIFTS)
    - 2" BINDER COARSE - 3 LT 58-28 S
    - 1 ½" SURFACE COARSE - 5 LT 58-28 S
- **CONCRETE SIDWALK**
  - 5" CONCRETE SLAB WITH 6 x 6 - W2.9 x W2.9 W.W.M.
  - 6" MIN. - 1 ¼" CRUSHED AGGREGATE TB
- **CONCRETE PAVEMENT**
  - 6" CRUSHED AGGREGATE BASE COURSE (1-1/4" DENSE GRADED LIMESTONE)
  - 6" PCC (4000 PSI AIR ENTRAINED CONCRETE WITH 6x6x6 GAUGE STEEL MESH)

(A) 4" SOLID WHITE STRIPE

(B) 4" DIAGONAL AT 45° SPACED 2' O.C.

(C) ADA PARKING STALL SIGNAGE WITH BOLLARD

(D) 18" CURB & GUTTER (SEE DETAIL)

(E) ADA STALL INSIGNIA

(F) ADA COMPLIANT RAMP. DEPRESS AND TAPER CURB HEAD. INSTALL TRUNCATED DOMES AT SIDEWALK.

(G) INTEGRAL CURB AND GUTTER (SEE DETAIL)

(H) STOP BAR STRIPING WITH STOP SIGN

(16) PARKING COUNT (FOR INFORMATION ONLY, NOT TO BE PAINTED)

SITE DATA

SITE AREA:	**1.40 AC**
DISTURBANCE LIMITS:	**1.34 AC**
BUILDING AREA:	**0.08 AC**
PROPOSED CAR PARKING SPACES:	**32 SPACES (3 A.D.A.)**
GRASS AREA:	**0.54 AC**
TOTAL IMPERVIOUS AREA:	**0.86 AC**
GREEN SPACE (%)	**38.27%**

CONTRACTOR RESPONSIBILITY: SEE ADDITIONAL CONSTRUCTION NOTES LOCATED ON SHEET C-2

NORTH

GRAPHICAL SCALE (FEET)

0 1" = 20' 40'

REVIEWED: MTS
DESIGNED: ACT
DRAFTED: ACT

PLAN | DESIGN | DELIVER
www.pinnacle-engr.com

PINNACLE ENGINEERING GROUP
ENGINEERING | NATURAL RESOURCES | SURVEYING

WISCONSIN OFFICE:
20725 WATERTOWN ROAD, SUITE 100
BROOKFIELD, WI 53186
(262) 754-8888
CHICAGO | MILWAUKEE : NATIONWIDE

CREDIT UNION

10865-10911 N PORT WASHINGTON RD, MEQUON, WI

SITE, DIMENSIONAL, AND PAVING PLAN

REVISIONS

1	REV PER PC CONSULTATION	12/12/19			

PEG JOB NO.: 1524.00A
PEG PM: MTS
START DATE: 10/04/19
SCALE: 1" = 20'

SHEET
C-4
C-8

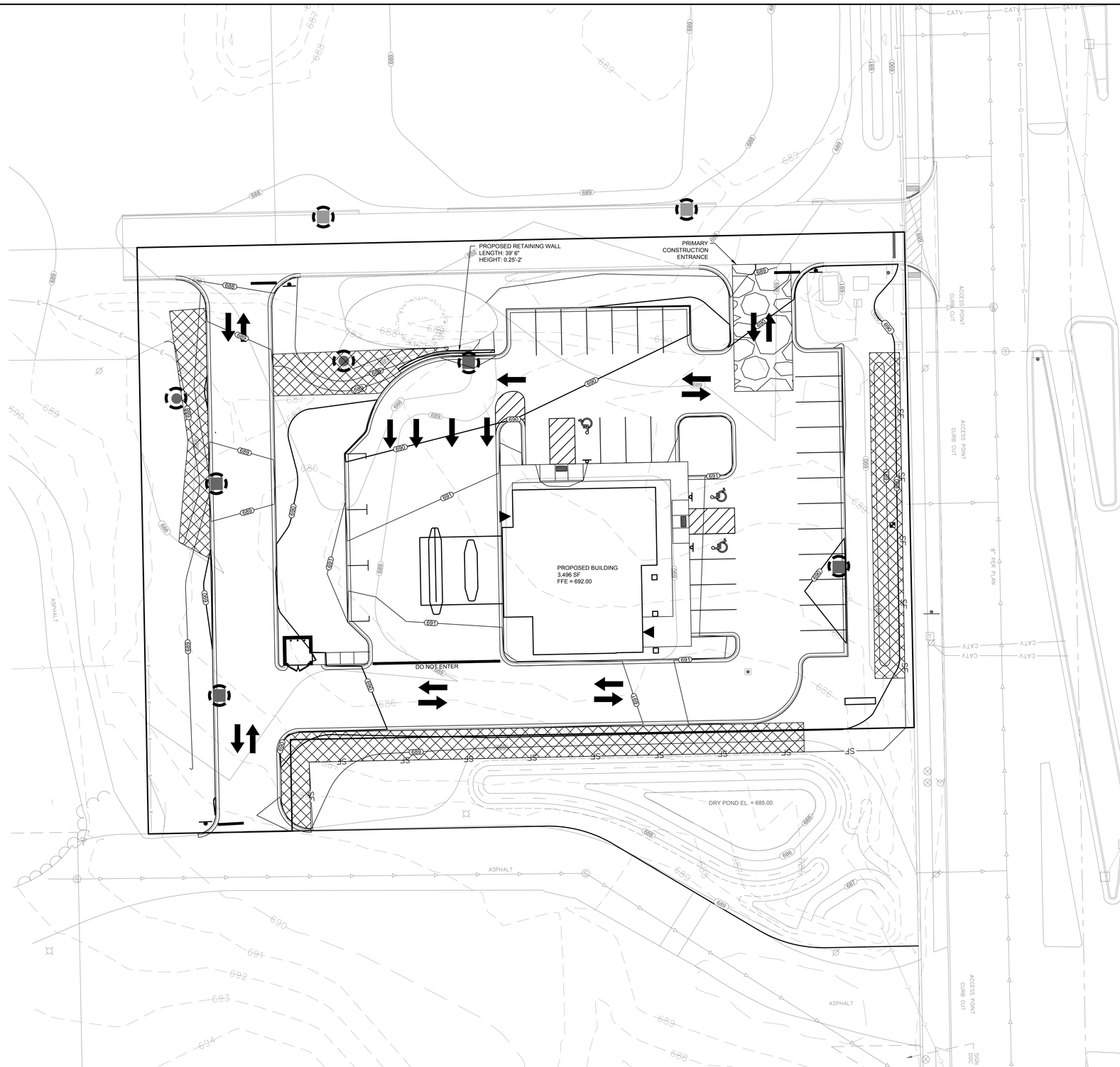
© COPYRIGHT 2019

SITE, DIMENSIONAL, AND PAVING PLAN

Attachment: Packet Docs (4750 : iCAP Development)

Z:\PROJECTS\2018\1524.00A-WI\CAD\SHEETS\C-4 SITE, DIMENSIONAL, AND PAVING PLAN .DWG

THESE PLANS AND DESIGNS ARE COPYRIGHT PROTECTED AND MAY NOT BE USED IN WHOLE OR IN PART WITHOUT THE WRITTEN CONSENT OF PINNACLE ENGINEERING GROUP, LLC



LEGEND

- SANITARY SEWER MANHOLE
- STORM SEWER MANHOLE
- STORM STORM CATCH BASIN (ROUND CASTING)
- STORM SEWER CATCH BASIN (RECTANGULAR CASTING)
- PRECAST FLARED END SECTION
- CLEANOUT
- VALVE BOX
- FIRE HYDRANT
- PROPOSED CONTOUR
- 750.0 PROPOSED SPOT ELEVATION
- WETLANDS
- FLOODPLAIN
- HIGH WATER LEVEL (HWL)
- NORMAL WATER LEVEL (NWL)
- DITCH OR SWALE
- DIVERSION SWALE
- SF SILT FENCE
- TYPE D INLET PROTECTION
- CONSTRUCTION ENTRANCE
- HYDROSEED (PER MANUFACTURER SPECIFICATIONS)
- EROSION CONTROL BLANKET (NORTH AMERICAN GREEN S75 OR EQUAL)

CONSTRUCTION SITE SEQENCING

1. INSTALL PERIMETER SILT FENCE, INLET PROTECTION, TEMPORARY CONSTRUCTION ENTRANCE AND ANY OTHER EROSION CONTROL MEASURES
2. DEMOLITION AND REMOVALS OF BUILDINGS, PAVEMENTS & LANDSCAPING.
3. CONDUCT ROUGH GRADING EFFORTS AND INSTALL CHECK DAMS AND SEDIMENT TRAPS/BASINS AS NEEDED.
4. CONSTRUCTION OF FOUNDATIONS AND BUILDING.
5. INSTALL UTILITY PIPING AND STRUCTURES, IMMEDIATELY INSTALL INLET PROTECTION.
6. COMPLETE FINAL GRADING, INSTALLATION OF GRAVEL BASE COURSES, PLACEMENT OF CURBS, PAVEMENTS, WALKS, ETC.
7. INSTALL TOPSOIL AND LANDSCAPING. IMMEDIATELY STABILIZE DISTURBED AREAS WITH EROSION CONTROLS.
8. EROSION CONTROL MEASURES SHALL BE REMOVED ONLY AFTER SITE CONSTRUCTION IS COMPLETE WITH ALL SOIL SURFACES HAVING AN ESTABLISHED VEGETATIVE COVER.

CONTRACTOR MAY MODIFY SEQUENCING AFTER ITEM 1 AS NEEDED TO COMPLETE CONSTRUCTION IF EROSION CONTROLS ARE MAINTAINED IN ACCORDANCE WITH THE CONSTRUCTION SITE EROSION CONTROL REQUIREMENTS.

NOTE :

REMAINING DISTURBED AREAS OF SLOPES 5:1 OR FLATTER TO BE HYDROSEEDED

NORTH

GRAPHICAL SCALE (FEET)

0 1" = 20' 40'

REVIEWED: MTS
DESIGNED: ACT
DRAFTED: ACT

PLAN | DESIGN | DELIVER
www.pinnacle-engr.com

PINNACLE ENGINEERING GROUP
ENGINEERING | NATURAL RESOURCES | SURVEYING

WISCONSIN OFFICE:
20725 WATERTOWN ROAD, SUITE 100
BROOKFIELD, WI 53186
(262) 754-8888
CHICAGO | MILWAUKEE : NATIONWIDE

CREDIT UNION

10865-10911 N PORT WASHINGTON RD, MEQUON, WI

GRADING AND EROSION PLAN

REVISIONS

1	REV PER PC CONSULTATION	12/12/19			

PEG JOB No. 1524.00A
PEG PM MTS
START DATE 10/04/19
SCALE 1" = 20'

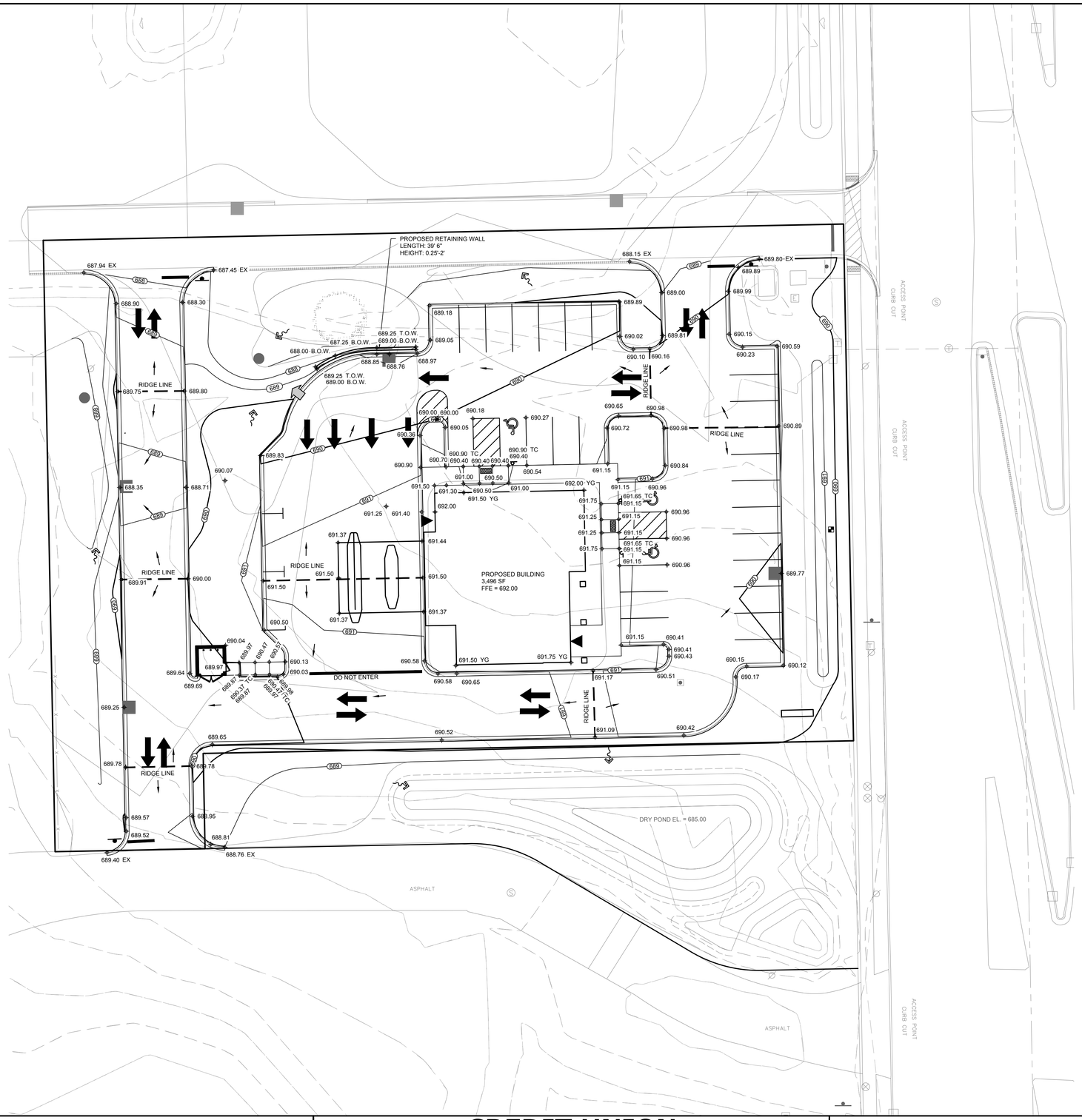
SHEET
C-5
C-8

© COPYRIGHT 2019

Z:\PROJECTS\2018\1524.00A-WI\CAD\SHEETS\C-5 GRADING PLAN.DWG

Attachment: Packet Docs (4750 : iCAP Development)

THESE PLANS AND DESIGNS ARE COPYRIGHT PROTECTED AND MAY NOT BE USED IN WHOLE OR IN PART WITHOUT THE WRITTEN CONSENT OF PINNACLE ENGINEERING GROUP, LLC



LEGEND

- STORM SEWER MANHOLE
- STORM SEWER CATCH BASIN- ROUND CASTING
- STORM SEWER CATCH BASIN- RECTANGULAR CASTING
- PROPOSED CONCRETE FLARED END SECTION
- 749 — PROPOSED CONTOUR
- 750.00 — SPOT ELEVATION
- DIRECTION OF SURFACE FLOW
- DITCH OR SWALE
- DIVERSION SWALE
- OVERFLOW RELIEF ROUTING

NORTH

GRAPHICAL SCALE (FEET)

0 1" = 20' 40'

DRAFTED: ACT
DESIGNED: ACT
REVIEWED: MTS

PLAN I DESIGN I DELIVER
www.pinnacle-engr.com

PINNACLE ENGINEERING GROUP
ENGINEERING I NATURAL RESOURCES I SURVEYING

WISCONSIN OFFICE:
20725 WATERTOWN ROAD, SUITE 100
BROOKFIELD, WI 53186
(262) 754-8888
CHICAGO I MILWAUKEE : NATIONWIDE

CREDIT UNION

10865-10911 N PORT WASHINGTON RD, MEQUON, WI

SPOT GRADE PLAN

REVISIONS

1	REV PER PC CONSULTATION	12/12/19	

PEG JOB No. 1524.00A
PEG PM MTS
START DATE 10/04/19
SCALE 1" = 20'

SHEET
C-6
C-8

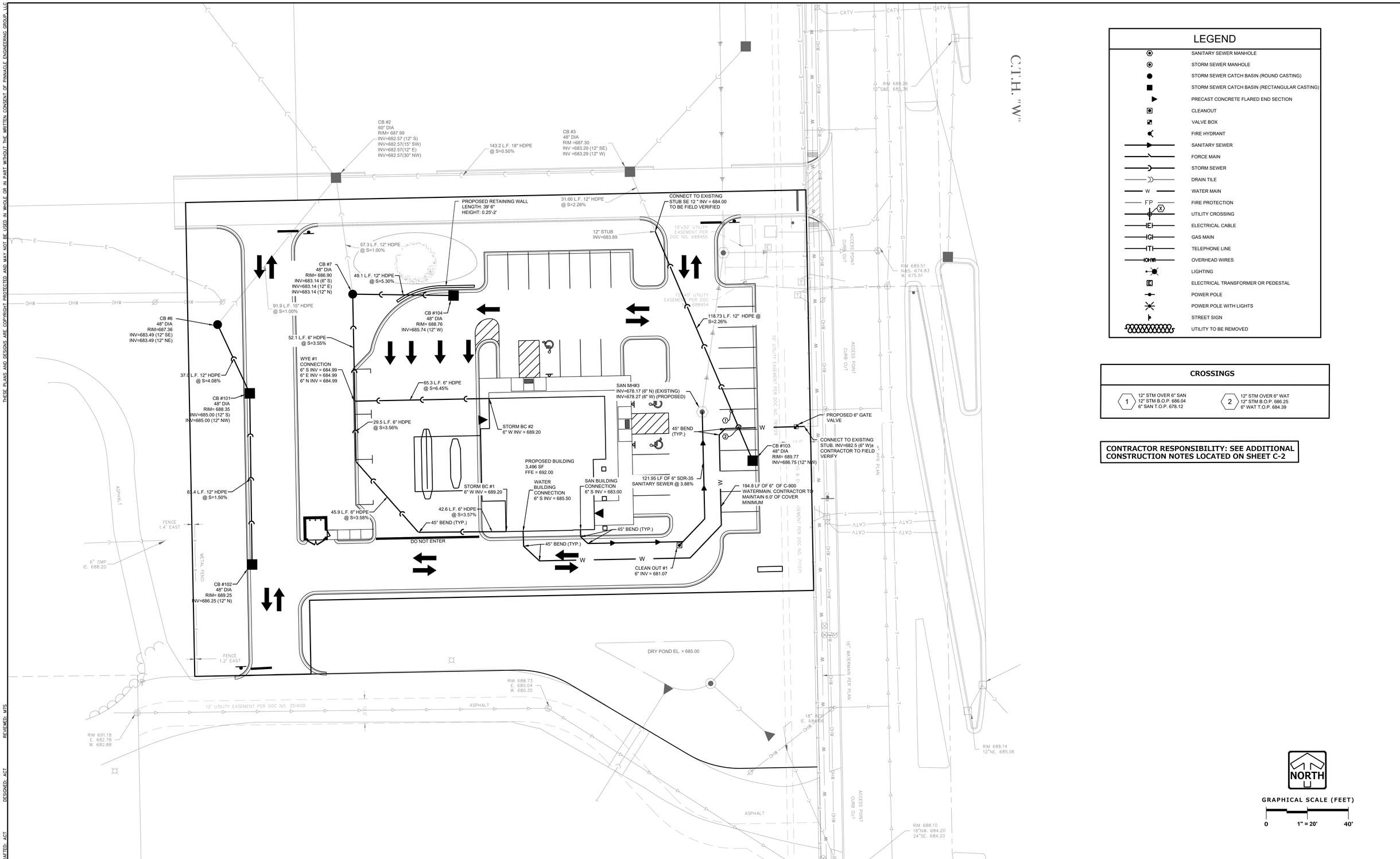
© COPYRIGHT 2019

SPOT GRADE PLAN

Attachment: Packet Docs (4750 : iCAP Development)

Z:\PROJECTS\2018\1524.00A-WI\CAD\SHEETS\C-6 SPOT GRADING PLAN.DWG

THESE PLANS AND DESIGNS ARE COPYRIGHT PROTECTED AND MAY NOT BE USED IN WHOLE OR IN PART WITHOUT THE WRITTEN CONSENT OF PINNACLE ENGINEERING GROUP, LLC



LEGEND

- SANITARY SEWER MANHOLE
- STORM SEWER MANHOLE
- STORM SEWER CATCH BASIN (ROUND CASTING)
- STORM SEWER CATCH BASIN (RECTANGULAR CASTING)
- PRECAST CONCRETE FLARED END SECTION
- CLEANOUT
- VALVE BOX
- FIRE HYDRANT
- SANITARY SEWER
- FORCE MAIN
- STORM SEWER
- DRAIN TILE
- W — WATER MAIN
- FP — FIRE PROTECTION
- UTILITY CROSSING
- ELECTRICAL CABLE
- GAS MAIN
- TELEPHONE LINE
- OHW — OVERHEAD WIRES
- LIGHTING
- ELECTRICAL TRANSFORMER OR PEDESTAL
- POWER POLE
- POWER POLE WITH LIGHTS
- STREET SIGN
- UTILITY TO BE REMOVED

CROSSINGS

1	12" STM OVER 6" SAN 12" STM B.O.P. 686.04 6" SAN T.O.P. 678.12	2	12" STM OVER 6" WAT 12" STM B.O.P. 686.25 6" WAT T.O.P. 684.39

CONTRACTOR RESPONSIBILITY: SEE ADDITIONAL CONSTRUCTION NOTES LOCATED ON SHEET C-2

NORTH

GRAPHICAL SCALE (FEET)

0 1" = 20' 40'

REVIEWED: MTS
DESIGNED: ACT
DRAFTED: ACT

PLAN I DESIGN I DELIVER
www.pinnacle-engr.com

PINNACLE ENGINEERING GROUP
ENGINEERING I NATURAL RESOURCES I SURVEYING

WISCONSIN OFFICE:
20725 WATERTOWN ROAD, SUITE 100
BROOKFIELD, WI 53186
(262) 754-8888
CHICAGO I MILWAUKEE : NATIONWIDE

CREDIT UNION

10865-10911 N PORT WASHINGTON RD, MEQUON, WI

UTILITY PLAN

REVISIONS

1	REV PER PC CONSULTATION	12/12/19	

PEG JOB No. 1524.00A
PEG PM MTS
START DATE 10/04/19
SCALE 1" = 20'

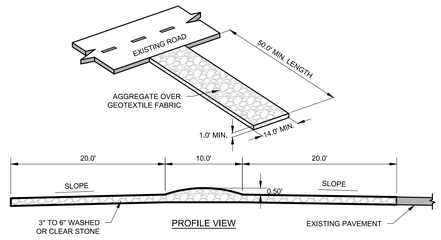
SHEET
C-7
C-8

© COPYRIGHT 2019

Z:\PROJECTS\2018\1524.00A-WI\CAD\SHEETS\C-7UTILITY PLAN.DWG

Attachment: Packet Docs (4750 : iCAP Development)

THESE PLANS AND DESIGNS ARE COPYRIGHT PROTECTED AND MAY NOT BE USED IN WHOLE OR IN PART WITHOUT THE WRITTEN CONSENT OF PINNACLE ENGINEERING GROUP, LLC



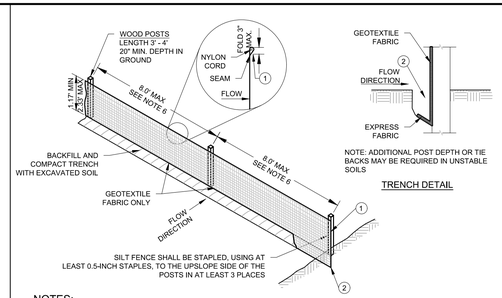
PROFILE VIEW

NOTES:

1. ALL TRACKING PAD MATERIALS AND INSTALLATION SHALL BE IN CONFORMANCE WITH WI DNR TECHNICAL STANDARD 1057.
2. TRACKING PADS SHALL BE INSTALLED PRIOR TO ANY TRAFFIC LEAVING THE SITE. CONTRACTOR SHALL VERIFY LOCATION WITH OWNER.
3. THE AGGREGATE FOR TRACKING PADS SHALL BE 3 TO 6 INCH CLEAR OR WASHED STONE. ALL MATERIALS TO BE RETAINED ON A 3-INCH SIEVE
4. THE AGGREGATE SHALL BE PLACED IN A LAYER AT LEAST 12-INCHES THICK, ON SITES WHERE SATURATED CONDITIONS ARE EXPECTED DURING THE LIFE OF THE PAD, THE PAD SHALL BE UNDERLAIN WITH GEOTEXTILE FABRIC WHICH MEETS MATERIAL SPECIFICATION 592 GEOTEXTILE, TABLE 1 OR 2, CLASS I, II OR IV, TO PREVENT MIGRATION OF UNDERLYING SOILS INTO THE STONE LAYER.
5. THE TRACKING PAD SHALL BE THE FULL WIDTH OF THE EGRESS POINT. MINIMUM WIDTH IS 14 FEET FOR ONE-WAY TRAFFIC AND 20 FEET FOR TWO-WAY TRAFFIC, WITH AN ADDITIONAL INCREASE OF 4 FEET FOR TRAILER TRAFFIC. THE TRACKING PAD SHALL BE A MINIMUM 50-FEET LONG.
6. ANY SEDIMENT TRACKED ONTO A PUBLIC OR PRIVATE ROAD SHOULD BE REMOVED BY STREET CLEANING, NOT FLUSHING, AT THE END OF EACH WORKING DAY.
7. TRACKING PADS SHALL, AT A MINIMUM, BE INSPECTED WEEKLY AND WITHIN 24-HOURS AFTER EVERY PRECIPITATION EVENT THAT PRODUCES 0.5-INCHES OF RAIN OR MORE DURING A 24-HOUR PERIOD.
8. THE TRACKING PAD PERFORMANCE SHALL BE MAINTAINED BY SCRAPING OR TOP-DRESSING WITH ADDITIONAL AGGREGATE.

CONSTRUCTION ENTRANCE

#1001WS 10-03-13



NOTE: ADDITIONAL POST DEPTH OR TIE BACKS MAY BE REQUIRED IN UNSTABLE SOILS

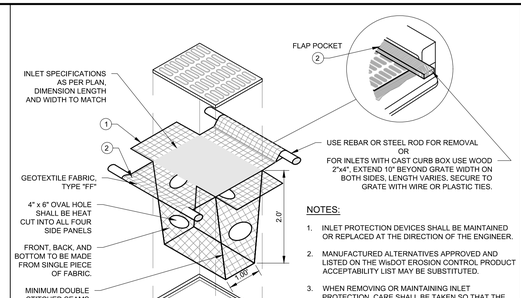
TRENCH DETAIL

NOTES:

1. ALL SILT FENCE MATERIALS AND INSTALLATION SHALL BE IN CONFORMANCE WITH WI DNR TECHNICAL STANDARD 1056.
2. GEOTEXTILE FABRIC SHALL MEET THE REQUIREMENTS OF MATERIAL SPECIFICATION 592 GEOTEXTILE TABLE 1 OR 2, CLASS I WITH EQUIVALENT OPENING SIZE OF AT LEAST 30 FOR NONWOVEN AND 50 FOR WOVEN.
3. SILT FENCE SHALL BE ANCHORED BY SPREADING AT LEAST 8-INCHES OF FABRIC IN A 4-INCH WIDE AND 8-INCH DEEP TRENCH OR 6-INCH DEEP V-TRENCH ON THE UPSLOPE SIDE OF THE FENCE. TRENCHES SHALL NOT BE EXCAVATED WIDER OR DEEPER THAN NECESSARY FOR PROPER INSTALLATION.
4. FOLD MATERIAL TO FIT TRENCH AND BACKFILL AND COMPACT TRENCH WITH EXCAVATED SOIL.
5. WOOD POSTS SHALL BE A MINIMUM SIZE OF 1.125-INCHES x 1.125-INCHES OF DRIED OAK OR HICKORY.
6. SILT FENCE TO EXTEND ABOVE THE TOP OF PIPE, WHERE APPLICABLE.
7. POST SPACING SHALL BE SELECTED BASED ON GEOTEXTILE FABRIC (8-FEET FOR WOVEN AND 3-FEET FOR NON-WOVEN).

SILT FENCE

#1004C 10-03-13



NOTES:

1. INLET PROTECTION DEVICES SHALL BE MAINTAINED OR REPLACED AT THE DIRECTION OF THE ENGINEER.
2. MANUFACTURED ALTERNATIVES APPROVED AND LISTED ON THE WisDOT EROSION CONTROL PRODUCT ACCEPTABILITY LIST MAY BE SUBSTITUTED.
3. WHEN REMOVING OR MAINTAINING INLET PROTECTION, CARE SHALL BE TAKEN SO THAT THE SEDIMENT TRAPPED ON THE GEOTEXTILE FABRIC DOES NOT FALL INTO THE INLET. ANY MATERIAL FALLING INTO THE INLET SHALL BE REMOVED IMMEDIATELY.

(1) FINISHED SIZE, INCLUDING FLAP POCKETS WHERE REQUIRED, SHALL EXTEND A MINIMUM OF 10 INCHES AROUND THE PERIMETER TO FACILITATE MAINTENANCE OR REMOVAL.

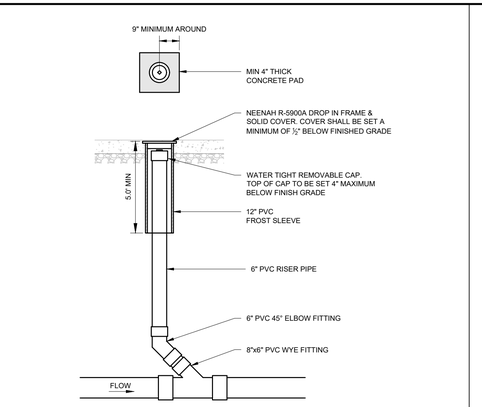
(2) FLAP POCKETS SHALL BE LARGE ENOUGH TO ACCEPT WOOD 2 INCH X 4 INCH.

INSTALLATION NOTES:

1. DO NOT INSTALL INLET PROTECTION TYPE "D" IN INLETS SHALLOWER THAN 30 INCHES, MEASURED FROM THE BOTTOM OF THE INLET TO THE TOP OF THE GRATE.
2. TRIM EXCESS FABRIC IN THE FLOW LINE TO WITHIN 3 INCHES OF THE GRATE.
3. THE INSTALLED BAG SHALL HAVE A MINIMUM SIDE CLEARANCE, BETWEEN THE INLET WALLS AND THE BAG, MEASURED AT THE BOTTOM OF THE OVERFLOW HOLES, OF 3 INCHES. WHERE NECESSARY THE CONTRACTOR SHALL CINCH THE BAG, USING PLASTIC ZIP TIES, TO ACHIEVE THE 3 INCHES CLEARANCE. THE TIES SHALL BE PLACED AT A MAXIMUM OF 4 INCHES FROM THE BOTTOM OF THE BAG.

TYPE D INLET PROTECTION

#1105 06/2014

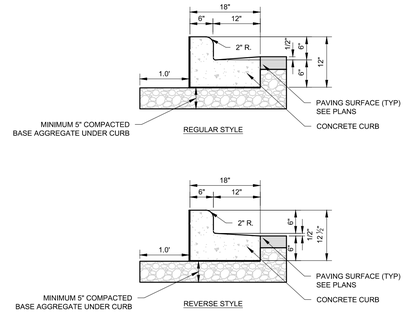


NOTES:

1. CLEANOUT PIPING AND FITTINGS SHALL MATCH SANITARY SEWER LATERAL MATERIAL.

SANITARY SEWER CLEANOUT IN PAVEMENT

#808 10-10-12

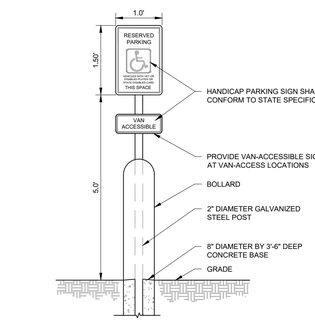


NOTES:

1. LATERAL CONTRACTION JOINTS SHALL BE PLACED AT INTERVALS OF NOT MORE THAN 15 FEET NOR LESS THAN 6 FEET. THE JOINTS SHALL BE A MINIMUM OF 3 INCHES IN DEPTH.
2. EXPANSION JOINTS SHALL BE PLACED TRANSVERSELY AT RADIUS POINTS ON CURVES OF RADIUS 200 FEET OR LESS, AND AT ANGLE POINTS, OR AS DIRECTED BY THE ENGINEER OF RECORD. THE EXPANSION JOINTS FILLER SHALL BE A ONE PIECE FIBERBOARD OR THE APPROVED EQUIVALENT MATERIAL HAVING THE SAME DIMENSIONS AS CURB & GUTTER AT THAT STATION AND BE 0.5 INCH THICK.
3. IN ALL CASES, CONCRETE CURB & GUTTER SHALL BE PLACED ON THOROUGHLY COMPACTED CRUSHED STONE.
4. REVERSE STYLE CURB LOCATIONS ARE NOTED ON THE PLANS.

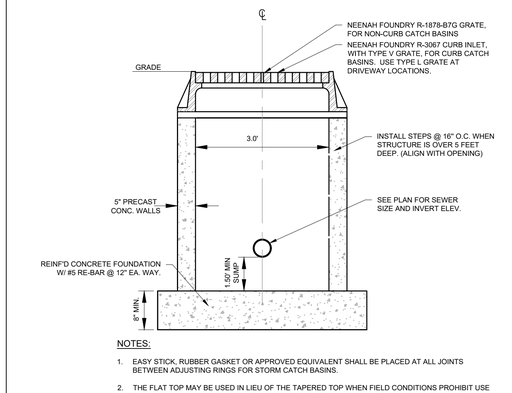
18" VERTICAL FACE CURB

#602-VE 10-27-17



ADA SIGN

#707 10-11-12

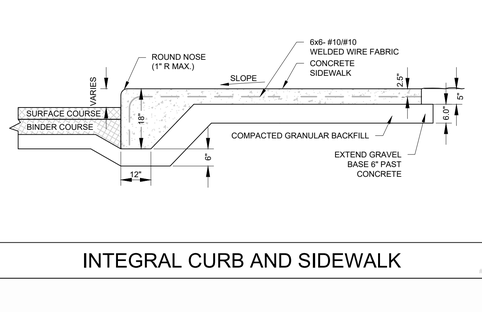


NOTES:

1. EASY STICK, RUBBER GASKET OR APPROVED EQUIVALENT SHALL BE PLACED AT ALL JOINTS BETWEEN ADJUSTING RINGS FOR STORM CATCH BASINS.
2. THE FLAT TOP MAY BE USED IN LIEU OF THE TAPERED TOP WHEN FIELD CONDITIONS PROHIBIT USE OF A TAPERED TOP.

2' x 3' CATCH BASIN

#306 05/04/14

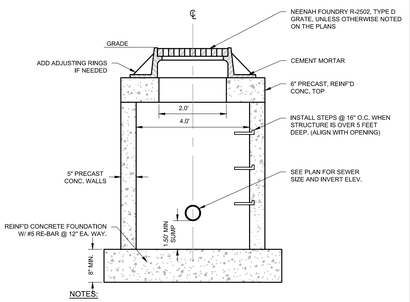


INTEGRAL CURB AND SIDEWALK

#617 12-28-12

Storm Sewer Schedule
FOR
Credit Union

Structure	Size	Inlet Type
CB #101	48" or 2'x3' box	R-3067
CB #102	48" or 2'x3' box	R-3067
CB #103	48" or 2'x3' box	R-3607
CB #104	48" or 2'x3' box	R-3607

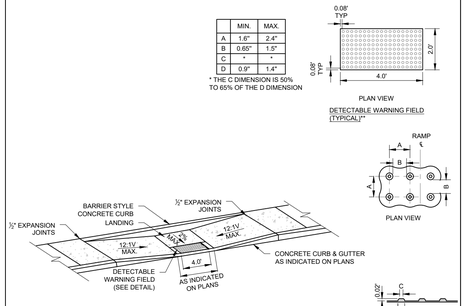


NOTES:

1. EASY STICK, RUBBER GASKET OR APPROVED EQUIVALENT SHALL BE PLACED AT ALL JOINTS BETWEEN ADJUSTING RINGS FOR STORM CATCH BASINS.
2. THE FLAT TOP MAY BE USED IN LIEU OF THE TAPERED TOP WHEN FIELD CONDITIONS PROHIBIT USE OF A TAPERED TOP.
3. STRUCTURE TO BE 4.0' DIA. OR AS INDICATED ON THE PLANS.

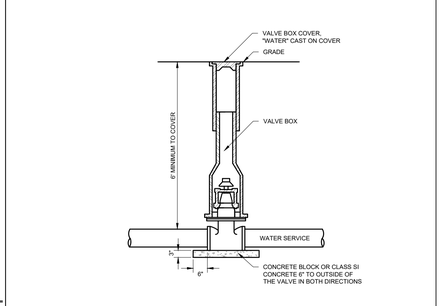
CATCH BASIN

#305 10-03-13



TYPICAL ACCESSIBLE RAMP - SPLIT

#704 8/2015



NOTES:

1. THE CONTRACT UNIT PRICE EACH FOR VALVES OF THE SIZE AND TYPE SPECIFIED SHALL INCLUDE PROVIDING & INSTALLING THE VALVE BOX

SERVICE VALVE

#306 10-10-12

REVIEWED: MTS
DESIGNED: ACT
DRAFTED: ACT

PLAN I DESIGN I DELIVER
www.pinnacle-engr.com

PINNACLE ENGINEERING GROUP
ENGINEERING I NATURAL RESOURCES I SURVEYING

WISCONSIN OFFICE:
20725 WATERTOWN ROAD, SUITE 100
BROOKFIELD, WI 53186
(262) 754-8888
CHICAGO I MILWAUKEE - NATIONWIDE

CREDIT UNION

10865-10911 N PORT WASHINGTON RD, MEQUON, WI

CONSTRUCTION DETAILS

REVISIONS

1	REV PER PC CONSULTATION	12/12/19			

PEG JOB No.: 1524.00A
PEG PM: MTS
START DATE: 10/04/19
SCALE: 1" = 20'

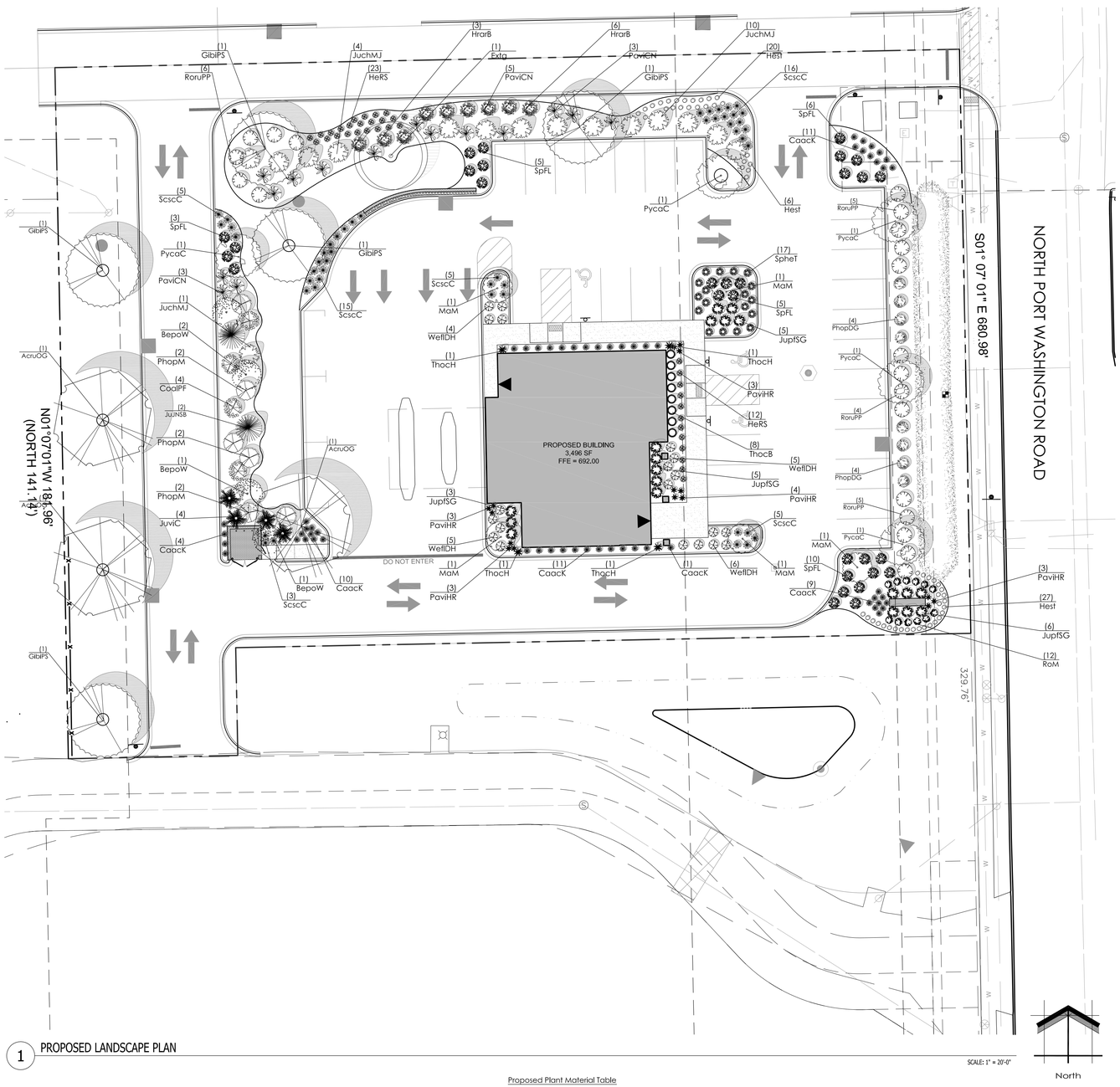
SHEET
C-8
C-8

© COPYRIGHT 2019

CONSTRUCTION DETAILS

Attachment: Packet Docs (4750 : iCAP Development)

Z:\PROJECTS\2018\1524.00A-WI\CAD\SHEETS\C-8 CONSTRUCTION DETAILS.DWG



1 PROPOSED LANDSCAPE PLAN

SCALE: 1" = 20'-0"

Proposed Plant Material Table

Broadleaf Deciduous Tree

Quantity	Code Name	Symbol	Scientific Name	Common Name	Planting Size	Comments
3	AcruOG		Acer rubrum 'October Glory'	October Glory Red Maple	3"-Cal - B&B	1
4	BepoW		Betula populifolia 'Whitespire'	Whitespire Japenese White Birch	8 - 10 - Clump B&B	2
5	GibiPS		Ginko biloba 'Princeton Sentry'	Princeton Sentry Maidenhair Tree	3"-Cal - B&B	1, 8
5	MaM		Malus 'Marillee'	Marillee Flowering Crab	2"-Cal - B&B	1
5	PycaC		Pyrus calleryana 'Chanticleer'	Chanticleer Pear	2"-Cal - B&B	1
1	Extg		Existing to Remain	Existing to Remain	Existing	3

Conifer Evergreen Tree

Quantity	Code Name	Symbol	Scientific Name	Common Name	Planting Size	Comments
2	JuJNSB		Juniperus 'J.N. Select Blue'	Star Power Juniper	6' - 7' - B&B	5
4	JuviC		Juniperus virginana 'Cupressifolia'	Hillspire Juniper	6' - 7' - B&B	5

Perennial

Quantity	Code Name	Symbol	Scientific Name	Common Name	Planting Size	Comments
35	HeRS		Hemerocallis x 'Ruby Spider'	Ruby Spider Daylily	4 1/2" pot	7
53	Hest		Hemerocallis x Stella D' Oro	Stella D' Oro Daylily	4 1/2" pot	7

Broadleaf Deciduous Shrub

Quantity	Code Name	Symbol	Scientific Name	Common Name	Planting Size	Comments
4	CoalPF		Cornus alba 'Prairie Fire'	Prairie Fire Dogwood	18" - 24"- Cont	6
9	HrarB		Hydrangea arborescens NCHA4'	Incredibal® Blush Smooth Hydrangea	18" - 24"- Cont	6
8	PhopDG		Physocarpus opulifolius 'Dart's Gold'	Dart's Gold Ninebark	18" - Cont	6
6	PhopM		Physocarpus opulifolius 'Monlo'	Diabolo Ninebark	18" - Cont	6
12	RoM		Rosa 'Meimirrot'	Apricot Drift Groundcover Rose	18" - Cont	6
20	RoruPP		Rosa rugosa 'Purple Pavement'	Purple Pavement Rose	18" - Cont	6
30	SpFL		Spiraea x 'Fire Light'	Fire Light Spirea	18" - Cont	6
20	WeflDH		Weigela florida 'Dark Horse'	Dark Horse Weigela	18" - Cont	6

Conifer Evergreen Tree

Quantity	Code Name	Symbol	Scientific Name	Common Name	Planting Size	Comments
15	JuchMJ		Juniperus chinensis 'Mint julep'	Mint julep juniper	18" - 24" - B&B	6
19	JupfSG		Juniperus x pfizeriana 'MonSan'	Sea of Gold Juniper	18" - 24" - B&B	6
8	ThocB		Thuja occidentalis 'Bobazam'	Mr. Bowling Ball Arborvitae	18" - Cont	6
4	ThocH		Thuja occidentalis 'Holmstrup'	Holmstrup Dwarf Arborvitae	30" - 36" - B&B	6

SITE INFORMATION

USDA PLANT HARDINESS ZONE	5a (-20 to -15 Degrees F)
LOT ZONING	B-2 / PUD
LOT AREA	1.4 Acres
SITE BUILDING AREA	3,496 SQ. FT.
TOTAL IMPERVIOUS	0.91 Acres
TOTAL GREENSPACE	0.49 Acres
SITE LANDSCAPE PERCENTAGE	35%
TOTAL PARKING STALLS	36 STALLS

CONTRACTOR NOTE: THE LANDSCAPE CONTRACTOR/GENERAL CONTRACTOR ARE RESPONSIBLE TO INSTALL THE LANDSCAPE AS PER THE APPROVED PLAN. IF ANY CHANGES OR DEVIATIONS ARE MADE FROM THE THIS APPROVED PLAN, THE LANDSCAPE CONTRACTOR / GENERAL CONTRACTOR ARE RESPONSIBLE FOR UPDATING THE PLANS ACCORDINGLY AND SUBMITTING THOSE REVISED PLANS FOR APPROVAL AND "SIGN OFF" WITH THE CITY OF MEQUON . THE LANDSCAPE CONTRACTOR / GENERAL CONTRACTOR ARE ALSO RESPONSIBLE FOR VERIFYING THAT ANY PLANT MATERIAL SUBSTITUTIONS OR MODIFICATIONS THAT ARE MADE TO THE APPROVED LANDSCAPE DESIGN DOCUMENTS WILL NOT CHANGE OR ALTER ANY OF THE REQUIRED SUPPORTING LANDSCAPE REQUIREMENT CALCULATIONS. UPON COMPLETION OF THE CONSTRUCTION PROJECT AND FILE THAT AFFIDAVIT WITH THE CITY OF MEQUON

DESIGN COMPLIANCE: THIS LANDSCAPE PLAN IS ACCURATE AND IN COPLAINACE WITH THE CITY OF MEQUON LANDSCAPE REQUIREMENTS SET FOR IN SECTION SEC. 58-564. - LANDSCAPING, SCREENING, BERMING AND PONDS.

(A) STREET TREES . THE DEVELOPER SHALL PROVIDE FOR THE PLANTING OR RETENTION OF STREET TREES ON BOTH SIDES OF ALL NEW ROADWAYS

(C) PARKING LOT LANDSCAPING. OFF STREET PARKING LOTS WITH MORE THAN TEN STALLS SHALL HAVE AT LEAST TEN PERCENT OF THE INTERIOR PARKING AREA LANDSCAPED

(D) PARKING LOT SHADING. LANDSCAPING IN AND AROUND PARKING LOTS SHALL BE DESIGNED, PLANTED AND MAINTAINED SO THAT A MINIMUM OF 30 PERCENT OF THE PARKING AREA WILL BE SHADED

(F) LANDSCAPING STANDARDS.

(2) AT LEAST ONE TREE AND TWO SHRUBS SHALL BE PLANTED FOR EACH 1,000 SQUARE FEET OR PORTION THEREOF OF THE AREA TO BE LANDSCAPED. EACH REQUIRED TREE SHALL HAVE AN INITIAL CALIPER OF NO LESS THAN TWO INCHES AND A HEIGHT OF AT LEAST SEVEN FEET.

(3) NO TREE AS MEASURED FROM ITS CENTER SHALL BE LOCATED WITHIN FIVE FEET OF A VEHICULAR ACCESSWAY, BIKE TRAIL OR PUBLIC SIDEWALK OR WITHIN TEN FEET OF A STREET LIGHT, STOP SIGN, FIRE HYDRANT, STREET SIGN OR DIRECTIONAL SIGN.

(4) ALL LANDSCAPING MATERIAL LOCATED WITHIN A SIGHT DISTANCE TRIANGLE SHALL BE TWO FEET OR LESS IN HEIGHT OR HAVE A CLEARANCE OF EIGHT FEET BENEATH THE LOWEST BRANCH OR PROJECTION.

SECTION 84-6. - REMOVAL OF TREES AND REPLACEMENT

LANDSCAPE PLAN GENERAL NOTES

** PLANT MATERIAL SHOWN ON LANDSCAPE PLAN IS DEPICTED AT MATURE GROWTH. **

1. AT LEAST SEVENTY-TWO HOURS PRIOR TO ANY EXCAVATION, CONTRACTOR SHALL VERIFY UTILITY LOCATIONS AS GIVEN BY THE ELECTRIC, GAS, TELEPHONE, WATER, SEWER, AND CABLE TELEVISION COMPANIES, UTILITIES OR ENTITIES. REVIEW WITH OWNER'S REPRESENTATIVE SITE MECHANICAL, SITE ELECTRICAL AND LIGHTING, SITE GRADING AND DRAINAGE, SITE IRRIGATION AND ALL OTHER DRAWINGS PERTAINING TO UNDERGROUND UTILITY LOCATIONS. RECORD SET OF INFORMATION THE SAME AS IN POSSESSION OF OWNER'S REPRESENTATIVE. ALSO REVIEW OWNER'S "MARK SETS" OF ALL OF THESE DRAWINGS IN POSSESSION OF THE CONTRACTOR OR OWNER. MARK ALL SUCH UTILITIES ON THE SITE PRIOR TO COMMENCING. COORDINATE WITH OWNER BEFORE AND DURING CONSTRUCTION. REPAIR ANY DAMAGE TO ANY SYSTEM THAT IS CAUSED BY LANDSCAPE CONTRACTOR AT NO COST TO OWNER.
2. ALL PLANTINGS SPECIFIED FOR THE LANDMARK CREDIT UNION - MEQUON PROJECT PLANTING TABLES) SHALL COMPLY WITH STANDARDS AS DESCRIBED IN AMERICAN STANDARD OF NURSERY STOCK ANSI Z60.1 2014 AND ANSI STANDARDS FOR PLANTING 2012.
3. ALL DEVIATIONS FROM THE APPROVED LANDMARK CREDIT UNION - MEQUON PROJECT PLANS SHALL BE NOTED ON THE RECORD DRAWINGS BY THE CONTRACTOR AND MAY BE EXECUTED ONLY WITH PRIOR APPROVAL FROM THE LANDSCAPE ARCHITECT AND OWNER'S REPRESENTATIVE. VERBAL AGREEMENTS OR REVISIONS WITHOUT A CHANGE ORDER WILL NOT BE RECOGNIZED BY LANDSCAPE ARCHITECT AND OWNER.
4. ALL PLANTS MUST BE BID AND SELECTED PER THE SPECIES SPECIFIED ON THE PLANS. ANY SPECIES SUBSTITUTIONS MUST BE APPROVED IN WRITING BY LANDSCAPE ARCHITECT. THE SIZES OF PLANT MATERIAL LISTED HEREIN IS A MINIMUM ACCEPTABLE SIZE. ADDITIONALLY, IF EXCESSIVE PRUNING REDUCES THE CROWN THE PLANT SHALL BE REPLACED.
5. PROTECT PUBLIC FROM CONSTRUCTION WITH BARRIERS AND BARRICADES.
6. ALL AREAS THAT WERE DISTURBED DURING CONSTRUCTION AND AREAS NOT COVERED WITH PAVEMENT, BUILDING, PLANTING BEDS, OR TREE PITS ARE TO BE TOPSOILED 3" DEEP (MIN.) AND SHALL BE SODDED/SEEDED WITH SPECIFIED LAWN GRASS. LANDSCAPE CONTRACTOR SHALL INCLUDE COST PER SQUARE YARD FOR ADDITIONAL SEED OPERATIONS AS MAY BE POSSIBLY REQUIRED TO REESTABLISH ADJACENT TURF GRASS AREAS WHICH MAY BECOME DAMAGED DURING THE CONSTRUCTION PROCESS OR TO REPAIR DAMAGE DONE BY OTHERS.
7. CONTRACTOR IS RESPONSIBLE FOR FURNISHING ALL MATERIALS, TOOLS, EQUIPMENT, LABOR, AND PLANTS NECESSARY FOR PROPER PLANTING AND INSTALLATION OF ALL LANDSCAPE MATERIAL.
8. QUANTITIES ON PLANT MATERIALS LIST ARE FOR CONVENIENCE OF BIDDING ONLY. CONTRACTOR IS RESPONSIBLE FOR ALL PLANTS SHOWN ON LANDSCAPE PLANS AND COVERAGE OF ALL AREAS DELINEATED. THE PLANS ARE TO SUPERSEDE THE PLANT LIST IN ALL CASES.
9. CONTRACTOR IS RESPONSIBLE FOR ALL ESTIMATING AND BIDDING, ALL AREAS, QUANTITIES MATERIALS SHOULD BE FIELD VERIFIED WITH SITE CONDITIONS.
10. WHERE DISCREPANCIES OCCUR BETWEEN THE LANDSCAPE PLANS AND/OR ARCHITECTURAL AND/OR THE CIVIL DRAWINGS (AND ANY OTHER SITE DRAWINGS) THE DISCREPANCIES MUST BE BROUGHT TO THE LANDSCAPE ARCHITECTS ATTENTION FOR COORDINATION AND RESOLUTION.
11. ALL DISEASED, NOXIOUS OR INAPPROPRIATE MATERIALS SHALL BE REMOVED FROM THE PROPOSED SITE PRIOR TO THE START OF CONSTRUCTION AND DURING THE MAINTENANCE PERIOD.
12. GENERAL CONTRACTOR SHALL LEAVE THE SITE FREE OF CONSTRUCTION DEBRIS.
13. ALL LAWN AND PLANTING AREAS SHALL SLOPE TO DRAIN A MINIMUM OF 2% UNLESS NOTED OTHERWISE AND REVIEWED WITH OWNER'S REPRESENTATIVE FOR FINAL APPROVAL.
14. FINISH GRADES FOR SHRUB AND GROUND COVER AREAS SHALL BE HELD 1" BELOW TOP OF ADJACENT PAVEMENTS AND CURBS, UNLESS NOTED OTHERWISE ON THE PLANS. REFER TO LSP1.2 FOR FURTHER INFORMATION.
15. ALL PERENNIAL, ANNUAL AND GROUND COVER AREAS TO RECEIVE A BLEND OF ORGANIC SOIL AMENDMENTS PRIOR TO PLANTING. TILL THE FOLLOWING MATERIALS INTO EXISTING TOPSOIL TO A DEPTH OF APPROXIMATELY 8". A DEPTH OF 12" IN TREE PITS. PROPORTIONS AND QUANTITIES MAY REQUIRE ADJUSTMENT DEPENDING ON THE CONDITION OF EXISTING SOIL. REFER TO LSP1.2 FOR FURTHER INFORMATION.

    PER EVERY 100 SQUARE FEET ADD: ONE - 2 CUBIC FOOT BALE OF PEAT MOSS, 2 POUNDS OF 5 -10 -5 GARDEN FERTILIZER, 1/4 CUBIC YARD OF COMPOSTED MANURE OR OTHER COMPOSTED, ORGANIC MATERIAL.
16. ALL SHRUBS TO BE POCKET PLANTED WITH A 50/50 MIX OF COMPOSTED, ORGANIC MATERIAL AND EXISTING SOIL. INSTALL TOPSOIL INTO ALL BEDS AS NEEDED TO ACHIEVE PROPER GRADE. REMOVE ALL EXCESSIVE GRAVEL, CLAY AND STONES. REFER TO LSP1.2 FOR FURTHER INFORMATION.
17. PLANT ALL TREES SLIGHTLY HIGHER THAN FINISHED GRADE AT ROOT FLARE. BACK FILL HOLE WITH 2/3 EXISTING TOPSOIL AND ORGANIC SOIL AMENDMENTS SPECIFIED IN NOTE 15. AVOID ANY AIR POCKETS. DISCARD ANY GRAVEL CLAY OR STONES. REFER TO LSP1.2 FOR FURTHER INFORMATION.
18. ALL TREES TO BE INSTALLED, STAKED AND GUYED ACCORDING TO DETAILS. REFER TO ANSI STANDARDS FOR PLANTING 2012 AND DETAILS ON LSP1.2 FOR FURTHER INFORMATION.
19. PROVIDE A 4'-0" - 5'-0" DIAMETER MULCH RING AT THE ROOT BALL FLARE OF ALL LAWN TREES.
20. ALL PLANTINGS TO BE WATERED AT THE TIME OF PLANTING, THROUGHOUT CONSTRUCTION AND UPON COMPLETION OF PROJECT AS REQUIRED.
21. WHERE SPECIFIED, ALL PLANT BEDS, PITS AND TREE RINGS ARE TO RECEIVE A MINIMUM OF 2" - 3" DRESSING OF SHREDDED HARDWOOD OAK BARK MULCH SHAVINGS FREE OF GROWTH, WEEDS, FOREIGN MATTER DETRIMENTAL TO PLANT LIFE OR GERMINATION INHIBITING INGREDIENTS. LANDSCAPE CONTRACTOR TO PROVIDE A SAMPLE TO OWNER FOR APPROVAL. CONTRACTOR TO TAKE CARE WITH INSTALLATION NOT TO DAMAGE OR COVER PLANTS. REFER TO LSP1.2 FOR FURTHER INFORMATION.
22. LAWN INSTALLATION: CONTRACTOR TO FURNISH AND PREPARE TOPSOIL (3" MIN) AND SEED BED (REMOVE ALL STONES 1" OR LARGER), APPLY STARTER FERTILIZER AND SEED UNIFORMLY. PROVIDE A MULCH COVERING SUITABLE TO GERMINATE AND ESTABLISH TURF. EROSION CONTROL MESH SHOULD BE USED IN SWALES AND STEEP GRADES WHERE APPLICABLE. METHODS OF INSTALLATION MAY VARY AT THE DISCRETION OF CONTRACTOR. IT IS HIS/HER RESPONSIBILITY TO ESTABLISH AND GUARANTEE A SMOOTH, UNIFORM, QUALITY TURF. IF STRAW MULCH IS USED AS A COVERING, A TACKIFIER MAY BE NECESSARY TO AVOID WIND DAMAGE.
23. REQUIRED SEED MIXES:

    DELUXE 50 GRASS SEED MIX REINDER'S (800) 785-3301

    20% KENTUCKY BLUE GRASS
    15% NEWPORT KENTUCKY BLUE GRASS
    15% SR 2100 Kentucky Bluegrass
    25% Creeping Red Fescue
    15% Replicator Perennial Ryegrass
    10% Fiesta 4 Perennial Ryegrass

    APPLY AT A RATE OF 200 POUNDS PER ACRE. REFER TO SUPPLIERS SPECIFICATIONS & INSTALLATION CUT SHEETS FOR FURTHER INFORMATION
24. DURING THE INITIAL "30 DAY MAINTENANCE PERIOD" THE LANDSCAPE CONTRACTOR IS REQUIRED TO PROVIDE AND ON-GOING PLEASANT VISUAL ENVIRONMENT WHEREAS ANY PLANT WHICH IS NOT RESPONDING TO TRANSPLANTING OR THRIVING SHALL IMMEDIATELY BE REPLACED. NEW LAWNS SHALL BE WATERED AND REPAIRED AND WEEDS MUST CONSTANTLY BE REMOVED, NO EXCEPTIONS WILL BE GRANTED.

    MAINTENANCE NOTE:
    MAINTENANCE IS THE RESPONSIBILITY OF THE PROPERTY OWNER TO MAINTAIN REQUIRED LANDSCAPING IN ACCORDANCE WITH THE MUNICIPALITY'S PROPERTY MAINTENANCE CODE AND AN APPROVED MAINTENANCE PLAN. THE MAINTENANCE MUST INCLUDE, AT A MINIMUM, METHODS FOR PROVIDING THE FOLLOWING:
    1. NECESSARY IRRIGATION (If REQUIRED)
    2. INTEGRATED PEST MANAGEMENT,
    3. PROPER FERTILIZATION
    4. TREE CARE AND PRUNING, SHRUB TIP CLIPPING AND SHAPING AS REQUIRED,
    5. REPLACEMENT OF LOST VEGETATION, AND ALL DISEASED, DAMAGED, OR DEAD MATERIAL WILL BE REPLACED BY THE END OF THE FOLLOWING PLANTING SEASON IN PERPETUITY.
    6. WEED MANAGEMENT AND BED CARE.
25. ALL NEWLY PLANTED TREES AND SHRUBS ARE TO RECIEVE AN APPLICATION OF AN ANTI-TRANSPIRANT SPRAY THAT WILL EFFECTIVELY REDUCE THE WATER LOSS OF TRANSPIRATION OF PLANT MATERIAL AND REDUCE THE STRESS OF TRANSPLANTATION. IT IS RECOMENDED AS PART OF THE ONGOING MAINTENANCE THAT ANY BROADLEAF EVERGREEN AND CONIFEROUS TREE AND SHRUBS (EXCLUDING ARBORVITAE) RECIEVE AN APPLIATION OF AN ANTI-DESICANT SPRAY TO REDUCE THE LOSS OF MOISTURE DUE TO WINTER DESICCATION.
26. MAINTENANCE. THE OWNER SHALL TEND AND MAINTAIN ALL PLANT MATERIALS IN A HEALTHY GROWING CONDITION AS PER THE APPROVED PLAN. PLANTINGS SHALL BE REPLACED WHEN NECESSARY AND KEPT FREE FROM REFUSE & DEBRIS. ALL PLANTING MATERIAL WHICH IS DYING OR DAMAGED BEYOND RECOVERY SHALL BE REPLACED WITHIN SIX (6) MONTHS OR BY THE NEXT PLANTING SEASON, WHICHEVER COMES FIRST.
27. LANDSCAPE / SITE DEMOLITION CONTRACTOR TO VERIFY LOCATIONS OF EXISTING TREES AND SHRUBS TO BE SALVAGED AND CLEARLY TAG THEM WITH MARKING TAPE AND CONSTRUCTION FENCE.

UNDERGROUND SEWER AND UTILITY INFORMATION AS SHOWN IS OBTAINED FROM THE RECORDS OF MUNICIPALITY AND LOCAL UTILITY COMPANIES. THE ACCURACY OF WHICH CAN NOT BE GUARANTEED OR CERTIFIED TO. THE LOCATIONS OF EXISTING UTILITY INSTALLATIONS AS SHOWN ON THIS SURVEY ARE APPROXIMATE. THERE MAY BE OTHER UNDERGROUND UTILITY INSTALLATIONS WITHIN THE PROJECT AREA THAT ARE NOT SHOWN.

TO OBTAIN LOCATION OF PARTICIPANTS UNDERGROUND FACILITIES BEFORE YOU DIG IN WISCONIN CALL THE MILWAUKEE UTILITY ALERT NETWORK (800)-242-8511, (262) 432-7910 (877) 500-9592 www.Diggershotline.com OR

811 Know what's below. Call before you dig.

TO OBTAIN LOCATION OF PARTICIPANTS UNDERGROUND FACILITIES BEFORE YOU DIG IN WISCONSIN DIGGERS HOT LINE

WISCONSIN STATUTE 182.0175 (1974) REQUIRES A MINIMUM OF 3 DAYS NOTICE BEFORE YOU EXCAVATE (NOT INCLUDING SATURDAY, SUNDAY OR LEGAL HOLIDAYS)

Perennial Grass

Quantity	Code Name	Symbol	Scientific Name	Common Name	Planting Size	Comments
59	CaacK		Calamagrostis acutiflora 'Karl Forester'	Karl Forester Feather Reed Grass	1-Gal - Cont	7
15	PaviCN		Panicum virgatum 'Cloud Nine'	Cloud Nine Tall Switch Grass	1-Gal - Cont	7
16	PaviHR		Panicum virgatum 'Hot Rod'	Hot Rod Switch Grass	1-Gal - Cont	7
49	ScscC		Schizachyrium scoparium 'Carousel'	Carousel Little Blue Stem	1-Gal - Cont	7
18	SpheT		Sporobolus heterolepis 'Tara'	Tara Prairie Dropseed	1-Gal - Cont	7

Comments

1. Straight central leader, full & even crown. Prune only after planting.
2. Well balanced, multi-stemmed tree with a minimum of (3) strong canes and full appearance.
3. Prune existing tree, remove any dead, diseased or hazardous limbs. Thin out as required and raise canopy for safety and viability for both pedestrians and motorists.
4. Remove tree in its entirety and grind stump to a minimum of 6" below adjacent grade. Remove grinding ships and fill hole with topsoil and sow turf grass seed as required.
5. Evenly shaped upright tree with full branching to the ground.
6. Full, well rooted plant, evenly shaped.
7. Full, well rooted plant.
8. Male only

INSITE LANDSCAPE DESIGN
Landscape Consulting
& Master Planning Design Sevices
11525 W. North Avenue, Suite 1B
Wauwatosa, WI 53226
Tel (414) 476-1204
www.insitedesigninc.com
mdavis@insitedesigninc.com

Project:

LANDMARK CREDIT UNION

N. Port Washington Road
Mequon, WI

Issuance and Revisions:

Date	Number	Description
11/04/19		Client Review Submittal
11/08/19		Plan Commission Submittal
12/11/19		Revisions based on Site Changes / Plan Commission Re-Submittal

COPYRIGHT InSite Landscape Design Inc. 2018
ALL RIGHTS RESERVED
THIS DRAWING IS NOT TO BE REPRODUCED, CHANGED, COPIED OR ASSIGNED TO ANY THIRD PARTY IN ANY FORM OR MANNER WITHOUT FIRST OBTAINING THE EXPRESSED WRITTEN PERMISSION OF InSite Landscape Design, Inc. THE CLIENT AGREES TO INDEMNIFY AND HOLD THE LANDSCAPE ARCHITECT HARMLESS FROM ANY DAMAGES, LIABILITY, OR COST, INCLUDING ATTORNEY'S FEES AND COSTS OF DEFENSE ARISING FROM ANY CHANGES OR ALTERATIONS MADE BY ANYONE OTHER THAN THE LANDSCAPE ARCHITECT, OR FROM ANY REUSE OF THE DRAWINGS OR DATA WITHOUT THE PRIOR WRITTEN CONSENT OF THE LANDSCAPE ARCHITECT.

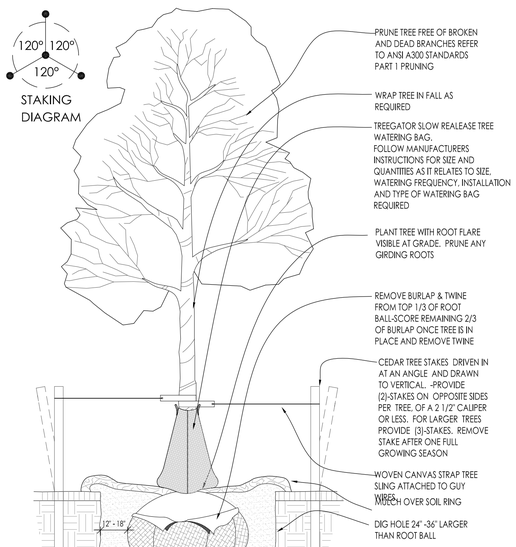
Sheet Title:

PROPOSED LANDSCAPE PLAN, GENERAL NOTES, AND PLANT MATERIAL TABLE

Date of Drawing: 12/11/19
Scale: 1" = 20'-0"
Drawn By: MCD
Job Number: L19-113
Sheet Number:

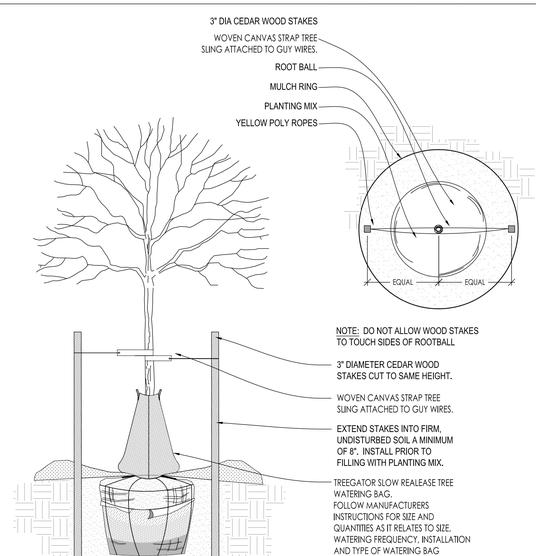
LSP1.1

NOT FOR CONSTRUCTION
PRELIMINARY, FOR PERMITTING ONLY
Attachment: Packet Docs (4750 : ICA Development)
LSP1.1 - LANDMARK CREDIT UNION - MEQUON - 12/11/2019 - Meeting Submittal Packet (4750 : ICA Development)



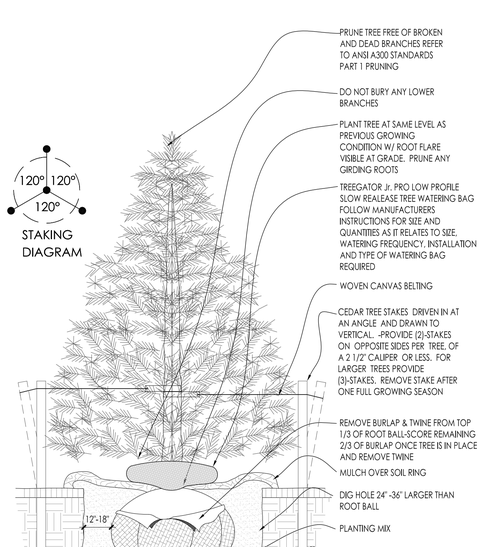
1 DECIDUOUS TREE PLANTING DETAIL

SCALE: NONE



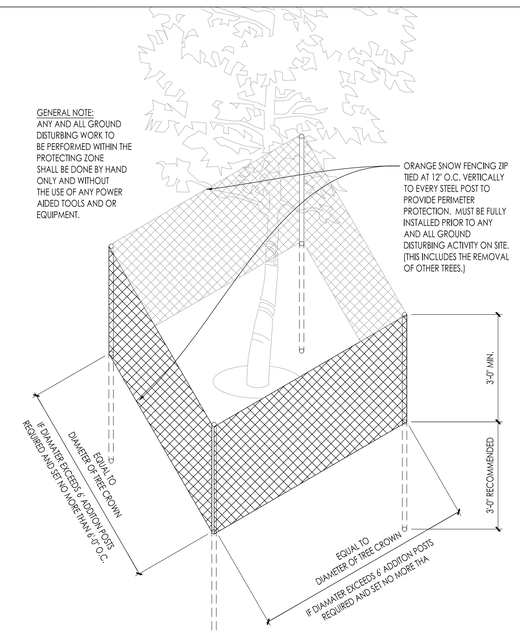
2 DECIDUOUS TREE STAKING PARKING ISLAND/RESTRICTED AREAS

SCALE: NONE



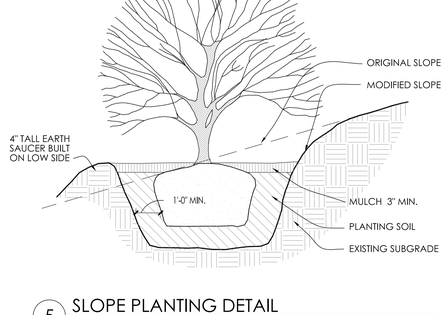
3 CONIFEROUS TREE PLANTING DETAIL

SCALE: NONE



4 EXISTING TREE PROTECTION DETAIL

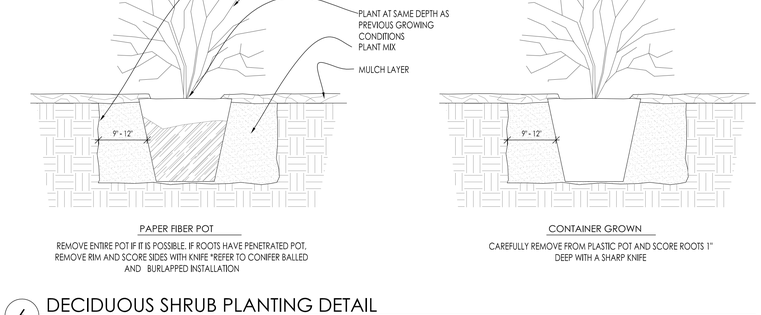
SCALE: NONE



5 SLOPE PLANTING DETAIL

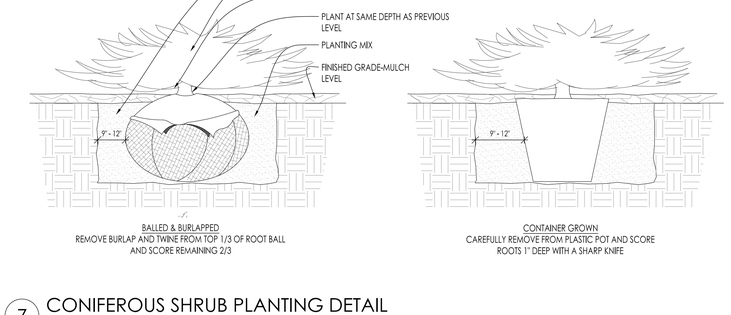
SCALE: NONE

REFER TO TYPICAL DECIDUOUS TREE DETAIL FOR STAKING



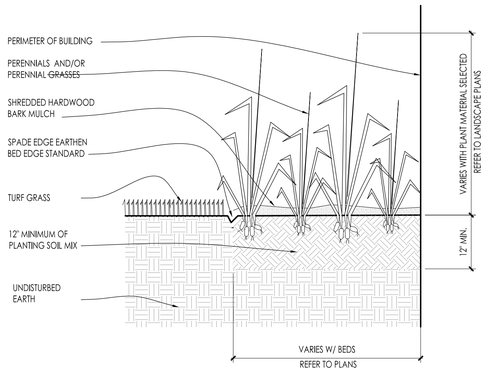
6 DECIDUOUS SHRUB PLANTING DETAIL

SCALE: NONE



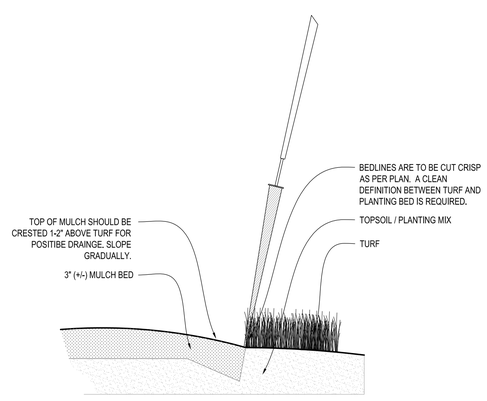
7 CONIFEROUS SHRUB PLANTING DETAIL

SCALE: NONE



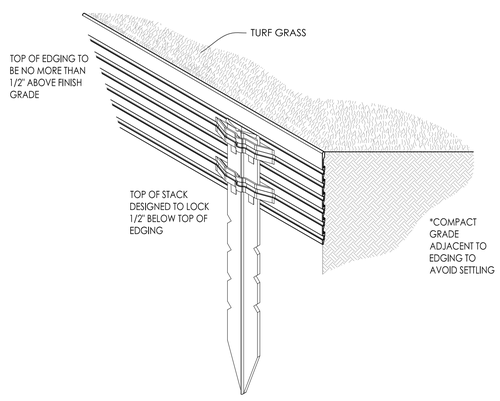
8 PERENNIAL BED PLANTING DETAIL

SCALE: NONE



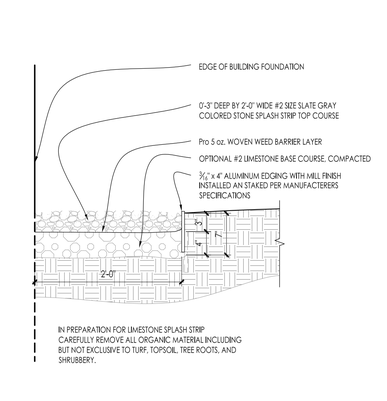
9 SPADE EDGE PLANT BED EDGE DETAIL

SCALE: NONE



10 METAL LANDSCAPE EDGING DETAIL

SCALE: 1/2" = 1'-0"



11 COMPACTED GRAVEL SPLASH STRIP

SCALE: 1" = 1'-0"

InSite Landscape Design
Landscape Consulting & Master Planning Design Sevices
11525 W. North Avenue, Suite 1B
Wauwatosa, WI 53226
Tel (414) 476-1204
www.insitedesigninc.com
mdavis@insitedesigninc.com

Project:

LANDMARK CREDIT UNION

N. Port Washington Road
Mequon, WI

Issuance and Revisions:

Date	Number	Description
11/04/19		Client Review Submittal
11/08/19		Plan Commission Submittal
12/11/19		Revisions based on Site Changes / Plan Commission Re-Submittal

COPYRIGHT InSite Landscape Design Inc. 2018
ALL RIGHTS RESERVED
THIS DRAWING IS NOT TO BE REPRODUCED, CHANGED, COPIED OR ASSIGNED TO ANY THIRD PARTY IN ANY FORM OR MANNER WITHOUT FIRST OBTAINING THE EXPRESSED WRITTEN PERMISSION OF InSite Landscape Design, Inc. THE CLIENT AGREES TO INDEMNIFY AND HOLD THE LANDSCAPE ARCHITECT HARMLESS FROM ANY DAMAGES, LIABILITY, OR COST, INCLUDING ATTORNEY'S FEES AND COSTS OF DEFENSE ARISING FROM ANY CHANGES OR ALTERATIONS MADE BY ANYONE OTHER THAN THE LANDSCAPE ARCHITECT, OR FROM ANY REUSE OF THE DRAWINGS OR DATA WITHOUT THE PRIOR WRITTEN CONSENT OF THE LANDSCAPE ARCHITECT.

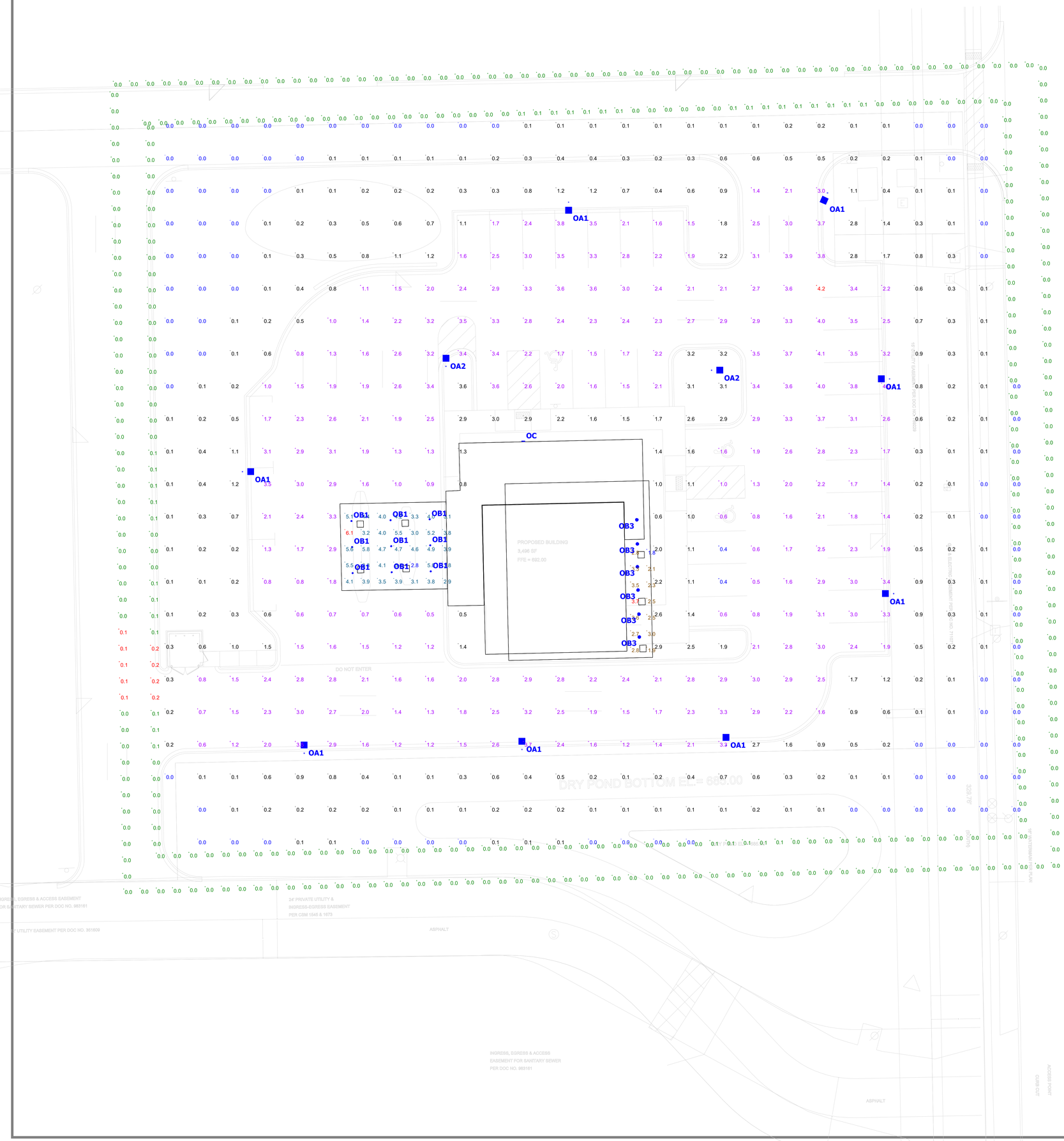
Sheet Title:

PROPOSED LANDSCAPE PLAN, PLANTING DETAILS

Date of Drawing: 12/11/19
Scale: As Noted
Drawn By: MCD
Job Number: L19-113
Sheet Number:

LSP1.2

NOT FOR CONSTRUCTION
PRELIMINARY - FOR REVIEW ONLY - DO NOT BID OR BUILD FROM THESE DRAWINGS
Attachment: Packet Docs (4750 : ICAP Development) (4750 : ICAP Development)



Schedule

Symbol	Label	Quantity	Manufacturer	Catalog Number	Description	Lumens	Light Loss Factor	Wattage
	OA1	8	LITHONIA	DSX1 LED P2 40K TFTM MVOLT HS	TYPE FTM AREA LIGHT WITH HOUSE SIDE SHIELD AND SQUARE STEEL POLE - MOUNTED AT 16'	6945	0.85	70
	OA2	2	LITHONIA	DSX1 LED P3 40K TSM MVOLT	TYPE 5M AREA LIGHT WITH HOUSE SIDE SHIELD AND SQUARE STEEL POLE - MOUNTED AT 16'	13055	0.8	102
	OB1	9	LITHONIA	LDN6 40/05 LO6AR LD	6" RECESSED DOWNLIGHT MOUNTED IN UNDERSIDE OF DRIVE-THRU CANOPY AT 12'	577	0.8	8
	OB3	6	LEDRA BRANDS	NU6-RA-ZTM19-10LM-40K-83-D60-120-NC-MC-MC	6" ADJUSTABLE DOWNLIGHT MOUNTED IN TH UNDERSIDE OF FRONT CANOPY AT 23'	743	0.8	11
	OC	1	LITHONIA	DSXW1 LED 10C 530 40K TFTM MVOLT	EXTERIOR WALLPACK MOUNTED 10'-6" AFF	2212	0.8	20

Statistics

Description	Symbol	Avg	Max	Min	Max/Min
10' from property line	×	0.0 fc	0.1 fc	0.0 fc	N/A
DRIVE-UP CANOPY	■	4.2 fc	6.1 fc	2.8 fc	2.2:1
ENTRY	◇	2.7 fc	3.7 fc	1.8 fc	2.1:1
PARKING	×	2.3 fc	4.2 fc	0.4 fc	10.5:1
property line	×	0.0 fc	0.2 fc	0.0 fc	N/A
SITE ALL	+	1.2 fc	4.2 fc	0.0 fc	N/A
VERTICAL AT PROPERTY LINE - NOT SHOWN FOR CALCITY	×	0.1 fc	0.2 fc	0.0 fc	N/A
VERTICAL AT PROPERTY LINE - NOT SHOWN FOR CALCITY	×	0.0 fc	0.1 fc	0.0 fc	N/A
VERTICAL AT PROPERTY LINE - NOT SHOWN FOR CALCITY	×	0.0 fc	0.1 fc	0.0 fc	N/A
VERTICAL AT PROPERTY LINE - NOT SHOWN FOR CALCITY	×	0.1 fc	0.5 fc	0.0 fc	N/A

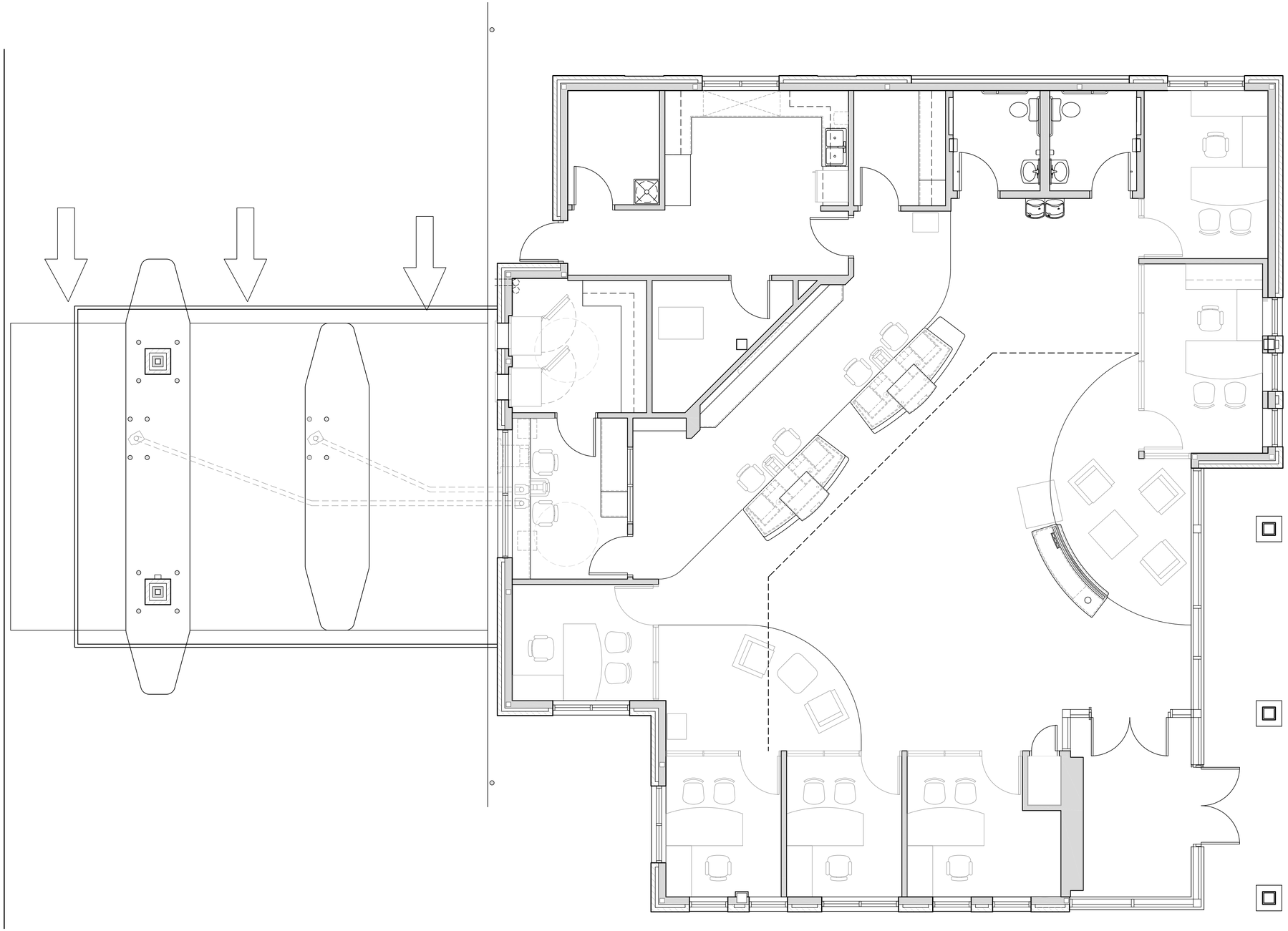
Plan View
Scale - 1" = 12ft

Woodland Consulting, LLC
woodlandconsultingllc@gmail.com
262-844-0847

LANDMARK CREDIT UNION
MEQUON, WI
SITE LIGHTING PHOTOMETRICS

Designer	JAW
Date	12/11/2019
Scale	SEE PLAN
Drawing No.	
Summary	

Attachment: Packet Docs (4750) : ICAP Development)



1 A-101 FIRST FLOOR PLAN
SCALE: 1/4" = 1'-0"

NORTH

DESIGN/BUILDER:

OUR BUSINESS IS BUILDING YOURS
LaMACCHIA GROUP

PLAN ▾ BRAND ▾ DESIGN ▾ BUILD ▾ EVOLVE
157 North Milwaukee Street
Milwaukee, Wisconsin 53202
T 414.223.4400 F 414.223.4488
www.lamacchiagroup.com

PROPOSED CREDIT UNION
NORTH PORT WASHINGTON RD
MEQUON, WI 53092

REVISIONS:

INFORMATION ON THIS DRAWING TAKES PRECEDENCE OVER THE SPECIFICATIONS MANUAL IF THE DOCUMENTS HAVE CONFLICTING INFORMATION.

NO.	DATE	BY	DESCRIPTION
1	-	-	-

LA MACCHIA GROUP PROJECT NUMBER:
WI-LAN-1901

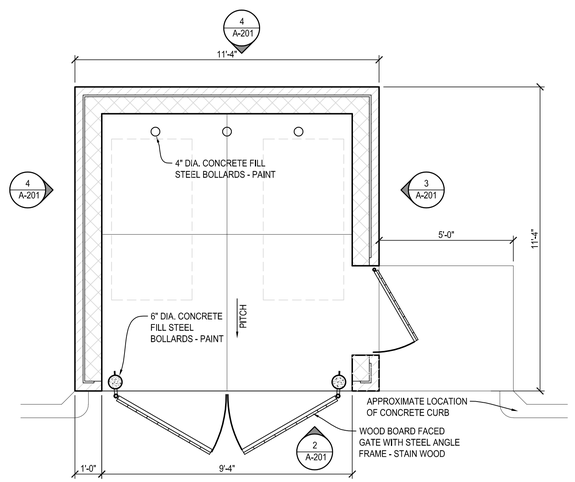
DATE:
12/12/19

SHEET TITLE:
FIRST FLOOR PLAN

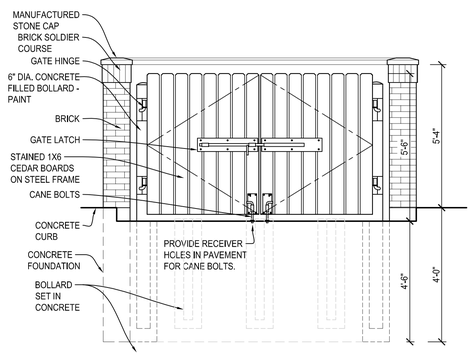
SHEET NUMBER:
A-101

COPYRIGHT ©
LA MACCHIA GROUP, LLC.
All information contained on this drawing including, but not limited to design concepts and details is the property of La Macchia Group, LLC. All ideas documented herein were created for this specific project and shall not be reused in any form without the written permission of La Macchia Group, LLC.

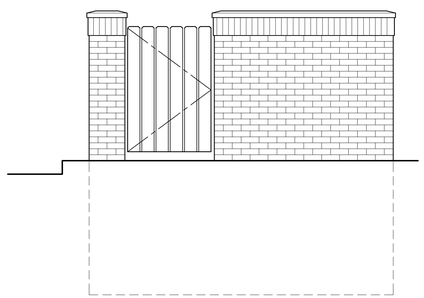
Attachment: Packet Docs (4750 : ICAP Development)



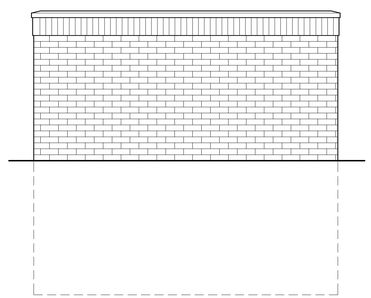
1 A-201 PLAN (TRASH & RECYCLING)
SCALE: 3/8" =1'-0"



2 A-201 FRONT ELEVATION
SCALE: 3/8" =1'-0"



3 A-201 SIDE ELEVATION
SCALE: 3/8" =1'-0"



4 A-201 BACK ELEVATION
SCALE: 3/8" =1'-0"

DESIGN/BUILDER:

OUR BUSINESS IS BUILDING YOURS
LaMACCHIA GROUP
PLAN ▾ BRAND ▾ DESIGN ▾ BUILD ▾ EVOLVE
157 North Milwaukee Street
Milwaukee, Wisconsin 53202
T 414.223.4400 F 414.223.4488
www.lamacchiagroup.com

PROPOSED CREDIT UNION
NORTH PORT WASHINGTON RD
MEQUON, WI 53092

REVISIONS:

INFORMATION ON THIS DRAWING TAKES PRECEDENCE OVER THE SPECIFICATIONS MANUAL IF THE DOCUMENTS HAVE CONFLICTING INFORMATION.

NO.	DATE	BY	DESCRIPTION
1	-	-	-

LA MACCHIA GROUP PROJECT NUMBER:
WI-LAN-1901

DATE:
12/12/19

SHEET TITLE:
TRASH ENCLOSURE

SHEET NUMBER:
A-201

COPYRIGHT ©
LA MACCHIA GROUP, LLC.
All information contained on this drawing including, but not limited to design concepts and details is the property of La Macchia Group, LLC. All ideas documented herein were created for this specific project and shall not be reused in any form without the written permission of La Macchia Group, LLC.

Attachment: Packet Docs (4750 : ICAP Development)

1 A-301 BUILDING RENDERING
SCALE:NONE

DESIGN/BUILDER:

OUR BUSINESS IS BUILDING YOURS
LaMACCHIA GROUP
PLAN ▾ BRAND ▾ DESIGN ▾ BUILD ▾ EVOLVE
157 North Milwaukee Street
Milwaukee, Wisconsin 53202
T 414.223.4400 F 414.223.4488
www.lamacchiagroup.com

PROPOSED CREDIT UNION
NORTH PORT WASHINGTON RD
MEQUON, WI 53092

REVISIONS:

INFORMATION ON THIS DRAWING TAKES PRECEDENCE OVER THE SPECIFICATIONS MANUAL IF THE DOCUMENTS HAVE CONFLICTING INFORMATION.

NO.	DATE	BY	DESCRIPTION
1	-	-	-

LA MACCHIA GROUP PROJECT NUMBER:
WI-LAN-1901

DATE:
12/12/19

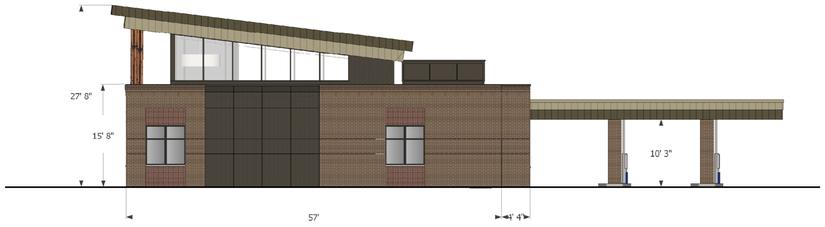
SHEET TITLE:
BUILDING RENDERING

SHEET NUMBER:
A-301

COPYRIGHT ©
LA MACCHIA GROUP, LLC.
All information contained on this drawing including, but not limited to design concepts and details is the property of La Macchia Group, LLC. All ideas documented herein were created for this specific project and shall not be reused in any form without the written permission of La Macchia Group, LLC.

Attachment: Packet Docs (4750 : iCAP Development)

1 A-401 WEST BUILDING ELEVATION
SCALE:NONE



2 A-401 NORTH BUILDING ELEVATION
SCALE:NONE

3 A-401 EAST BUILDING ELEVATION
SCALE:NONE

4 A-401 SOUTH BUILDING ELEVATION
SCALE:NONE

DESIGN/BUILDER:

OUR BUSINESS IS BUILDING YOURS
LaMACCHIA GROUP
PLAN ▾ BRAND ▾ DESIGN ▾ BUILD ▾ EVOLVE
157 North Milwaukee Street
Milwaukee, Wisconsin 53202
T 414.223.4400 F 414.223.4488
www.lamacchiagroup.com

PROPOSED CREDIT UNION
NORTH PORT WASHINGTON RD
MEQUON, WI 53092

REVISIONS:

INFORMATION ON THIS DRAWING TAKES PRECEDENCE OVER THE SPECIFICATIONS MANUAL IF THE DOCUMENTS HAVE CONFLICTING INFORMATION.

NO.	DATE	BY	DESCRIPTION
1	-	-	-

LA MACCHIA GROUP PROJECT NUMBER:
WI-LAN-1901

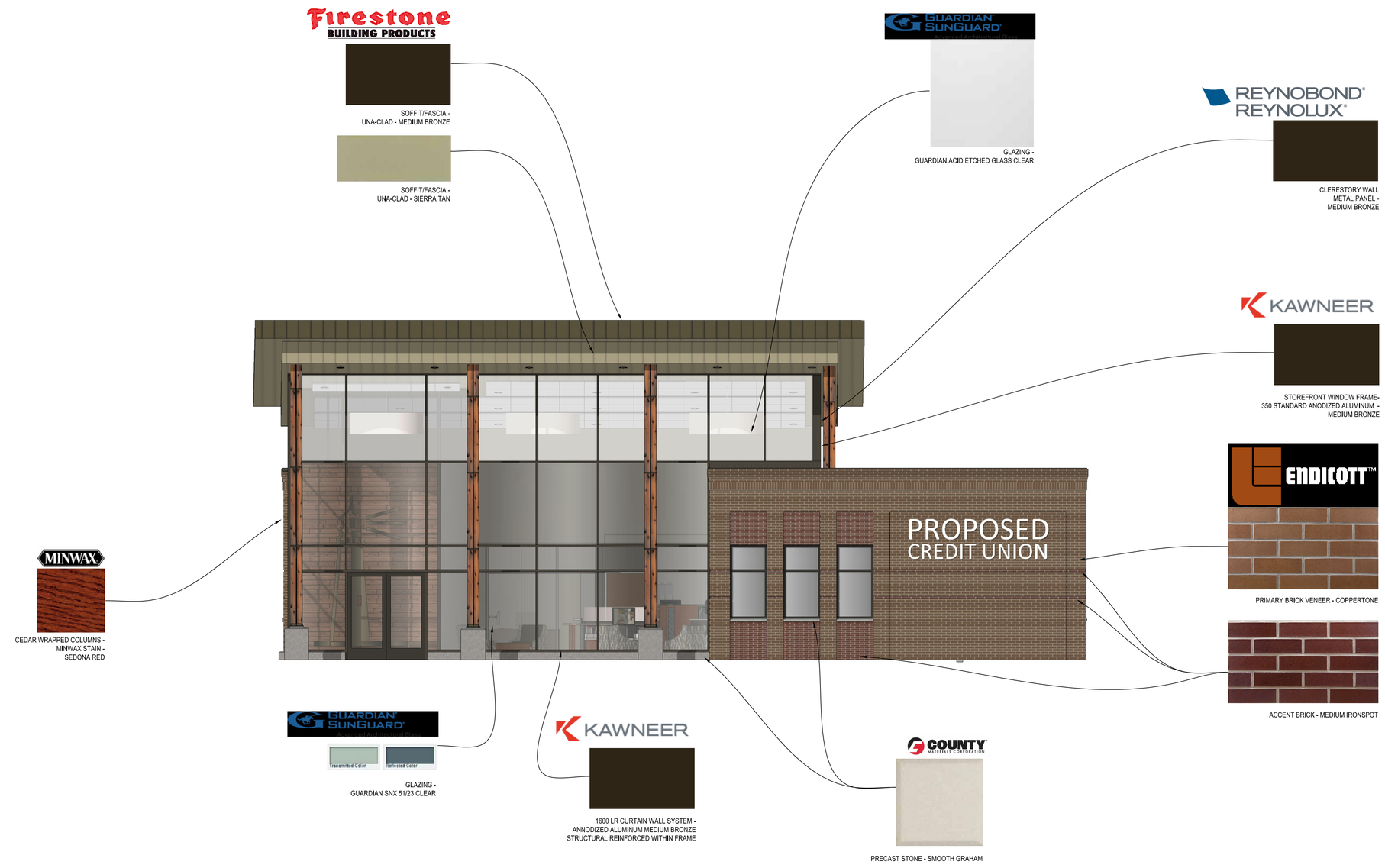
DATE:
12/12/19

SHEET TITLE:
BUILDING ELEVATIONS

SHEET NUMBER:
A-401

COPYRIGHT ©
LA MACCHIA GROUP, LLC.
All information contained on this drawing including, but not limited to design concepts and details is the property of La Macchia Group, LLC. All ideas documented herein were created for this specific project and shall not be reused in any form without the written permission of La Macchia Group, LLC.

Attachment: Packet Docs (4750 : ICAP Development)



1 / A-402 EXTERIOR BUILDING MATERIALS
NOT TO SCALE

DESIGN/BUILDER:

OUR BUSINESS IS BUILDING YOURS
LaMACCHIA GROUP

PLAN ▾ BRAND ▾ DESIGN ▾ BUILD ▾ EVOLVE
157 North Milwaukee Street
Milwaukee, Wisconsin 53202
T 414.223.4400 F 414.223.4488
www.lamacchiagroup.com

PROPOSED CREDIT UNION
NORTH PORT WASHINGTON RD
MEQUON, WI 53092

REVISIONS:

INFORMATION ON THIS DRAWING TAKES PRECEDENCE OVER THE SPECIFICATIONS MANUAL IF THE DOCUMENTS HAVE CONFLICTING INFORMATION.

NO.	DATE	BY	DESCRIPTION

LA MACCHIA GROUP PROJECT NUMBER:
WI-LAN-1901

DATE:
12/12/19

SHEET TITLE:
EXTERIOR BUILDING MATERIALS

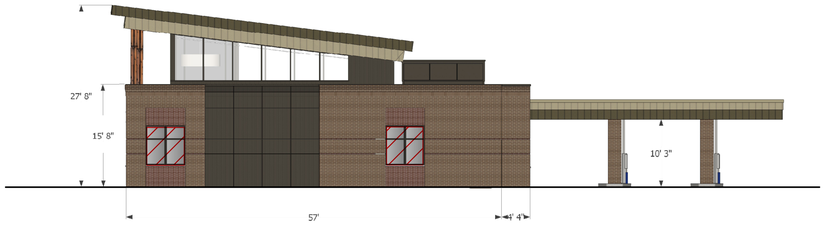
SHEET NUMBER:
A-402

COPYRIGHT © LA MACCHIA GROUP, LLC.
All information contained on this drawing including, but not limited to design concepts and details is the property of La Macchia Group, LLC. All ideas documented herein were created for this specific project and shall not be reused in any form without the written permission of La Macchia Group, LLC.

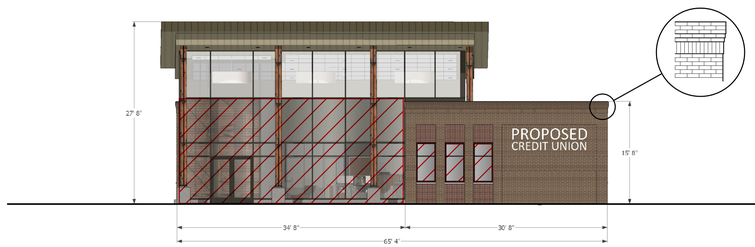
Attachment: Packet Docs (4750 : ICAP Development)

Window Coverings

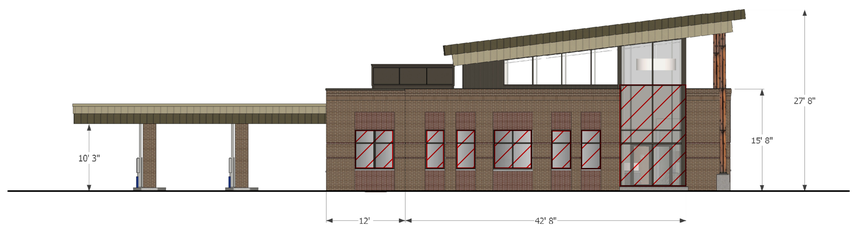
1 A-401 WEST BUILDING ELEVATION
SCALE:NONE



2 A-401 NORTH BUILDING ELEVATION
SCALE:NONE



3 A-401 EAST BUILDING ELEVATION
SCALE:NONE



4 A-401 SOUTH BUILDING ELEVATION
SCALE:NONE

DESIGN/BUILDER:

OUR BUSINESS IS BUILDING YOURS
LaMACCHIA GROUP

PLAN ▾ BRAND ▾ DESIGN ▾ BUILD ▾ EVOLVE
157 North Milwaukee Street
Milwaukee, Wisconsin 53202
T 414.223.4400 F 414.223.4488
www.lamacchiagroup.com

PROPOSED CREDIT UNION
NORTH PORT WASHINGTON RD
MEQUON, WI 53092

REVISIONS:

INFORMATION ON THIS DRAWING TAKES PRECEDENCE OVER THE SPECIFICATIONS MANUAL IF THE DOCUMENTS HAVE CONFLICTING INFORMATION.

NO.	DATE	BY	DESCRIPTION
1	-	-	-

LA MACCHIA GROUP PROJECT NUMBER:
WI-LAN-1901

DATE:
12/12/19

SHEET TITLE:
BUILDING ELEVATIONS

SHEET NUMBER:
A-401

COPYRIGHT ©
LA MACCHIA GROUP, LLC.
All information contained on this drawing including, but not limited to design concepts and details is the property of La Macchia Group, LLC. All ideas documented herein were created for this specific project and shall not be reused in any form without the written permission of La Macchia Group, LLC.

Attachment: Packet Docs (4750 : ICAP Development)

PROPOSED CREDIT UNION - MEQUON - Face-lit Channel Letters

WEST ELEVATION

NOT TO SCALE

SignEffectz,Inc
SIGN / LIGHTING
www.signeffectz.com
1827 W. GLENDALE AVE. MILWAUKEE, WI 53209
PH: 414.264.5504 FX: 414.264.5564

Project:
LaMacchia - Proposed Credit Union
Mequon

- D/F Monument Sign w/ Illuminated Copy & EMC Units w/ Veneer Base (Qty- TBD)
- Face-Lit Channel Letters (Qty- TBD)

Project Location:
10945 N Port Washington Rd.,
Mequon, WI 53092

Billing Location:
5445 S. Westridge Dr.
New Berlin, WI 53151

CONCEPT DEVELOPMENT

Sales Rep: MD **Date:** 11/08/19
Designer: AAE

Disclaimer:
THIS IS AN ORIGINAL DESIGN CREATED BY SIGN EFFECTZ. THE SUBMITTED DESIGN PROTECTED UNDER COPYRIGHT LAWS OF THE UNITED STATES CO YOU AGREE NOT TO COPY PHOTOGRAPH MODIFY OR SHARE DIRECTLY OR INDIRECTLY ANY OF THE FOREGOING HELD BY YOU WITH ANY OTHER PART NOR WILL YOU PERMIT ANY TIRDS PARTY TO DO ANY OF THE FOREGOING WITHOUT THE WRITTEN CONSENT OF SIGN EFFECTZ.

THIS SIGN IS INTENDED TO BE INSTALLED IN ACCORDANCE WITH THE REQUIREMENTS OF ARTICLE 600 OF THE NEC AND/OR OTHER APPLICABLE LOCAL CODES. THIS INCLUDES PROPER GROUNDING AND BONDING OF THE SIGN.

Notes
Brick Veneer Type - TBD
Base Footing - TBD
Color Matches to Bldg - TBD

REVISIONS:

Rev A _____ By____ Date__
Rev B _____ By -__ Date__
Rev C - _____ By -__ Date__
Rev D - _____ By -__ Date__
Rev E _____ By____ Date__
Rev F _____ By____ Date__

Scale: Not to Scale
Original Page Size: 11" x 17"

26422428 C_03
INS - PROJ NO. DESIGN PG REV NO.

1
CONCEPT PKG NO.

ESTIMATE NO.

Attachment: Packet Docs (4750 : ICAP Development)

D-Series Size 1
LED Area Luminaire

Catalog Number: DSX1 LED P2 40K TFTM MVOLT SPA HS

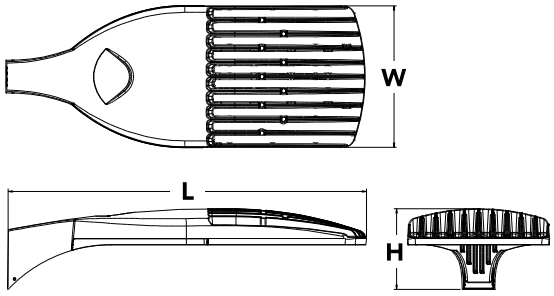
Notes:

Type: TYPE OA1

Hit the Tab key or mouse over the page to see all interactive elements.

Specifications

EPA:	1.01 ft² (0.09 m²)
Length:	33″ (83.8 cm)
Width:	13″ (33.0 cm)
Height:	7-1/2″ (19.0 cm)
Weight (max):	27 lbs (12.2 kg)



A+ Capable Luminaire

This item is an A+ capable luminaire, which has beer designed and tested to provide consistent color appearance and system-level interoperability.

- All configurations of this luminaire meet the Acuity Brands' specification for chromatic consistency
- This luminaire is A+ Certified when ordered with DTL® controls marked by a shaded background. DTL DLL equipped luminaires meet the A+ specification for luminaire to photocontrol interoperability1
- This luminaire is part of an A+ Certified solution for ROAM® or XPoint™ Wireless control networks providing out-of-the-box control compatibility with simple commissioning, when ordered with drivers and control options marked by a shaded background[1]

To learn more about A+, visit www.acuitybrands.com/aplus.

1. See ordering tree for details.
2. A+ Certified Solutions for ROAM require the orde of one ROAM node per luminaire. Sold Separately: Link to Roam; Link to DTL DLL

A+ Capable options indicated by this color background.

Ordering Information

EXAMPLE: DSX1 LED P7 40K T3M MVOLT SPA DDBXI

DSX1LED

Series	LEDs	Color temperature	Distribution	Voltage	Mounting
DSX1 LED	**Forward optics** P1 P4 P7 P2 P5 P8 P3 P6 P9 **Rotated optics** P10[1] P12[1] P11[1] P13[1]	30K 3000 K 40K 4000 K 50K 5000 K AMBPC Amber phosphor converted[2]	T1S Type I short T2S Type II short T2M Type II medium T3S Type III short T3M Type III medium T4M Type IV medium TFTM Forward throw medium T5VS Type V very short T5S Type V short T5M Type V medium T5W Type V wide BLC Backlight control[2,3] LCCO Left corner cutoff[2,3] RCCO Right corner cutoff[2,3]	MVOLT[4,5] 120[6] 208[5,6] 240[5,6] 277[6] 347[5,6,7] 480[5,6,7]	**Shipped included** SPA Square pole mounting RPA Round pole mounting WBA Wall bracket SPUMBA Square pole universal mounting adaptor[8] RPUMBA Round pole universal mounting adaptor[8] **Shipped separately** KMA8 DDBXD U Mast arm mounting bracket adaptor (specify finish)[9]

Control options		Other options	Finish *(required)*
Shipped installed NLTAIR2 nLight AIR generation 2 enabled[10] PER NEMA twist-lock receptacle only (controls ordered separate)[11] PER5 Five-wire receptacle only (controls ordered separate)[11,12] PER7 Seven-wire receptacle only (controls ordered separate)[11,12] DMG 0–10V dimming extend out back of housing for external control (leads exit fixture) DS Dual switching[13,14] PIR Bi-level, motion/ambient sensor, 8–15′ mounting height, ambient sensor enabled at 5fc[5,15,16] PIRH Bi-level, motion/ambient sensor, 15–30′ mounting height, ambient sensor enabled at 5fc[5,15,16] PIRHN Network, Bi-Level motion/ambient sensor[17] PIR1FC3V Bi-level, motion/ambient sensor, 8–15′ mounting height, ambient sensor enabled at 1fc[5,15,16]	PIRH1FC3V Bi-level, motion/ambient sensor, 15–30′ mounting height, ambient sensor enabled at 1fc[5,15,16] BL30 Bi-level switched dimming, 30%[5,14,18] BL50 Bi-level switched dimming, 50%[5,14,18] PNMTDD3 Part night, dim till dawn[5,19] PNMT5D3 Part night, dim 5 hrs[5,19] PNMT6D3 Part night, dim 6 hrs[5,19] PNMT7D3 Part night, dim 7 hrs[5,19] FAO Field adjustable output[20]	**Shipped installed** HS House-side shield[21] SF Single fuse (120, 277, 347V)[6] DF Double fuse (208, 240, 480V)[6] L90 Left rotated optics[1] R90 Right rotated optics[1] **Shipped separately** BS Bird spikes[22] EGS External glare shield[22]	DDBXD Dark bronze DBLXD Black DNAXD Natural aluminum DWHXD White DDBTXD Textured dark bronze DBLBXD Textured black DNATXD Textured natural aluminum DWHGXD Textured white VERIFY FINISH

© 2011-2018 Acuity Brands Lighting, Inc. All rights reserved.

Attachment: Packet Docs (4750 : ICAP Development)

Ordering Information

Accessories

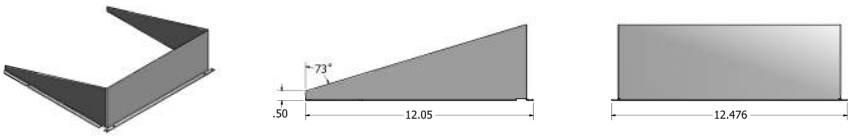
Ordered and shipped separately.

DLL127F 1.5 JU	Photocell - SSL twist-lock (120-277V) [23]
DLL347F 1.5 CUL JU	Photocell - SSL twist-lock (347V) [23]
DLL480F 1.5 CUL JU	Photocell - SSL twist-lock (480V) [23]
DSHORT SBK U	Shorting cap [23]
DSX1HS 30C U	House-side shield for 30 LED unit [21]
DSX1HS 40C U	House-side shield for 40 LED unit [21]
DSX1HS 60C U	House-side shield for 60 LED unit [21]
PUMBA DDBXD U*	Square and round pole universal mounting bracket (specify finish) [24]
KMA8 DDBXD U	Mast arm mounting bracket adaptor (specify finish) [8]

For more control options, visit DTL and ROAM online.

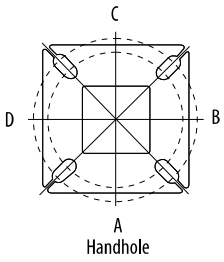
NOTES
1 P10, P11, P12 or P13 and rotated optics (L90, R90) only available together.
2 AMBPC is not available with BLC, LCCO, RCCO or P4, P7, P8, P9 or P13.
3 Not available with HS.
4 MVOLT driver operates on any line voltage from 120-277V (50/60 Hz).
5 Any PIRx with BL30, BL50 or PNMT, is not available with 208V, 240V, 347V, 480V or MVOLT. It is only available in 120V or 277V specified.
6 Single fuse (SF) requires 120V, 277V or 347V. Double fuse (DF) requires 208V, 240V or 480V.
7 Not available in P1 or P10. Not available with BL30, BL50 or PNMT options.
8 Existing drilled pole only. Available as a separate combination accessory; for retrofit use only: PUMBA (finish) U; 1.5 G vibration load rating per ANCI C136.31.
9 Must order fixture with SPA option. Must be ordered as a separate accessory; see Accessories information. For use with 2-3/8" mast arm (not included).
10 Must be ordered with PIRHN.
11 Photocell ordered and shipped as a separate line item from Acuity Brands Controls. See accessories. Not available with DS option. Shorting cap included.
12 If ROAM® node required, it must be ordered and shipped as a separate line item from Acuity Brands Controls. Not available with DCR. Node with integral dimming. Shorting cap included.
13 Provides 50/50fixture operation via (2) independent drivers. Not available with PER, PER5, PER7, PIR or PIRH. Not available P1, P2, P3, P4 or P5.
14 Requires (2) separately switched circuits.
15 Reference Motion Sensor table on page 3.
16 Reference PER table on page 3 to see functionality.
17 Must be ordered with NLTAIR2. For more information on nLight Air 2 visit this link.
18 Not available with 347V, 480V, PNMT, DS. For PER5 or PER7, see PER Table on page 3. Requires isolated neutral.
19 Not available with 347V, 480V, DS, BL30, BL50. For PER5 or PER7, see PER Table on page 3. Separate Dusk to Dawn required.
20 Not available with other dimming controls options
21 Not available with BLC, LCCO and RCCO distribution. Also available as a separate accessory; see Accessories information.
22 Must be ordered with fixture for factory pre-drilling.
23 Requires luminaire to be specified with PER, PER5 or PER7 option. See PER Table on page 3.
24 For retrofit use only.

External Glare Shield



Drilling

HANDHOLE ORIENTATION

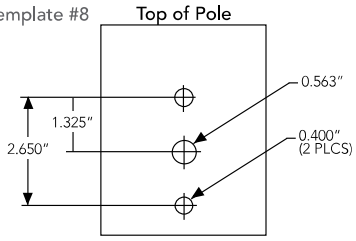


Tenon Mounting Slipfitter **

Tenon O.D.	Single Unit	2 at 180°	2 at 90°	3 at 120°	3 at 90°	4 at 90°
2-3/8"	AST20-190	AST20-280	AST20-290	AST20-320	AST20-390	AST20-490
2-7/8"	AST25-190	AST25-280	AST25-290	AST25-320	AST25-390	AST25-490
4"	AST35-190	AST35-280	AST35-290	AST35-320	AST35-390	AST35-490

Pole drilling nomenclature: # of heads at degree from handhole (default side A)					
DM19AS	DM28AS	DM29AS	DM32AS	DM39AS	DM49AS
1 @ 90°	2 @ 280°	2 @ 90°	3 @ 120°	3 @ 90°	4 @ 90°
Side B	Side B & D	Side B & C	Round pole only	Side B, C, & D	Sides A, B, C, D
Note: Review luminaire spec sheet for specific nomenclature					

Template #8

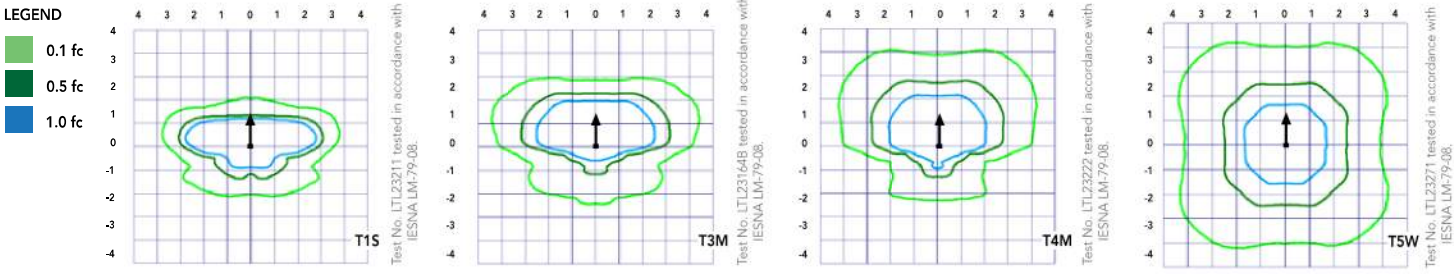


Pole top or tenon O.D.	4.5" @ 90°	4" @ 90°	3.5" @ 90°	3" @ 90°	4.5" @ 120°	4" @ 120°	3.5" @ 120°	3" @ 120°
DSX SPA	Y	Y	Y	N	-	-	-	-
DSX RPA	Y	Y	N	N	Y	Y	Y	Y
DSX SPUMBA	Y	N	N	N	-	-	-	-
DSX RPUMBA	N	N	N	N	Y	Y	Y	N
					*3 fixtures @120 require round pole top/tenon.			

Photometric Diagrams

To see complete photometric reports or download .ies files for this product, visit Lithonia Lighting's D-Series Area Size 1 homepage.

Isofootcandle plots for the DSX1 LED 60C 1000 40K. Distances are in units of mounting height (25').



© 2011-2018 Acuity Brands Lighting, Inc. All rights reserved.

Attachment: Packet Docs (4750 : ICAP Development)

Performance Data

Lumen Ambient Temperature (LAT) Multipliers

Use these factors to determine relative lumen output for average ambient temperatures from 0-40°C (32-104°F).

Ambient		Lumen Multiplier
0°C	32°F	1.04
5°C	41°F	1.04
10°C	50°F	1.03
15°C	50°F	1.02
20°C	68°F	1.01
25°C	**77°F**	**1.00**
30°C	86°F	0.99
35°C	95°F	0.98
40°C	104°F	0.97

Projected LED Lumen Maintenance

Data references the extrapolated performance projections for the platforms noted in a **25°C ambient**, based on 10,000 hours of LED testing (tested per IESNA LM-80-08 and projected per IESNA TM-21-11).

To calculate LLF, use the lumen maintenance factor that corresponds to the desired number of operating hours below. For other lumen maintenance values, contact factory.

Operating Hours	0	25000	50000	100000
Lumen Maintenance Factor	1.00	0.96	0.92	0.85

Electrical Load

					Current (A)					
	Performance Package	LED Count	Drive Current	Wattage	120	208	240	277	347	480
Forward Optics (Non-Rotated)	P1	30	530	54	0.45	0.26	0.23	0.19	0.10	0.12
	P2	30	700	70	0.59	0.34	0.30	0.25	0.20	0.16
	P3	30	1050	102	0.86	0.50	0.44	0.38	0.30	0.22
	P4	30	1250	125	1.06	0.60	0.52	0.46	0.37	0.27
	P5	30	1400	138	1.16	0.67	0.58	0.51	0.40	0.29
	P6	40	1250	163	1.36	0.78	0.68	0.59	0.47	0.34
	P7	40	1400	183	1.53	0.88	0.76	0.66	0.53	0.38
	P8	60	1050	207	1.74	0.98	0.87	0.76	0.64	0.49
	P9	60	1250	241	2.01	1.16	1.01	0.89	0.70	0.51
Rotated Optics (Requires L90 or R90)	P10	60	530	106	0.90	0.52	0.47	0.43	0.33	0.27
	P11	60	700	137	1.15	0.67	0.60	0.53	0.42	0.32
	P12	60	1050	207	1.74	0.99	0.87	0.76	0.60	0.46
	P13	60	1250	231	1.93	1.12	0.97	0.86	0.67	0.49

Motion Sensor Default Settings						
Option	Dimmed State	High Level (when triggered)	Photocell Operation	Dwell Time	Ramp-up Time	Ramp-down Time
PIR or PIRH	3V (37%) Output	10V (100%) Output	Enabled @ 5FC	5 min	3 sec	5 min
*PIR1FC3V or PIRH1FC3V	3V (37%) Output	10V (100%) Output	Enabled @ 1FC	5 min	3 sec	5 min
*for use with Inline Dusk to Dawn or timer.						

PER Table						
Control	PER (3 wire)	PER5 (5 wire)		PER7 (7 wire)		
			Wire 4/Wire5		Wire 4/Wire5	Wire 6/Wire7
Photocontrol Only (On/Off)	✔	⚠	Wired to dimming leads on driver	⚠	Wired to dimming leads on driver	Wires Capped inside fixture
ROAM	⊘	✔	Wired to dimming leads on driver	⚠	Wired to dimming leads on driver	Wires Capped inside fixture
ROAM with Motion (ROAM on/off only)	⊘	⚠	Wires Capped inside fixture	⚠	Wires Capped inside fixture	Wires Capped inside fixture
Future-proof*	⊘	⚠	Wired to dimming leads on driver	✔	Wired to dimming leads on driver	Wires Capped inside fixture
Future-proof* with Motion	⊘	⚠	Wires Capped inside fixture	✔	Wires Capped inside fixture	Wires Capped inside fixture

✔ Recommended
⊘ Will not work
⚠ Alternate

*Future-proof means: Ability to change controls in the future.

Attachment: Packet Docs (4750 : ICAP Development)

© 2011-2018 Acuity Brands Lighting, Inc. All rights reserved.

Performance Data

Lumen Output

Lumen values are from photometric tests performed in accordance with IESNA LM-79-08. Data is considered to be representative of the configurations shown, within the tolerances allowed by Lighting Facts. Contact factory for performance data on any configurations not shown here.

Forward Optics

LED Count	Drive Current	Power Package	System Watts	Dist. Type	30K (3000 K, 70 CRI)					40K (4000 K, 70 CRI)					50K (5000 K, 70 CRI)					AMBPC (Amber Phosphor Converted)				
					Lumens	B	U	G	LPW	Lumens	B	U	G	LPW	Lumens	B	U	G	LPW	Lumens	B	U	G	LPW
30	530	P1	54W	T1S	6,457	2	0	2	120	6,956	2	0	2	129	7,044	2	0	2	130	3,640	1	0	1	70
				T2S	6,450	2	0	2	119	6,949	2	0	2	129	7,037	2	0	2	130	3,813	1	0	1	73
				T2M	6,483	1	0	1	120	6,984	2	0	2	129	7,073	2	0	2	131	3,689	1	0	1	71
				T3S	6,279	2	0	2	116	6,764	2	0	2	125	6,850	2	0	2	127	3,770	1	0	1	73
				T3M	6,468	1	0	2	120	6,967	1	0	2	129	7,056	1	0	2	131	3,752	1	0	1	72
				T4M	6,327	1	0	2	117	6,816	1	0	2	126	6,902	1	0	2	128	3,758	1	0	1	72
				TFTM	6,464	1	0	2	120	6,963	1	0	2	129	7,051	1	0	2	131	3,701	1	0	1	71
				T5VS	6,722	2	0	0	124	7,242	3	0	0	134	7,334	3	0	0	136	3,928	2	0	0	76
				T5S	6,728	2	0	1	125	7,248	2	0	1	134	7,340	2	0	1	136	3,881	2	0	0	75
				T5M	6,711	3	0	1	124	7,229	3	0	1	134	7,321	3	0	2	136	3,930	2	0	1	76
				T5W	6,667	3	0	2	123	7,182	3	0	2	133	7,273	3	0	2	135	3,820	3	0	1	73
				BLC	5,299	1	0	1	98	5,709	1	0	2	106	5,781	1	0	2	107					
				LCCO	3,943	1	0	2	73	4,248	1	0	2	79	4,302	1	0	2	80					
				RCCO	3,943	1	0	2	73	4,248	1	0	2	79	4,302	1	0	2	80					
30	700	P2	70W	T1S	8,249	2	0	2	118	8,886	2	0	2	127	8,999	2	0	2	129	4,561	1	0	1	67
				T2S	8,240	2	0	2	118	8,877	2	0	2	127	8,989	2	0	2	128	4,777	1	0	1	70
				T2M	8,283	2	0	2	118	8,923	2	0	2	127	9,036	2	0	2	129	4,622	1	0	2	68
				T3S	8,021	2	0	2	115	8,641	2	0	2	123	8,751	2	0	2	125	4,724	1	0	1	69
				T3M	8,263	2	0	2	118	8,901	2	0	2	127	9,014	2	0	2	129	4,701	1	0	2	69
				T4M	8,083	2	0	2	115	8,708	2	0	2	124	8,818	2	0	2	126	4,709	1	0	2	69
				TFTM	8,257	2	0	2	118	8,896	2	0	2	127	9,008	2	0	2	129	4,638	1	0	2	68
				T5VS	8,588	3	0	0	123	9,252	3	0	0	132	9,369	3	0	0	134	4,922	2	0	0	72
				T5S	8,595	3	0	1	123	9,259	3	0	1	132	9,376	3	0	1	134	4,863	2	0	0	72
				T5M	8,573	3	0	2	122	9,236	3	0	2	132	9,353	3	0	2	134	4,924	3	0	1	72
				T5W	8,517	3	0	2	122	9,175	4	0	2	131	9,291	4	0	2	133	4,787	3	0	1	70
				BLC	6,770	1	0	2	97	7,293	1	0	2	104	7,386	1	0	2	106					
				LCCO	5,038	1	0	2	72	5,427	1	0	2	78	5,496	1	0	2	79					
				RCCO	5,038	1	0	2	72	5,427	1	0	2	78	5,496	1	0	2	79					
30	1050	P3	102W	T1S	11,661	2	0	2	114	12,562	3	0	3	123	12,721	3	0	3	125					
				T2S	11,648	2	0	2	114	12,548	3	0	3	123	12,707	3	0	3	125					
				T2M	11,708	2	0	2	115	12,613	2	0	2	124	12,773	2	0	2	125					
				T3S	11,339	2	0	2	111	12,215	3	0	3	120	12,370	3	0	3	121					
				T3M	11,680	2	0	2	115	12,582	2	0	2	123	12,742	2	0	2	125					
				T4M	11,426	2	0	3	112	12,309	2	0	3	121	12,465	2	0	3	122					
				TFTM	11,673	2	0	2	114	12,575	2	0	3	123	12,734	2	0	3	125					
				T5VS	12,140	3	0	1	119	13,078	3	0	1	128	13,244	3	0	1	130					
				T5S	12,150	3	0	1	119	13,089	3	0	1	128	13,254	3	0	1	130					
				T5M	12,119	4	0	2	119	13,056	4	0	2	128	13,221	4	0	2	130					
				T5W	12,040	4	0	3	118	12,970	4	0	3	127	13,134	4	0	3	129					
				BLC	9,570	1	0	2	94	10,310	1	0	2	101	10,440	1	0	2	102					
				LCCO	7,121	1	0	3	70	7,671	1	0	3	75	7,768	1	0	3	76					
				RCCO	7,121	1	0	3	70	7,671	1	0	3	75	7,768	1	0	3	76					
30	1250	P4	125W	T1S	13,435	3	0	3	107	14,473	3	0	3	116	14,657	3	0	3	117					
				T2S	13,421	3	0	3	107	14,458	3	0	3	116	14,641	3	0	3	117					
				T2M	13,490	2	0	2	108	14,532	3	0	3	116	14,716	3	0	3	118					
				T3S	13,064	3	0	3	105	14,074	3	0	3	113	14,252	3	0	3	114					
				T3M	13,457	2	0	2	108	14,497	2	0	2	116	14,681	2	0	2	117					
				T4M	13,165	2	0	3	105	14,182	2	0	3	113	14,362	2	0	3	115					
				TFTM	13,449	2	0	3	108	14,488	2	0	3	116	14,672	2	0	3	117					
				T5VS	13,987	4	0	1	112	15,068	4	0	1	121	15,259	4	0	1	122					
				T5S	13,999	3	0	1	112	15,080	3	0	1	121	15,271	3	0	1	122					
				T5M	13,963	4	0	2	112	15,042	4	0	2	120	15,233	4	0	2	122					
				T5W	13,872	4	0	3	111	14,944	4	0	3	120	15,133	4	0	3	121					
				BLC	11,027	1	0	2	88	11,879	1	0	2	95	12,029	1	0	2	96					
				LCCO	8,205	1	0	3	66	8,839	1	0	3	71	8,951	1	0	3	72					
				RCCO	8,205	1	0	3	66	8,839	1	0	3	71	8,951	1	0	3	72					
30	1400	P5	138W	T1S	14,679	3	0	3	106	15,814	3	0	3	115	16,014	3	0	3	116					
				T2S	14,664	3	0	3	106	15,797	3	0	3	114	15,997	3	0	3	116					
				T2M	14,739	3	0	3	107	15,878	3	0	3	115	16,079	3	0	3	117					
				T3S	14,274	3	0	3	103	15,377	3	0	3	111	15,572	3	0	3	113					
				T3M	14,704	2	0	3	107	15,840	3	0	3	115	16,040	3	0	3	116					
				T4M	14,384	2	0	3	104	15,496	3	0	3	112	15,692	3	0	3	114					
				TFTM	14,695	2	0	3	106	15,830	3	0	3	115	16,030	3	0	3	116					
				T5VS	15,283	4	0	1	111	16,464	4	0	1	119	16,672	4	0	1	121					
				T5S	15,295	3	0	1	111	16,477	4	0	1	119	16,686	4	0	1	121					
				T5M	15,257	4	0	2	111	16,435	4	0	2	119	16,644	4	0	2	121					
				T5W	15,157	4	0	3	110	16,328	4	0	3	118	16,534	4	0	3	120					
				BLC	12,048	1	0	2	87	12,979	1	0	2	94	13,143	1	0	2	95					
				LCCO	8,965	1	0	3	65	9,657	1	0	3	70	9,780	1	0	3	71					
					8,965	1	0	3	65	9,657	1	0	3	70	9,780	1	0	3	71					

Attachment: Packet Docs (4750 : ICAP Development)

© 2011-2018 Acuity Brands Lighting, Inc. All rights reserved.

Performance Data

Lumen Output

Lumen values are from photometric tests performed in accordance with IESNA LM-79-08. Data is considered to be representative of the configurations shown, within the tolerances allowed by Lighting Facts. Contact factory for performance data on any configurations not shown here.

Forward Optics

LED Count	Drive Current	Power Package	System Watts	Dist. Type	30K (3000 K, 70 CRI)					40K (4000 K, 70 CRI)					50K (5000 K, 70 CRI)					AMBPC (Amber Phosphor Converted)				
					Lumens	B	U	G	LPW	Lumens	B	U	G	LPW	Lumens	B	U	G	LPW	Lumens	B	U	G	LPW
40	1250	**P6**	163W	T1S	17,654	3	0	3	108	19,018	3	0	3	117	19,259	3	0	3	118					
				T2S	17,635	3	0	3	108	18,998	3	0	3	117	19,238	3	0	3	118					
				T2M	17,726	3	0	3	109	19,096	3	0	3	117	19,337	3	0	3	119					
				T3S	17,167	3	0	3	105	18,493	3	0	3	113	18,727	3	0	3	115					
				T3M	17,683	3	0	3	108	19,049	3	0	3	117	19,290	3	0	3	118					
				T4M	17,299	3	0	3	106	18,635	3	0	4	114	18,871	3	0	4	116					
				TFTM	17,672	3	0	3	108	19,038	3	0	4	117	19,279	3	0	4	118					
				T5VS	18,379	4	0	1	113	19,800	4	0	1	121	20,050	4	0	1	123					
				T5S	18,394	4	0	2	113	19,816	4	0	2	122	20,066	4	0	2	123					
				T5M	18,348	4	0	2	113	19,766	4	0	2	121	20,016	4	0	2	123					
				T5W	18,228	5	0	3	112	19,636	5	0	3	120	19,885	5	0	3	122					
				BLC	14,489	2	0	2	89	15,609	2	0	3	96	15,806	2	0	3	97					
				LCCO	10,781	1	0	3	66	11,614	1	0	3	71	11,761	2	0	3	72					
				RCCO	10,781	1	0	3	66	11,614	1	0	3	71	11,761	2	0	3	72					
40	1400	**P7**	183W	T1S	19,227	3	0	3	105	20,712	3	0	3	113	20,975	3	0	3	115					
				T2S	19,206	3	0	3	105	20,690	3	0	3	113	20,952	3	0	3	114					
				T2M	19,305	3	0	3	105	20,797	3	0	3	114	21,060	3	0	3	115					
				T3S	18,696	3	0	3	102	20,141	3	0	3	110	20,396	3	0	4	111					
				T3M	19,258	3	0	3	105	20,746	3	0	3	113	21,009	3	0	3	115					
				T4M	18,840	3	0	4	103	20,296	3	0	4	111	20,553	3	0	4	112					
				TFTM	19,246	3	0	4	105	20,734	3	0	4	113	20,996	3	0	4	115					
				T5VS	20,017	4	0	1	109	21,564	4	0	1	118	21,837	4	0	1	119					
				T5S	20,033	4	0	2	109	21,581	4	0	2	118	21,854	4	0	2	119					
				T5M	19,983	4	0	2	109	21,527	5	0	3	118	21,799	5	0	3	119					
				T5W	19,852	5	0	3	108	21,386	5	0	3	117	21,656	5	0	3	118					
				BLC	15,780	2	0	3	86	16,999	2	0	3	93	17,214	2	0	3	94					
				LCCO	11,742	2	0	3	64	12,649	2	0	3	69	12,809	2	0	3	70					
				RCCO	11,742	2	0	3	64	12,649	2	0	3	69	12,809	2	0	3	70					
60	1050	**P8**	207W	T1S	22,490	3	0	3	109	24,228	3	0	3	117	24,535	3	0	3	119					
				T2S	22,466	3	0	4	109	24,202	3	0	4	117	24,509	3	0	4	118					
				T2M	22,582	3	0	3	109	24,327	3	0	3	118	24,635	3	0	3	119					
				T3S	21,870	3	0	4	106	23,560	3	0	4	114	23,858	3	0	4	115					
				T3M	22,527	3	0	4	109	24,268	3	0	4	117	24,575	3	0	4	119					
				T4M	22,038	3	0	4	106	23,741	3	0	4	115	24,041	3	0	4	116					
				TFTM	22,513	3	0	4	109	24,253	3	0	4	117	24,560	3	0	4	119					
				T5VS	23,415	5	0	1	113	25,224	5	0	1	122	25,543	5	0	1	123					
				T5S	23,434	4	0	2	113	25,244	4	0	2	122	25,564	4	0	2	123					
				T5M	23,374	5	0	3	113	25,181	5	0	3	122	25,499	5	0	3	123					
				T5W	23,221	5	0	4	112	25,016	5	0	4	121	25,332	5	0	4	122					
				BLC	18,458	2	0	3	89	19,885	2	0	3	96	20,136	2	0	3	97					
				LCCO	13,735	2	0	3	66	14,796	2	0	4	71	14,983	2	0	4	72					
				RCCO	13,735	2	0	3	66	14,796	2	0	4	71	14,983	2	0	4	72					
60	1250	**P9**	241W	T1S	25,575	3	0	3	106	27,551	3	0	3	114	27,900	3	0	3	116					
				T2S	25,548	3	0	4	106	27,522	3	0	4	114	27,871	3	0	4	116					
				T2M	25,680	3	0	3	107	27,664	3	0	3	115	28,014	3	0	3	116					
				T3S	24,870	3	0	4	103	26,791	3	0	4	111	27,130	3	0	4	113					
				T3M	25,617	3	0	4	106	27,597	3	0	4	115	27,946	3	0	4	116					
				T4M	25,061	3	0	4	104	26,997	3	0	4	112	27,339	3	0	4	113					
				TFTM	25,602	3	0	4	106	27,580	3	0	4	114	27,929	3	0	4	116					
				T5VS	26,626	5	0	1	110	28,684	5	0	1	119	29,047	5	0	1	121					
				T5S	26,648	4	0	2	111	28,707	5	0	2	119	29,070	5	0	2	121					
				T5M	26,581	5	0	3	110	28,635	5	0	3	119	28,997	5	0	3	120					
				T5W	26,406	5	0	4	110	28,447	5	0	4	118	28,807	5	0	4	120					
				BLC	20,990	2	0	3	87	22,612	2	0	3	94	22,898	2	0	3	95					
				LCCO	15,619	2	0	4	65	16,825	2	0	4	70	17,038	2	0	4	71					
					15,619	2	0	4	65	16,825	2	0	4	70	17,038	2	0	4	71					

Attachment: Packet Docs (4750 : ICAP Development)

© 2011-2018 Acuity Brands Lighting, Inc. All rights reserved.

Performance Data

Lumen Output

Lumen values are from photometric tests performed in accordance with IESNA LM-79-08. Data is considered to be representative of the configurations shown, within the tolerances allowed by Lighting Facts. Contact factory for performance data on any configurations not shown here.

Rotated Optics

LED Count	Drive Current	Power Package	System Watts	Dist. Type	30K (3000 K, 70 CRI)					40K (4000 K, 70 CRI)					50K (5000 K, 70 CRI)					AMBPC (Amber Phosphor Converted)				
					Lumens	B	U	G	LPW	Lumens	B	U	G	LPW	Lumens	B	U	G	LPW	Lumens	B	U	G	LPW
60	530	**P10**	106W	T1S	13,042	3	0	3	123	14,050	3	0	3	133	14,228	3	0	3	134	7,167	2	0	2	72
				T2S	12,967	4	0	4	122	13,969	4	0	4	132	14,146	4	0	4	133	7,507	2	0	2	76
				T2M	13,201	3	0	3	125	14,221	3	0	3	134	14,401	3	0	3	136	7,263	2	0	2	73
				T3S	12,766	4	0	4	120	13,752	4	0	4	130	13,926	4	0	4	131	7,424	2	0	2	75
				T3M	13,193	4	0	4	124	14,213	4	0	4	134	14,393	4	0	4	136	7,387	2	0	2	75
				T4M	12,944	4	0	4	122	13,945	4	0	4	132	14,121	4	0	4	133	7,400	2	0	2	75
				TFTM	13,279	4	0	4	125	14,305	4	0	4	135	14,486	4	0	4	137	7,288	1	0	2	74
				T5VS	13,372	3	0	1	126	14,405	4	0	1	136	14,588	4	0	1	138	7,734	3	0	1	78
				T5S	13,260	3	0	1	125	14,284	3	0	1	135	14,465	3	0	1	136	7,641	3	0	0	77
				T5M	13,256	4	0	2	125	14,281	4	0	2	135	14,462	4	0	2	136	7,737	3	0	2	78
				T5W	13,137	4	0	3	124	14,153	4	0	3	134	14,332	4	0	3	135	7,522	3	0	2	76
				BLC	10,906	3	0	3	103	11,749	3	0	3	111	11,898	3	0	3	112					
				LCCO	7,789	1	0	3	73	8,391	1	0	3	79	8,497	1	0	3	80					
				RCCO	7,779	4	0	4	73	8,380	4	0	4	79	8,486	4	0	4	80					
60	700	**P11**	137W	T1S	16,556	3	0	3	121	17,835	3	0	3	130	18,061	4	0	4	132	8,952	2	0	2	68
				T2S	16,461	4	0	4	120	17,733	4	0	4	129	17,957	4	0	4	131	9,377	2	0	2	72
				T2M	16,758	4	0	4	122	18,053	4	0	4	132	18,281	4	0	4	133	9,072	2	0	2	69
				T3S	16,205	4	0	4	118	17,457	4	0	4	127	17,678	4	0	4	129	9,273	2	0	2	71
				T3M	16,748	4	0	4	122	18,042	4	0	4	132	18,271	4	0	4	133	9,227	2	0	2	70
				T4M	16,432	4	0	4	120	17,702	4	0	4	129	17,926	4	0	4	131	9,243	2	0	2	71
				TFTM	16,857	4	0	4	123	18,159	4	0	4	133	18,389	4	0	4	134	9,103	2	0	2	69
				T5VS	16,975	4	0	1	124	18,287	4	0	1	133	18,518	4	0	1	135	9,661	3	0	1	74
				T5S	16,832	4	0	1	123	18,133	4	0	2	132	18,362	4	0	2	134	9,544	3	0	1	73
				T5M	16,828	4	0	2	123	18,128	4	0	2	132	18,358	4	0	2	134	9,665	3	0	2	74
				T5W	16,677	4	0	3	122	17,966	5	0	3	131	18,193	5	0	3	133	9,395	4	0	2	72
				BLC	13,845	3	0	3	101	14,915	3	0	3	109	15,103	3	0	3	110					
				LCCO	9,888	1	0	3	72	10,652	2	0	3	78	10,787	2	0	3	79					
				RCCO	9,875	4	0	4	72	10,638	4	0	4	78	10,773	4	0	4	79					
60	1050	**P12**	207W	T1S	22,996	4	0	4	111	24,773	4	0	4	120	25,087	4	0	4	121					
				T2S	22,864	4	0	4	110	24,631	5	0	5	119	24,943	5	0	5	120					
				T2M	23,277	4	0	4	112	25,075	4	0	4	121	25,393	4	0	4	123					
				T3S	22,509	4	0	4	109	24,248	5	0	5	117	24,555	5	0	5	119					
				T3M	23,263	4	0	4	112	25,061	4	0	4	121	25,378	4	0	4	123					
				T4M	22,824	5	0	5	110	24,588	5	0	5	119	24,899	5	0	5	120					
				TFTM	23,414	5	0	5	113	25,223	5	0	5	122	25,543	5	0	5	123					
				T5VS	23,579	5	0	1	114	25,401	5	0	1	123	25,722	5	0	1	124					
				T5S	23,380	4	0	2	113	25,187	4	0	2	122	25,506	4	0	2	123					
				T5M	23,374	5	0	3	113	25,181	5	0	3	122	25,499	5	0	3	123					
				T5W	23,165	5	0	4	112	24,955	5	0	4	121	25,271	5	0	4	122					
				BLC	19,231	4	0	4	93	20,717	4	0	4	100	20,979	4	0	4	101					
				LCCO	13,734	2	0	3	66	14,796	2	0	4	71	14,983	2	0	4	72					
				RCCO	13,716	4	0	4	66	14,776	4	0	4	71	14,963	4	0	4	72					
60	1250	**P13**	231W	T1S	25,400	4	0	4	110	27,363	4	0	4	118	27,709	4	0	4	120					
				T2S	25,254	5	0	5	109	27,205	5	0	5	118	27,550	5	0	5	119					
				T2M	25,710	4	0	4	111	27,696	4	0	4	120	28,047	4	0	4	121					
				T3S	24,862	5	0	5	108	26,783	5	0	5	116	27,122	5	0	5	117					
				T3M	25,695	5	0	5	111	27,680	5	0	5	120	28,031	5	0	5	121					
				T4M	25,210	5	0	5	109	27,158	5	0	5	118	27,502	5	0	5	119					
				TFTM	25,861	5	0	5	112	27,860	5	0	5	121	28,212	5	0	5	122					
				T5VS	26,043	5	0	1	113	28,056	5	0	1	121	28,411	5	0	1	123					
				T5S	25,824	4	0	2	112	27,819	5	0	2	120	28,172	5	0	2	122					
				T5M	25,818	5	0	3	112	27,813	5	0	3	120	28,165	5	0	3	122					
				T5W	25,586	5	0	4	111	27,563	5	0	4	119	27,912	5	0	4	121					
				BLC	21,241	4	0	4	92	22,882	4	0	4	99	23,172	4	0	4	100					
				LCCO	15,170	2	0	4	66	16,342	2	0	4	71	16,549	2	0	4	72					
					15,150	5	0	5	66	16,321	5	0	5	71	16,527	5	0	5	72					

Attachment: Packet Docs (4750 : ICAP Development)

© 2011-2018 Acuity Brands Lighting, Inc. All rights reserved.

Attachment: Packet Docs (4750 : ICAP Development)

FEATURES & SPECIFICATIONS

INTENDED USE
The sleek design of the D-Series Size 1 reflects the embedded high performance LED technology. It is ideal for many commercial and municipal applications, such as parking lots, plazas, campuses, and streetscapes.

CONSTRUCTION
Single-piece die-cast aluminum housing has integral heat sink fins to optimize thermal management through conductive and convective cooling. Modular design allows for ease of maintenance and future light engine upgrades. The LED drivers are mounted in direct contact with the casting to promote low operating temperature and long life. Housing is completely sealed against moisture and environmental contaminants (IP65). Low EPA (1.01 ft^2) for optimized pole wind loading.

FINISH
Exterior parts are protected by a zinc-infused Super Durable TGIC thermoset powder coat finish that provides superior resistance to corrosion and weathering. A tightly controlled multi-stage process ensures a minimum 3 mils thickness for a finish that can withstand extreme climate changes without cracking or peeling. Available in both textured and non-textured finishes.

OPTICS
Precision-molded proprietary acrylic lenses are engineered for superior area lighting distribution, uniformity, and pole spacing. Light engines are available in standard 3000 K, 4000 K and 5000 K (70 CRI) configurations. The D-Series Size 1 has zero uplight and qualifies as a Nighttime Friendly™ product, meaning it is consistent with the LEED® and Green Globes™ criteria for eliminating wasteful uplight.

ELECTRICAL
Light engine configurations consist of high-efficacy LEDs mounted to metal-core circuit boards to maximize heat dissipation and promote long life (up to L85/100,000 hours at 25°C). Class 1 electronic drivers are designed to have a power factor >90%, THD <20%, and an expected life of 100,000 hours with <1% failure rate. Easily serviceable 10kV surge protection device meets a minimum Category C Low operation (per ANSI/IEEE C62.41.2).

INSTALLATION
Included mounting block and integral arm facilitate quick and easy installation. Stainless steel bolts fasten the mounting block securely to poles and walls, enabling the D-Series Size 1 to withstand up to a 3.0 G vibration load rating per ANSI C136.31. The D-Series Size 1 utilizes the AERIS™ series pole drilling pattern (template #8). Optional terminal block and NEMA photocontrol receptacle are also available.

LISTINGS
UL Listed for wet locations. Light engines are IP66 rated; luminaire is IP65 rated. Rated for -40°C minimum ambient. U.S. Patent No. D672,492 S. International patent pending.

DesignLights Consortium® (DLC) Premium qualified product and DLC qualified product. Not all versions of this product may be DLC Premium qualified or DLC qualified. Please check the DLC Qualified Products List at www.designlights.org/QPL to confirm which versions are qualified.

International Dark-Sky Association (IDA) Fixture Seal of Approval (FSA) is available for all products on this page utilizing 3000K color temperature only.

WARRANTY
5-year limited warranty. Complete warranty terms located at:
www.acuitybrands.com/CustomerResources/Terms_and_conditions.aspx

Note: Actual performance may differ as a result of end-user environment and application. All values are design or typical values, measured under laboratory conditions at 25 °C. Specifications subject to change without notice.

© 2011-2018 Acuity Brands Lighting, Inc. All rights reserved.

LITHONIA LIGHTING®

Catalog Number	LDN6 40/05 LO6AR LD MVOLT
Notes	
Type	TYPE OB1

FEATURES & SPECIFICATIONS

INTENDED USE — Typical applications include corridors, lobbies, conference rooms and private offices.

CONSTRUCTION — Galvanized steel mounting/plaster frame; galvanized steel junction box with bottom-hinged access covers and spring latches. Reflectors are retained by torsion springs.

Vertically adjustable mounting brackets with commercial bar hangers provide 3-3/4" total adjustment.

Two combination ½"-3/4" and four ½" knockouts for straight-through conduit runs. Capacity: 8 (4 in, 4 out). No. 12 AWG conductors, rated for 90°C.

Accommodates 12"-24" joist spacing.

Passive cooling thermal management for 25°C standard; high ambient (40°C) option available. Light engine and drivers are accessible from above or below ceiling.

Max ceiling thickness 1-1/2".

OPTICS — LEDs are binned to a 3-step SDCM; 80 CRI minimum.

LED light source concealed with diffusing optical lens.

General illumination lighting with 1.0 S/MH and 55° cutoff to source and source image.

Self-flanged anodized reflectors in specular, semi-specular, or matte diffuse finishes. Also available in white and black painted reflectors.

ELECTRICAL — Multi-volt (120-277V, 50/60Hz) 0-10V dimming drivers mounted to junction box, 10% or 1% minimum dimming level available.

0-10V dimming fixture requires two (2) additional low-voltage wires to be pulled.

70% lumen maintenance at 50,000 hours.

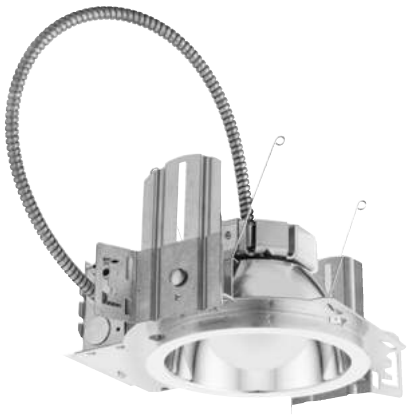
LISTINGS — Certified to US and Canadian safety standards. Damp location standard (wet location, covered ceiling optional). ENERGY STAR® certified product.

WARRANTY — 5-year limited warranty. Complete warranty terms located at: www.acuitybrands.com/CustomerResources/Terms_and_conditions.aspx

Note: Actual performance may differ as a result of end-user environment and application.

All values are design or typical values, measured under laboratory conditions at 25 °C.

Specifications subject to change without notice.



LDN6

6" OPEN and WALLWASH L
Non
New Construction Downlig

A+ Capable options indicated by this color background.

ORDERING INFORMATION

Lead times will vary depending on options selected. Consult with your sales representative.

Example: LDN6 35/15 LO6AR LSS MVOLT EZ

LDN6													
Series		**Color temperature**		**Lumens**[1]				**Aperture/Trim Color**				**Finish**		**Voltage**	
LDN6	6" round	27/	2700K	05	500 lumens	25	2500 lumens	LO6	Downlight	AR	Clear	LSS	Semi-specular	MVOLT	Multi-volt
		30/	3000K	10	1000 lumens	30	3000 lumens	LW6	Wallwash	WR[2]	White	LD	Matte diffuse	120	120V
		35/	3500K	15	1500 lumens	40	4000 lumens			BR[2]	Black	LS	Specular	277	277V
		40/	4000K	20	2000 lumens	50	5000 lumens							347[3]	347V
		50/	5000K												

Driver		**Options**			
GZ10	0-10V driver dims to 10%	SF[4]	Single fuse	N80[8]	nLight™ Lumen Compensation
GZ1	0-10V driver dims to 1%	TRW[5]	White painted flange	NPS80EZ[7]	nLight® dimming pack controls 0-10V eldoLED drivers (EZ10, EZ1).
EZ10	0-10V eldoLED driver with smooth and flicker-free deep dimming performance down to 10%	TRBL[5]	Black painted flange	NPS80EZER[7]	nLight® dimming pack controls 0-10V eldoLED drivers (EZ10, EZ1). ER controls fixtures on emergency circuit.
EZ1	0-10V eldoLED driver with smooth and flicker-free deep dimming performance down to 1%	EL[6]	Emergency battery pack with integral test switch	HAO[11]	High ambient option
		ELR	Emergency battery pack with remote test switch	CP[12]	Chicago Plenum
		ELSD	Emergency battery pack with self-diagnostics, integral test switch	WL	Wet Location, specify for exterior use applications
		ELRSD	Emergency battery pack with self-diagnostics, remote test switch	RRL__	RELOC®-ready luminaire connectors enable a simple and consistent factory installed option across all ABL luminaire brands. Refer to RRL for complete nomenclature. Available only in RRLA, RRLB, RRLAE, and RRLC12S.
		E10WCP	Emergency battery pack, 10W Constant Power, CA Title 20 compliant with integral test switch		
		E10WCPR	Emergency battery pack, 10W Constant Power, CA Title 20 compliant with remote test switch		
		NPP16D[7]	nLight® network power/relay pack with 0-10V dimming for non-eldoLED drivers (GZ10, GZ1).	NLTAIR2[9, 10]	nLight® Air enabled
		NPP16DER[7]	nLight® network power/relay pack with 0-10V dimming for non-eldoLED drivers (GZ10, GZ1). ER controls fixtures on emergency circuit.	NLTAIRER2[9, 10]	nLight® AIR Dimming Pack Wireless Controls. Controls fixtures on emergency circuit
				USPOM	US point of manufacture

Accessories: *Order as separate catalog number.*

EAC ISSM 375	Compact interruptible emergency AC power system
EAC ISSM 125	Compact interruptible emergency AC power system
GRA68 JZ	Oversized trim ring with 8" outside diameter [1]
SCA6	Sloped ceiling adapter. Refer to TECH-SCA for more options.

Notes

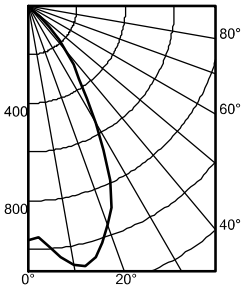
1. Overall height varies based on lumen package; refer to dimensional chart on page 3.
2. Not available with finishes.
3. Not available with emergency options.
4. Must specify voltage 120V or 277V.
5. Available with clear (AR) reflector only.
6. Add "SD" for self-diagnostic option (i.e. ELSD)
7. Specify voltage. ER for use with generator supply EM power. Will require an emergency hot feed and normal hot feed.
8. Fixture begins at 80% light level. Must be specified with NPS80EZ or NPS80EZ ER. Only available with EZ10 and EZ drivers.
9. Not available with CP, NPS80EZ, NPS80EZER, NPP16D, NPP16DER or N80 options.
10. NLTAIR2 and NLTAIRER2 not recommended for metal ceil installations.
11. Fixture height is 6.5" for all lumen packages with HAO.
12. Must specify voltage for 3000lm. 5000lm with marked sp ing 24 L x 24 W x 14 H.

Attachment: Packet Docs (4750 : ICAP Development)

PHOTOMETRY

Distribution Curve	Distribution Data	Output Data	Coefficient of Utilization	Illuminance Data at 30" Above Floor for a Single Luminaire

LDN6 35/10 LO6AR, input watts: 12.75, delivered lumens: 1082, LM/W = 84.86, spacing criterion at 0= 1.02, test no. ISF 30716P31.



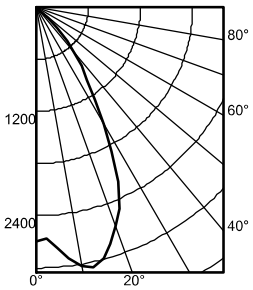
	Ave	Lumens
0	961	
5	992	98
15	1064	295
25	789	353
35	362	235
45	121	96
55	2	4
65	1	1
75	0	0
85	0	0
90	0	

Zone	Lumens	% Lamp
0° - 30°	746.1	69.0
0° - 40°	981.1	90.7
0° - 60°	1080.9	99.9
0° - 90°	1082.0	100.0
90° - 120°	0.0	0.0
90° - 130°	0.0	0.0
90° - 150°	0.0	0.0
90° - 180°	0.0	0.0
0° - 180°	1082.0	*100.0
*Efficiency		

pf / pc / pw	80% 50%	80% 30%	80% 10%	20% 70% 50%	20% 70% 30%	20% 70% 10%	20% 50% 50%	20% 50% 30%	20% 50% 10%
0	119	119	119	116	116	116	111	111	111
1	111	108	106	109	106	104	104	103	101
2	103	99	95	101	97	94	98	95	92
3	96	91	87	94	90	86	92	88	85
4	89	84	79	88	83	79	86	81	78
5	83	77	73	82	77	73	81	76	72
6	78	72	68	77	72	67	76	71	67
7	73	67	63	73	67	63	71	66	62
8	69	63	59	68	62	58	67	62	58
9	65	59	55	64	59	55	63	58	54
10	61	55	51	61	55	51	60	55	51

Mounting Height	Inital FC Center Beam	50% beam - 54.5° Diameter	50% beam - 54.5° FC	10% beam - 82.2° Diameter	10% beam - 82.2° FC
8.0	31.8	5.7	15.9	9.6	3.2
10.0	17.1	7.7	8.5	13.1	1.7
12.0	10.6	9.8	5.3	16.6	1.1
14.0	7.3	11.8	3.6	20.1	0.7
16.0	5.3	13.9	2.6	23.6	0.5

LDN6 35/30 LO6AR, input watts: 34.69, delivered lumens: 3033.9, LM/W = 87.45, spacing criterion at 0= 1.02, test no. ISF 30716P22.



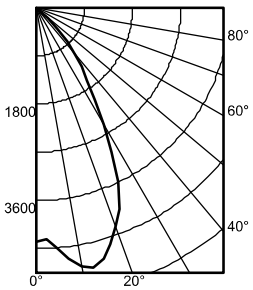
	Ave	Lumens
0	2693	
5	2782	274
15	2984	827
25	2212	991
35	1014	659
45	339	268
55	4	12
65	2	2
75	1	1
85	0	0
90	0	

Zone	Lumens	% Lamp
0° - 30°	2092.2	69.0
0° - 40°	2751.0	90.7
0° - 60°	3030.8	99.9
0° - 90°	3033.9	100.0
90° - 120°	0.0	0.0
90° - 130°	0.0	0.0
90° - 150°	0.0	0.0
90° - 180°	0.0	0.0
0° - 180°	3033.9	*100.0
*Efficiency		

pf / pc / pw	80% 50%	80% 30%	80% 10%	20% 70% 50%	20% 70% 30%	20% 70% 10%	20% 50% 50%	20% 50% 30%	20% 50% 10%
0	119	119	119	116	116	116	111	111	111
1	111	108	106	109	106	104	104	103	101
2	103	99	95	101	97	94	98	95	92
3	96	91	87	94	90	86	92	88	85
4	89	84	79	88	83	79	86	81	78
5	83	77	73	82	77	73	81	76	72
6	78	72	68	77	72	67	76	71	67
7	73	67	63	73	67	63	71	66	62
8	69	63	59	68	62	58	67	62	58
9	65	59	55	64	59	55	63	58	54
10	61	55	51	61	55	51	60	55	51

Mounting Height	Inital FC Center Beam	50% beam - 54.5° Diameter	50% beam - 54.5° FC	10% beam - 82.2° Diameter	10% beam - 82.2° FC
8.0	89.0	5.7	44.5	9.6	8.9
10.0	47.9	7.7	23.9	13.1	4.8
12.0	29.8	9.8	14.9	16.6	3.0
14.0	20.4	11.8	10.2	20.1	2.0
16.0	14.8	13.9	7.4	23.6	1.5

LDN6 35/50 LO6AR, input watts: 55.56, delivered lumens: 4922.1, LM/W = 88.59, spacing criterion at 0= 1.02, test no. ISF 30716P40.



	Ave	Lumens
0	4370	
5	4513	445
15	4841	1341
25	3589	1608
35	1645	1069
45	550	435
55	7	19
65	3	3
75	2	2
85	0	0
90	0	

Zone	Lumens	% Lamp
0° - 30°	3394.2	69.0
0° - 40°	4463.2	90.7
0° - 60°	4917.1	99.9
0° - 90°	4922.1	100.0
90° - 120°	0.0	0.0
90° - 130°	0.0	0.0
90° - 150°	0.0	0.0
90° - 180°	0.0	0.0
0° - 180°	4922.1	*100.0
*Efficiency		

pf / pc / pw	80% 50%	80% 30%	80% 10%	20% 70% 50%	20% 70% 30%	20% 70% 10%	20% 50% 50%	20% 50% 30%	20% 50% 10%
0	119	119	119	116	116	116	111	111	111
1	111	108	106	109	106	104	104	103	101
2	103	99	95	101	97	94	98	95	92
3	96	91	87	94	90	86	92	88	85
4	89	84	79	88	83	79	86	81	78
5	83	77	73	82	77	73	81	76	72
6	78	72	68	77	72	67	76	71	67
7	73	67	63	73	67	63	71	66	62
8	69	63	59	68	62	58	67	62	58
9	65	59	55	64	59	55	63	58	54
10	61	55	51	61	55	51	60	55	51

Mounting Height	Inital FC Center Beam	50% beam - 54.5° Diameter	50% beam - 54.5° FC	10% beam - 82.2° Diameter	10% beam - 82.2° FC
8.0	144.4	5.7	72.2	9.6	14.4
10.0	77.7	7.7	38.8	13.1	7.8
12.0	48.4	9.8	24.2	16.6	4.8
14.0	33.0	11.8	16.5	20.1	3.3
16.0	24.0	13.9	12.0	23.6	2.4

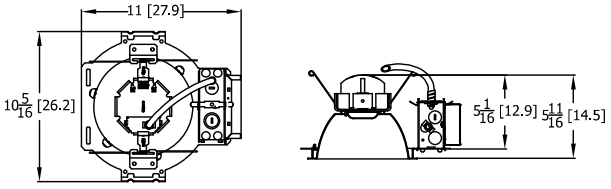
Attachment: Packet Docs (4750 : ICAP Development)

© 2014-2018 Acuity Brands Lighting, Inc. All rights reserve

LDN6

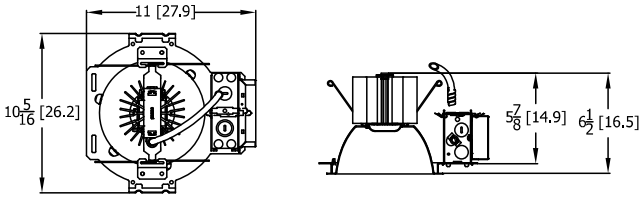
* All dimensions are inches (centimeters) unless otherwise noted.

LDN6 1500 LUMEN



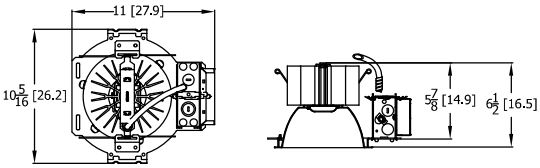
Aperture: 6-1/4 (15.9)
Ceiling Opening: 7-1/8 (18.1)
Overlap trim: 7-1/2 (19.1)

LDN6 3000 LUMEN



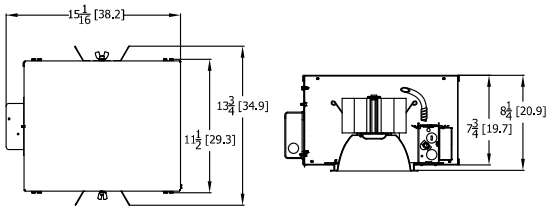
Aperture: 6-1/4 (15.9)
Ceiling Opening: 7-1/8 (18.1)
Overlap trim: 7-1/2 (19.1)

LDN6 5000 LUMEN



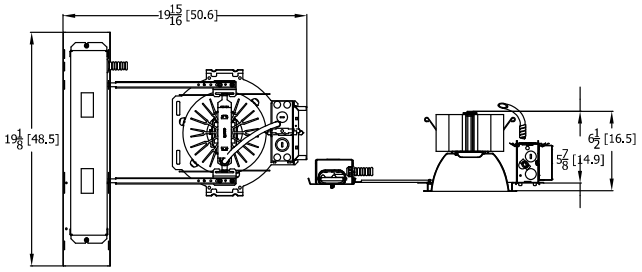
Marked Spacing: 24 x 24 x 10
Aperture: 6-1/4 (15.9)
Ceiling Opening: 7-1/8 (18.1)
Overlap trim: 7-1/2 (19.1)

LDN6 CP



Marked Spacing above 3000 lumen: 24 x 24 x 10
Aperture: 6-1/4 (15.9)
Ceiling Opening: 7-1/8 (18.1)
Overlap trim: 7-1/2 (19.1)

LDN6 1500 EL-ELR



Marked Spacing above 3000 lumen: 24 x 24 x 10
Aperture: 6-1/4 (15.9)
Ceiling Opening: 7-1/8 (18.1)
Overlap trim: 7-1/2 (19.1)

LDN6			
Target Lumen	**Lumens @ 3500K**	**Wattage**	**LPW**
500	662.2	7.6	87.1
1000	1082.0	12.8	84.5
1500	1606.0	20.5	78.3
2000	2023.0	22.6	89.5
2500	2529.5	27.1	93.3
3000	3034.0	34.7	87.4
4000	3977.5	44.1	90.2
5000	4922.2	55.5	88.7

HOW TO ESTIMATE DELIVERED LUMENS IN EMERGENCY MODE

Use the formula below to estimate the delivered lumens in emergency mode

Delivered Lumens = 1.25 x P x LPW

P = Ouput power of emergency driver. P = 10W for PS1055CP

LPW = Lumen per watt rating of the luminaire. This information is available on the ABL luminaire spec sheet.
The LPW rating is also available at Designlight Consortium.

LUMEN OUTPUT MULTIPLIERS - FINISH			
	Clear (AR)	**White (WR)**	**Black (BR)**
Specular (LS)	1.0	N/A	N/A
Semi-specular (LSS)	0.950	N/A	N/A
Matte diffuse (LD)	0.85	N/A	N/A
Painted	N/A	0.87	0.73

LUMEN OUTPUT MULTIPLIERS - CCT					
	2700K	**3000K**	**3500K**	**4000K**	**5000K**
80CRI	0.950	0.966	1.000	1.025	1.101

Notes

- Tested in accordance with IESNA LM-79-08.
- Tested to current IES and NEMA standards under stabilized laboratory conditions.
- CRI: 80 typical.

© 2014-2018 Acuity Brands Lighting, Inc. All rights reserve

Attachment: Packet Docs (4750 : ICAP Development)

ADDITIONAL DATA

COMPATIBLE 0-10V WALL-MOUNT DIMMERS		
MANUFACTURER	PART NO.	POWER BOOSTER AVAILABLE
Lutron®	Diva® DVTV	
	Diva® DVSCTV	
	Nova T® NTFTV	
	Nova® NFTV	
Leviton®	AWSMT-7DW	CN100
	AWSMG-7DW	PE300
	AMRMG-7DW	
	Leviton Centura Fluorescent Control System	
	IllumaTech® IP7 Series	
Synergy®	ISD BC	RDMFC
	SLD LPCS	
	Digital Equinox (DEQ BC)	
Douglas Lighting Controls	WPC-5721	
Entertainment Technology	Tap Glide TG600FAM120 (120V)	
	Tap Glide Heatsink TGH1500FAM120 (120V)	
	Oasis 0A2000FAMU	
Honeywell	EL7315A1019	EL7305A1010 (optional)
	EL7315A1009	
HUNT Dimming	Preset slide: PS-010-IV and PS-010-WH	
	Preset slide: PS-010-3W-IV and PS-010-3W-WH	
	Preset slide, controls FD-010: PS-IFC-010-IV and PS-IFC-010-WH-120/277V	
	Preset slide, controls FD-010: PS-IFC-010-3W-IV and PS-IFC-010-3W-WH-120/277V	
	Remote mounted unit: FD-010	
Lehigh Electronic Products	Solitaire	PBX
PDM Electrical Products	WPC-5721	
Starfield Controls	TR61 with DALI interface port	RT03 DALInet Router
WattStopper®	LS-4 used with LCD-101 and LCD-103	

A+ Capable Luminaire

This item is an A+ capable luminaire, which has been designed and tested to provide consistent color appearance and out-of-the-box control compatibility with simple commissioning.

- All configurations of this luminaire meet the Acuity Brands' specification for chromatic consistency
- This luminaire is part of an A+ Certified solution for nLight® control networks when ordered with drivers marked by a shaded background*
- This luminaire is part of an A+ Certified solution for nLight control networks, providing advanced control functionality at the luminaire level, when selection includes driver and control options marked by a shaded background*

To learn more about A+, visit www.acuitybrands.com/aplus.

*See ordering tree for details

Attachment: Packet Docs (4750 : ICAP Development)

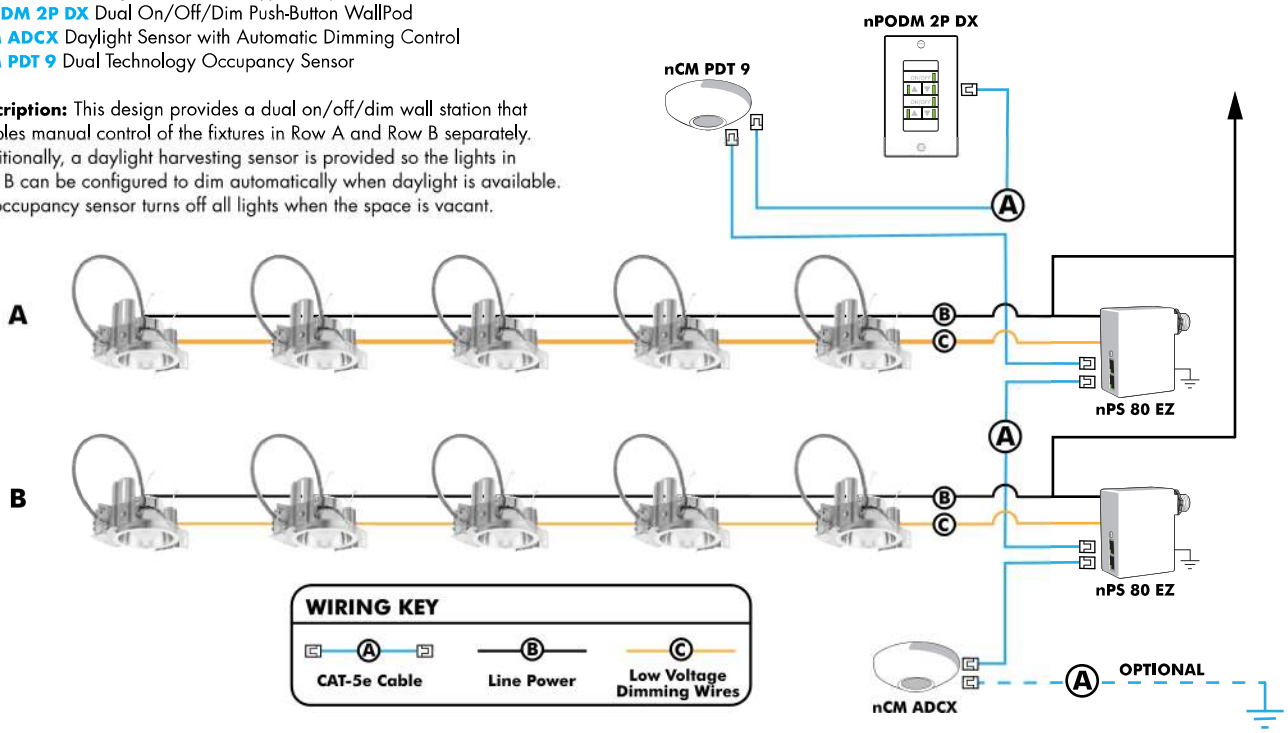
DOWNLIGHTING: One Lithonia Way Conyers, GA 30012 Phone: 800-315-4935 Fax: 770-860-3129 www.lithonia.com

© 2014-2018 Acuity Brands Lighting, Inc. All rights reserved

EXAMPLE
Group Fixture Control*
*Appiication diagram applies for fixtures with eldoLED drivers only.

nPS 80 EZ Dimming/Control Pack (qty: 2 required)
nPODM 2P DX Dual On/Off/Dim Push-Button WallPod
nCM ADCX Daylight Sensor with Automatic Dimming Control
nCM PDT 9 Dual Technology Occupancy Sensor

Description: This design provides a dual on/off/dim wall station that enables manual control of the fixtures in Row A and Row B separately. Additionally, a daylight harvesting sensor is provided so the lights in Row B can be configured to dim automatically when daylight is available. An occupancy sensor turns off all lights when the space is vacant.



Choose Wall Controls
nLight offers multiple styles of wall controls - each with varying features and user experience.

Push-Button Wallpod
Traditional tactile buttons and LED user feedback

Graphic Wallpod
Full color touch screen provides a sophisticated look and feel

nLight® Wired Controls Accessories:			
Order as separate catalog number. Visit www.acuitybrands.com/products/controls/nlight for complete listing of nLight controls.			
WallPod Stations	**Model number**	**Occupancy sensors**	**Model Number**
On/Off	nPODM (Color)	Small motion 360 , ceiling (PIR/dual Tech)	nCM 9 / nCM PDT 9
On/Off & Raise/Lower	nPOD DX (Color)	Large motion 360 , ceiling (PIR/dual tech)	nCM 10 / nCM PDT 10
Graphic Touchscreen	nPOD GFX (Color)	Wide View (PIR/dual tech)	nWV 16 / nWV PDT 16
Photocell controls	**Model Number**	Wall Switch w/ Raise/Lower (PIR/dual tech)	nWSX LV DX / nWSX PDT LV DX
Dimming	nCM ADCX	**Cat-5 cables (plenum rated)**	**Model Number**
		10', CAT5 10FT	CAT5 10FT J1
		15, CAT5 15FT	CAT5 15FT J1

nLight® AIR Control Accessories: *Order as separate catalog number. Visit www.acuitybrands.com/products/controls/nlightair.*	
Wall switches	**Model number**
On/Off single pole	rPODB [color]
On/Off two pole	rPODB 2P [color]
On/Off & raise/lower single pole	rPODB DX [color]
On/Off & raise/lower two pole	rPODB 2P DX [color]
On/Off & raise/lower single pole	rPODBZ DX WH[1]

Notes
1 Can only be ordered with the RES7Z zone control sensor version.

nLight AIR
nLight AIR is the ideal solution for retrofit or new construction spaces where adding communication is cost prohibitive. The integrated nLight AIR rPP20 Power Pack is part of each Indy L-Series Luminaire. These individually addressable controls offer the ultimate in flexibility during initial setup and for space repurposing.

Simple as 1,2,3

1. Install the nLight® AIR fixtures with embedded smart sensor
2. Install the wireless battery-powered wall switch
3. With CLAIRITY app, pair the fixtures with the wall switch and if desired, customize the sensor settings for the desired outcome

© 2014-2018 Acuity Brands Lighting, Inc. All rights reserved

Attachment: Packet Docs (4750 : ICAP Development)

JOB NAME
CREDIT UNION - MEQOUN, WI

CONTACT

ORDERING CODE
NU6-RA-10LM-40K-83-D60-120-DIM10-NC-MC-MC

NU6RA

XICATO lumenetix LUTRON 2016 OEM ADVANTAGE ACCOUNT eldoLED your product | our drive

DESCRIPTION

The NU6RA 6" recessed adjustable by ALPHABET offers multiple cutting edge LED technologies, premium performance, thoughtful construction and pleasing aesthetics. Offered standard with premium dimming using EldoLED 1% flicker free drivers in 120V, 277V, and 347V. A minimalistic look is achieved with an ultra thin 1/16" trim that is only 5/16" wide. Color choices of both Trim and Bezel for a customized look. An adjustable Hot Aiming System allows tilt adjustments from 0° to 40° with 360° degree rotation. The aiming adjustments and locking mechanisms are accessible from below the ceiling while the reflector is installed, allowing for hot aiming. A complex tilting mechanism positions the tilting axis for the maximum optical performance at all angles.

HOUSING

Electrocoated 16 gauge cold rolled steel provides enhanced structural reinforcement and rust prevention. Superior flame retardant UL certified injection molded commercial grade Lexan™ (PC) is used for the Frame and Regressed Bezel Trim. Lexan™ provides unmatched durability/ impact resistance, 250°F thermal resistance, and is UL tested for UV resistance and water exposure in outdoor applications. Thermally advanced anodized heat sink using 6063 alloy. 90min constant power IOTA emergency battery backup available in several power options.

MOUNTING

An advanced mounting system allows for quick and secure installation with LED and Driver serviceability from below the ceiling. The LED assembly uses four die cast aluminum Mounting Clamp Grips (MCG) that swing out to tighten onto variable ceiling thicknesses ranging from 1/8" to 1-5/8" thick. Integrated rubber feet on each MCG provide a non-slip vibration resistant installation. The hidden MCG system is accessible from below ceiling by removing the snap-in Lens/Bezel Assembly with either the included suction cup or a screwdriver blade. Integrated Bar Hangers feature integral toothed nails, T-bar mounting slots with locking holes, Tabs for joist positioning, and extendibility from 14-3/4" to 26". Retrofit mounting option allows for installation from below ceiling by use of compact driver box. Ceiling cutout size is 6-3/8" diameter.

LISTINGS

- ETLus Listed to UL1598, cETL Listed to CSA C22.2 #250.0
- Type Non-IC, IC, CP, Airtight ASTM Standard E283
- Suitable for damp locations
- Made in the USA – meets the requirements of the Buy American provision within the ARRA

LED INFO

- SDCM = 1X2 MacAdam Ellipse, Duv +/- 0.001

ORDERING CODE

see page 4

LM-79

SERIES	NU6	
TYPE	RA	round adjustable
LED	XTM19	XTM19
DELIVERED LUMENS	07LM	630 lm
	10LM	890 lm
	13LM	1160 lm
	20LM	1780 lm
	30LM[3]	2670 lm
	40LM[1,3]	3560 lm
CCT	27K	2700K
	B27K[2]	2700K beauty
	30K	3000K
	V30K	3000K vibrant
	35K	3500K
	40K	4000K
CRI	83	83CRI
	98	98CRI
REFLECTOR & LM MULTIPLIER	S20	20° specular (1.00)
	S30	30° specular (0.99)
	S60	60° specular (0.95)
	D40	40° diffused (0.88)
	D50	50° diffused (0.89)
	D60	60° diffused (0.90)
VOLTAGE	120	120V
	277	277V
DIMMING	DIM10[5]	standard driver with flicker free 0-10V dimming to 1%
	DIM10Z[5]	flicker free 0-10V dimming to 0%
	DALI[5]	flicker free DALI dimming to 1%
	DALIZ[5]	flicker free DALI dimming to 0%
	DMXZ	flicker free DMX dimming to 0%
	LUDA	lutron ecosystem dimming to 1%
	ELV[6]	leading & trailing edge dimming (Triac/ELV)
MOUNTING OPTIONS	NC	new construction with ceiling fitting plate
	IC[3]	insulation contact housing
	ICAT[3]	insulation contact / airtight housing
	CP[3]	chicago plenum housing
	RET	retrofit, no ceiling fitting plate
TRIM COLOR	WH	white
	MC	matte chrome
	BK	black
	BZ	bronze
	WT	wheat
BEZEL COLOR	WH	white
	MC	matte chrome
	BK	black
	BZ	bronze
	WT	wheat
ELECTRICAL OPTIONS	EM7	emergency battery backup, 90 minutes at 7 watts to L
	EM12[4]	emergency battery backup, 90 minutes at 12 watts to
	FOR 347V	order separate "347V to 277V" step down transformer
	OPTION	p/n: P70489

ORDERING CODE

Follow the steps to specify your fixture, example:
NU6 - RA - XTM19 - 13LM - 35K - 98 - D50 - 120 - DIM10 - NC - WH - WH - EM7

XTM19	POWER			
DELIVERED LM	W (83CRI)	VA (83CRI)	W (98CRI)	VA (98CRI)
630	9.5	10.2	11.4	12.1
890	12.4	13.1	15.4	16.1
1160	16.5	17.2	20.9	21.6
1780	25.9	26.5	32.9	33.2
2670	28.8	29.5	42.9	42.6
3560	36.5	36.8	N/A	N/A

NOTES

1 98 CRI not available for 40LM.
2 B27K Beauty Series choose 98 CRI (actual 93). Available for 07LM, 10LM, 13LM, and 20LM only.
3 IC/ICAT/CP not available for 98CRI in 30LM or 83/98CRI in 40LM.
4 EM12 not available for 83CRI in 07LM, 10LM or 13LM.
5 Driver uses logarithmic dimming curve as standard. For linear dimming curve add "LIN" after dimming code, i.e. DIM10LIN.
6 Triac/ELV dimming available for 83/98cri in 10LM, 13LM, 20LM, & 83cri only in 30LM. Dimmable to < 10% in 10LM, 13LM, 120V only. Dimmable to

Attachment: Packet Docs (4750 : ICAP Development)

In a continuing effort to offer the best product possible we reserve the right to change, without notice, specifications or materials that in our opinion will not alter the function of the product.

SPECIALTY LED ORDERING CODE

	XIM19 ORDERING CODE		LUMENETIX ORDERING CODE	
SERIES	NU6		NU6	
TYPE	RA	round adjustable	RA	round adjustable
LED	XIM19	XIM19	LMX	LMX
DELIVERED LUMENS	13LM 20LM 30LM[1,2]	1160 lm 1780 lm 2670 lm	12LM 15LM 20LM	1050 lm 1310 lm 1740 lm
CCT & LM MULTIPLIER	27K 30K V30K 35K 40K	2700K 3000K 3000K vibrant 3500K 4000K	TC 30KWD	tunable color, 8000K - 1650k warm dimming 3050k @ 100% to 1800K @1%
CRI	83 98	83CRI 98CRI	90	90CRI
REFLECTOR & LM MULTIPLIER	S20 S30 S60 D40 D50 D60	20° specular (1.00) 30° specular (0.99) 60° specular (0.95) 40° diffused (0.88) 50° diffused (0.89) 60° diffused (0.90)	S20 S30 S60 D40 D50 D60	20° specular (1.00) 30° specular (0.99) 60° specular (0.95) 40° diffused (0.88) 50° diffused (0.89) 60° diffused (0.90)
VOLTAGE	UNV	120V-277V	120 277	120V 277V
DIMMING	DIM10Z DALIZ DIM10Z-BL DALIZBL	flicker free 0-10V dimming to 0% flicker free DALI dimming to 0% flicker free 0-10V dimming to 0% + bluetooth control & beacon technology flicker free DALI dimming to 0% + bluetooth control & beacon technology	DIM10 DMX LUD	0-10V control, dimmable to 1%, + bluetooth control DMX control, dimmable to 1%, + bluetooth control lutron ecosystem control, dimmable to 1%, + bluetooth control
MOUNTING OPTIONS	NC IC[2] ICAT[2] CP[2] RET	new construction with ceiling fitting plate insulation contact housing insulation contact / airtight housing chicago plenum housing retrofit, no ceiling fitting plate	NC IC ICAT CP RET	new construction with ceiling fitting plate insulation contact housing insulation contact / airtight housing chicago plenum housing retrofit, no ceiling fitting plate
TRIM COLOR	WH MC BK BZ WT	white matte chrome black bronze wheat	WH MC BK BZ WT	white matte chrome black bronze wheat
BEZEL COLOR	WH MC BK BZ WT	white matte chrome black bronze wheat	WH MC BK BZ WT	white matte chrome black bronze wheat
ELECTRICAL OPTIONS	EMIN FOR 347V OPTION	order separate emergency battery backup inverter, 90 minutes at full power p/n: P70490-50W order separate “347V to 277V” step down transformer p/n: P70489	EMIN FOR 347V OPTION	order separate emergency battery backup inverter, 90 minutes at full power p/n: P70490-50W order separate “347V to 277V” step down transformer p/n: P70489

ORDERING CODE

Follow the steps to specify your fixture, example:
NU6 - RA - XIM19 - 20LM - 30K - 83 - S30 - UNV - DALIZ - NC - MC - MC - EMIN

XIM19	POWER			
DELIVERED LM	W (83CRI)	VA (83CRI)	W (98CRI)	VA (98CRI)
1160	16.4	17.3	20.3	21.2
1780	25.4	26.2	33.4	34.1
2670	37.1	37.7	N/A	N/A

LMX	POWER	
DELIVERED LM	W (90CRI)	VA (90CRI)
1050	24	25
1310	31	32
1740	39	40

XIM19 NOTES

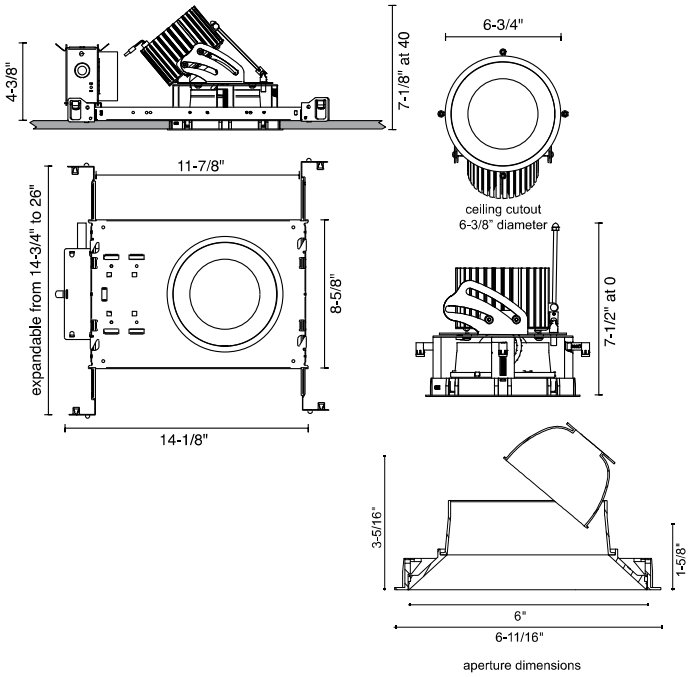
1 98CRI not available for 30LM.
2 IC/ICAT/CP not available for 30LM.

Attachment: Packet Docs (4750 : ICAP Development)

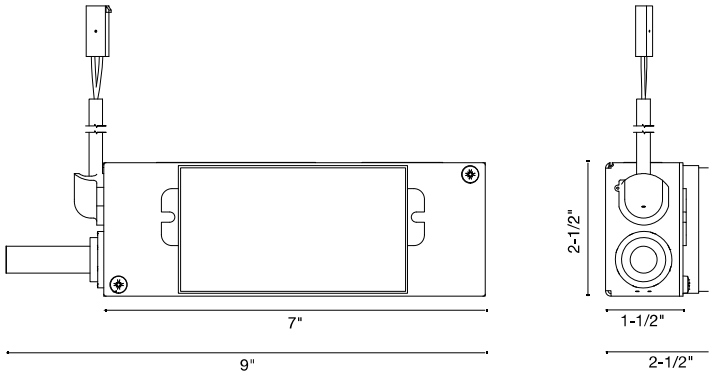
In a continuing effort to offer the best product possible we reserve the right to change, without notice, specifications or materials that in our opinion will not alter the function of the product.

MOUNTING

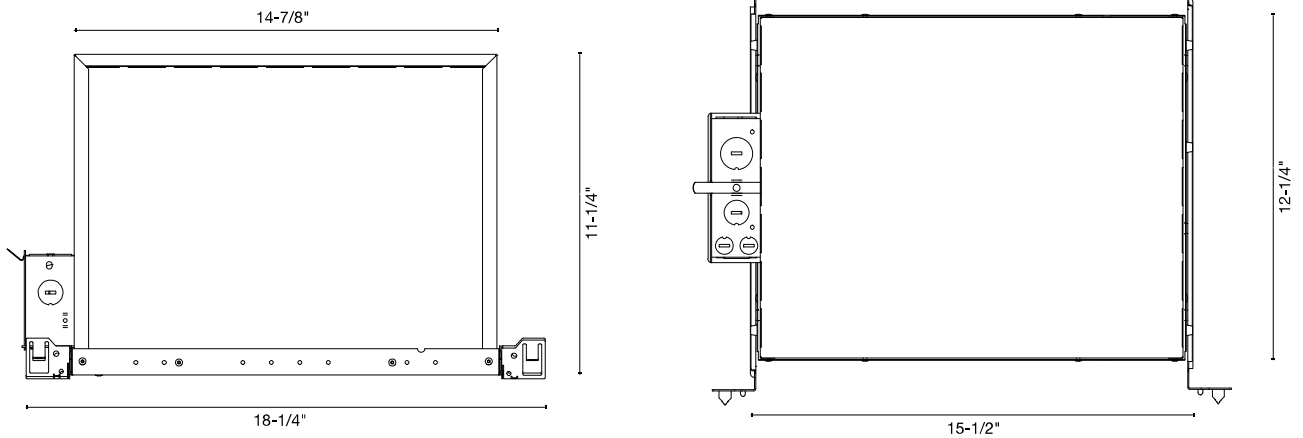
NC - NEW CONSTRUCTION



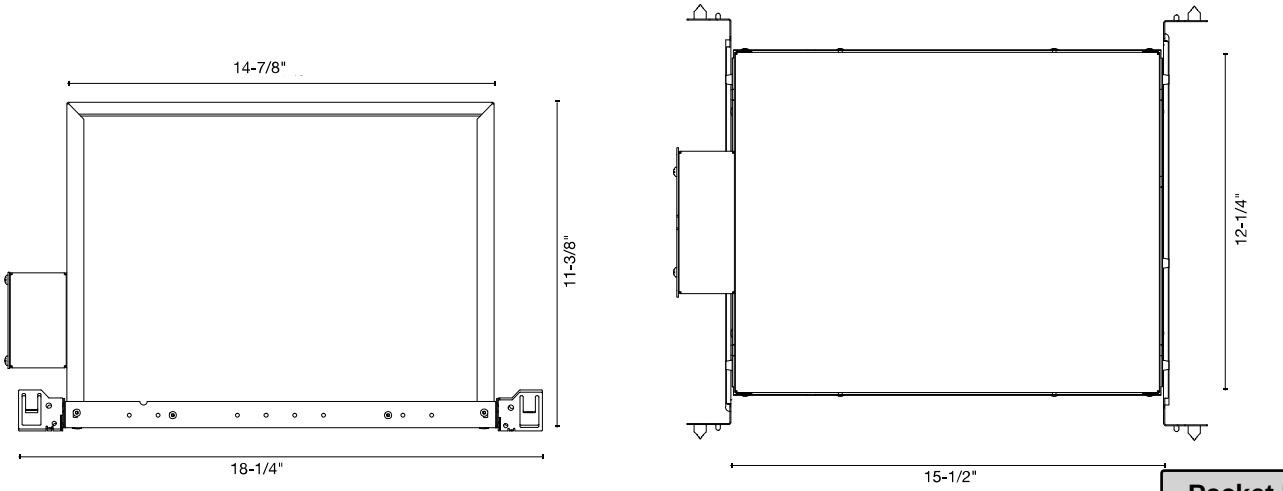
RET - RETROFIT



IC - INSULATION CONTACT HOUSING



CP - CHICAGO PLENUM
ICAT - INSULATION CONTACT / AIR TIGHT



Attachment: Packet Docs (4750 : ICAP Development)

In a continuing effort to offer the best product possible we reserve the right to change, without notice, specifications or materials that in our opinion will not alter the function of the product.

ORDERING CODE - ENERGY STAR

SERIES	**NU6**	
TYPE	**RA**	round adjustable
LED	**XTM19**	XTM19
DELIVERED LUMEN	**10LM**	890 lm
	13LM	1160 lm
	27LM	2311 lm
	30LM	2500 lm
	33LM	2737 lm
	40LM	3330 lm
CCT	**27K**	2700K
	30K	3000K
	35K	3500K
	40K	4000K
CRI	**83**	83CRI
	90	90CRI
REFLECTOR & LM MULTIPLIER	**S20**	20° specular with clear lens (1.00)
	S30	35° specular with clear lens (0.99)
	S60	60° specular with clear lens (0.95)
	D40	40° diffused w/ clear lens (0.88)
	D50	50° diffused w/ clear lens (0.89)
	D60	60° diffused w/ clear lens (0.90)
VOLTAGE	**120**	120V
	277	277V
DIMMING	**DIM10Z**	standard driver with flicker free 0-10V dimming to 1%
MOUNTING OPTIONS	**NC**	new construction with ceiling fitting plate
	IC	insulation contact housing
	ICAT	insulation contact / airtight housing
	RET	retrofit, no ceiling fitting plate
TRIM COLOR	**WH**	white
BEZEL COLOR	**WH**	white

ORDERING CODE

Follow the steps to specify your fixture, example:
NU6 - RA - XTM19 - 13LM - 27K - 90 - S20 - 120 - DIM10 - IC - WH - WH

NOTES

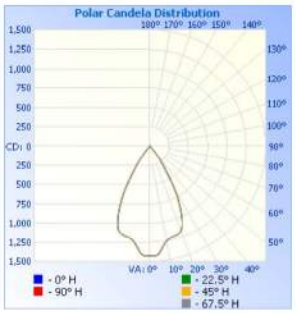
1 IC and ICAT available only for 10LM and 13LM.
2 90CRI only available for 10LM and 13LM.
3 D40, D50, D60 only available for 27lm, 30lm, 33lm and 40lm

Zonal Lumen Summary

Zone	Lumens	%Lamp	%Fixt
0-20	470.52	N.A.	42.40
0-30	900.19	N.A.	81.10
0-40	1088.44	N.A.	98.10
0-60	1105.15	N.A.	99.60
0-80	1107.03	N.A.	99.80
0-90	1108.03	N.A.	99.90
10-90	980.22	N.A.	88.30
20-40	617.93	N.A.	55.70
20-50	633.51	N.A.	57.10
40-70	17.66	N.A.	1.60
60-80	1.88	N.A.	0.20
70-80	0.92	N.A.	0.10
80-90	1.00	N.A.	0.10
90-110	0.54	N.A.	0.00
90-120	0.77	N.A.	0.10
90-130	0.99	N.A.	0.10
90-150	1.32	N.A.	0.10
90-180	1.52	N.A.	0.10
110-180	0.99	N.A.	0.10
0-180	1109.56	N.A.	100.00

Zonal Lumen Summary

Zone	Lumens
0-10	127.81
10-20	342.71
20-30	429.68
30-40	188.25
40-50	15.58
50-60	1.12
60-70	0.96
70-80	0.92
80-90	1.00
90-100	0.28
100-110	0.25
110-120	0.24
120-130	0.21
130-140	0.19
140-150	0.15
150-160	0.11
160-170	0.07
170-180	0.02



NU6-RA-XTM19-13LM-30K-83-S60-120-DIM10-RET-WH-WH

Attachment: Packet Docs (4750 : ICAP Development)

In a continuing effort to offer the best product possible we reserve the right to change, without notice, specifications or materials that in our opinion will not alter the function of the product.

D-Series Size 1
LED Wall Luminaire

Catalog Number	DSXW1-LED-10C-530-40K-TFTM-MVOLT-DDBXD
Notes	
Type	TYPE OC

Hit the Tab key or mouse over the page to see all interactive elements.

d-series

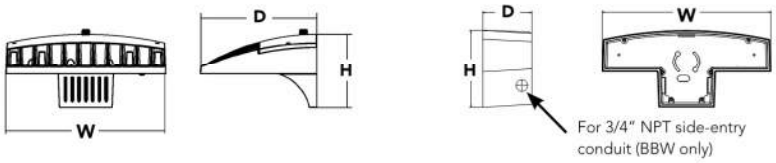
Specifications

Luminaire

Width:	13-3/4" (34.9 cm)	**Weight:**	12 lbs (5.4 kg)
Depth:	10" (25.4 cm)		
Height:	6-3/8" (16.2 cm)		

Back Box (BBW, ELCW)

Width:	13-3/4" (34.9 cm)	**BBW Weight:**	5 lbs (2.3 kg)
Depth:	4" (10.2 cm)	**ELCW Weight:**	10 lbs (4.5 kg)
Height:	6-3/8" (16.2 cm)		



Introduction

The D-Series Wall luminaire is a stylish, fully integrated LED solution for building-mount applications. It features a sleek, modern design and is carefully engineered to provide long-lasting energy-efficient lighting with a variety of optical and control options for customized performance.

With an expected service life of over 20 years of nighttime use and up to 74% in energy savings over comparable 250W metal halide luminaires, the D-Series Wall is a reliable, low-maintenance lighting solution that produces sites that are exceptionally illuminated.

Ordering Information

EXAMPLE: DSXW1 LED 20C 1000 40K T3M MVOLT DDBTXI

DSXW1 LED

Series	LEDs	Drive Current	Color temperature	Distribution	Voltage	Mounting	Control Options
DSXW1 LED	10C 10 LEDs (one engine) 20C 20 LEDs (two engines) [1]	350 350 mA 530 530 mA 700 700 mA 1000 1000 mA (1 A) [1]	30K 3000 K 40K 4000 K 50K 5000 K AMBPC Amber phosphor converted	T2S Type II Short T2M Type II Medium T3S Type III Short T3M Type III Medium T4M Type IV Medium TFTM Forward Throw Medium ASYDF Asymmetric diffuse	MVOLT [2] 120 [3] 208 [3] 240 [3] 277 [3] 347 [3,4] 480 [3,4]	**Shipped included** (blank) Surface mounting bracket BBW Surface-mounted back box (for conduit entry) [5]	**Shipped installed** PE Photoelectric cell, button type [6] DMG 0-10V dimming driver (no controls; wires pulled outside fixture)) PIR 180° motion/ambient light sensor, <15' mtg ht [1,7] PIRH 180° motion/ambient light sensor, 15-30' mtg ht [1] PIR1FC3V Motion/ambient sensor, 8-15' mounting height, ambient sensor enabled at 1fc [1,7] PIRH1FC3V Motion/ambient sensor, 15-30' mounting height, ambient sensor enabled at 1fc [1,7] ELCW Emergency battery backup (includes external component enclosure), non CEC compliant [8]

Other Options

Shipped installed

SF	Single fuse (120, 277 or 347V) [3,9]
DF	Double fuse (208, 240 or 480V) [3,9]
HS	House-side shield [10]
SPD	Separate surge protection

Shipped separately [10]

BSW	Bird-deterrent spikes
WG	Wire guard
VG	Vandal guard
DDL	Diffused drop lens

Finish (required) VERIFY FINISH

DDBXD	Dark bronze	DSSXD	Sandstone	DWHGXD	Textured white
DBLXD	Black	DDBTXD	Textured dark bronze	DSSTXD	Textured sandstone
DNAXD	Natural aluminum	DBLBXD	Textured black		
DWHXD	White	DNATXD	Textured natural aluminum		

Accessories

Ordered and shipped separately.

DSXWHS U	House-side shield (one per light engine)
DSXWBSW U	Bird-deterrent spikes
DSXW1WG U	Wire guard accessory
DSXW1VG U	Vandal guard accessory

NOTES

1 20C 1000 is not available with PIR, PIRH, PIR1FC3V or PIRH1FC3V.
2 MVOLT driver operates on any line voltage from 120-277V (50/60 Hz).
3 Single fuse (SF) requires 120, 277 or 347 voltage option. Double fuse (DF) requires 208, 240 or 480 voltage option.
4 Only available with 20C, 700mA or 1000mA. Not available with PIR or PIRH.
5 Back box ships installed on fixture. Cannot be field installed. Cannot be ordered as an accessory.
6 Photocontrol (PE) requires 120, 208, 240, 277 or 347 voltage option. Not available with motion/ambient light sensors (PIR or PIRH).
7 Reference Motion Sensor table on page 3.
8 Cold weather (-20C) rated. Not compatible with conduit entry applications. Not available with BBW mounting option. Not available with fusing. Not available with 347 or 48 voltage options. Emergency components located in back box housing. Emergency mode IES files located on product page at www.lithonia.com
9 Not available with ELCW.
10 Also available as a separate accessory; see Accessories information.

© 2013-2018 Acuity Brands Lighting, Inc. All rights reserved.

Attachment: Packet Docs (4750 : ICAP Development)

Performance Data

Lumen Output

Lumen values are from photometric tests performed in accordance with IESNA LM-79-08. Data is considered to be representative of the configurations shown, within the tolerances allowed by Lighting Facts. Contact factory for performance data on any configurations not shown here.

LEDs	Drive Current (mA)	System Watts	Dist. Type	30K (3000 K, 70CRI)					40K (4000 K, 70CRI)					50K (5000 K, 70CRI)					AMBPC (Amber Phosphor Converted)				
				Lumens	B	U	G	LPW	Lumens	B	U	G	LPW	Lumens	B	U	G	LPW	Lumens	B	U	G	LPW
10C (10 LEDs)	350mA	13W	T2S	1,415	0	0	1	109	1,520	0	0	1	117	1,530	0	0	1	118	894	0	0	1	69
			T2M	1,349	0	0	1	104	1,448	0	0	1	111	1,458	0	0	1	112	852	0	0	1	66
			T3S	1,399	0	0	1	108	1,503	0	0	1	116	1,512	0	0	1	116	884	0	0	1	68
			T3M	1,385	0	0	1	107	1,488	0	0	1	114	1,497	0	0	1	115	876	0	0	1	67
			T4M	1,357	0	0	1	104	1,458	0	0	1	112	1,467	0	0	1	113	858	0	0	1	66
			TFTM	1,411	0	0	1	109	1,515	0	0	1	117	1,525	0	0	1	117	892	0	0	1	69
			ASYDF	1,262	1	0	1	97	1,354	1	0	1	104	1,363	1	0	1	105	797	0	0	1	61
	530 mA	19W	T2S	2,053	1	0	1	108	2,205	1	0	1	116	2,220	1	0	1	117	1,264	0	0	1	67
			T2M	1,957	1	0	1	103	2,102	1	0	1	111	2,115	1	0	1	111	1,205	0	0	1	63
			T3S	2,031	1	0	1	107	2,181	1	0	1	115	2,194	1	0	1	115	1,250	0	0	1	66
			T3M	2,010	1	0	1	106	2,159	1	0	1	114	2,172	1	0	1	114	1,237	0	0	1	65
			T4M	1,970	1	0	1	104	2,115	1	0	1	111	2,129	1	0	1	112	1,212	0	0	1	64
			TFTM	2,047	0	0	1	108	2,198	1	0	1	116	2,212	1	0	1	116	1,260	0	0	1	66
			ASYDF	1,831	1	0	1	96	1,966	1	0	1	103	1,978	1	0	1	104	1,127	0	0	1	59
	700 mA	26W	T2S	2,623	1	0	1	101	2,816	1	0	1	108	2,834	1	0	1	109	1,544	0	0	1	59
			T2M	2,499	1	0	1	96	2,684	1	0	1	103	2,701	1	0	1	104	1,472	0	0	1	57
			T3S	2,593	1	0	1	100	2,785	1	0	1	107	2,802	1	0	1	108	1,527	0	0	1	59
			T3M	2,567	1	0	1	99	2,757	1	0	1	106	2,774	1	0	1	107	1,512	0	0	1	58
			T4M	2,515	1	0	1	97	2,701	1	0	1	104	2,718	1	0	1	105	1,481	0	0	1	57
			TFTM	2,614	1	0	1	101	2,808	1	0	1	108	2,825	1	0	1	109	1,539	0	0	1	59
			ASYDF	2,337	1	0	1	90	2,510	1	0	1	97	2,525	1	0	1	97	1,376	1	0	1	53
	1000 mA	39W	T2S	3,685	1	0	1	94	3,957	1	0	1	101	3,982	1	0	1	102	2,235	1	0	1	57
			T2M	3,512	1	0	1	90	3,771	1	0	1	97	3,794	1	0	1	97	2,130	1	0	1	55
			T3S	3,644	1	0	1	93	3,913	1	0	1	100	3,938	1	0	1	101	2,210	1	0	1	57
			T3M	3,607	1	0	1	92	3,873	1	0	1	99	3,898	1	0	1	100	2,187	1	0	1	56
			T4M	3,534	1	0	2	91	3,796	1	0	2	97	3,819	1	0	2	98	2,143	1	0	1	55
			TFTM	3,673	1	0	1	94	3,945	1	0	1	101	3,969	1	0	1	102	2,228	1	0	1	57
			ASYDF	3,284	1	0	2	84	3,527	1	0	2	90	3,549	1	0	2	91	1,992	1	0	1	51
20C (20 LEDs)	350mA	23W	T2S	2,820	1	0	1	123	3,028	1	0	1	132	3,047	1	0	1	132	1,777	1	0	1	77
			T2M	2,688	1	0	1	117	2,886	1	0	1	125	2,904	1	0	1	126	1,693	1	0	1	74
			T3S	2,789	1	0	1	121	2,994	1	0	1	130	3,014	1	0	1	131	1,757	0	0	1	76
			T3M	2,760	1	0	1	120	2,965	1	0	1	129	2,983	1	0	1	130	1,739	1	0	1	76
			T4M	2,704	1	0	1	118	2,905	1	0	1	126	2,922	1	0	1	127	1,704	1	0	1	74
			TFTM	2,811	1	0	1	122	3,019	1	0	1	131	3,038	1	0	1	132	1,771	0	0	1	77
			ASYDF	2,514	1	0	1	109	2,699	1	0	1	117	2,716	1	0	1	118	1,584	1	0	1	69
	530 mA	35W	T2S	4,079	1	0	1	117	4,380	1	0	1	125	4,407	1	0	1	126	2,504	1	0	1	72
			T2M	3,887	1	0	1	111	4,174	1	0	1	119	4,201	1	0	1	120	2,387	1	0	1	68
			T3S	4,033	1	0	1	115	4,331	1	0	1	124	4,359	1	0	1	125	2,477	1	0	1	71
			T3M	3,993	1	0	2	114	4,288	1	0	2	123	4,315	1	0	2	123	2,451	1	0	1	70
			T4M	3,912	1	0	2	112	4,201	1	0	2	120	4,227	1	0	2	121	2,402	1	0	1	69
			TFTM	4,066	1	0	2	116	4,366	1	0	2	125	4,394	1	0	2	126	2,496	1	0	1	71
			ASYDF	3,636	1	0	2	104	3,904	1	0	2	112	3,928	1	0	2	112	2,232	1	0	1	64
	700 mA	46W	T2S	5,188	1	0	1	113	5,572	1	0	1	121	5,607	1	0	1	122	3,065	1	0	1	67
			T2M	4,945	1	0	2	108	5,309	1	0	2	115	5,343	1	0	2	116	2,921	1	0	1	64
			T3S	5,131	1	0	2	112	5,510	1	0	2	120	5,544	1	0	2	121	3,031	1	0	1	66
			T3M	5,078	1	0	2	110	5,454	1	0	2	119	5,487	1	0	2	119	3,000	1	0	1	65
			T4M	4,975	1	0	2	108	5,343	1	0	2	116	5,376	1	0	2	117	2,939	1	0	1	64
			TFTM	5,172	1	0	2	112	5,554	1	0	2	121	5,589	1	0	2	122	3,055	1	0	1	66
			ASYDF	4,624	1	0	2	101	4,965	1	0	2	108	4,996	1	0	2	109	2,732	1	0	1	59
	1000 mA	73W	T2S	7,204	1	0	2	99	7,736	2	0	2	106	7,784	2	0	2	107	4,429	1	0	1	61
			T2M	6,865	1	0	2	94	7,373	2	0	2	101	7,419	2	0	2	102	4,221	1	0	1	58
			T3S	7,125	1	0	2	98	7,651	1	0	2	105	7,698	1	0	2	105	4,380	1	0	1	60
			T3M	7,052	1	0	2	97	7,573	2	0	2	104	7,620	2	0	2	104	4,335	1	0	2	59
			T4M	6,909	1	0	2	95	7,420	1	0	2	102	7,466	1	0	2	102	4,248	1	0	2	58
			TFTM	7,182	1	0	2	98	7,712	1	0	2	106	7,761	1	0	2	106	4,415	1	0	2	60
			ASYDF	6,421	2	0	2	88	6,896	2	0	3	94	6,938	2	0	3	95	3,947	1	0	2	54

Attachment: Packet Docs (4750 : ICAP Development)

© 2013-2018 Acuity Brands Lighting, Inc. All rights reserved.

Performance Data

Lumen Ambient Temperature (LAT) Multipliers

Use these factors to determine relative lumen output for average ambient temperatures from 0-40°C (32-104°F).

Ambient		Lumen Multiplier
0°C	32°F	1.02
10°C	50°F	1.01
20°C	68°F	1.00
25°C	**77°F**	**1.00**
30°C	86°F	1.00
40°C	104°F	0.98

Electrical Load

LEDs	Drive Current (mA)	System Watts	Current (A) 120V	208V	240V	277V	347V	480V
10C	350	14 W	0.13	0.07	0.06	0.06	-	-
	530	20 W	0.19	0.11	0.09	0.08	-	-
	700	27 W	0.25	0.14	0.13	0.11	-	-
	1000	40 W	0.37	0.21	0.19	0.16	-	-
20C	350	24 W	0.23	0.13	0.12	0.10	-	-
	530	36 W	0.33	0.19	0.17	0.14	-	-
	700	47 W	0.44	0.25	0.22	0.19	0.15	0.11
	1000	74 W	0.69	0.40	0.35	0.30	0.23	0.17

Projected LED Lumen Maintenance

Data references the extrapolated performance projections for the **DSXW1 LED 20C 1000** platform in a **25°C ambient**, based on 10,000 hours of LED testing (tested per IESNA LM-80-08 and projected per IESNA TM-21-11).

To calculate LLF, use the lumen maintenance factor that corresponds to the desired number of operating hours below. For other lumen maintenance values, contact factory.

Operating Hours	0	25,000	50,000	100,000
Lumen Maintenance Factor	1.0	0.95	0.93	0.88

Motion Sensor Default Settings

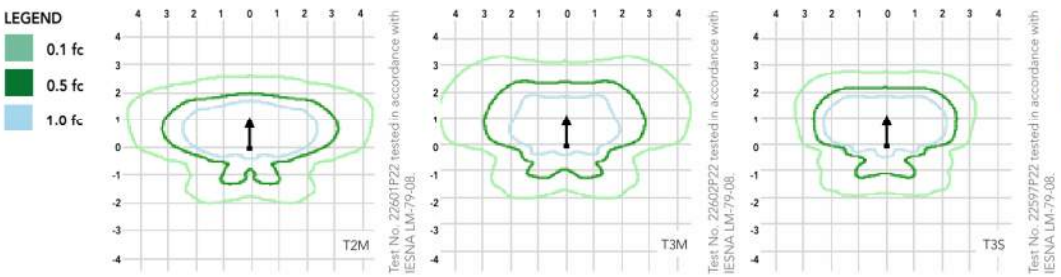
Option	Dimmed State	High Level (when triggered)	Photocell Operation	Dwell Time	Ramp-up Time	Ramp-down Time
*PIR or PIRH	3V (37%) Output	10V (100%) Output	Enabled @ 5FC	5 min	3 sec	5 min
PIR1FC3V or PIRH1FC3V	3V (37%) Output	10V (100%) Output	Enabled @ 1FC	5 min	3 sec	5 min

*for use with Inline Dusk to Dawn or timer

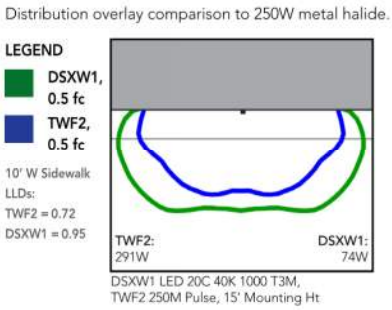
Photometric Diagrams

To see complete photometric reports or download .ies files for this product, visit Lithonia Lighting's D-Series Wall Size 1 homepage.

Isofootcandle plots for the DSXW1 LED 20C 1000 40K. Distances are in units of mounting height (15').



Distribution overlay comparison to 250W metal halide.



Options and Accessories

T3M (left), ASYDF (right) lenses

HS - House-side shields

BSW - Bird-deterrent spikes

WG - Wire guard

VG - Vandal guard

DDL - Diffused drop lens

FEATURES & SPECIFICATIONS

INTENDED USE
The energy savings, long life and easy-to-install design of the D-Series Wall Size 1 make it the smart choice for building-mounted doorway and pathway illumination for nearly any facility.

CONSTRUCTION
Two-piece die-cast aluminum housing has integral heat sink fins to optimize thermal management through conductive and convective cooling. Modular design allows for ease of maintenance. The LED driver is mounted to the door to thermally isolate it from the light engines for low operating temperature and long life. Housing is completely sealed against moisture and environmental contaminants (IP65).

FINISH
Exterior parts are protected by a zinc-infused Super Durable TGIC thermoset powder coat finish that provides superior resistance to corrosion and weathering. A tightly controlled multi-stage process ensures a minimum 3 mils thickness for a finish that can withstand extreme climate changes without cracking or peeling. Available in textured and non-textured finishes.

OPTICS
Precision-molded proprietary acrylic lenses provide multiple photometric distributions tailored specifically to building mounted applications. Light engines are available in 3000 K (70 min. CRI), 4000 K (70 min. CRI) or 5000 K (70 min. CRI) configurations.

ELECTRICAL
Light engine(s) consist of 10 high-efficacy LEDs mounted to a metal-core circuit board to maximize heat dissipation and promote long life (L88/100,000 hrs at 25°C). Class 1 electronic drivers have a power factor >90%, THD <20%, and a minimum 2.5KV surge rating. When ordering the SPD option, a separate surge protection device is installed within the luminaire which meets a minimum Category C Low (per ANSI/IEEE C62.41.2).

INSTALLATION
Included universal mounting bracket attaches securely to any 4" round or square outlet box for quick and easy installation. Luminaire has a slotted gasket wireway and attaches to the mounting bracket via corrosion-resistant screws.

LISTINGS
CSA certified to U.S. and Canadian standards. Rated for -40°C minimum ambient.

DesignLights Consortium® (DLC) qualified product. Not all versions of this product may be DLC qualified. Please check the DLC Qualified Products List at www.designlights.org to confirm which versions are qualified.

WARRANTY
Five-year limited warranty. Complete warranty terms located at www.acuitybrands.com/CustomerResources/Terms_and_conditions.aspx.

Note: Actual performance may differ as a result of end-user environment and application. All values are design or typical values, measured under laboratory conditions at 25 °C. Specifications subject to change without notice.

© 2013-2018 Acuity Brands Lighting, Inc. All rights reserved.

Attachment: Packet Docs (4750 : ICAP Development)

COMMON COUNCIL
OF THE
CITY OF MEQUON

ORDINANCE 2019-1550

An Ordinance Rezoning the Properties Located at 10865-10911 N. Port Washington Road and Parcel Immediately to the South from IPS (Institutional) to B-2/PUD (Community Commercial/Planned Unit Development) and to Amend the Land Use Plan Map from Institutional to Community Commercial

RECITALS

A. Pursuant to section 62.23(3) of the Wisconsin Statues, 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 to approve on the 10th day of June, 2019.

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

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 June 10, 2019, and after due notice and hearing by the Common Council of the City of Mequon on August 13, 2019, 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 B-2 (Community Commercial) and the Land Use Plan map to Commercial subject to the following conditions:

1. Common Council approval of the rezoning.
2. The following uses shall be prohibited on the parcel unless it is located in a building within 300 feet of Port Washington Road:
    - Fast food or sit down restaurants
    - Auto sales or service uses
    - Retail trade establishments
3. The site shall comply with all technical standards of the code other than the side yard building offset and parking offset between parcels in the development.
4. All buildings located adjacent to Port Washington Road shall be required to have the primary entrance on the east façade.
5. The applicant shall provide 110.5” of replacement trees on the property or in a City park or pay $11,050 to the City of Mequon for urban forest projects.

Attachment: Packet Docs (4750 : ICAP Development)

6. Tree protection fencing shall be installed in accordance with City Forester's recommendation.
7. City Attorney review and approval of a shared parking agreement.
8. A sidewalk shall be provided to connect Building A to the rear parking lot.
9. The building located on the south end of the development shall be located behind the parking lot and setback approximately the same distance as the building to the south on the adjacent parcel.
10. Engineering Division review and approval of grading, drainage, sanitary sewer, watermain, and erosion control plans in conformance to City ordinances and the Standard Specifications for Land Development.
11. The drive aisles in the northwest parking area shall be connected to each other.
12. Connection to public water and sanitary sewer.
13. Applicant shall provide the wetland delineation report.
14. Application for and approval of a City erosion control permit, subject to applicable fees and conditioned upon WDNR issuance of a WRAPP permit.
15. Application for and approval of a City Filling and Excavation Permit.
16. Approval of a storm water management plan for the site in conformance to City ordinances, WDNR and MMSD Chapter 13, including execution of a Storm Water Facilities Maintenance and Easement Agreement.
17. 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).

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

Attachment: Packet Docs (4750 : ICAP Development)

Date Approved: August 13, 2019

I certify that the foregoing Ordinance was adopted by the Common Council of the City of Mequon, Wisconsin, at a meeting held on August 13, 2019.

Caroline Fochs, City Clerk

Published: August 20, 2019

Attachment: Packet Docs (4750 : ICAP Development)

conversation it was discussed that a Fill Permit is required for the excavation of the soil from the site and the applicant should come back before the Commission for this approval next month.

The Commissioners provided feedback that there were several unresolved issues and that the developer should work with staff to resolve the questions and issues discussed and come back next month for approval. It was acknowledged that this is a unique project and that some allowances may be approved but the Commission is also cautious of approvals that will set precedent going forward. Mayor Wirth stated that he believes a policy discussion regarding this issue is necessary.

Action
Commissioner Choren made a motion to table the item.
Ald. Strzelczyk seconded the motion.
A voice vote was taken; vote passed (8-0)

RESULT:	**TABLED [UNANIMOUS]**
MOVER:	Martin Choren, Commissioner
SECONDER:	Robert Strzelczyk, Alderman/Vice Chair
AYES:	Wirth, Strzelczyk, Bach, Baka, Choren, Hawley, J. Schaefer, R. Schaefer
ABSENT:	Lemke, Stoker

d) ICAP Development. The applicant is seeking a consultation for a proposed Credit Union for the property at 10945 N. Port Washington Road.

The applicants were represented by Jerod Protasky with ICAP and Abby Sivwright with LaMACCHIA Group.

Asst. Dir. Zader stated that the applicant is seeking a consultation for a financial institutional for a property recently rezoned to a PUD. Usually there is not this level of detail at a consultation, but the applicant is not allowed to come forward with a building and site plan until some issues with the land division are resolved and they wanted meaningful feedback from the Commission so that they can move forward. The applicant wants feedback from the Commission specifically regarding the site layout and the architecture of the building.

The site plan shows the financial institution in the middle of the site. There would be an access from Port Washington Road as well as one at the rear of the site. The overall concept is similar to what was approved for the PUD concept plan. One issue to consider is that the site is overparked for a financial institution in terms of square footage; although employee numbers have not been submitted at this point. The applicant is showing a 10-foot width parking stall and typically on less intense uses a 9-foot stall is allowed. This may help reduce impervious surface and help increase the green space ratio. The six parking stalls in the back of the site could be eliminated if the number of overall parking spaces needs to be reduced.

The green space ratio needs to be met for the entire PUD site; it does not need to be met for this specific site. Any reduction would need to be made up on another site so it so advised that the applicant strive to be as close to the required ratio as possible. Staff is supportive of this project

Attachment: Packet Docs (4750 : ICAP Development)

as most other requirements are met.

There were pictures of recent branches submitted as well as renderings of the proposed building in the packet. Overall staff is supportive of the building design but suggests several architectural improvements that can be made. One item is to add windows on the front brick façade and possibly a small sized sign there. Additionally, the cedar wrapped posts should be carried out throughout the project. The applicant stated there will be additional screening/shading on the front façade and that will need to be included on the official building and site plans once they are submitted.

Another issue is the electronic message sign shown on the proposed plan. The sign code does not currently allow for electronic sign message boards at financial institutions. They have the right to ask for a waiver. The Mayor requested this item be added as a policy item to discussed by the Commission later at tonight's meeting.

The Commission provided mixed opinions about adding windows to the front brick façade. There was support for the cedar columns but not the mixing of materials (aluminum and cedar). Overall, the Commission supports the architecture, but they would like to see some additional design feature improvements and some fenestration on the front. There is support for this type of use at this location.

There is no action taken on this item this evening.

3) Policy

a) Sign Code discussion related to changeable electronic message signs

Asst. Dir. Zader stated that the ordinance regarding electronic signs is included in the packet and lists the uses allowed: mostly public services and churches. Pictures of some of the message sign boards in the city were included in the packet; there are a total of 5 in the city. Other requirements are that the message must switch out every 30 seconds and that no flashing lights or animation is allowed. There is a size requirement of the message board compared to the overall sign.

There was discussion among the Commissioners on various issues relating to the electronic signs. Overall the Commission supports the current policy of public service institutions and churches being allowed to have these signs, but they are not supportive of other users being permitted. Issues discussed were unwanted advertising, no control over the signs/messages, technology changing so quickly/cost and that information is easy to obtain by other means.

In conclusion, the Commission does not recommend any changes to the current policy and does not support granting a waiver.

b) Policy Subcommittee Update

Dir. Tollefson stated that the Policy Subcommittee starting meeting in August and there was

DRAFT

Attachment: Packet Docs (4750 : ICAP Development)

City of Mequon

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: **January 13, 2020**

SUBJECT: **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.**

Applicant:	Steckling Builders Rick Stecking
Status of Applicant:	Agent
Requested:	Minor Request
Existing Use:	Medical Office
Existing Zoning:	B-3 (Office and Service Business District) C-2 (General Conservancy District)
Land Use Plan:	Office/Critical Environmental
Lot size:	1.16 acres
Location:	10624 N. Port Washington Road
Tax Key:	#15-029-10-014.00
District:	#8

Background:
The applicant is seeking a minor request to omit the canopy from the approved building plan for the Guo Medical Office building located at 10624 N Port Washington Road. The Planning Commission approved a building plan amendment for the property in January 2019 for exterior changes.

Building Plan Amendment:
Upon site inspection, staff noted the canopy over the front entrance was not installed per the approved plans. The previously approved plans showed a new entryway which featured aluminum frame storefront windows and doors with a canopy extension over the entrance (please see attached). The applicant indicated that the decision to eliminate the canopy occurred during construction due to costs. Staff does not support the elimination of the canopy. Staff believes the canopy adds necessary dimension to the relatively flat façade. The overhang also indicates where the entrance into the building is located which, without an entrance detail would otherwise blend in with the storefront windows.

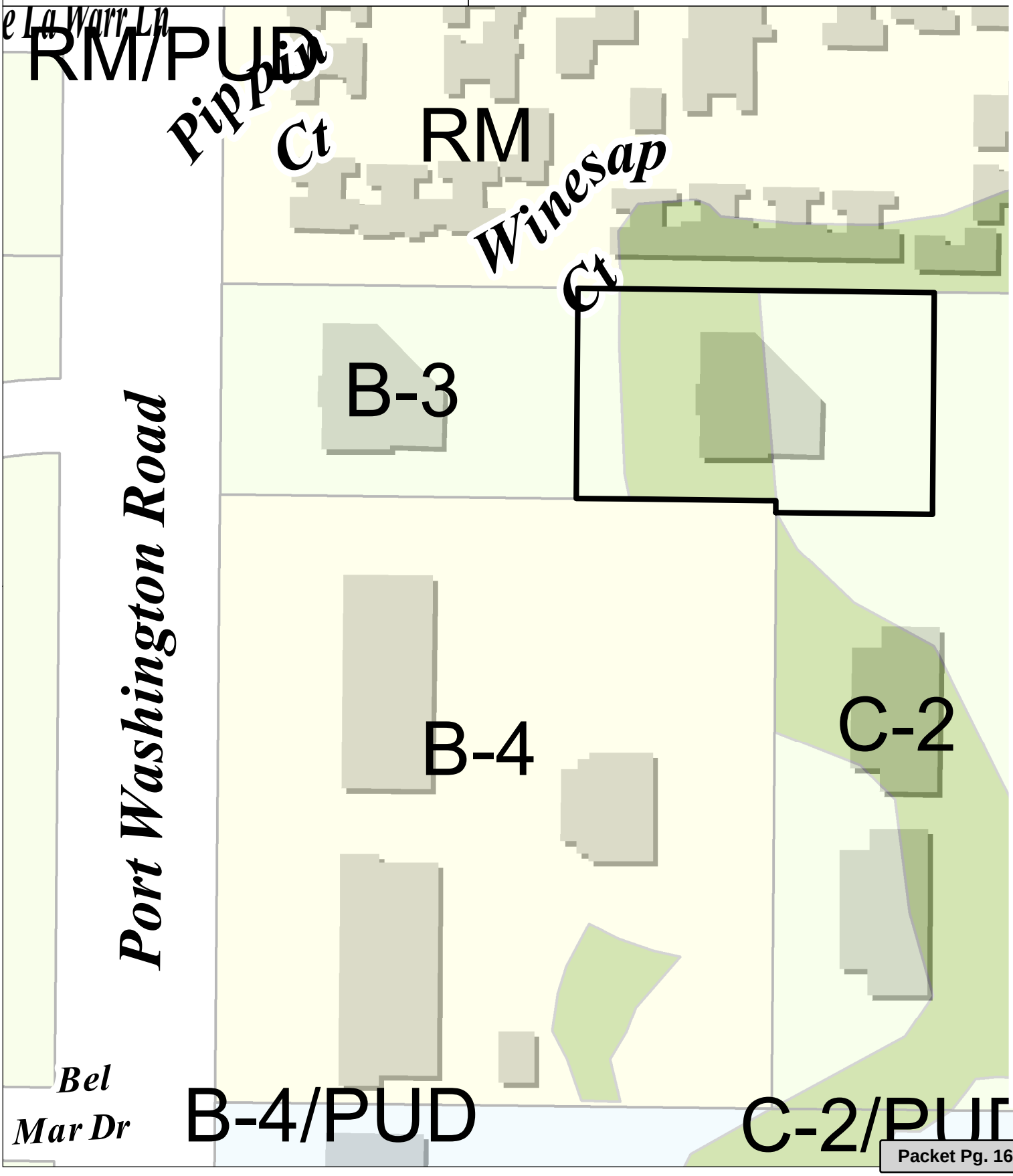
Staff offered the applicant an opportunity to submit alternative options or features for the entrance that would accomplish the objectives noted above. Such solution(s) could've been considered for an administrative approval. The applicant did not submit any alternatives for review and chose to request approval from the Planning Commission to omit the canopy all together.

Staff Recommendation:
Planning staff recommends **denial** of the minor request.

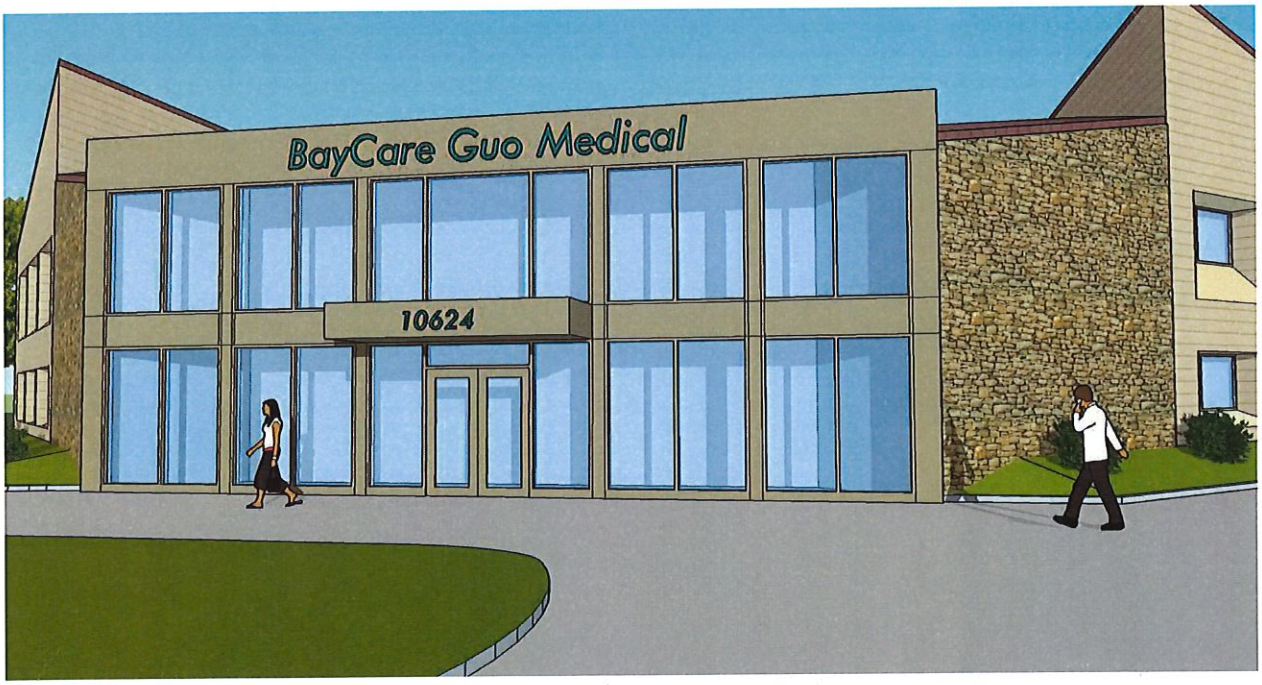
Attachments:
Packet Docs (PDF)

Guo Medical Office

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 (4751 : Steckling Builders for Guo Medical Office)



Attachment: Packet Docs (4751 : Steckling Builders for Guo Medical Office)

Attachment: Packet Docs (4751 : Steckling Builders for Guo Medical Office)

Action
Ald. Strzelczyk made a motion to approve the item.
Commissioner Jim Schaefer seconded the motion.
A voice vote was called; vote passed (8-0)

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Strzelczyk, Alderman
SECONDER:	J. Schaefer, Commissioner
AYES:	Abendroth, Choren, Mason, Parrish, Stoker, J. Schaefer, Hawley, Strzelczyk
ABSENT:	R. Schaefer, Lemke
EXCUSED:	Wirth

b) Steckling Builders for Guo Medical Office. The applicant is seeking removal from table and building plan amendment approval for changes to the exterior building materials and a new entryway for the existing office structure located at 10624 N. Port Washington Road.

Action
Ald. Strzelczyk made a motion to remove from table.
Commissioner Stoker seconded the motion.
A voice vote was called; vote passed (8-0)

City Planner Vang stated that at the last meeting the applicant had proposed a stucco style siding material with a hunter green metal roof. They have revised the colors and the materials. They are proposing a tan siding on the building and a brown roof to match the siding. They will use stone on the facades on each side of the entry way and it will extend to the roof line. Staff met with the applicant and the building owner and staff is comfortable with the materials and colors being proposed. The applicant has brought sample materials for review.

The applicant stated that they had a good meeting with staff and they feel comfortable with the changes that have been made.

Commissioner Choren stated that he is concerned about the siding on the slope under the windows and the inseams whether water will penetrate. He spoke to the applicant and as long as they find a material that does not have seams and is the same color, he feels comfortable with supporting this project.

The applicant stated that they will work with their contractor and will have staff approve the material and the color. It will most likely be metal and will work on the slope and will blend and be the same color as the exterior siding.

Commissioner Jim Schaefer stated that he agrees that it should be metal and match the siding in color. He stated that he feels that the Hardiplank siding should have the smooth side facing out as he feels that would look better.

Attachment: Packet Docs (4751 : Steckling Builders for Guo Medical Office)

Action
Commissioner Jim Schaefer made a motion to approve the item with the condition that the smooth side of the siding faces out and that the color below the windows matches the siding color.
Commissioner Parrish seconded the motion.
A voice vote was called; vote passed (8-0)

RESULT:	**APPROVED WITH CONDITIONS [UNANIMOUS]**
MOVER:	J. Schaefer, Commissioner
SECONDER:	Parrish, Commissioner
AYES:	Abendroth, Choren, Mason, Parrish, Stoker, J. Schaefer, Hawley, Strzelczyk
ABSENT:	R. Schaefer, Lemke
EXCUSED:	Wirth

c) Spectrum Investment Advisors. The applicant is seeking building plan amendment approval for a 1,777 sq. ft. second floor expansion for existing building located at 6329 W. Mequon Road.

The applicant showed a power point presentation.

City Planner Vang stated the applicant is proposing a 1,700 sq. ft. second floor addition to accommodate a new conference room with a 17 ft. high tower. There will be additional restrooms and a kitchenette as well as additional cubic space for future growth. The materials do match the existing building materials and colors. The tower does provide some symmetry with the northeast corner element and gives balance to the building. It does meet the Town Center design guidelines which encourage 2nd and 3rd story buildings. Staff is supportive of the building plan amendment.

Ms. Vang explained that the wall to the west of the building will need to be rebuilt and the applicant will be back for review and approval at a later date. The wall is part of the Fox Town project and will be worked on together. They are also negotiating a parking agreement. There is currently ample parking on their site for their current needs.

The applicant, Jim Marshall, explained that they currently have 24 employees and there is parking for 35. They thought it is best to act now along with the Fox Town development and collaborate efforts for improvements to the wall. The plan is to take the 8 ft. wall down to 42 inches. There will be pillars on the wall about every 40 ft. that will match the building and there will be a bronze fence between the pillars. There will be steps between the two parking lots so that they will be shared long term. The east side of the wall will be stucco to match the building.

Ald. Strzelczyk stated that he is concerned about the parking. He wants to ensure that the spots are not being double counted. He wants to ensure the parking is carefully reviewed.

Asst. Dir. Zader stated that the code dictates the parking need based on number of

Attachment: Packet Docs (4751 : Steckling Builders for Guo Medical Office)

City of Mequon

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: **January 13, 2020**

SUBJECT: **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.**

Applicant:	Fred Bersch
Status of Applicant:	Property Owner
Requested Action:	Council Rereferral
Proposed Zoning	R-1B (2.5 Acre Residential)
Existing Zoning:	R-1 (5 Acre Residential)
Proposed Land Use Plan:	Residential 1.5 – 5 Acre
Land Use Plan:	Rural Residential
Lot size:	15.23 acres
Location:	Southwest corner of Hemlock and Birchwood Lanes
Tax Key:	#15-005-14-014.00
District:	#5

Background

On December 10, 2019 the Common Council denied the rezoning request 5-3 for the property located on the Southwest corner of Hemlock Lane and Birchwood Lane. In accordance with Section 58.42 (g) of the zoning code the item has been re-referred to Planning Commission for reconsideration. Sec. 58.42(g) states the following:

> *"Should the council not concur in the recommendation of the planning commission, it shall re-refer the matter to the planning commission for reconsideration before taking final action."*

Rezoning Rereferral

On September 9, 2019 the Planning Commission voted 5-3 to approve the rezoning from R-1 (Residential 5 Acre) to R-1B (Residential 2.5 Acre). Since the Common Council did not concur with this recommendation, the item has been rereferred back to Planning Commission. The City Attorney has provided a memo (see attached) providing guidance on applying this section of the code.

The applicant has also provided an alternative draft of a four-lot land division (see attached). A four-lot land division would require the zoning to be changed to R-1B but it would require a deed restriction that would limit development of the parcel to four lots.

The packet of materials from the December Council meeting has been attached for your reference.

Attachments:
packet Docs (PDF)

Proposed Amendment by the Developer

Attachment: packet Docs (4755 : Fred Bersch & Paul Apfelbach)

Bonnilake
REAL ESTATE, LLC

COMMERCIAL REAL ESTATE BROKER
CONSTRUCTION CONSULTING

January 7, 2020

City of Mequon
11333 N. Cedarburg Road
Mequon, WI 53092

Re: Hemlock Lane Subdivision

Dear Planning Commission and Common Council:

I recognize that six lots will never be approved on this site.

We are requesting a 4 lot land division in accordance with the CSM we have submitted, and agree to deed restrictions prohibiting further division in the future. We appreciate your support for rezoning and land division.

If you have any questions please feel free to contact me.

Thank you,
Bonnilake Real Estate, LLC

Frederick P. Bersch
Broker/Manager

Cc: Jac Zader
Kim Tollefson
Paul Apfelbach

592 W. Bonniwell Road Mequon, WI 53097 (414) 940-9912

Attachment: packet Docs (4755 : Fred Bersch & Paul Apfelbach)

RECITALS

A. Pursuant to section 62.23(3) of the Wisconsin Statues, 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 to 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, 2022

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.

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.

Attachment: packet Docs (4755 : Fred Bersch & Paul Apfelbach)

CERTIFIED SURVEY MAP NO. _____

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

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

0 200 300 400 600

SCALE 1" = 200'

N

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

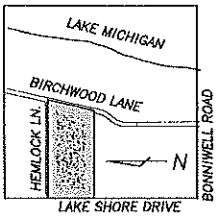
LEGEND

O –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

NORTHEAST 1/4 SEC. 5–9–22
(SCALE 1"=2000')

Birchwood Lane
S11°14'35"W 656.18'
S11°14'35"W 625.19'
305.42'
319.78'
30.74'
30.0' TO BE DEDICATED TO THE CITY OF MEQUON (83,201 sq. ft.)
PARCEL 1 C.S.M. NO. 217
PARCEL 2 C.S.M. NO. 217
PARCEL 4 C.S.M. NO. 214
PARCEL 1 C.S.M. NO. 289
UNPLATTED LANDS

LOT 2
183,416± SQ. FT.
4.211± ACRES

LOT 3
181,680± SQ. FT.
4.171± ACRES

LOT 1
182,289± SQ. FT.
4.185± ACRES

LOT 4
179,946± SQ. FT.
4.131± ACRES

635.50'
600.62'
1201.26'
564.13'
N88°24'05"E
N88°13'55"E 1348.82'
Hemlock Lane
127.00'
297.73'
N4°48'01"E
309.56'
311.82'
EASEMENT
S88°35'32"W 1199.00'
S88°35'32"W 1128.26'
30' TREE PRESERVATION
635.50'
600.63'
30.0' TO BE DEDICATED TO THE CITY OF MEQUON (83,201 sq. ft.)
40.0' TO BE DEDICATED TO THE CITY OF MEQUON (83,201 sq. ft.)
294.03'
308.03'
40.00'
N1°57'34"W 602.05'
N1°57'34"W 555.71'
N1°57'34"W 631.80'
N1°57'34"W 1514.57'
S1°57'34"E 2702.08' TOTAL
W. LINE OF THE SE. 1/4 OF SEC. 5–9–22
Lake Shore Drive
50'
40'
30'

B–1 B–2 B–3 B–4 B–5 B–6 B–7 B–8 B–9 B–10 B–11 B–12 B–13 B–15 B–16 B–17 B–18 B–19 B–20 B–21 B–22

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

LOT 2 BLOCK 2 WILDWOOD ACRES

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

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.

WISCONSIN
JAMES G. SCHNEIDER
S-2127
MEQUON
WI
LAND SURVEYOR

12/27/2019

THIS INSTRUMENT DRAFTED BY JAMES G. SCHNEIDER

SHEET 1 OF 7 SHEETS

Attachment: packet Docs (4755 : Fred Bersch & Paul Apfelbach)

CERTIFIED SURVEY MAP NO. _____

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

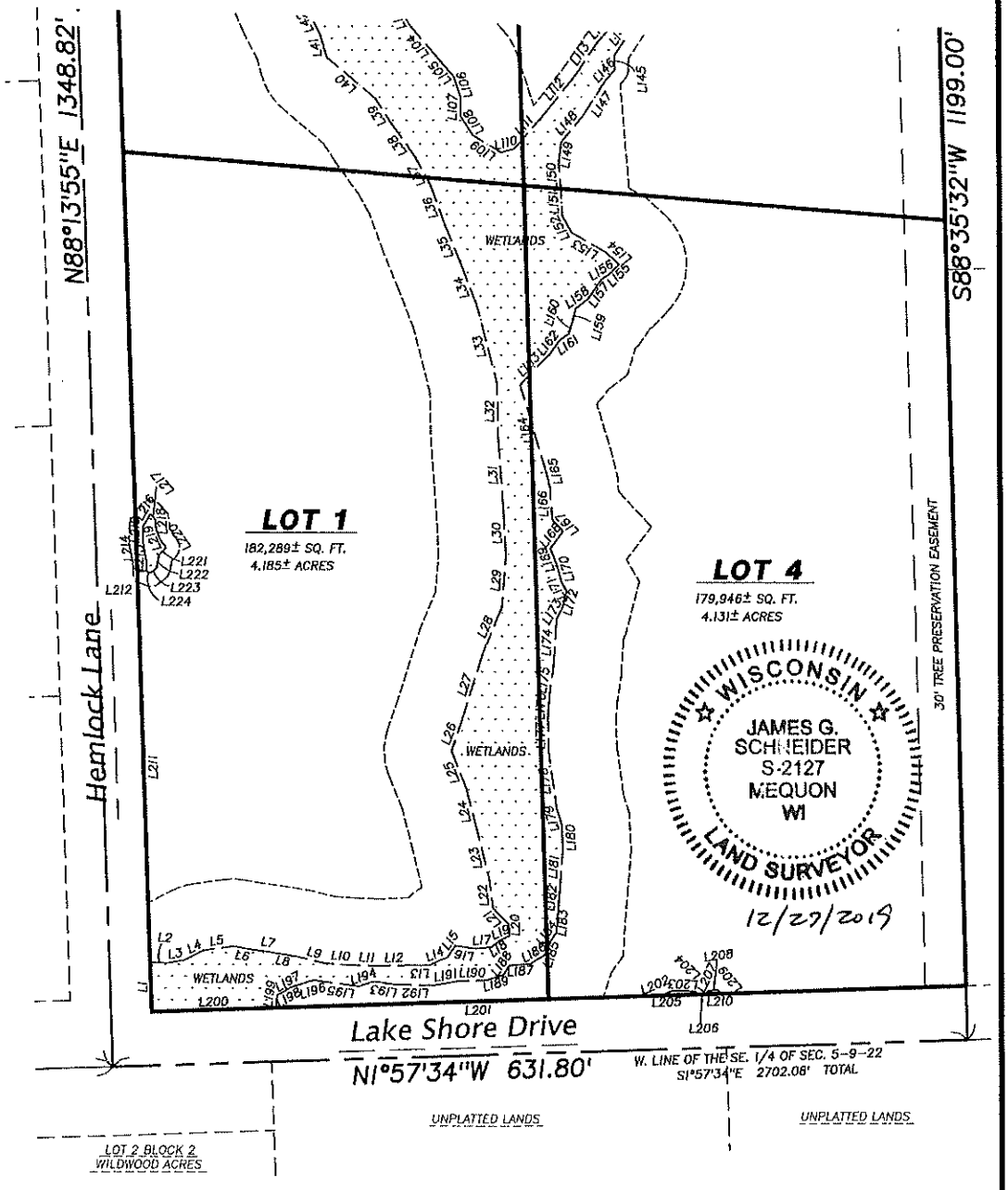
NORTH SHORE ENGINEERING, INC.
Consulting Engineers & Land Surveyors
11433 N. Port Washington Rd., Mequon, Wisconsin, 53092
(262) 241-9400 • FAX: (262) 241-5337
www.northshoreengineering.net

0 100 150 200 300

SCALE 1" = 100'

N

WETLANDS EXHIBIT



THIS INSTRUMENT DRAFTED BY JAMES G. SCHNEIDER

SHEET 2 OF 7 SHEETS

Attachment: packet Docs (4755 : Fred Bersch & Paul Apfelbach)

CERTIFIED SURVEY MAP NO. _____

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

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

0 100 150 200 300

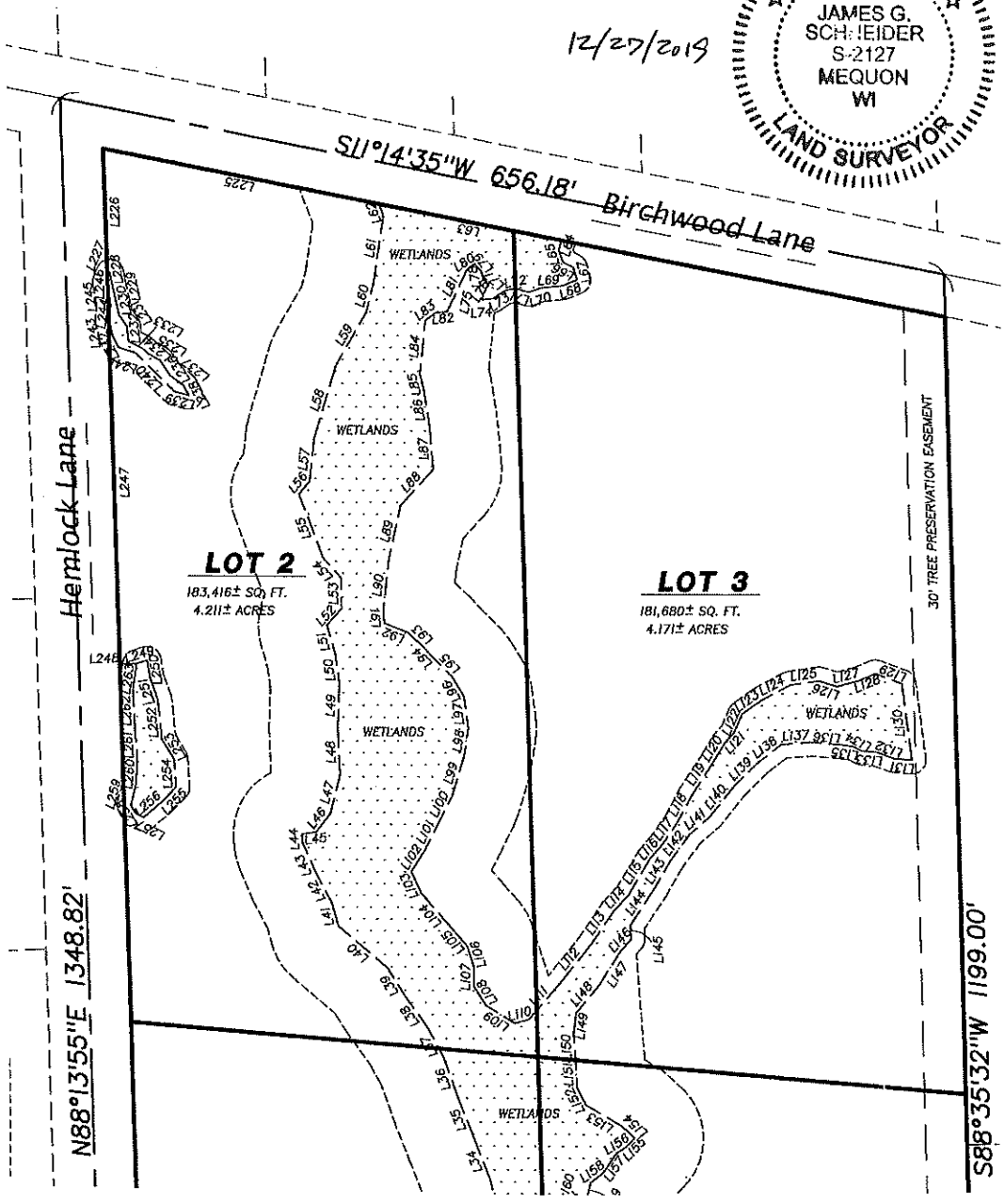
SCALE 1" = 100'

N

WETLANDS EXHIBIT

WISCONSIN
JAMES G. SCHNEIDER
S-2127
MEQUON
WI
LAND SURVEYOR

12/27/2019



THIS INSTRUMENT DRAFTED BY JAMES G. SCHNEIDER

SHEET 3 OF 7 SHEETS

Attachment: packet Docs (4755 : Fred Bersch & Paul Apfelbach)

CERTIFIED SURVEY MAP NO. _____

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

WETLANDS EXHIBIT

NSE
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

WETLAND LINE TABLE		
LINE	LENGTH	BEARING
L1	36.45	N88°13'55"E
L2	13.63	S02°08'43"W
L3	12.18	S10°38'33"E
L4	14.97	S27°49'14"E
L5	22.51	S08°23'41"E
L6	14.03	S09°34'13"W
L7	17.56	S08°14'16"W
L8	16.80	S09°17'50"W
L9	20.76	S13°43'25"W
L10	19.50	S03°54'48"W
L11	19.71	S02°19'17"W
L12	24.36	S02°04'56"E
L13	13.55	S00°45'35"W
L14	15.33	S23°44'50"E
L15	10.25	S55°26'28"E
L16	14.60	S08°09'13"W
L17	11.88	S04°57'30"E
L18	9.99	S36°35'05"E
L19	6.30	S24°20'06"E
L20	8.34	N87°00'13"E
L21	16.98	N46°17'23"E
L22	20.38	N83°10'49"E
L23	37.99	N76°10'53"E
L24	32.13	N75°44'14"E
L25	29.96	N68°23'16"E
L26	22.52	S71°06'36"E
L27	53.47	S72°08'59"E
L28	36.14	S67°14'57"E
L29	38.65	S85°26'10"E
L30	33.27	N87°04'12"E
L31	52.79	N85°57'37"E
L32	41.11	N88°55'05"E
L33	59.02	N75°27'42"E
L34	32.72	N69°37'30"E
L35	31.63	N68°17'32"E
L36	31.01	N70°11'11"E
L37	23.58	N61°18'23"E
L38	29.67	N54°21'10"E
L39	23.10	N57°25'33"E
L40	46.72	N40°25'04"E
L41	17.13	N74°40'49"E
L42	26.26	N62°33'01"E
L43	22.89	N66°30'04"E
L44	6.48	N84°09'32"E
L45	10.48	S07°25'33"E
L46	17.09	S52°44'48"E
L47	28.97	S75°48'32"E
L48	33.79	N87°20'49"E
L49	33.08	S88°13'16"E
L50	20.16	N81°56'28"E
L51	22.56	N74°29'24"E
L52	16.31	S48°31'23"E
L53	21.60	N89°02'01"E
L54	20.32	N49°14'52"E
L55	49.49	N69°33'00"E
L56	12.03	S50°33'42"E
L57	30.94	S83°35'54"E
L58	55.64	S73°33'25"E
L59	44.52	S60°00'50"E
L60	21.69	S76°05'18"E
L61	49.62	S81°23'51"E
L62	9.50	N69°14'35"E
L63	136.33	S11°14'35"W
L64	7.33	N76°44'33"W
L65	9.13	S73°28'38"W
L66	8.67	S26°45'53"W
L67	9.39	S74°38'21"W
L68	11.25	N22°55'12"W
L69	15.97	N04°59'51"W
L70	9.21	N20°13'54"W

WETLAND LINE TABLE		
LINE	LENGTH	BEARING
L71	10.55	N15°05'13"E
L72	7.54	N12°18'19"W
L73	10.78	N33°17'42"W
L74	7.83	N05°29'15"W
L75	4.44	S78°12'32"E
L76	8.23	S59°52'15"E
L77	5.74	N41°37'58"E
L78	5.44	N77°36'02"E
L79	7.29	N48°22'13"E
L80	6.49	N33°23'11"W
L81	34.41	N64°25'35"W
L82	9.16	N06°37'13"W
L83	9.04	N37°48'42"W
L84	38.73	N84°22'32"W
L85	12.75	S76°19'37"W
L86	26.24	S81°23'01"W
L87	30.99	S85°01'27"W
L88	35.84	N47°37'28"W
L89	41.05	N77°37'48"W
L90	37.82	N83°56'24"W
L91	8.14	S84°16'56"W
L92	18.55	S21°24'08"W
L93	13.51	S42°29'21"W
L94	13.52	S46°39'11"W
L95	19.16	S44°59'59"W
L96	16.02	S58°37'55"W
L97	23.05	S82°28'36"W
L98	20.09	N81°31'07"W
L99	29.98	N73°14'39"W
L100	20.81	N63°37'18"W
L101	25.02	N62°24'52"W
L102	17.75	N57°39'39"W
L103	17.41	S65°24'58"W
L104	33.52	S49°03'19"W
L105	17.63	S48°54'00"W
L106	16.13	S72°04'26"W
L107	13.64	N89°15'42"W
L108	16.82	S57°07'47"W
L109	24.42	S31°08'10"W
L110	10.56	S14°48'12"E
L111	34.95	S48°54'16"E
L112	35.91	S51°21'48"E
L113	29.43	S56°13'53"E
L114	15.72	S47°07'19"E
L115	31.53	S59°23'26"E
L116	12.98	S49°01'59"E
L117	20.60	S55°24'08"E
L118	21.77	S61°58'14"E
L119	28.61	S56°57'11"E
L120	16.68	S58°48'57"E
L121	9.82	S48°42'59"E
L122	14.48	S66°42'01"E
L123	17.21	S35°36'37"E
L124	23.77	S27°47'43"E
L125	21.53	S07°51'23"E
L126	13.59	S17°03'24"W
L127	16.93	S15°08'42"E
L128	12.50	S22°29'05"E
L129	20.39	S20°09'34"W
L130	55.83	S82°32'58"W
L131	12.88	N04°53'46"E
L132	13.23	N19°45'19"E
L133	10.66	N04°47'30"E
L134	7.37	N26°25'41"E
L135	10.70	N00°34'46"E
L136	19.69	N04°13'22"E
L137	22.30	N03°56'42"W
L138	21.34	N37°43'14"W
L139	25.03	N45°00'44"W
L140	28.05	N51°32'49"W

WETLAND LINE TABLE		
LINE	LENGTH	BEARING
L141	19.21	N40°46'30"W
L142	24.81	N53°50'46"W
L143	22.91	N60°31'00"W
L144	32.04	N56°34'25"W
L145	10.37	S87°36'09"W
L146	11.39	N48°35'35"W
L147	28.97	N57°42'37"W
L148	26.37	N50°32'53"W
L149	15.02	N82°39'34"W
L150	19.24	S85°31'02"W
L151	20.63	S86°56'48"W
L152	13.89	S61°37'39"W
L153	29.24	S30°24'41"W
L154	13.18	S42°11'05"W
L155	9.77	N45°43'49"W
L156	7.58	N33°18'16"W
L157	17.04	N56°02'04"W
L158	11.73	N37°46'49"W
L159	11.45	N76°09'11"W
L160	7.74	N73°13'06"W
L161	8.55	N36°19'00"W
L162	13.41	N53°30'01"W
L163	30.58	N45°57'18"W
L164	65.69	S73°21'54"W
L165	12.50	S76°09'00"W
L166	24.21	S86°15'00"W
L167	11.75	S47°17'06"W
L168	15.93	N53°21'27"W
L169	13.29	S69°00'56"W
L170	13.27	S74°19'46"W
L171	7.43	S60°32'30"W
L172	13.63	N75°20'03"W
L173	8.52	N60°50'45"W
L174	35.30	N86°19'21"W
L175	21.11	N81°40'23"W
L176	16.59	N86°13'33"W
L177	24.99	S89°32'38"W
L178	41.07	S82°15'05"W
L179	13.53	S73°14'41"W
L180	17.99	S87°27'04"W
L181	27.58	N85°16'46"W
L182	18.36	N84°52'59"W
L183	15.99	N85°58'24"W
L184	8.75	N55°20'32"W
L185	9.63	N71°32'51"W
L186	13.14	N31°43'56"W
L187	15.91	N05°02'20"W
L188	8.49	N56°33'58"W
L189	13.26	N16°30'16"W
L190	20.09	N01°07'13"W
L191	18.08	N10°23'04"W
L192	29.08	N00°45'13"E
L193	16.65	N08°21'09"E
L194	11.51	N19°16'21"W
L195	33.64	N07°54'58"E
L196	18.11	N18°05'18"W
L197	5.01	N30°32'32"W
L198	6.15	N30°44'50"W
L199	9.24	N82°23'14"W
L200	91.77	N01°57'34"W
L201	285.46	S01°57'34"E
L202	9.67	S23°18'32"E
L203	16.05	S02°37'38"W
L204	3.16	S43°02'48"W
L205	27.24	N01°57'34"W
L206	6.06	S01°57'34"E
L207	2.51	S64°50'01"E
L208	7.35	S07°52'02"E
L209	3.78	S50°19'17"W
L210	10.77	N01°57'34"W

WETLAND LINE TABLE		
LINE	LENGTH	BEARING
L211	288.86	N88°13'55"E
L212	6.59	S01°46'05"E
L213	6.58	S88°00'24"E
L214	15.52	N79°57'28"E
L215	11.29	S88°41'47"E
L216	10.60	S59°25'06"E
L217	5.44	S49°45'06"W
L218	7.89	S83°58'24"W
L219	7.73	S66°04'27"W
L220	6.95	S55°43'18"W
L221	7.62	N47°31'19"W
L222	9.95	N79°36'58"W
L223	5.46	N40°04'58"W
L224	3.74	N22°53'16"E
L225	204.63	S11°14'35"W
L226	95.20	S88°13'55"W
L227	4.86	S67°07'58"E
L228	7.58	S80°37'09"W
L229	16.21	S77°02'29"W
L230	7.70	S76°11'59"W
L231	9.92	S54°46'29"W
L232	10.79	S83°39'53"W
L233	11.17	S27°09'22"W
L234	6.13	S40°20'02"W
L235	9.77	S29°03'28"W
L236	12.67	S57°36'05"W
L237	12.26	S37°05'40"W
L238	8.32	S60°12'58"W
L239	10.54	N14°56'12"E
L240	40.59	N44°22'54"E
L241	12.30	N16°21'47"E
L242	9.13	N61°43'29"E
L243	12.55	N77°20'01"E
L244	10.49	S83°25'57"E
L245	11.72	N78°53'19"E
L246	7.45	N88°13'55"E
L247	272.67	S88°13'55"W
L248	12.23	S01°46'05"E
L249	8.12	S17°17'35"E
L250	12.87	S80°07'53"W
L251	17.21	S70°41'47"W
L252	28.37	S84°15'43"W
L253	16.95	S58°40'44"W
L254	20.33	S86°14'20"W
L255	14.66	N46°07'59"W
L256	17.65	N40°20'26"W
L257	6.24	N26°12'37"E
L258	7.06	N58°02'28"E
L259	14.48	S75°59'01"E
L260	18.61	S84°58'24"E
L261	21.33	N85°04'20"E
L262	30.44	N86°44'27"E
L263	18.71	S81°36'27"E

WISCONSIN
JAMES G. SCHNEIDER
S-2127
MEQUON
WI
LAND SURVEYOR

12/27/2019

THIS INSTRUMENT DRAFTED BY JAMES G. SCHNEIDER

SHEET 4 OF 7 SHEETS

Attachment: packet Docs (4755 : Fred Bersch & Paul Apfelbach)

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 or 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"Wand 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.

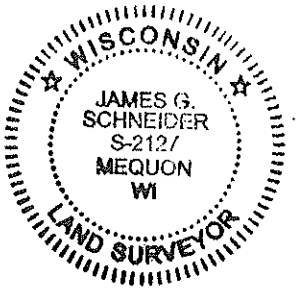
Said lands containing 18.593 acres of land, more or less.

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.

_____ 12/29/2019
James G. Schneider S-2127



This instrument was drafted by James G. Schneider

Sheet 5 of 7 Sheets

Attachment: packet Docs (4755 : Fred Bersch & Paul Apfelbach)

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.

_____ My Commission expires _____

Notary Public

WISCONSIN
JAMES G. SCHNEIDER S-2127 MEQUON WI
LAND SURVEYOR

12/27/2019

This instrument was drafted by James G. Schneider

Sheet 6 of 7 Sheets

Attachment: packet Docs (4755 : Fred Bersch & Paul Apfelbach)

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 _____

WISCONSIN
JAMES G.
SCHNEIDER
S-2117
MEQUON
WI
LAND SURVEYOR

12/27/2019

This instrument was drafted by James G. Schneider

Attachment: packet Docs (4755 : Fred Bersch & Paul Apfelbach)

Kimberly Tollefson

From: Caroline Fochs
Sent: Tuesday, January 07, 2020 1:12 PM
To: Kimberly Tollefson
Subject: FW: Form submission from: City Clerk's Office Contact Form

From: Mequon Wisconsin via Mequon Wisconsin <webmaster@ci.mequon.wi.us>
Sent: Thursday, December 12, 2019 3:46 PM
To: Caroline Fochs <cfochs@ci.mequon.wi.us>
Subject: Form submission from: City Clerk's Office Contact Form

Submitted on Thursday, December 12, 2019 - 3:46pm Submitted by user: Visitor Submitted values are:
Select Recipient Caroline Fochs
First Name Dale
Last Name mayr
Email Address dmayr@not2newman.com
Message
Carloine

i am requesting to reconsider my positive vote, on the prevailing side, to the motion to deny the rezoning of the land use map as listed for consideration in Ordinance 2019-1555.

i am also requesting that the reconsideration be put on the January 14th agenda and Ordinance 2019-1555 also be included in that agenda..

Dale Mayr
Alderman 3rd District
Mequon WI.

Attachment: packet Docs (4755 : Fred Bersch & Paul Apfelbach)

City of Mequon

TO: **Mequon Planning Commission**
FROM: **Brian C. Sajdak, City Attorney**
DATE: **January 8, 2020**
SUBJECT: **Rezoning of de la Mora Property – Approximately 17.3 acres Located South of W. Hemlock Lane between N. Birchwood Lane and N. Lake Shore Drive**

Following the Council's action to deny the rezoning request for the de la Mora property on Hemlock lane, the Developer has approached the City questioning whether Section 58-42(g)(3) applies to this action such that the matter should have been return to planning Commission before final action. The implication is that if this section applies, then the Council's action was invalid and would be subject to being overturned on review. Given the unusual nature of this section, you have asked for guidance in applying this section to the de la Mora rezoning.

Section 58-42 generally provides the process by which amendments to zoning regulations and/or zoning map shall occur. This section generally follows the provisions of Wis. Stat. § 62.23(7) which describes the standard process for zoning amendments in Wisconsin. However, section 58-42(g)(3) deviates from the standard process in that it provides that "[s]hould the council not concur in the recommendation of the planning commission, it shall re-refer the matter to the planning commission for reconsideration before taking final action." The clear language of this section means that the Council's decision to take final action on the rezoning request would be improper as the Council should have referred the rezoning back to the Planning Commission.

An initial question in these circumstances is whether the statute otherwise preempts the local code. In the case of preemption, the City would not be able to enforce its ordinance because it conflicts with State law. The Supreme Court lays out four circumstances where a state statute

Attachment: packet Docs (4755 : Fred Bersch & Paul Apfelbach)

withdraws the power of a municipality to act, and nullifies local ordinances: (1) whether the legislature has expressly withdrawn the power of municipalities to act; (2) whether the ordinance logically conflicts with the state legislation; (3) whether the ordinance defeats the purpose of the state legislation; or (4) whether the ordinance goes against the spirit of the state legislation. Anchor Savings & Loan Ass'n v. Madison EOC, 120 Wis. 2d 391, 397 (1984). When considering whether a local ordinance is otherwise logically conflicts with, or goes against the spirit of legislation, one has to consider the legislation as a whole. "The power to enact zoning ordinances is broadly construed in favor of the municipality." State ex rel. B'nai B'rith Found. v. Walworth Cnty. Bd. of Adjustment, 59 Wis.2d 296, 304, 208 N.W.2d 113 (1973). Under Wis. Stat. § 62.23(7)(am), the legislatures broad grant of zoning power to municipalities means that "any ordinance, resolution or regulation enacted or adopted under this section, shall be liberally construed in favor of the city and as minimum requirements adopted for the purposes stated."

In this case, there is nothing within the ordinance that conflicts with the statute. The ordinance merely adds a procedural step to the City's review of a zoning change. Indeed, ordinances throughout Wisconsin have added additional procedural regulations to their zoning codes. For example, one local procedural rule that is widely used throughout the state is prohibiting resubmission of the same application without a substantial change after denial of the original application. See League of Wisconsin Municipalities Legal Op, Zoning #351 (1976). Thus, the City's ordinance is a valid enactment that can be enforced.

Having determined that the ordinance is valid, the second question is the appropriate way to handle the de la Mora rezoning given the Council's action. There are two potential options, although intervening activities may dictate the best course of action. One option would be to have the Planning Commission review the Council's action at its next meeting and to make

Attachment: packet Docs (4755 : Fred Bersch & Paul Apfelbach)

another recommendation to the Council at that time. This would be handled administratively and there would need to be an explanation of this step to the Council. A potential risk here is that the Council may not approve of staff "meddling" in the process. Further, if the Planning Commission made a different recommendation, and the Council choose to not follow that recommendation, then the rezoning would be sent back to Planning Commission for a third time. The second option would be to put the rezoning on the next Council agenda for potential reconsideration. Under this approach, a memo would be presented to the Council with the recommendation that they reconsider the action and, upon a passage of the motion on reconsideration, making to motion to refer some action (denial or an amendment) to the Planning Commission before taking a final vote in February. Of course, there is risk here that the Council would choose not to reconsider its vote, which would subject the City to potential (likely successful) litigation seeking to overturn that vote. However, I understand that Alderman Mayr has already requested that the rezoning be placed on the next agenda for reconsideration.

In light of the above, this rezoning request has been scheduled to take essentially two different tracks. First, because there has been the request for reconsideration, the Council agenda will include the reconsideration. However, even though there has been a request to reconsider the item, there will still need to be a motion made, seconded and passed before reconsideration can occur. Given the possibility that the motion may not occur (or be successful), the item will also be before the Planning Commission for rereferral under § 58-42(g)(3). Ultimately, the Council will take action on the proposed rezoning whether through reconsideration, rereferral or a combination of the two.

Should you have any questions, do not hesitate to contact me.

BCS

Attachment: packet Docs (4755 : Fred Bersch & Paul Apfelbach)

Attachment: packet Docs (4755 : Fred Bersch & Paul Apfelbach)

RECITALS

A. Pursuant to section 62.23(3) of the Wisconsin Statues, 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 to 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, 2022

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.

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.

Attachment: packet Docs (4755 : Fred Bersch & Paul Apfelbach)

City of Mequon

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

www.ci.mequon.wi.us
Office of Community Development

TO: **Common Council**
FROM: **Kim Tollefson, Director of Community Development**
DATE: **October 15, 2019**
SUBJECT: **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**

Background

The applicant is requesting approval of a rezoning and land use plan amendment for the property located at the southwest corner of Bonniwell Road and Hemlock Lane. The requested zoning change from R-1 (Rural Residential 5-Acres)/Agricultural Overlay (OA) to R-1B (Residential 2.5-Acres) would allow for a six-lot subdivision. As part of the request, the Land Use Plan map would be changed from Rural Residential 5-Acres to Residential 1.5-5 Acres. The public hearing was originally scheduled for November but was rescheduled to December because of a error in the public notice.

History

The area between the freeway and Lake Michigan, north of Concordia was originally zoned for 2.5-acre lots. When the City-wide rezoning was initiated in 2000, all vacant land over five acres in size outside the sewer service area was rezoned to R-1 (Rural Residential) with a 5-Acre minimum lot size. One result of the rezoning was that a number of undeveloped properties with the new 5-Acre zoning standard were now adjacent to and in close proximity to existing developments that contained lots with substantially less acreage.

In January of 2012, the Common Council discussed the broader policy issue of whether to proactively rezone parcels in this area to their pre-2000 zoning category. The Council decided at the time not to proactively rezone parcels and to handle rezoning requests on an individual, or case-by-case basis.

Protest Petition

In connection with the Common Council's consideration of this item, the City is in receipt of a protest petition filed previously with the City Clerk's Office. Please see the attached memo from the City Attorney regarding the impact of this protest petition on the proposed rezoning request.

Analysis

The Land Use Plan Map designates the site as Rural Residential. Other land use designations in the area are Rural Residential as well. The surrounding parcels are zoned R-1B (2.5-Acres), R-2

Attachment: packet Docs (4755 : Fred Bersch & Paul Apfelbach)

(2-Acres), and R-2B (1.5-Acres). The lots in the immediate vicinity range from 1.6 to 10 acres, with a majority of the lots ranging between 2 and 3 acres in size. The proposed rezoning would result in six lots of approximately 2.5 acres in size, which would be consistent with the character of the surrounding area. The existing R-1 zoning is intended for large lot rural developments which are "not yet appropriate for development at higher densities." The surrounding area fits this description and staff believes the R-1B zoning classification is an appropriate and more precise fit for the property as it is consistent with surrounding zoning classifications.

Fiscal Impact

The estimated project value is suggested to be $4.5M at completion, resulting in annual tax revenue for the City of $57,600.

Recommendation

The Planning Commission recommended approval by a vote of 5-3 on September 9, 2019.

Attachments:
Exhibit A: Zoning Map (PDF)
Exhibit B: Plat(PDF)
Exhibit C: Plat with Aerial Photo (PDF)
Exhibit D: City Attorney Memo (DOC)
Exhibit E: Protest Petition (PDF)

Attachment: packet Docs (4755 : Fred Bersch & Paul Apfelbach)

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 Statues, 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 to 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.

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, 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. Common Council approval of the rezoning and land use plan amendment.
2. Common Council approval of the Development Agreement.
3. Common Council approval of the Right-of-Way Dedication.
4. Access to Lot 5 shall be shared with Lot 6 from Lakeshore Drive.
5. Compliance with the Tree Preservation Ordinance.
6. All buildings shall maintain a minimum building setback of 50' from the public road right-of-way, a minimum 50' offset to the south property line and all other offsets are 25', with increased offsets on lots adjacent to wetlands as required by the Department of Natural Resources (DNR).
7. The development shall comply with preliminary plat, development agreement, and final plat requirements.
8. Architectural design of residential buildings shall comply with the Architectural Review

Attachment: packet Docs (4755 : Fred Bersch & Paul Apfelbach)

Board's publication entitled "Guidelines for Residential Structures" and are subject to the Architectural Review Board.

9. Street trees are subject to the approval of the Tree Board and Planning Commission.
10. Street lighting, if proposed, is subject to the approval of the Planning Commission.
11. The applicant shall submit an electronic file for the proposed preliminary plat in a format compatible with AutoCAD 2015 dwg or dxf in the Wisconsin State Plane Coordinate system - South Zone (NAD 83).
12. Street names shall be shown on the preliminary plat.
13. Engineering Division review and approval of grading, drainage, stormwater management, and erosion control plans in conformance to City ordinances and the Standard Specifications for Land Development.
14. Applicant shall provide a soil evaluation report verifying that each of the 6 lots may be served via approved private onsite wastewater system.
15. Fire Department approval of the number and location of fire cisterns. Alternatively, a fee in lieu of fire cistern(s) can be accommodated through the Development Agreement.
16. Wetland setbacks shall be shown on the preliminary plat.
17. Application for and approval of a City erosion control permit, subject to applicable fees and conditioned upon WDNR issuance of a WRAPP permit.
18. Application for and approval of a City Filling and Excavation Permit.
19. Approval of a stormwater management plan for the site in conformance to City ordinances, WDNR and MMSD Chapter 13, including execution of a Storm Water Facilities Maintenance and Easement Agreement.
20. 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).

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.

Attachment: packet Docs (4755 : Fred Bersch & Paul Apfelbach)

Approved by: John Wirth, Mayor

Date Approved: December 10, 2019

I certify that the foregoing Ordinance was adopted by the Common Council of the City of Mequon, Wisconsin, at a meeting held on December 10, 2019.

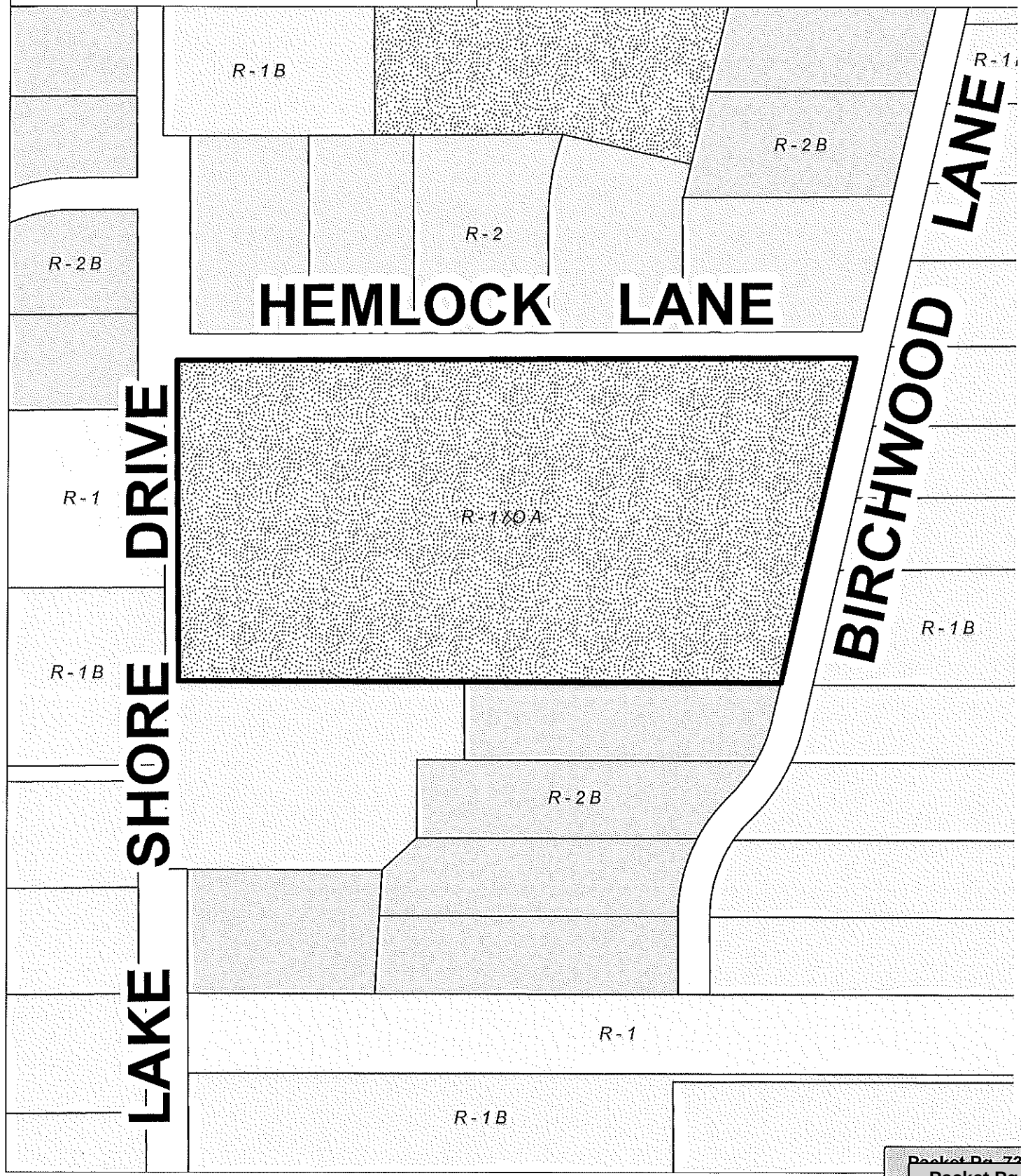
Caroline Fochs, City Clerk

Published: _____

Attachment: packet Docs (4755 : Fred Bersch & Paul Apfelbach)

Fred Bersch & Paul Apfelbach

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: Exhibit A: Zoning Map (ORDINANCE 2019-1555 : Birchwood and Hemlock)

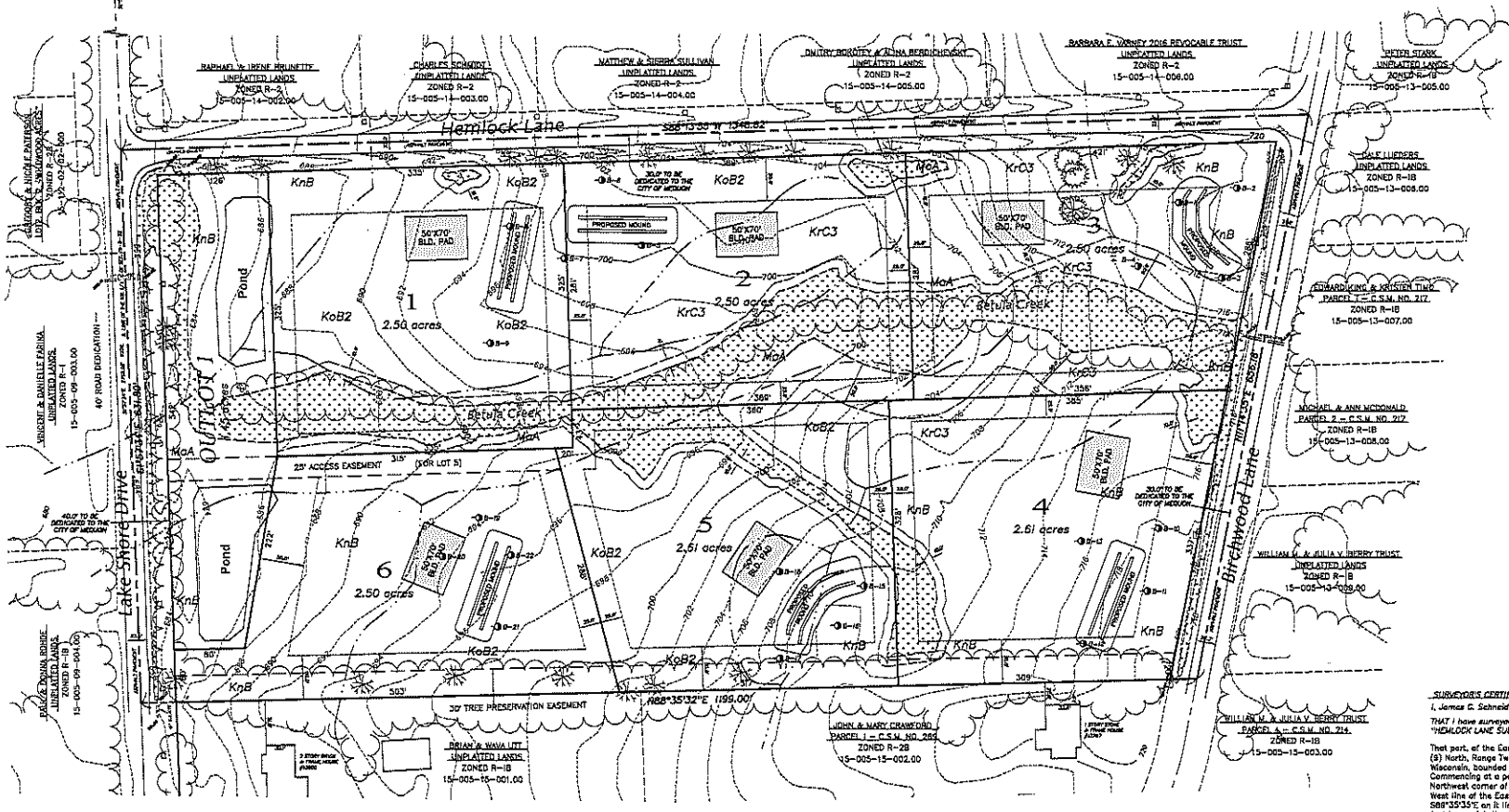
Attachment: packet Docs (4755 : Fred Bersch & Paul Apfelbach)

Attachment: packet Docs (4755 : Fred Bersch & Paul Apfelbach)

PRELIMINARY PLAT

"HEMLOCK LANE SUBDIVISION"

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



NOTES :

1. ALL BEARINGS ARE REFERENCED TO GRID NORTH OF THE WISCONSIN STATE PLANE COORDINATE SYSTEM, SOUTH ZONE.
2. STORM WATER POND SIZES AND LOCATIONS MAY VARY PENDING OUTCOME OF STORM WATER CALCULATIONS.
3. LOTS IN THIS DEVELOPMENT WILL USE ON-SITE SOIL ABSORPTION SANITARY SEWAGE DISPOSAL SYSTEMS AND PRIVATE WELLS.
4. UNLESS NOTED OTHERWISE BUILDING SETBACKS ARE AS FOLLOWS:
   FRONT YARD (LAKE SHORE DR.) = 100.0'
   FRONT YARD = 50.0'
   SIDE YARD = 20.0'
   REAR YARD = 35.0'

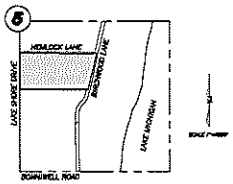
APPROVING AGENCIES :
CITY OF MEQUON

OBJECTING AGENCIES :
DEPARTMENT OF ADMINISTRATION

SUBDIVIDER :
BONNILAKE REAL ESTATE, LLC
C/O FRED BERSCH
562 W. BONNIWELL RD.
MEQUON, WI. 53097
(414) 940-3812

SURVEYOR :
JAMES G. SCHNEIDER
NORTH SHORE ENGINEERING, INC
11422 N. PORT WASHINGTON ROAD
MEQUON, WI 53092
(262) 241-8400

ZONING :
EXISTING ZONING : R-1/QA
PROPOSED ZONING : R-1B



LOCATION MAP
SOUTHEAST 1/4 OF SEC. 5-9-22

SOILS LEGEND :

SYMBOL	NAME	Slopes
KnB	Kewaunee silt loam	2–6%
KoB2	Kewaunee silty clay loam	2–6%, eroded
KrC3	Kewaunee silty clay	6–12% severly eroded
MoA	Manawa loam	0–3%

LEGEND :

- 710 DENOTES EXISTING MAJOR CONTOURS
- 714 DENOTES EXISTING MINOR CONTOURS
- DENOTES U.S.D.A. SOIL BOUNDARY
- DENOTES BUILDING SETBACK LINES
- DENOTES WETLAND LIMITS LINE
- DENOTES WETLAND SETBACK LINE
- DENOTES WETLAND AREAS
- B-6 DENOTES SOIL BORING LOCATION

F.E.M.A. NOTE :

4. THE SUBJECT PROPERTY LIES WITHIN ZONE "X" AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN, AS DETERMINED BY FLOOD INSURANCE RATE MAP COMMUNITY PANEL NO. 55089C 0183 F, MAP REVISED DECEMBER 4, 2007.

Property Statistics:

Total Property Area = 18.59 acres (100%)
Birchwood In., Hemlock In. & Lake Shore Dr.
Dedication Area = 1.91 acres (10.27%)
Outlot 1 Area = 1.45 acres (7.80%)

Average Lot Area = 2.54 acres x 6 = 15.23 acres (81.93%)

SCALE 1" = 50'

SURVEYOR'S CERTIFICATE

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

THAT I have surveyed, divided, and mapped the preliminary plat of "HEMLOCK LANE SUBDIVISION", described as follows:

That part of the East One-half (E1/2) of Fractional Section Five (5), Town Nine (9) North, Range Twenty-two (22) East, in the City of Mequon, Ozaukee County, Wisconsin, bounded and described as follows:
Commencing at a point in the West line, 3388.20 feet, S.0°10'50"E of the Northwest corner of the East 1/2 of said Section; thence S0°10'50"E, along the West line of the East 1/2 of said Section, 631.80 feet to a point; thence S86°35'32"E on a line which is parallel to the South line of said Section, 1199.00 feet to a point; thence N13°E on a line, 657.19 feet to a point; thence West on a line which is parallel to the north line of the East 1/2 of said Section, 1348.82 feet to the place of beginning.
Reserving from the above parcel of land the West 25 feet, or more, by reason of a curve in the road; the North 25 feet and the Easterly 25 feet for road purposes.

THAT I have made such survey, land division and preliminary plat of the direction of BONNILAKE REAL ESTATE, LLC, owner of said land.

THAT such plat 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 the City of Mequon Land Division Code.

Dated this 12th day of August, 2019
Revised this 3rd day of October, 2019

James G. Schneider P.L.S No. S-2127

THIS INSTRUMENT DRAFTED BY JAMES G. SCHNEIDER

Attachment: packet Docs (4755 : Fred Bersch & Paul Apfelbach)

Attachment: Exhibit C: Plat with Aerial Photo (ORDINANCE 2018-1525 : Bierwood and Hemlock)

AERIAL EXHIBIT OF
"HEMLOCK LANE SUBDIVISION"

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

43
43
2.50 acres
2.50 acres
2.50 acres
2.01 acres
2.01 acres
2.01

City of Mequon

www.ci.mequon.wi.us

Office of the City Attorney

TO: Mayor and Common Council
FROM: Brian C. Sajdak, City Attorney
DATE: November 25, 2019
SUBJECT: Protest Petitions concerning Rezoning for Tax Parcel No. 15-005-14-014.00 (De La Mora Property – Approximately 17.3 acres Located South of W. Hemlock Lane between N. Birchwood Lane and N. Lake Shore Dr)

The City has received protest petitions with respect to the rezoning application for the De La Mora property described above which seeks to change the zoning from R1/OA to R-1B. Under Wisconsin Statutes, a protest petition was a method to object to a rezoning by neighboring landowners. Under the Statute, if a sufficient number of neighboring landowners filed a protest petition, then the requested rezoning could only become effective with a ¾ supermajority vote of the Common Council. However, the State Legislature removed protest petitions from the Statutes in 2017 Wis. Act 243. Under Act 243, the protest petition language was repealed effective January 1, 2019. Accordingly, the prior language no longer applies to developments within Wisconsin except where the local governing body acts to adopt protest petition provisions within their local code. In reviewing the Mequon Municipal Code, the only provision for protest petitions in found within § 58-64, which applies to the "enlargement, expansion or intensification of a nonconforming use." Thus, even with the submitted petitions, the rezoning would become effective upon a simple majority vote (5 votes in favor).

Attachment: Exhibit D: City Attorney Memo (ORDINANCE 2019-1555 : Birchwood and Hemlock)
Attachment: packet Docs (4755 : Fred Bersch & Paul Apfelbach)

It has been suggested that, notwithstanding the removal of the protest petition language from the Statutes, the Council could elect to accept the petitions as valid. Certainly, as discussed above, the Council could adopt protest petition language that would apply to all rezoning applications. Likewise, even though the petitions here would not trigger a supermajority vote requirement, the Council is free to consider the petitions as an indication of the neighborhood's position on the rezoning just as it does with public comment during public hearings. However, the Council could not utilize the petitions here to require a supermajority vote. Wisconsin Court's have consistently held "that public policy favors the free and unrestricted use of property. Accordingly, restrictions contained in deeds and in zoning ordinances must be strictly construed to favor unencumbered and free use of property." Crowley v. Knapp, 94 Wis. 2d 421, 434–35, 288 N.W.2d 815, 822 (1980). A regulation "which purports to operate in derogation of the free use of property must be expressed in clear, unambiguous, and peremptory terms." Id. Accordingly, the Council could not impose a rule that would be subject to ambiguity and uncertainty, which would be the result of a policy where the Council choose whether to honor a petition on a case-by-case basis.

Even through the Council cannot impose a different voting requirement, some may wonder how these petitions compare to the prior law. Previously, the protest petition language was found in Wis. Stat. § 62.23(7)(d)2m.a., which provided:

> In case of a protest against an amendment proposed . . . , duly signed and acknowledged by the owners of 20% or more either of the areas of the land included in such proposed amendment, or by the owners of 20% or more of the area of the land immediately adjacent extending 100 feet therefrom, or by the owners of 20% or more of the land directly opposite thereto extending 100 feet from the street frontage of such opposite land, such amendment shall not become effective except by the favorable vote of three-fourths of the members of the council voting on the proposed change.

Attachment: Exhibit D: City Attorney Memo (ORDINANCE 2019-1555 : Birchwood and Hemlock)
Attachment: packet Docs (4755 : Fred Bersch & Paul Apfelbach)

In the present case, upon review of the protest petitions filed with respect to the rezoning application, it appears that the petitions would have met both standards within the statute. However, as noted above, this fact does not change the required vote to pass the rezoning.

BCS

Attachment: Exhibit D: City Attorney Memo (ORDINANCE 2019-1555 : Birchwood and Hemlock)
Attachment: packet Docs (4755 : Fred Bersch & Paul Apfelbach)

15/18 = 83.33%

Parcel: 150051400500

Tax Data
Property Address:
300 W HEMLOCK LANE
Owner Name/Address: Rakesh Shah
~~DMITRY BOKOTEY ALINA BERDICHEVSKY~~
300 W HEMLOCK LN
MEQUON, WI 53097

Parcel: 150051400400

Tax Data
Property Address:
350 W HEMLOCK LANE
Owner Name/Address:
MATTHEW RYAN SULLIVAN SULLIVAN, SIERRA LYN
350 W HEMLOCK LN
MEQUON, WI 53097

Parcel: 150051400300

Tax Data
Property Address:
424 W HEMLOCK LANE
Owner Name/Address:
CHARLES R SCHMIDT
424 W HEMLOCK LN
MEQUON, WI 53097

Parcel: 150051400200

Tax Data
Property Address:
13920 N LAKE SHORE DRIVE
Owner Name/Address:
RAPHAEL L BRUNETTE IRENE BRUNETTE
13920 N LAKE SHORE DR
MEQUON, WI 53097-1725

Parcel: 151120201000

Tax Data
Property Address:
13839 N LAKE SHORE DRIVE
Owner Name/Address:
RICHARD M ESENBERG
13839 N LAKE SHORE DR
MEQUON, WI 53097

Parcel: 151120102000

Tax Data
Property Address:
24 W SHADY LANE
Owner Name/Address:
RANK H SANDBERG BARBARA J SANDBERG
24 W SHADY LN 139N
IEQUON, WI 53097

Parcel: 151120202000

Tax Data
Property Address:
13837 N LAKE SHORE DRIVE
Owner Name/Address:
GREGORY PATERSON PATERSON, NICOLE
13837 N LAKE SHORE DR
MEQUON, WI 53097

Parcel: 150050900300

Tax Data
Property Address:
13833 N LAKE SHORE DRIVE
Owner Name/Address:
~~BARBARA J HAMM 2003 REVOCABLE TRUST~~
13833 N LAKE SHORE DR Vincent + Danielle FARINA
MEQUON, WI 53097

Parcel: 150050900400

Tax Data
Property Address:
13825 N LAKE SHORE DRIVE
Owner Name/Address:
PAUL P ROHDE ROHDE, DONNA M
13825 N LAKE SHORE DRIVE
MEQUON, WI 53092

Parcel: 150051500100

Tax Data
Property Address:
13800 N LAKE SHORE DRIVE
Owner Name/Address:
BRIAN C UTT WAVA J UTT
13800 N LAKE SHORE DR
MEQUON, WI 53097

Parcel: 150051500200

Tax Data
Property Address:
13757 N BIRCHWOOD LANE
Owner Name/Address:
JOHN D CRAWFORD MARY E CRAWFORD
13757 N BIRCHWOOD LN
MEQUON, WI 53097

Parcel: 150051500300

Tax Data
Property Address:
13800 N BIRCHWOOD LANE
Owner Name/Address:
JULIA V BERRY WILLIAM M & JULIA V BERRY TRUST
13800 N BIRCHWOOD LN
MEQUON, WI 53097

Parcel: 150051300900

Tax Data
Property Address:
13800 N BIRCHWOOD LANE
Owner Name/Address:
JULIA V BERRY WILLIAM M & JULIA V BE
13800 N BIRCHWOOD LN
MEQUON, WI 53097

Parcel: 150051300800

Tax Data
Property Address:
13826 N BIRCHWOOD LANE
Owner Name/Address:
MICHAEL J MCDONALD ANN H MCDONA
13826 N BIRCHWOOD LANE
MEQUON, WI 53097

Parcel: 150051300700

Tax Data
Property Address:
13834 N BIRCHWOOD LANE
Owner Name/Address:
EDWARD M KING TEMO, KRISTEN N
13834 N BIRCHWOOD LANE
MEQUON, WI 53092

Parcel: 150051300600

Tax Data
Property Address:
13848 N BIRCHWOOD LANE
Owner Name/Address:
DALE LUEDERS
10815 WESTERN AVENUE
CEDARBURG, WI 53012

Parcel: 150051300500

Tax Data
Property Address:
13912 N BIRCHWOOD LANE
Owner Name/Address:
PETER STARK
13912 N BIRCHWOOD LN
MEQUON, WI 53097

Parcel: 150051400600

Tax Data
Property Address:
13915 N BIRCHWOOD LANE
Owner Name/Address:
BARBARA E VARNEY 2016 REVOCABL
13915 N BIRCHWOOD LN
MEQUON, WI 53097

Attachment: Exhibit E: Protest Petition (ORDINANCE 2019-1555 : Birchwood and Hemlock)
Attachment: packet Docs (4755 : Fred Bersch & Paul Apfelbach)

If a protest against a proposed amendment is filed with the clerk at least 24 hours prior to the date of the meeting of the board at which the report of the zoning agency under subd. 4. is to be considered, duly signed and acknowledged by the owners of 50% or more of the area proposed to be altered, or by abutting owners of over 50% of the total perimeter of the area proposed to be altered included within 300 feet of the parcel or parcels proposed to be rezoned, action on the ordinance may be deferred until the zoning agency has had a reasonable opportunity to ascertain and report to the board as to the authenticity of the ownership statements. Each signer shall state the amount of area or frontage owned by that signer and shall include a description of the lands owned by that signer. If the statements are found to be true, the ordinance may not be enacted except by the affirmative vote of three-fourths of the members of the board present and voting. If the statements are found to be untrue to the extent that the required frontage or area ownership is not present the protest may be disregarded.

Attachment: Exhibit E: Protest Petition (ORDINANCE 2019-1555 : Birchwood and Hemlock)
Attachment: packet Docs (4755 : Fred Bersch & Paul Apfelbach)

Attachment: Exhibit E: Protest Petition (ORDINANCE 2019-1555 : Birchwood and Hemlock)

Attachment: packet Docs (4755 : Fred Bersch & Paul Apfelbach)

Ozaukee County GIS

DISCLAIMER: Ozaukee County does not guarantee the accuracy of the material contained here in and is not responsible for any misuse or misrepresentation of this information or its derivatives.

SCALE: 1 = 429'

Ozaukee County
121 W Main St
P.O. Box 994
Port Washington WI 53074
262-284-9411

Print Date: 4/16/2019

Formal Protest Petition against Proposed Zone Change

To the Common Council of the City of Mequon:

Please consider this as a formal protest against the proposed zone change amendment for:

Linda C De La Mora et al Parcel # 15-005-14-014.00 located on Hemlock Lane between Lake Shore and Birchwood Lane from R1 OA to R-1B

It is my understanding that, if a sufficient number of property owners adjacent to this proposed rezoning submit this type of petition, the zone change can only be approved if not less than a three-fourths of the Common Council members voting on this rezoning vote in favor of the change.

I own the property at the following address(es): Parcel # 15-005-15-002.00

13757 N. Birchwood Lane
(Address/Addresses of Property/Properties Owned by Protest Petitioner)

I believe this qualifies me as a formal protest petitioner.

Below is my signature in protest against this zone change, witnessed and notarized by a notary public.

(Signature of Protest Petitioner)

John Crawford
(Print Name)

10-2-19
(Date Signed)

(Signature of Protest Petitioner)

Mary Crawford
(Print Name)

(Date Signed)

LOUISE DERNEHL
Notary Public
State of Wisconsin

State of Wisconsin

} ss.

Ozaukee County }

On the above date, this instrument was acknowledged before me by the named person(s).

(Signature, Notary Public, State of Wisconsin)

Louise Dernehl
(Print or Type Name, Notary Public, State of Wisconsin)

permanent
(Date Commission Expires)

Attachment: Exhibit E: Protest Petition (ORDINANCE 2019-1555 : Birchwood and Hemlock)
Attachment: packet Docs (4755 : Fred Bersch & Paul Apfelbach)

Formal Protest Petition against Proposed Zone Change

To the Common Council of the City of Mequon:

Please consider this as a formal protest against the proposed zone change amendment for:

Linda C De La Mora et al Parcel # 15-005-14-014.00 located on Hemlock Lane between Lake Shore and Birchwood Lane from R1 OA to R-1B

It is my understanding that, if a sufficient number of property owners adjacent to this proposed rezoning submit this type of petition, the zone change can only be approved if not less than a three-fourths of the Common Council members voting on this rezoning vote in favor of the change.

I own the property at the following address(es): Parcel # 15-005-14-004.00

350 W. Hemlock Lane
(Address/Addresses of Property/Properties Owned by Protest Petitioner)

I believe this qualifies me as a formal protest petitioner.

Below is my signature in protest against this zone change, witnessed and notarized by a notary public.

(Signature of Protest Petitioner)	(Signature of Protest Petitioner)
Matthew Sullivan	Sierra Lyn Sullivan
(Print Name)	(Print Name)
	9/17/2019
(Date Signed)	(Date Signed)

State of Wisconsin
} ss.
Ozaukee County }

On the above date, this instrument was acknowledged before me by the named person(s).

LOUISE DERNEHL
Notary Public
State of Wisconsin

Louise Dernehl
(Signature, Notary Public, State of Wisconsin)

Louise Dernehl
(Print or Type Name, Notary Public, State of Wisconsin)

permanent
(Date Commission Expires)

Attachment: Exhibit E: Protest Petition (ORDINANCE 2019-1555 : Birchwood and Hemlock)
Attachment: packet Docs (4755 : Fred Bersch & Paul Apfelbach)

Formal Protest Petition against Proposed Zone Change

To the Common Council of the City of Mequon:

Please consider this as a formal protest against the proposed zone change amendment for:

Linda C De La Mora et al Parcel # 15-005-14-014.00 located on Hemlock Lane between Lake Shore and Birchwood Lane from R1 OA to R-1B

It is my understanding that, if a sufficient number of property owners adjacent to this proposed rezoning submit this type of petition, the zone change can only be approved if not less than a three-fourths of the Common Council members voting on this rezoning vote in favor of the change.

I own the property at the following address(es): Parcel # 15-005-14-003.00

424 W. Hemlock Lane
(Address/Addresses of Property/Properties Owned by Protest Petitioner)

I believe this qualifies me as a formal protest petitioner.

Below is my signature in protest against this zone change, witnessed and notarized by a notary public.

Charles Schmidt
(Signature of Protest Petitioner)

(Signature of Protest Petitioner)

Charles Schmidt
(Print Name)

(Print Name)

9-17-19
(Date Signed)

(Date Signed)

State of Wisconsin
} ss.
Ozaukee County }

On the above date, this instrument was acknowledged before me by the named person(s).

Louise Dernehl
(Signature, Notary Public, State of Wisconsin)

Louise Dernehl
(Print or Type Name, Notary Public, State of Wisconsin)

permanent
(Date Commission Expires)

LOUISE DERNEHL
Notary Public
State of Wisconsin

Attachment: Exhibit E: Protest Petition (ORDINANCE 2019-1555 : Birchwood and Hemlock)
Attachment: packet Docs (4755 : Fred Bersch & Paul Apfelbach)

Formal Protest Petition against Proposed Zone Change

To the Common Council of the City of Mequon:

Please consider this as a formal protest against the proposed zone change amendment for:

Linda C De La Mora et al Parcel # 15-005-14-014.00 located on Hemlock Lane between Lake Shore and Birchwood Lane from R1 OA to R-1B

It is my understanding that, if a sufficient number of property owners adjacent to this proposed rezoning submit this type of petition, the zone change can only be approved if not less than a three-fourths of the Common Council members voting on this rezoning vote in favor of the change.

I own the property at the following address(es): Parcel # 15-005-13-007.00

13834 N. Birchwood Lane
(Address/Addresses of Property/Properties Owned by Protest Petitioner)

I believe this qualifies me as a formal protest petitioner.

Below is my signature in protest against this zone change, witnessed and notarized by a notary public.

(Signature of Protest Petitioner)

Edward King
(Print Name)

9/15/19
(Date Signed)

(Signature of Protest Petitioner)

Kristen Temo
(Print Name)

9/15/19
(Date Signed)

State of Wisconsin
} ss.
Ozaukee County }

LOUISE DERNEHL
Notary Public
State of Wisconsin

On the above date, this instrument was acknowledged before me by the named person(s).

(Signature, Notary Public, State of Wisconsin)

Louise Dernehl
(Print or Type Name, Notary Public, State of Wisconsin)

permanent
(Date Commission Expires)

Attachment: Exhibit E: Protest Petition (ORDINANCE 2019-1555 : Birchwood and Hemlock)
Attachment: packet Docs (4755 : Fred Bersch & Paul Apfelbach)

Formal Protest Petition against Proposed Zone Change

To the Common Council of the City of Mequon:

Please consider this as a formal protest against the proposed zone change amendment for:

Linda C De La Mora et al Parcel # 15-005-14-014.00 located on Hemlock Lane between Lake Shore and Birchwood Lane from R1 OA to R-1B

It is my understanding that, if a sufficient number of property owners adjacent to this proposed rezoning submit this type of petition, the zone change can only be approved if not less than a three-fourths of the Common Council members voting on this rezoning vote in favor of the change.

I own the property at the following address(es): Parcel # 15-005-14-002.00

13920 N. Lake Shore Dr.
(Address/Addresses of Property/Properties Owned by Protest Petitioner)

I believe this qualifies me as a formal protest petitioner.

Below is my signature in protest against this zone change, witnessed and notarized by a notary public.

Raphael L Brunette
(Signature of Protest Petitioner)

Raphael Brunette
(Print Name)

9/15/2019
(Date Signed)

(Signature of Protest Petitioner)

Irene Brunette
(Print Name)

(Date Signed)

State of Wisconsin
} ss.
Ozaukee County }

On the above date, this instrument was acknowledged before me by the named person(s).

Louise Dernehl
(Signature, Notary Public, State of Wisconsin)

Louise Dernehl
(Print or Type Name, Notary Public, State of Wisconsin)

permanent
(Date Commission Expires)

LOUISE DERNEHL
Notary Public
State of Wisconsin

Attachment: Exhibit E: Protest Petition (ORDINANCE 2019-1555 : Birchwood and Hemlock)
Attachment: packet Docs (4755 : Fred Bersch & Paul Apfelbach)

Formal Protest Petition against Proposed Zone Change

To the Common Council of the City of Mequon:

Please consider this as a formal protest against the proposed zone change amendment for:

Linda C De La Mora et al Parcel # 15-005-14-014.00 located on Hemlock Lane between Lake Shore and Birchwood Lane from R1 OA to R-1B

It is my understanding that, if a sufficient number of property owners adjacent to this proposed rezoning submit this type of petition, the zone change can only be approved if not less than a three-fourths of the Common Council members voting on this rezoning vote in favor of the change.

I own the property at the following address(es): Parcel # 15-005-09-003.00

13833 N. Lake Shore Dr.
(Address/Addresses of Property/Properties Owned by Protest Petitioner)

I believe this qualifies me as a formal protest petitioner.

Below is my signature in protest against this zone change, witnessed and notarized by a notary public.

(Signature of Protest Petitioner)

Vincent Farina
(Print Name)

(Date Signed)

(Signature of Protest Petitioner)

Danielle Farina
(Print Name)

9-14-19
(Date Signed)

State of Wisconsin

} ss.
Ozaukee County }

On the above date, this instrument was acknowledged before me by the named person(s).

(Signature, Notary Public, State of Wisconsin)

Louise Dernehl
(Print or Type Name, Notary Public, State of Wisconsin)

permanent
(Date Commission Expires)

LOUISE DERNEHL
Notary Public
State of Wisconsin

Attachment: Exhibit E: Protest Petition (ORDINANCE 2019-1555 : Birchwood and Hemlock)
Attachment: packet Docs (4755 : Fred Bersch & Paul Apfelbach)

Formal Protest Petition against Proposed Zone Change

To the Common Council of the City of Mequon:

Please consider this as a formal protest against the proposed zone change amendment for:

Linda C De La Mora et al Parcel # 15-005-14-014.00 located on Hemlock Lane between Lake Shore and Birchwood Lane from R1 OA to R-1B

It is my understanding that, if a sufficient number of property owners adjacent to this proposed rezoning submit this type of petition, the zone change can only be approved if not less than a three-fourths of the Common Council members voting on this rezoning vote in favor of the change.

I own the property at the following address(es): Parcel # 15-005-13-008.00

13826 N. Birchwood Lane
(Address/Addresses of Property/Properties Owned by Protest Petitioner)

I believe this qualifies me as a formal protest petitioner.

Below is my signature in protest against this zone change, witnessed and notarized by a notary public.

Michael McDonald
(Signature of Protest Petitioner)

Michael McDonald
(Print Name)

9/15/19
(Date Signed)

(Signature of Protest Petitioner)

Ann McDonald
(Print Name)

(Date Signed)

LOUISE DERNEHL
Notary Public
State of Wisconsin

State of Wisconsin
} ss.
Ozaukee County }

On the above date, this instrument was acknowledged before me by the named person(s).

Louise Dernehl
(Signature, Notary Public, State of Wisconsin)

Louise Dernehl
(Print or Type Name, Notary Public, State of Wisconsin)

permanent
(Date Commission Expires)

Attachment: Exhibit E: Protest Petition (ORDINANCE 2019-1555 : Birchwood and Hemlock)
Attachment: packet Docs (4755 : Fred Bersch & Paul Apfelbach)

Formal Protest Petition against Proposed Zone Change

To the Common Council of the City of Mequon:

Please consider this as a formal protest against the proposed zone change amendment for:

Linda C De La Mora et al Parcel # 15-005-14-014.00 located on Hemlock Lane between Lake Shore and Birchwood Lane from R1 OA to R-1B

It is my understanding that, if a sufficient number of property owners adjacent to this proposed rezoning submit this type of petition, the zone change can only be approved if not less than a three-fourths of the Common Council members voting on this rezoning vote in favor of the change.

I own the property at the following address(es): Parcel # 15-005-14-005.00

300 W. Hemlock Lane
(Address/Addresses of Property/Properties Owned by Protest Petitioner)

I believe this qualifies me as a formal protest petitioner.

Below is my signature in protest against this zone change, witnessed and notarized by a notary public.

(Signature of Protest Petitioner)

Rakesh Shah
(Print Name)

9/16/19
(Date Signed)

(Signature of Protest Petitioner)

Hao Le
(Print Name)

(Date Signed)

State of Wisconsin
} ss.
Ozaukee County }

On the above date, this instrument was acknowledged before me by the named person(s).

LOUISE DERNEHL
Notary Public
State of Wisconsin

(Signature, Notary Public, State of Wisconsin)

Louise Dernehl
(Print or Type Name, Notary Public, State of Wisconsin)

permanent
(Date Commission Expires)

Attachment: Exhibit E: Protest Petition (ORDINANCE 2019-1555 : Birchwood and Hemlock)
Attachment: packet Docs (4755 : Fred Bersch & Paul Apfelbach)

Formal Protest Petition against Proposed Zone Change

To the Common Council of the City of Mequon:

Please consider this as a formal protest against the proposed zone change amendment for:

Linda C De La Mora et al Parcel # 15-005-14-014.00 located on Hemlock Lane between Lake Shore and Birchwood Lane from R1 OA to R-1B

It is my understanding that, if a sufficient number of property owners adjacent to this proposed rezoning submit this type of petition, the zone change can only be approved if not less than a three-fourths of the Common Council members voting on this rezoning vote in favor of the change.

I own the property at the following address(es): Parcel # 15-005-13-009.00

13800 N. Birchwood Lane
(Address/Addresses of Property/Properties Owned by Protest Petitioner)

I believe this qualifies me as a formal protest petitioner.

Below is my signature in protest against this zone change, witnessed and notarized by a notary public.

Julia V. Berry
(Signature of Protest Petitioner)

Julia Berry
(Print Name)

Julia V. Berry 9/14/19
(Date Signed)

(Signature of Protest Petitioner)

William Berry
(Print Name)

9/14/19
(Date Signed)

State of Wisconsin
} ss.
Ozaukee County }

On the above date, this instrument was acknowledged before me by the named person(s).

Louise Dernehl
(Signature, Notary Public, State of Wisconsin)

Louise Dernehl
(Print or Type Name, Notary Public, State of Wisconsin)

permanent
(Date Commission Expires)

LOUISE DERNEHL
Notary Public
State of Wisconsin

Attachment: Exhibit E: Protest Petition (ORDINANCE 2019-1555 : Birchwood and Hemlock)
Attachment: packet Docs (4755 : Fred Bersch & Paul Apfelbach)

Formal Protest Petition against Proposed Zone Change

To the Common Council of the City of Mequon:

Please consider this as a formal protest against the proposed zone change amendment for:

Linda C De La Mora et al Parcel # 15-005-14-014.00 located on Hemlock Lane between Lake Shore and Birchwood Lane from R1 OA to R-1B

It is my understanding that, if a sufficient number of property owners adjacent to this proposed rezoning submit this type of petition, the zone change can only be approved if not less than a three-fourths of the Common Council members voting on this rezoning vote in favor of the change.

I own the property at the following address(es): Parcel # 15-005-15-003.00

13800 N. Birchwood Lane
(Address/Addresses of Property/Properties Owned by Protest Petitioner)

I believe this qualifies me as a formal protest petitioner.

Below is my signature in protest against this zone change, witnessed and notarized by a notary public.

Julia V. Berry
(Signature of Protest Petitioner)

Julia Berry
(Print Name)

9/14/19
(Date Signed)

(Signature of Protest Petitioner)

William Berry
(Print Name)

(Date Signed)

State of Wisconsin

Ozaukee County } ss.

On the above date, this instrument was acknowledged before me by the named person(s).

Louise Dernehl
(Signature, Notary Public, State of Wisconsin)

Louise Dernehl
(Print or Type Name, Notary Public, State of Wisconsin)

permanent
(Date Commission Expires)

LOUISE DERNEHL
Notary Public
State of Wisconsin

Attachment: Exhibit E: Protest Petition (ORDINANCE 2019-1555 : Birchwood and Hemlock)
Attachment: packet Docs (4755 : Fred Bersch & Paul Apfelbach)

Formal Protest Petition against Proposed Zone Change

To the Common Council of the City of Mequon:

Please consider this as a formal protest against the proposed zone change amendment for:

Linda C De La Mora et al Parcel # 15-005-14-014.00 located on Hemlock Lane between Lake Shore and Birchwood Lane from R1 OA to R-1B

It is my understanding that, if a sufficient number of property owners adjacent to this proposed rezoning submit this type of petition, the zone change can only be approved if not less than a three-fourths of the Common Council members voting on this rezoning vote in favor of the change.

I own the property at the following address(es): Parcel # 15-005-13-005.00

13912 N. Birchwood Lane
(Address/Addresses of Property/Properties Owned by Protest Petitioner)

I believe this qualifies me as a formal protest petitioner.

Below is my signature in protest against this zone change, witnessed and notarized by a notary public.

(Signature of Protest Petitioner)

Peter Stark
(Print Name)

9/2/19
(Date Signed)

(Signature of Protest Petitioner)

(Print Name)

(Date Signed)

State of Wisconsin
} ss.
Ozaukee County }

On the above date, this instrument was acknowledged before me by the named person(s).

LOUISE DERNEHL
Notary Public
State of Wisconsin

(Signature, Notary Public, State of Wisconsin)

Louise Dernehl
(Print or Type Name, Notary Public, State of Wisconsin)

permanent
(Date Commission Expires)

Attachment: Exhibit E: Protest Petition (ORDINANCE 2019-1555 : Birchwood and Hemlock)
Attachment: packet Docs (4755 : Fred Bersch & Paul Apfelbach)

Formal Protest Petition against Proposed Zone Change

To the Common Council of the City of Mequon:

Please consider this as a formal protest against the proposed zone change amendment for:

Linda C De La Mora et al Parcel # 15-005-14-014.00 located on Hemlock Lane between Lake Shore and Birchwood Lane from R1 OA to R-1B

It is my understanding that, if a sufficient number of property owners adjacent to this proposed rezoning submit this type of petition, the zone change can only be approved if not less than a three-fourths of the Common Council members voting on this rezoning vote in favor of the change.

I own the property at the following address(es): Parcel # 15-112-01-020.00

524 W. Shady Ln
(Address/Addresses of Property/Properties Owned by Protest Petitioner)

I believe this qualifies me as a formal protest petitioner.

Below is my signature in protest against this zone change, witnessed and notarized by a notary public.

9/21/19
(Signature of Protest Petitioner)

Frank Sandberg
(Print Name)

(Date Signed)

9/21/19
(Signature of Protest Petitioner)

Barbara Sandberg
(Print Name)

(Date Signed)

State of Wisconsin

Ozaukee County } ss.

On the above date, this instrument was acknowledged before me by the named person(s).

LOUISE DERMODL
Notary Public
State of Wisconsin

(Signature, Notary Public, State of Wisconsin)

Louise Dermody
(Print or Type Name, Notary Public, State of Wisconsin)

Permanent
(Date Commission Expires)

Attachment: Exhibit E: Protest Petition (ORDINANCE 2019-1555 : Birchwood and Hemlock)
Attachment: packet Docs (4755 : Fred Bersch & Paul Apfelbach)

Formal Protest Petition against Proposed Zone Change

To the Common Council of the City of Mequon:

Please consider this as a formal protest against the proposed zone change amendment for:

Linda C De La Mora et al Parcel # 15-005-14-014.00 located on Hemlock Lane between Lake Shore and Birchwood Lane from R1 OA to R-1B

It is my understanding that, if a sufficient number of property owners adjacent to this proposed rezoning submit this type of petition, the zone change can only be approved if not less than a three-fourths of the Common Council members voting on this rezoning vote in favor of the change.

I own the property at the following address(es): Parcel # 15-005-09-004.00

13825 N. Lake Shore Dr.
(Address/Addresses of Property/Properties Owned by Protest Petitioner)

I believe this qualifies me as a formal protest petitioner.

Below is my signature in protest against this zone change, witnessed and notarized by a notary public.

(Signature of Protest Petitioner)	Don Rohde (Signature of Protest Petitioner)
Paul Rohde (Print Name)	Donna Rohde (Print Name)
(Date Signed)	9/17/2019 (Date Signed)

State of Wisconsin

Ozaukee County } ss.

On the above date, this instrument was acknowledged before me by the named person(s).

Louise Dernehl
(Signature, Notary Public, State of Wisconsin)

Louise Dernehl
(Print or Type Name, Notary Public, State of Wisconsin)

Permanent
(Date Commission Expires)

LOUISE DERNEHL
Notary Public
State of Wisconsin

Attachment: Exhibit E: Protest Petition (ORDINANCE 2019-1555 : Birchwood and Hemlock)
Attachment: packet Docs (4755 : Fred Bersch & Paul Apfelbach)

Formal Protest Petition against Proposed Zone Change

To the Common Council of the City of Mequon:

Please consider this as a formal protest against the proposed zone change amendment for:

Linda C De La Mora et al Parcel # 15-005-14-014.00 located on Hemlock Lane between Lake Shore and Birchwood Lane from R1 OA to R-1B

It is my understanding that, if a sufficient number of property owners adjacent to this proposed rezoning submit this type of petition, the zone change can only be approved if not less than a three-fourths of the Common Council members voting on this rezoning vote in favor of the change.

I own the property at the following address(es): Parcel # 15-005-15-001.00

13800 N. Lake Shore Dr.
(Address/Addresses of Property/Properties Owned by Protest Petitioner)

I believe this qualifies me as a formal protest petitioner.

Below is my signature in protest against this zone change, witnessed and notarized by a notary public.

(Signature of Protest Petitioner)

Brian Utt
(Print Name)

9-18-19
(Date Signed)

(Signature of Protest Petitioner)

Wava Utt
(Print Name)

(Date Signed)

State of Wisconsin

Ozaukee County } ss.

On the above date, this instrument was acknowledged before me by the named person(s).

(Signature, Notary Public, State of Wisconsin)

Louise Dernehl
(Print or Type Name, Notary Public, State of Wisconsin)

Permanent
(Date Commission Expires)

LOUISE DERNEHL
Notary Public
State of Wisconsin

Attachment: Exhibit E: Protest Petition (ORDINANCE 2019-1555 : Birchwood and Hemlock)
Attachment: packet Docs (4755 : Fred Bersch & Paul Apfelbach)

Formal Protest Petition against Proposed Zone Change

To the Common Council of the City of Mequon:

Please consider this as a formal protest against the proposed zone change amendment for:

Linda C De La Mora et al Parcel # 15-005-14-014.00 located on Hemlock Lane between Lake Shore and Birchwood Lane from R1 OA to R-1B

It is my understanding that, if a sufficient number of property owners adjacent to this proposed rezoning submit this type of petition, the zone change can only be approved if not less than a three-fourths of the Common Council members voting on this rezoning vote in favor of the change.

I own the property at the following address(es): Parcel # 15-005-14-006.00

13915 N. Birchwood Lane
(Address/Addresses of Property/Properties Owned by Protest Petitioner)

I believe this qualifies me as a formal protest petitioner.

Below is my signature in protest against this zone change, witnessed and notarized by a notary public.

(Signature of Protest Petitioner)

Barbara Varney
(Print Name)

9/14/2019
(Date Signed)

(Signature of Protest Petitioner)

(Print Name)

(Date Signed)

State of Wisconsin
} ss.
Ozaukee County }

On the above date, this instrument was acknowledged before me by the named person(s).

(Signature, Notary Public, State of Wisconsin)

Louise Dernehl
(Print or Type Name, Notary Public, State of Wisconsin)

permanent
(Date Commission Expires)

LOUISE DERNEHL
Notary Public
State of Wisconsin

Attachment: Exhibit E: Protest Petition (ORDINANCE 2019-1555 : Birchwood and Hemlock)
Attachment: packet Docs (4755 : Fred Bersch & Paul Apfelbach)

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 wtih 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 (4755 : Fred Bersch & Paul Apfelbach)

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.

Attachment: packet Docs (4755 : Fred Bersch & Paul Apfelbach)

Bersch as a conscientious develop 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 aquafors 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

Attachment: packet Docs (4755 : Fred Bersch & Paul Apfelbach)

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)

Attachment: packet Docs (4755 : Fred Bersch & Paul Apfelbach)

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

Attachment: packet Docs (4755 : Fred Bersch & Paul Apfelbach)

City of Mequon

11333 N. Cedarburg Rd
Mequon, WI 53092-1930
Phone: 262-236-2934
Fax: 262-242-9655

www.ci.mequon.wi.us

Department of Engineering

TO: **Planning Commission**

FROM: **KRISTEN LUNDEEN, DIRECTOR OF PUBLIC WORKS/CITY ENGINEER**

DATE: **January 13, 2020**

SUBJECT: **Development Agreement Policy Review**

After the discussion at the December meeting regarding a developer's request for an amendment to the City's standard Development Agreement, the Planning Commission requested a policy review. Based upon that request, staff reviewed both the process by which Development Agreements are negotiated and the content of the template language.

CURRENT PRACTICES

Prior to this policy discussion, an applicant would identify Development Approval at the time of application. Staff would review the application and based upon the type of development, populate the template Development Agreement and forward for approval. If the applicant was interested in a deviation from the standard language, the deviation was discussed with staff as a part of the negotiation. If staff and the applicant agreed on the revised language, it was forwarded to Planning Commission and ultimately the Common Council for approval. If staff and the applicant could not come to a consensus, staff would present its recommendation, as well as the applicant's request for deviation for a decision by the Planning Commission and ultimately the Common Council.

The basis of the template Development Agreement is that all public improvements must be constructed prior to final plat. This process conservative and minimizes the risk that the developer would not complete the project as approved. Final plat allows lots to be sold and provides rights for issuance of building permits. Requiring completion and acceptance of all improvements prior to final plat ensures that future property owners are purchasing a lot in a completed development, without the potential for financial obligations due to lack of performance by the developer.

STANDARD REQUIREMENTS

Staff is not recommending deviation from the City's standard requirement that the public improvements be constructed prior to final plat. While there were limited requests for consideration of specific deviations from that requirement in the past, requiring public improvement construction prior to final plat is a conservative way to ensure that City standards are upheld. The developer, Staff, Planning Commission and Common Council spend a significant amount of time defining the terms and conditions for a development including garage configuration (ratio of front vs side loading), open space, landscaping and streetscaping requirements, road, stormwater and utility standards. At times, additional requirements are added to address concerns of adjacent property owners. These terms and conditions are outlined and defined in a Development Agreement, which is ultimately recommended by the Planning Commission and approved by the Common Council.

While other communities and in rare circumstances the City allow recording of the final plat prior to construction of public improvements, that standard leaves the City and future property

owners vulnerable. Financial guarantees have been utilized to try to offset the risk, but requiring full construction of public improvements prior to final plat is of low risk to the City. Final plat allows the sale of lots to private property owners, and eventually transfers maintenance responsibility of common elements to the homeowner's association rather than the developer.

PROCESS

Development Agreements are typically approved concurrent to another approval, such as a preliminary plat. At the time of application, based upon the type of development, City staff would populate a template Development Agreement and provide a copy of the agreement to the developer. Depending on the timeline of the application, that agreement may not be delivered to the developer until packets are prepared for Planning Commission approval.

Modifications

After an internal review, staff will make several modifications to the process, both to provide transparency in the negotiation process and additional time for negotiation.

First, staff will generate an updated template for the Development Agreement. The updated version will address standard language for private and public roadways, public and private utilities and the number of model homes allowed prior to final plat. The template agreement will then be adopted as an exhibit to the Standard Specifications for Land Development. As such, standard language will be transparent, and will be reviewed regularly as a part of the updates to the Standard Specifications. Additionally, the template can be reviewed at any time for required or requested modifications.

Application

Once adopted, the applicant will be required to provide a populated version of the template agreement at the time of application. Please note that this may result in an initial delay in process, as applicants who do not provide a populated version of the document will not be placed on the agenda for consideration.

The applicant will also have to detail any requested deviation from the standard document, and substantiate the request for consideration.

TEMPLATE AGREEMENT

Staff recommends that the template agreement remain substantially consistent with the existing template agreement. The template agreement will incorporate language both for public and private roads and utilities. The applicant will delete sections that do not apply to the proposed development. Based upon recent requests, the template agreement will standardize the following:

> NUMBER OF MODEL HOMES
>
> Historically, the City allowed for the construction of two model homes prior to final plat. Issuance of building permits allows the developer to market its product, but not sell it prior to final plat. In theory, the construction of the homes and the development would be concurrent.
>
> Recently, several developers requested authorization of more than two model homes. Waivers to the standard policy were allowed for environmental factors and special circumstances such as the Parade of Homes. If the template agreement were to define the number of allowable model homes, staff would recommend a table similar to the following:

Land Division	Model Homes

1-10 lots	1
11-20 lots	2
21-30 lots	3
31-40 lots	4
41-50 lots	5
51-60 lots	6
61-70 lots	7
71-80 lots	8
81-90 lots	9
91-100 lots	10
100+ lots	10

The template agreement will provide for the consideration of a deviation in the number of model homes, up to 10% of the number of lots included in the land division (rounded to the nearest whole number). The agreement will require substantiation for the request, with the burden of proof on the applicant for justifying the deviation.

BUILDING PERMIT FOR MODEL HOME PRIOR TO BINDER COURSE
Historically, the City did issue permits for model homes prior to construction of the binder course. Construction of the binder course ensures access for building inspectors and emergency personnel. If the template agreement considers allowance of model home construction prior to installation of the binder course, staff recommends that it be restricted one home on the lot closest to the primary access point. In addition, model home construction without binder course should be limited to those situations impacted by weather. Therefore, this requirement will reference the paving standards outlined in the Standard Specifications for Land Development.

REQUIREMENTS FOR CONSTRUCTION OF BYPASS AND ACCELERATION AND DECELERATION LANES
The current Standard Specifications for Land Development requires bypass lane and acceleration/deceleration lane construction for new access points. The revised standards will define the number of lots or anticipated traffic volumes under which each type of lane is required.

DEVIATIONS
The process and template agreement recommended by staff are intended to provide transparency to potential developers and guidelines for decision makers. However, even after memorializing the City's standards and intent in a template agreement, a Development Agreement is a negotiation. The developer has a right to request a deviation to the standards. While staff may provide recommendations consistent with the established policy and terms and conditions as outlined in the template agreement, both the Planning Commission and the Common Council have the right to approve waivers to those standards. In some cases, the waivers may be appropriate. In other cases, the request may warrant a modification to the template agreement. In all cases, the requests will be presented to the appropriate body for consideration.

ACTION ITEMS

At the January meeting, staff requests feedback based upon the recommendations for process and standard modifications to be incorporated into the Standard Specifications for Land Development. With that feedback, staff will complete the following action items:

1. Modify the template development agreement to include the standards as outlined in this memo, in addition to providing terms and conditions for varying types of development (public and private roads, public and private utilities, fire cistern and payment in lieu of, etc.). The template agreement will be presented to the Planning Commission in January for approval.
2. Incorporate the template development agreement as an exhibit to the Standard Specifications for Land Development and present to the Public Works Committee for recommendation and the Common Council in January for approval.
3. Once adopted, require that the applicant provide a populated version of the template agreement at the time of application. The developer will be required to identify and substantiate any request for a deviation to the standard agreement.

_____

Kristen Lundeen, Director of Public Works/City Engineer

City of Mequon

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: **January 13, 2020**

SUBJECT: **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).**

Applicant:	Veridian Homes
Status of Applicant:	Owner
Requested:	Preliminary Plat Development Agreement Open Space Plan Fill Permit
Existing Zoning:	R-3 (Single Family 1 Acre) PUD (Planned Unit Development) TDR (Transfer of Development Rights)
Lot size:	69.45 acres
Location:	10565 N. Wauwatosa Road and lands to the west
Tax Key:	#14-028-16-011.00, #14-028-14-002.00, #14-028-16-010.00
District;	#4

Background:
The applicant requests preliminary plat and development agreement for a 82-lot subdivision development on 69 acres of land located at 10565 N. Wauwatosa Road and lands to the west. The plat results in a density of one (1) unit per .84 acres and utilizes fourteen of the twenty-two City approved and available TDR credits. The Planned Unit Development (PUD) rezoning was approved by Planning Commission on November 11, 2019 and will be acted on by the Common Council in February.

Preliminary Plat:
The attached preliminary plat for the proposed 82-lot development is consistent with concept plan approved as part of the PUD. The preliminary plat incorporates changes that were required as part of the rezoning and concept plan approval including the following:

- All lots are a minimum of .30 acres
- Private lots do not contain wetlands
- Each parcel will have an individual mailbox
- All pedestrian and bike paths are located in an outlot with a minimum width of 10 feet.

The plan also shows a traffic calming median shown along Road D. While there is support for the median, staff has concerns over the design (see Engineering Report for recommendations).

The Preliminary Plat shows a large berm along the east side of the development adjacent to Wauwatosa Road. The berm is shown at 6-8 feet in height at its highest point. In the past, Planning Commission has not allowed berms to exceed 4.5 feet in height that are located along the public right of way. Staff recommends this height limitation as a condition of approval, along with necessary landscaping and variation of grades.

Development Agreement:
Please see attached draft development agreement for Phase I (26 units) authored by Planning and Engineering staff to address the necessary improvements for the development. The development agreement provides the opportunity to construct three (3) model dwellings prior to final plat approval with the understanding that the units can't be sold or title transferred until the associated plat is recorded. The number of dwellings is compliant with the policy recommendation

Open Space Plan:
Based on calculations provided by the developer, the subdivision contains 31% open space. The concept plan shows an asphalt trail around the perimeter of the development which will connect to the subdivision trail to the north. There is an isolated upland area to the south of the wetland complex that will be accessed by two wooden boardwalks. The plan includes the following park areas scattered throughout the site:

- The northeast park plan includes a small playground with swing set and jungle gym.
- The central park plan shows a large seating area with a fire pit.
- The south park plan which includes a large gazebo

The Open Space plan contains elements similar to what was approved for Highlander Estates and Enclave I.

Included with the Open Space plan is the landscape and street tree plan. The street tree plan will require Tree Board approval prior to action by the Planning Commission. Once Tree Board acts on the street tree plan, staff will place it on the next available Planning Commission agenda. As a condition of approval, street trees are required along Wauwatosa Road.

Site Conditions:
There is a large specimen tree located on lot 131 of the proposed development. The applicant has altered the road location to avoid impacting the tree. A condition of approval requires tree protection measures are installed per the City Forester's recommendation during construction.

Engineering Report:
Bridget Henk, Assistant City Engineer, has reviewed the application and has the following comments:
Access is provided through a proposed roadway through the center of the site and connecting to the existing Enclave subdivision to the north. The existing hammerhead on Tree Sparrow Drive would be removed with the connection of the roadway in the second phase of the Enclave IV development. There are proposed roadway connections to the parcel to the south and the parcel to the west. The south and west connections will terminate with a temporary hammerhead turnaround. The turnarounds would be removed with the future roadway connections.

The access on Wauwatosa Road shall be aligned with the Hidden Creek Subdivision and include an entrance island. Improvements to Wauwatosa Road are required by the Wisconsin Department of Transportation (WisDOT), including improvements to the median. Approval for the Wauwatosa Road (STH 181) roadway improvements is required from WisDOT.

Traffic calming measures shall be incorporated on Road "D" near the gas easement crossing. The traffic calming measure shall divert traffic around the median similar to the entrance island. Staff and the developer are working together on the specific length of the median and lane width requirements of the traffic calming improvements.

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. Construction of the sanitary sewer must follow the master plan for the area, including depths and sizing to accommodate future adjacent development. The mainline and laterals shall be extended to the adjacent properties, per the master plan.

Extension of the public watermain and execution of the associated Water Service Transfer Agreement is required for the development. The mainline water main shall meet Water Utility standards for ISO recommended fire flows of 2500 gpm, which may require 12" pipe for dead end mains. The applicant shall provide utility easements and laterals for the adjacent lot owners to allow access to the public water main and sanitary sewer.

Wetlands are present on site. A wetland delineation report and concurrence by the WDNR have been received. The WDNR has also indicated that some of the wetlands are artificial and are exempt from wetland regulations. Exempt wetlands are not required to follow any wetland regulations. The non-exempt wetlands are shown on the preliminary plat.
A Filling and Excavation permit is required. The total amount of filling and excavation is anticipated to be greater than 1,000 cubic yards and requires Planning Commission review. Haul route approval and a haul route bond are included with the development agreement and 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 Recommendation:
Staff recommends **approval** of the preliminary plat and development agreement subject to the following condition(s):

1. Common Council approval of Ordinance 2019-1560.
2. The preliminary plat approval is conditioned upon and is not in effect until the relinquishment of 14 TDR credits to the City of Mequon takes place.
3. Tree protection measures shall be installed prior to construction in accordance with the City Forester's recommendation.
4. The plat shall be updated to include the following:
    - The proposed median at Lots 66 and 67shall be modified to a traffic calming device approved by the City Engineer.
    - The proposed berm along Wauwatosa Road shall not exceed 4.5 feet.
    - Street trees shall be provided along Wauwatosa Road.
5. All lots shall maintain a minimum lot size of .30 acres. All buildings shall maintain a minimum building setback of 30' a minimum 10' offset from an interior side yard, 30' offset from the corner side and 20' rear property lines.

6. Pedestrian and bike paths and the necessary easements shall be required in accordance with the approved concept plan. All pedestrian trails shall be located in an outlot with a minimum width of 10 feet. Bike/Ped path shall be constructed in accordance with the WisDOT Bike Path Facilities Handbook and be maintained by the Developer and subsequently the HOA.
7. Common Council approval of the Development Agreement.
9. The final plat shall include a note that a road connection is required to put future owners on notice.
10. The development shall comply with preliminary plat, development agreement, and final plat requirements.
11. Street trees are subject to the approval of the Tree Board and Planning Commission.
12. Street lighting, if proposed, is subject to the approval of the planning staff.
13. Entryway signage and landscaping is subject to the approval of the Planning Staff.
14. Architectural design of residential buildings shall comply with a Planning Commission approved set of design standards set forth as part of the PUD and shall include the following:

    - Dwellings shall be a minimum of 1900 square feet for a single-story and 2100 for a multi-story.
    - No accessory structure shall project further into the front or corner side yard than the principle structure.
    - Chain link or 100% opaque fencing is prohibited. Fencing is prohibited in the front and corner side yard.
    - No less than 50% of residential buildings shall present a side loading garage, a courtyard garage entry or a 15-degree turned garage entry.
    - Of the remaining 50% that is allowed to present a front loading garage, the following shall apply: 1) no more than two garage stalls shall present on the same linear plane, 2) all front loading garages shall contain architectural details consistent with the front elevation, 3) none of the front loading garages shall have a consistent setback to that of the habitable portion of the building and 4) no more than 30% of the front loading garages shall project further into the front yard than the habitable portion of the building.
    - There shall be no more than three (3) front-loading garage residential buildings in a row.

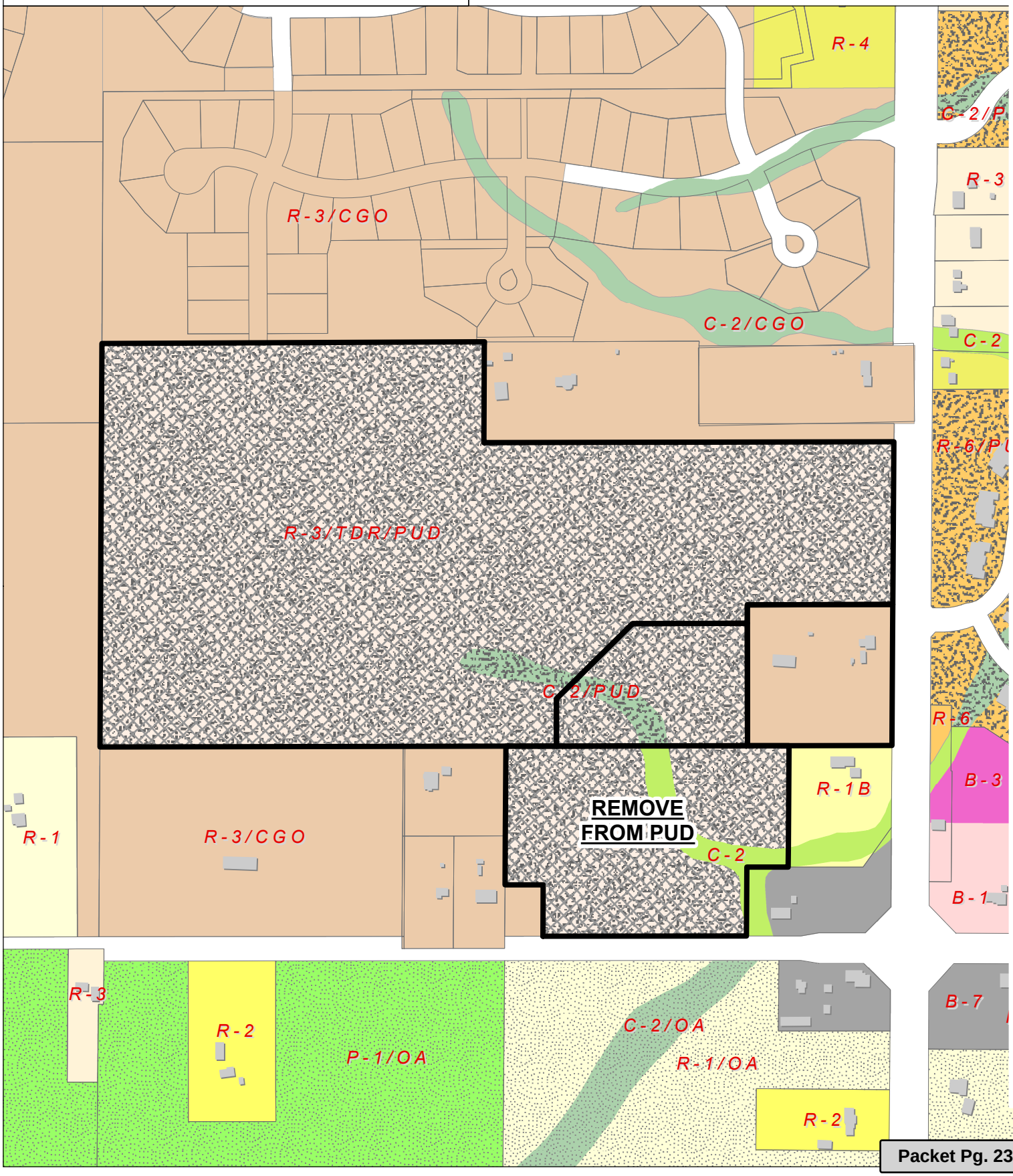
15. All residential buildings shall comply with the Architectural Board's publication entitled "Guidelines for Residential Structures", unless deviations are approved by the Planning Commission, and are subject to the Architectural Review Board approval.
16. All roads and bike paths connecting to adjacent sites shall be installed at time of each associated phase of development. The road shown to connect to the property to the west shall include the installation of a hammerhead. Removal of the hammerhead shall be approved by the City at the time of connectivity for development to west. The developer shall provide an escrow to the City for the estimated cost of removal.
17. A secondary access shall be constructed prior to the issuance of building permits on Phase Two. The existing hammerhead on Tree Sparrow Drive shall be removed at the time of the roadway connection.
18. Final legal documents are subject to City Attorney review and approval prior to recording of final plat.
19. Engineering Division review and approval of grading, drainage, sanitary sewer, watermain, and erosion control plans in conformance to City ordinances and the Standard Specifications for Land Development.
20. Application for and approval of a WisDOT access permit for the Wauwatosa Road/ STH 181 entrance.

21. Design and construction of traffic calming measures on Road “D” at the gas easement.
22. Connection to public water and sanitary sewer. The applicant shall obtain the necessary approval and permits for the installation of the sanitary sewer and water main from the various regulatory agencies. All utilities must be constructed to provide service to adjacent properties and adhere to the design parameters of the City’s master plan for the area. Lateral extensions shall be provided for all adjacent lots served by the proposed public utilities.
23. Execution of a Water Service Agreement between the applicant and the Water Utility, including acceptance of the requirement to loop the water main and provide connections on Wauwatosa Road. The mainline water main shall meet Water Utility standards for ISO recommended fire flows of 2500 gpm, which may require 12” pipe for the dead end main.
24. Application for and approval of a City erosion control permit, subject to applicable fees and conditioned upon WDNR issuance of a WRAPP permit.
25. Application for and approval of a City Filling and Excavation Permit.
26. Approval of a storm water management plan for the site in conformance to City ordinances, WDNR and MMSD Chapter 13, including execution of a Storm Water Facilities Maintenance and Easement Agreement.
27. 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)

Mequon I, LLC/
VH Mequon II, LLC

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		

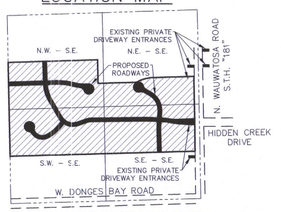


Attachment: Packet Docs (4752 : Mequon I, LLC/VH Mequon II, LLC)

PRELIMINARY PLAT
THE ENCLAVE AT MEQUON PRESERVE IV

LOT 1, LOT 2 AND LOT 3 OF CERTIFIED SURVEY MAP NO. 3723, PART OF LOT 1 OF CERTIFIED SURVEY MAP NO. 3018, AND PART OF THE NE 1/4 OF THE SE 1/4 OF SECTION 28, ALL LOCATED IN A PART OF THE NW 1/4, NE 1/4, SW 1/4 AND SE 1/4 OF THE SE 1/4 OF SECTION 28, TOWNSHIP 9 NORTH, RANGE 21 EAST, CITY OF MEQUON, OZAUKEE, WISCONSIN.

LOCATION MAP



SE 1/4 OF SECTION 28, TOWNSHIP 9 NORTH, RANGE 21 EAST, CITY OF MEQUON, OZAUKEE COUNTY, WISCONSIN

SCALE: 1" = 1000'

= THE ENCLAVE AT MEQUON PRESERVE IV SUBDIVISION

LEGEND:

- WATER VALVE IN BOX
- EXISTING ROUND CATCH BASIN
- EXISTING SQUARE CATCH BASIN
- EXISTING CURB INLET
- TELEPHONE MANHOLE
- WELL
- EXISTING SIGN
- SOIL BORING
- UTILITY POLE
- 1" IRON PIPE FOUND
- 1-1/4" REBAR FOUND
- SECTION CORNER MONUMENT
- DECIDUOUS TREE
- CONIFEROUS TREE

- E — EXISTING UNDERGROUND ELECTRIC CABLE
- T — EXISTING UNDERGROUND TELEPHONE CABLE
- ST — EXISTING STORM SEWER AND MANHOLE
- W — EXISTING WATER LINE AND HYDRANT
- EXISTING CURB AND GUTTER
- RIGHT-OF-WAY LINE
- ADJACENT PROPERTY LINE
- INTERNAL PROPERTY LINE
- 800 — EXISTING GROUND CONTOUR
- 800 — PROPOSED GROUND CONTOUR
- PROPERTY LINE
- G — EXISTING UNDERGROUND GAS LINE
- WOODED AREA
- SA — EXISTING SANITARY SEWER AND MANHOLE
- OU — EXISTING OVERHEAD UTILITY LINE
- TV — EXISTING UNDERGROUND TELEVISION CABLE

100' 0 100' 200'
1"= 100'
SCALE FEET

NOTE: EXISTING UTILITIES SHOWN ARE INDICATED IN ACCORDANCE WITH AVAILABLE RECORDS AND FIELD MEASUREMENTS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING EXACT LOCATIONS AND ELEVATIONS OF ALL UTILITIES, INCLUDING SEWER AND WATER FROM THE OWNERS OF THE RESPECTIVE UTILITIES. ALL UTILITY OWNERS SHALL BE NOTIFIED BY THE CONTRACTOR 72 HOURS PRIOR TO EXCAVATION.

D.O.T. HIGHWAY RESTRICTIONS

Setback Notes:
There shall be no improvements or structures placed between the highway and the setback line.

Access Notes:
As owner I hereby restrict all lots, in that no owner, possessor, user, nor licensee, nor other person shall have any right of direct vehicular ingress or egress with STH "181," as shown on the plat; it being expressly intended that this restriction shall constitute a restriction for the benefit of the public according to §236.293, Stats., and shall be enforceable by the Department of Transportation.

Noise Notes:
The lots of this land division may experience noise at the levels exceeding the levels in §Trans 405.04, Table I. These levels are based on federal standards. The Department of Transportation is not responsible for abating noise from existing state trunk highways or connecting highways, in the absence of any increase by the Department to the highway's through-lane capacity.

Vision Corners:
No structure or improvement of any kind is permitted within the vision corner. No vegetation within the vision corner may exceed 30 inches in height.

NOTES:
-OUTLOT 14, OUTLOT 15, OUTLOT 16, OUTLOT 17, OUTLOT 18, OUTLOT 19 AND OUTLOT 20 ARE TO BE USED FOR LANDSCAPING/BUFFERYARD AND BE OWNED BY THE HOMEOWNER'S ASSOCIATION.

-OUTLOT 21 IS TO BE USED FOR STORMWATER MANAGEMENT PURPOSES, PARK PURPOSES, AND LANDSCAPING/BUFFERYARD AND BE OWNED BY THE HOMEOWNER'S ASSOCIATION.

-OUTLOT 22 IS TO BE USED FOR STORMWATER MANAGEMENT PURPOSES.

-THE CITY OF MEQUON IS AUTHORIZED TO ACCESS OUTLOT 21 AND OUTLOT 22 TO CONDUCT NECESSARY STORMWATER INSPECTIONS & MAINTENANCE.

EXISTING ZONING:
R-3: SUBURBAN RESIDENTIAL DETACHED
TDR: TRANSFER OF DEVELOPMENT RIGHTS
PUD: PLANNED UNIT DEVELOPMENT
CGA: CENTRAL GROWTH AREA OVERLAY

PROPOSED ZONING:
R-3: SUBURBAN RESIDENTIAL DETACHED
TDR: TRANSFER OF DEVELOPMENT RIGHTS
PUD: PLANNED UNIT DEVELOPMENT

NOTE:
Based upon a review of the Federal Emergency Management Agency Flood Insurance Rate Map community panel 55089C0234F with an effective date of December 4, 2007, the property described hereon falls within Zone "X"- Unshaded (areas determined to be outside the 0.2% annual chance floodplain)

BUILDING SETBACKS:
R-3/TDR/PUD
FRONT: 30 FEET
SIDE: 10 FEET
REAR: 20 FEET

ROAD
TYPICAL BUILDING SETBACKS

OWNER/SUBDIVIDER:
VERIDIAN HOMES, LLC
6801 S. TOWNE DRIVE
MADISON, WI 53713

ENGINEER & SURVEYOR:
EXCEL ENGINEERING, INC.
100 CAMELOT DR
FOND DU LAC, WI 54935

TOTAL AREA:
3,025,279 SQ. FT.
69.451 ACRES

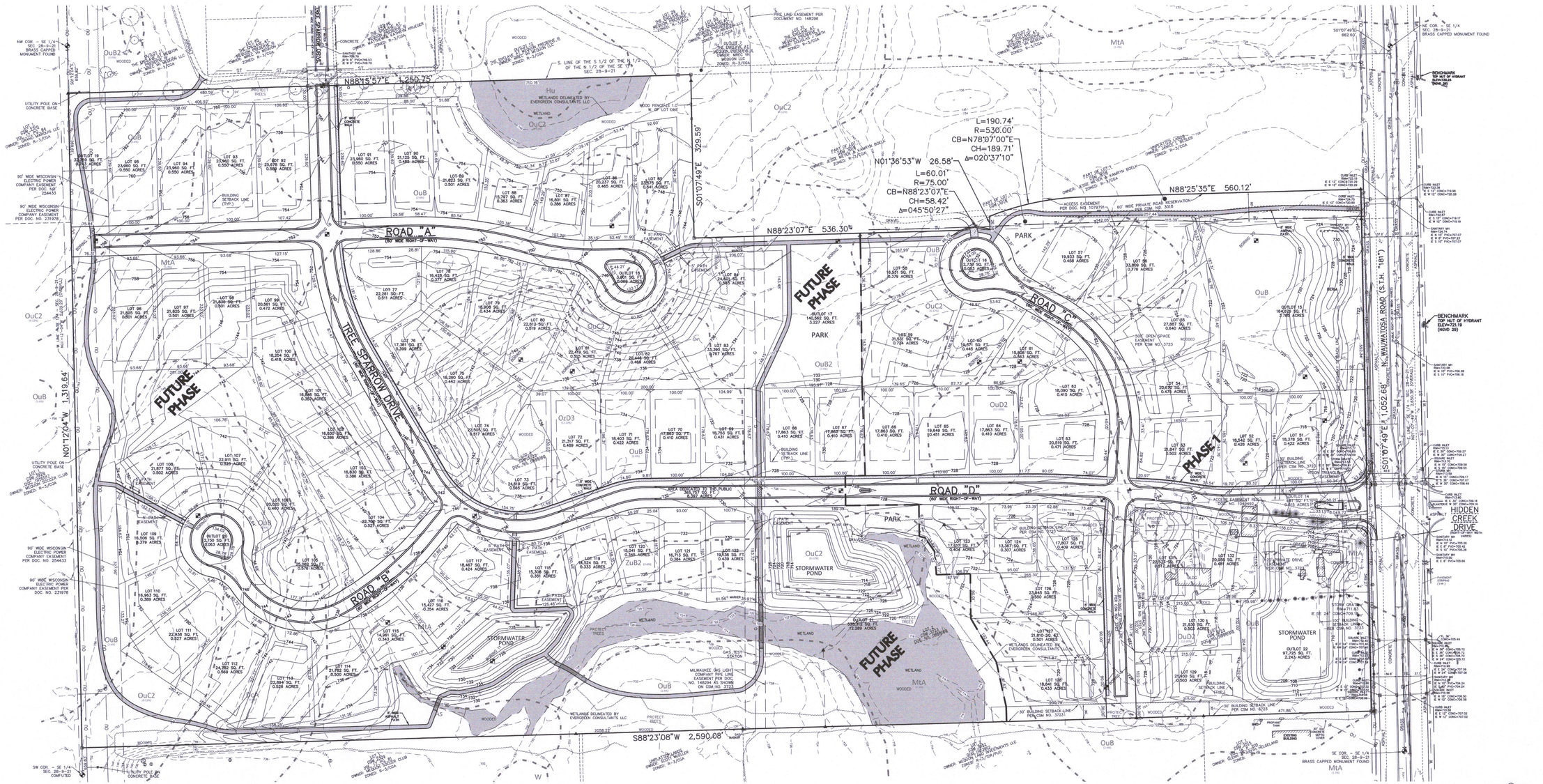
I, Ryan Wilgreen, Professional Land Surveyor, hereby certify that such preliminary plat is a correct representation of all existing land divisions and features.

That I have fully complied with the provisions of Chapter 236 of the Wisconsin Statutes and Chapter 58 of the City of Mequon City Ordinances in surveying, dividing and mapping of the same.

Ryan Wilgreen, P.L.S. S-2647
ryan.w@excelengineer.com
Excel Engineering, Inc.
Fond Du Lac, Wisconsin 54935
Project No. 1936580

WISCONSIN
RYAN J. WILGREEN
S-2647
FOND DU LAC
WI
LAND SURVEYOR

12/4/19



NORTH

100' 0 100' 200'
1"= 100'
SCALE FEET

PRELIMINARY PLAT

EXCEL
ARCHITECTS • ENGINEERS • SURVEYORS
Always a **Better Plan**
100 Camelot Drive
Fond Du Lac, WI 54935
Phone: (920) 926-9800
www.EXCELENGINEER.com

COLLABORATION

VERIDIAN HOMES

PROJECT INFORMATION

PROPOSED RESIDENTIAL SUBDIVISION

THE ENCLAVE AT MEQUON PRESERVE IV

NORTH WAUWATOSA ROAD • MEQUON, WI

PROFESSIONAL SEAL

PRELIMINARY DATES
FEB. 4, 2015
OCT. 9, 2019
DEC. 4, 2019

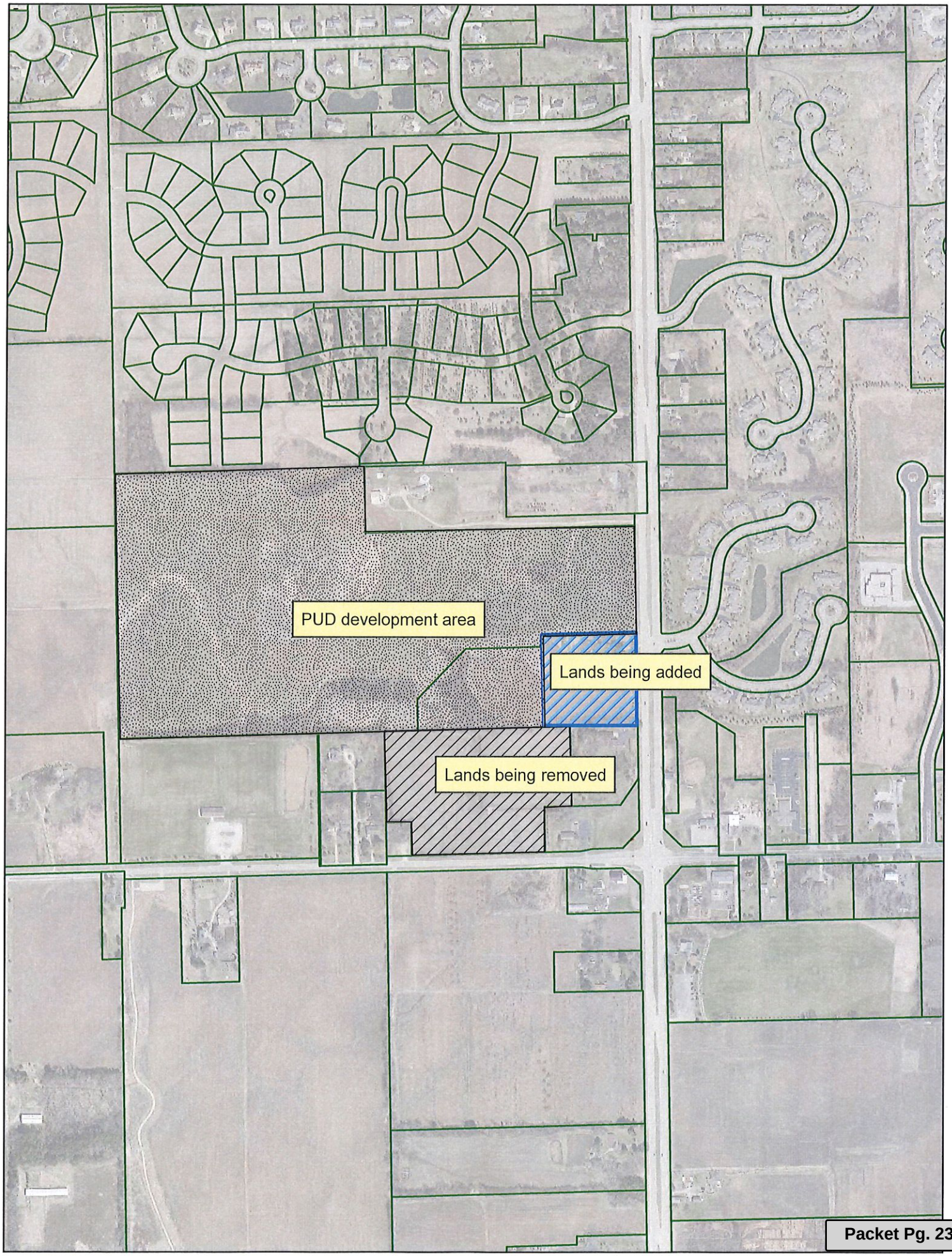
NOT FOR CONSTRUCTION

JOB NUMBER
1936580

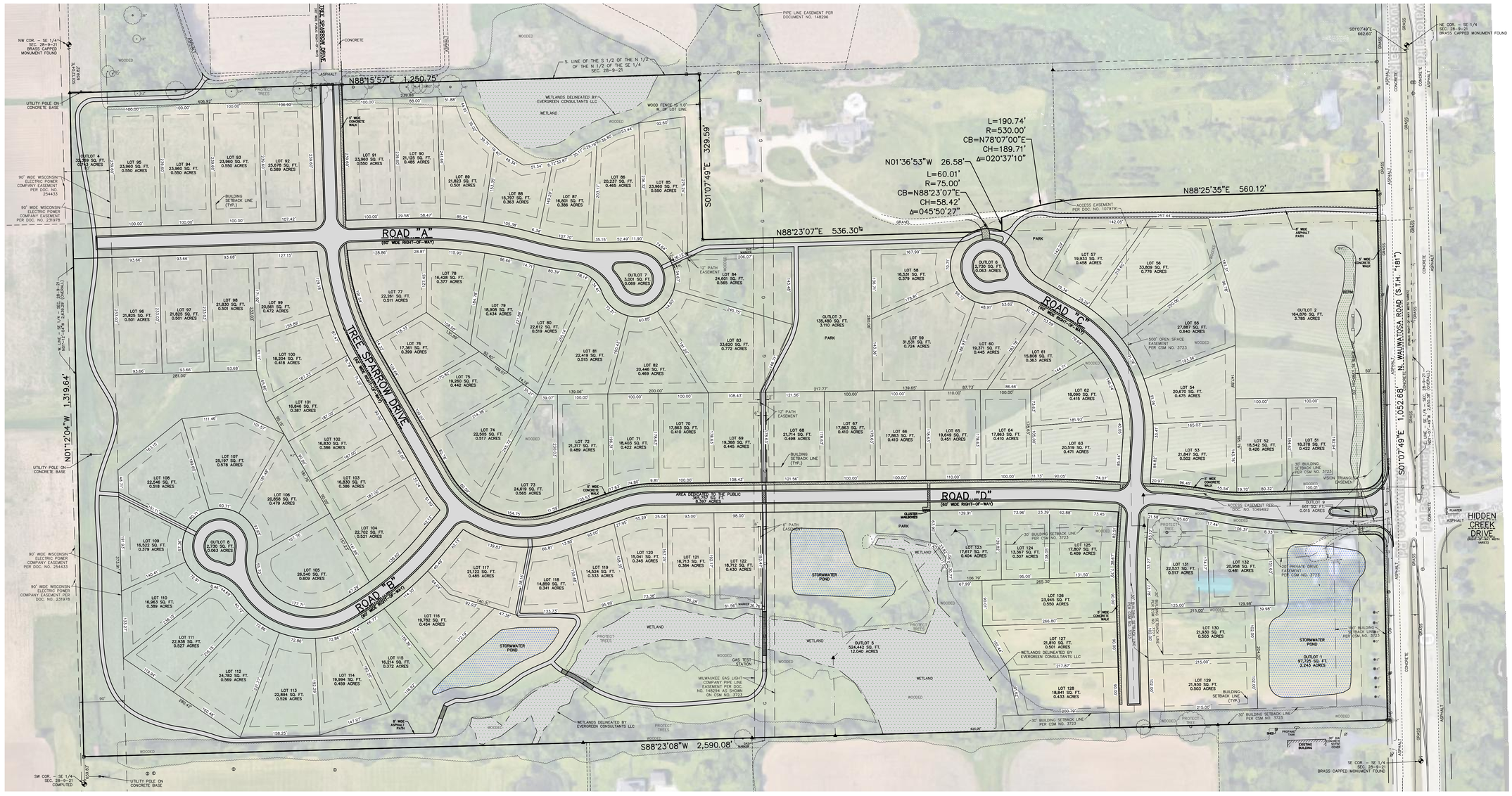
SHEET NUMBER
PP

2018 © EXCEL ENGINEERING, INC.

Attachment: Packet Docs (4752 : Mequon I, LLC/VH Mequon II, LLC)



Attachment: Packet Docs (4752 : Mequon I, LLC/VH Mequon II, LLC)



NORTH

1" = 100'

100' 0 100' 200'

SCALE FEET

CONCEPT LAYOUT

EXCEL
ARCHITECTS • ENGINEERS • SURVEYORS
Always a **Better Plan**
100 Camelot Drive
Fond Du Lac, WI 54935
Phone: (920) 926-9800
www.EXCELENGINEER.com

COLLABORATION

VERIDIAN HOMES

PROJECT INFORMATION

PROPOSED RESIDENTIAL SUBDIVISION

THE ENCLAVE II AT MEQUON PRESERVE

NORTH WAUWATOSA ROAD • MEQUON, WI

PROFESSIONAL SEAL

PRELIMINARY DATES

NOV. 06, 2019

NOT FOR CONSTRUCTION

JOB NUMBER

1936580

SHEET NUMBER

C

Attachment: Packet Docs (4752 : Mequon I, LLC/VH Mequon II, LLC)

2018 © EXCEL EN

Attachment: Packet Docs (4752 : Mequon I, LLC/VH Mequon II, LLC)

EXCEL
ARCHITECTS • ENGINEERS • SURVEYORS

The Enclave II at Mequon Preserve
Open Space Plan

This open space plan includes information to meet the requirements for open space set forth in Section 58-333(h) of the City of Mequon's ordinances.

(4) Not less than 30 percent of the total site area shall be established as common open space.

The Enclave II has 22.2 acres of open space which is equivalent to 31.9% of the total area of the neighborhood.

a. *Create large and contiguous areas that represent an integrated system with no one dedicated common space being less than 5,000 square feet.*

Open space is contiguous around the perimeter of the neighborhood. It also integrates the existing wetland and tree stands into larger pockets of open space on the east, north and south sides of the neighborhood. There are two contiguous common area spaces, one north of the road the other south.

b. *Distribute common, open space throughout the development to serve and enhance all lots. Fragmented open space shall be minimized.*

The open space is distributed throughout the neighborhood with larger areas on the northeast, south central and western areas. There are no small pockets of open space—in fact, there is no isolated or fragmented open space as it is contiguous. In addition, the amenities are also not located in one area--we have distributed unique destinations throughout the neighborhood

c. *Protect site features.*

We are preserving large stands of mature trees (some of them specimen trees as defined by Mequon's ordinance) on the east, north and south sides of the neighborhood. The design of the site incorporated some of the existing site features such as the trees and wetlands.

d. *Connect to environmental features on adjacent sites. Long, thin strips shall be prohibited unless a conservation feature is linear and necessary to provide a green belt between lots or to provide connection with other natural features, amenities and adjacent developments.*

Attachment: Packet Docs (4752 : Mequon I, LLC/VH Mequon II, LLC)

We are continuing our successful partnership with the Mequon Nature Preserve. Working with the MNP we can enhance an overall wildlife corridor which provides regional benefits. It also provides excellent educational opportunities to teach people about the different environmental ecosystems within the neighborhood and how individuals can make a difference protecting and improving the land around them. The educational posts in the Enclave at Mequon Preserve have been popular with the residents.

e. *Maintain a perimeter, low maintenance open space buffer with a minimum width of 30 feet.*

The perimeter has a minimum 30' open space buffer with more than a mile of asphalt trail running through.

f. *Include passive recreational amenities and designated areas for active recreational amenities. Amenities include, but are not limited to, features such as gardens, trail systems leading to destinations, sport courts, gathering and seating areas, children's play equipment*.

We have included both passive and active recreational areas throughout the neighborhood. There will be a gazebo with benches (similar to the one by Lot 2 at the Enclave at Mequon Preserve) near where the cluster mailboxes are located. A playground area will be located near the trail on the north side of the property near the northeast cul de sac where some street parking is also available. This active playground area will have equipment that caters to the 7-12 year old age group.

A trailhead connection will be made to the sidewalk at Wauwatosa Road. We continue looping the asphalt trail, making a connection to the north and winding it along the west and south perimeter. We will create boardwalk crossings of the wetlands in 2 areas. The path connection will add another mile of trails to the paths at the Enclave at Mequon Preserve and connections to Highlander Estates further north. The paths at the Enclave get significant usage.

Nestled between wooded wetland areas to the south will be a picnic area with tables and benches. This unique setting in the midst of large mature trees will provide a real opportunity to escape everything and be surrounded by nature. We will also be planting certain wildflowers and plants that provide habitat for bees and butterflies.

There are active and passive opportunities throughout the neighborhood. The trail and sidewalk connections to the Enclave and Highlander Estates provides a system that stretches from the southeast corner of the property at Wauwatosa Road to Swan Road, furthering the connectivity goals of the City.

Attachment: Packet Docs (4752 : Mequon I, LLC/VH Mequon II, LLC)

SITE DATA

TOTAL SUBDIVISION AREA:	69.5 AC.
RECREATIONAL OPEN SPACE:	22.2 AC.
ASPHALT TRAIL LENGTH:	1.0 MILES

NORTH

1" = 30'

30' 0 30' 60'

SCALE FEET

OPEN SPACE PLAN

EXCEL
ARCHITECTS • ENGINEERS • SURVEYORS
Always a **Better Plan**
100 Camelot Drive
Fond Du Lac, WI 54935
Phone: (920) 926-9800
www.EXCELENGINEER.com

COLLABORATION

VERIDIAN HOMES

PROJECT INFORMATION

PROPOSED RESIDENTIAL SUBDIVISION

THE ENCLAVE II AT MEQUON PRESERVE

NORTH WAUWATOSA ROAD • MEQUON, WI

PROFESSIONAL SEAL

PRELIMINARY DATES

OCT. 14, 2019

NOT FOR CONSTRUCTION

JOB NUMBER

1936580

SHEET NUMBER

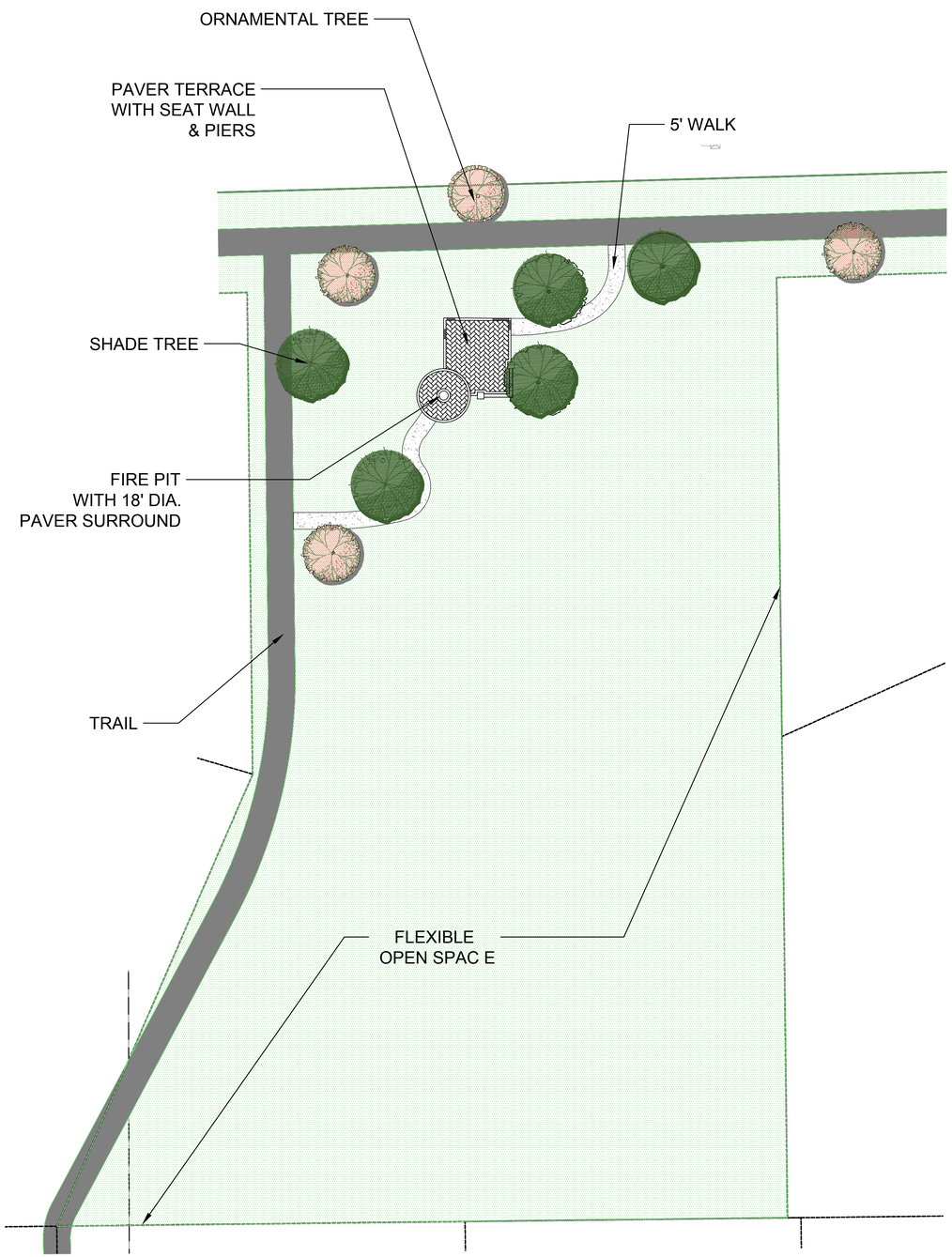
OS

2018 © EXCEL

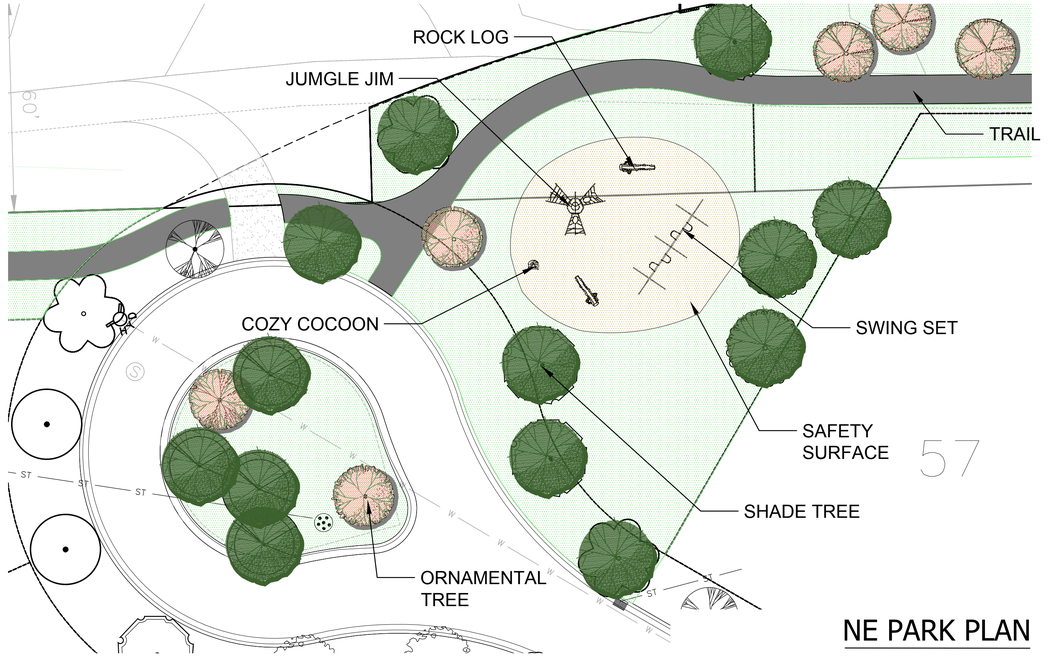
Attachment: Packet Docs (4752 : Mequon I, LLC/VH Mequon II, LLC)

THIS DRAWING IS MADE SOLELY FOR THE INDIVIDUAL NAMES HEREIN AND IS PROPERTY OF TREES ON THE MOVE, INC. ANY UNAUTHORIZED USE OR DUPLICATION IS IN VIOLATION OF THE COPYRIGHT LAWS AND SUBJECT TO PROSECUTION

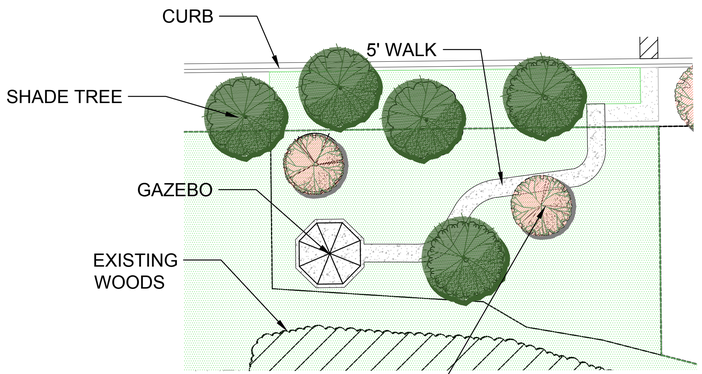
WISCONSIN'S LARGEST
TREE TRANSPLANTERS



CENTRAL PARK PLAN



NE PARK PLAN



SOUTH PARK PLAN

PARK PLANS

N

0 20' 40'
Horizontal Scale In Feet

TREES ON THE MOVE

PLANTINGS, STRUCTURES AND OTHER REPRESENTATIONS SHOWN ON THIS PLAN ARE FOR THE PURPOSE OF CONVEYING LANDSCAPE DESIGN FEATURES. REFER TO PREPARED CONTRACT DOCUMENTS FOR SPECIFIC ITEMS INCLUDED IN ANY PARTICULAR PHASE OF LANDSCAPE CONSTRUCTION.

WLCA Member Landscape Contractor of Wisconsin

Premier Landscapes

LANDSCAPE DEVELOPMENT FOR
THE ENCLAVE II AT MEQUON PRESERVE
N. WAUWATOSA ROAD
MEQUON, WISCONSIN

LANDSCAPE ARCHITECTURE

DESIGN BY:	GAR
DRAWN BY:	GAR
DATE:	12/09/2019
REVISED:	
SCALE:	1"=20'-0"
SHEET:	L1.21

TREES ON THE MOVE
5611 S. Calhoun Road
New Berlin, WI 53151
Phone: (262) 679-5200
treesonthemove.com

Attachment: Packet Docs (4752 : Mequon I, LLC/VH Mequon II, LLC)

COMMON COUNCIL
OF THE
CITY OF MEQUON

ORDINANCE NO. 2019-1560

To amend the map portion of the "Development Ordinance of the City of Mequon" (i.e., Chapter 58) with respect to approximately 68.5 acres of land located at 10565 N. Wauwatosa Road and lands to the west

---

BASED ON THE FOREGOING, THE COMMON COUNCIL OF THE CITY OF MEQUON, OZAUKEE COUNTY, STATE OF WISCONSIN, ORDAINS AS FOLLOWS

SECTION I

Pursuant to section 62.23(3) of the Wisconsin Statues, 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).

SECTION II

Following recommendation of the Planning Commission on the 11th day of November 2019, and after due notice and hearing by the Common Council of the City of Mequon on the 14th day of January 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-3 with a TDR/PUD overlay based on the attached conditions.

SECTION III

All other ordinances or parts of ordinances contravening the terms of this ordinance are hereby and to that extent repealed.

SECTION IV:

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

Approved: _____
John Wirth, Mayor

Date Approved: _____, 2019

DRAFT

Attachment: Packet Docs (4752 : Mequon I, LLC/VH Mequon II, LLC)

I certify that the Common Council of the City of Mequon, Wisconsin, adopted this ordinance at a meeting held on _____, 2019.

_____
Caroline Fochs, Mequon City Clerk

Published: _____, 2019.

1. The developer is granted 68 yield lots and 14 transfer of development credits.
2. Common Council approval of the rezoning recommendation.
3. The development shall comply with preliminary plat, development agreement, and final plat requirements.
4. Road D shall incorporate traffic calming measures between Road C and Tree Sparrow Drive.
5. The cluster mail box location shall be approved by Planning Commission at the time of Preliminary Plat
6. The portion of the public road deemed to be the major thoroughfare by staff shall include a public sidewalk within the dedicated R.O.W. on one side of the road. All cul-de-sacs require a 75' radius.
7. All lots shall maintain a minimum lot size of .30 acres. All buildings shall maintain a minimum building setback of 30' and a maximum building setback of 40' from the interior public road right-of-way (lots on the cul-de-sac are allowed a maximum building setback of 50'), a minimum 10' offset from an interior side yard, 30' offset from the corner side and 20' rear property lines.
8. The entire property shall be appropriately field-staked for wetland areas and reviewed and approved by the Department of Natural Resources (DNR), including an indication of the required setback from the wetland, prior to action on a preliminary plat by the Planning Commission. The development is subject to appropriate Chapter 30 permitting from the DNR and necessary permitting from the Army Corp of Engineers.
9. Private lots shall not contain wetlands. The developer shall show wetlands and all required wetland setbacks on the preliminary plat. The Planning Commission shall evaluate and approve the final location of wetland setback requirements and the final location of the necessary protective measures required of the developer.
10. Pedestrian and bike paths and the necessary easements shall be required in accordance with the approved concept plan. All pedestrian trails shall be located in an outlot with a minimum width of 16 feet. Bike/Ped path shall be constructed in accordance with the WisDOT Bike Path Facilities Handbook.
11. Entryway signage and landscaping is subject to the approval of the Planning Commission.
12. There shall be a permanent open space buffer along the perimeter of this development as illustrated in the attached development concept plan and per Planning Commission action.

DRAFT

Attachment: Packet Docs (4752 : Mequon I, LLC/VH Mequon II, LLC)

13. Architectural design of residential buildings shall comply with a Planning Commission approved set of design standards set forth as part of the PUD and shall include the following:

    - Dwellings shall be a minimum of 2150 square feet for a single-story and 2500 for a multi-story.
    - No accessory structure shall project further into the front or corner side yard than the principle structure.
    - Chain link or 100% opaque fencing is prohibited. Fencing is prohibited in the front and corner side yard.
    - No less than 50% of residential buildings shall present a side loading garage, a courtyard garage entry or a 15 degree turned garage entry.
    - Of the remaining 50% that is allowed to present a front loading garage, the following shall apply: 1) no more than two garage stalls shall present on the same linear plane, 2) all front loading garages shall contain architectural details consistent with the front elevation, 3) none of the front loading garages shall have a consistent setback to that of the habitable portion of the building and 4) no more than 30% of the front loading garages shall project further into the front yard than the habitable portion of the building.
    - There shall be no more than three (3) front-loading garage residential buildings in a row.

    All residential buildings shall comply with the Architectural Board's publication entitled "Guidelines for Residential Structures", unless deviations are approved by the Planning Commission, and are subject to the Architectural Review Board approval.
14. Street trees are subject to the approval of the Tree Board and Planning Commission.
15. Street lighting, if proposed, is subject to the approval of the Planning staff.
16. The entire property is subject to the City of Mequon Tree Preservation Ordinance and necessary preservation easements, if any.
17. All roads and bike paths connecting to adjacent sites shall be installed at time of each associated phase of development. The road shown to connect to the property to the west shall include the installation of a hammerhead. Removal of the hammerhead shall be approved by the City at the time of connectivity for development to west. The developer shall provide an escrow to the City for the estimated cost of removal.
18. Landscape islands within the public road are required at locations designated by staff.
19. Engineering Department review and approval of grading, drainage, stormwater management, erosion control and sewer plans in conformance to City ordinances and the Standard Specifications for Land Development.
20. Execution of a Water Service Agreement between the applicant and the Water Utility, including acceptance of the requirement to loop the water main and provide connections both on Donges Bay Road and Wauwatosa Road. The mainline water main shall meet Water Utility standards for ISO recommended fire flows of 2500 gpm, which may require 12" pipe for the dead end main.
21. Provision of Easements over existing and proposed drainageways with supporting language requiring Home Owners Association maintenance and access granted to the City.
22. The applicant shall provide utility easements for the adjacent lot owners to allow access

DRAFT

Attachment: Packet Docs (4752 : Mequon I, LLC/VH Mequon II, LLC)

to the public water main and sanitary sewer.

23. WDNR approval of the wetland impact and proposed road crossing over the navigable waterway.
24. Public road design standards shall be subject to the review and approval of Engineering and the Fire Departments.
25. Fire Department approval of the number and location of fire hydrants.
26. Any substantial change to the general concept plans illustrated in the attached exhibits shall require appropriate amendments to this ordinance.
27. All roads and bike paths connecting to adjacent sites shall be installed at time of each associated phase of development. The roads shown to connect to the property to the south and west shall include the installation of a hammerhead. Removal of the hammerhead shall be approved by the City at the time of connectivity for development to the south or west. The developer shall provide an escrow to the City for the estimated cost of removal.
28. The development must provide right-of-way and road cross connections to the adjacent properties.
29. Adjacent road connections must be constructed with the respective phase and must include a temporary turnaround both to the adjacent lots and future phases until constructed.
30. A secondary access shall be constructed prior to the issuance of building permits on Phase Two. The existing hammerhead on Tree Sparrow Drive shall be removed at the time of connection.
31. Connection to public water and sanitary sewer. The applicant shall obtain the necessary approval and permits for the installation of the sanitary sewer and water main from the various regulatory agencies. All utilities must be constructed to provide service to adjacent properties and adhere to the design parameters of the City's master plan for the area. Lateral extensions shall be provided for all adjacent lots served by the proposed public utilities.
32. Engineering Department review and approval of grading, drainage, stormwater management, erosion control and sewer plans in conformance to City ordinances and the Standard Specifications for Land Development.
33. Approval of a storm water management plan for the site in conformance to City ordinances and MMSD Chapter 13, including execution of a Storm Water Facilities Easement Declaration and Agreement.
34. The applicant shall provide utility easements and laterals for the adjacent lot owners to allow access to the public water main and sanitary sewer.
35. WisDOT access permit for the Wauwatosa Road/ STH 181 entrance and associated MOU with the City of Mequon. The development would be financially responsible for the improvements.
36. WDNR approval of the wetland impacts and proposed crossing over a navigable waterway.
37. A fill permit is required for any material brought to or removed from the development.
38. 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

DRAFT

Attachment: Packet Docs (4752 : Mequon I, LLC/VH Mequon II, LLC)

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).

39. Final legal documents are subject to City Attorney review and approval prior to recording of final plat.

DRAFT

Attachment: Packet Docs (4752 : Mequon I, LLC/VH Mequon II, LLC)

DEVELOPMENT AGREEMENT

The Enclave at Mequon Preserve IV

Articles of agreement made and entered into this _____ day of _____, 2020, by and between _____, hereinafter called the Developer, and the City of Mequon, a municipal corporation of Ozaukee County, Wisconsin, hereinafter called the City.

WITNESSETH:

WHEREAS, the Developer desires to improve and develop certain lands located in:

See Exhibit A

And as described on attached Exhibit A (the "Development"), and for that purpose requires the installation of certain public improvements; and

WHEREAS, the City Engineer's report, attached hereto as Exhibit B, identifying the public improvements and other terms and conditions necessary to this Development (the "Improvements"), and

WHEREAS, Section 236.13(2) of the Wisconsin Statutes and Sections 58-634(c) and 58-637 of the Mequon Code of Ordinances provide that as a condition of approval, the City shall require that the Developer make and install or have made and installed, any improvements reasonably necessary; and

WHEREAS, the Public Works schedule and budget of the City does not include installation of the said improvements for the said Development, and normally there would be a considerable delay in the installation of said improvements unless the instant agreement were entered into; and

WHEREAS, the City believes that the orderly, planned development of said lands will best promote the health, safety and general welfare of the community.

NOW, THEREFORE, in consideration of the payment of One Dollar ($1.00) and other good and valuable consideration to each in hand paid by the other, receipt of which is hereby acknowledged, and in consideration of the various approvals granted by the City, and in obedience to the conditions imposed upon said approvals, and the mutual covenants herein contained, the parties agree:

1. The area to be improved shall consist of that area designated in Exhibit A in the proposed development plan granted preliminary plat approval by the Planning Commission.

2. Preliminary plat approval was granted by the Planning Commission on _____.

3. The Improvements shall be as described on Exhibit B.

4. The Developer will, at its expense, have plans and specifications prepared for the aforesaid Improvements and such plans and specifications shall be submitted to the City Engineer for approval. The plans and specifications to be submitted are indicated in Exhibit B.

5. The Developer will contract for and have constructed, at its expense, all of the Improvements. The City, as a condition of final certification by the City Engineer, and approval and acceptance of dedication of the Improvements by the City, will require that copies of lien waivers from all contractors and/or material suppliers performing work or supplying materials for the installation of the Improvements be filed with the City.

Attachment: Packet Docs (4752 : Mequon I, LLC/VH Mequon II, LLC)

6. The Developer will pay for all reasonable costs incurred by the City, or its consultant in the review of the engineering plans, landscaping plans, inspection of the construction and/or installation of the Improvements, installation of street signs, review of record drawings for City files, and any other costs that may be incurred by the City in the installation of the Improvements for this Development. The Developer will pay the costs above enumerated within thirty (30) days after being billed by the City. Billing will be made periodically and/or monthly as the improvements are completed and as costs are incurred. Full cost will include labor, equipment, materials, engineering, inspection and overhead costs incidental to said work. Past due amounts on invoices generated by the City are subject to a one and one-half (1.5) percent per month charge, computed from the date of the original invoice.

7. All dedicated Improvements shall be warranted against defects due to faulty materials or workmanship which appear within one (1) year from the date of acceptance of dedication by the City, and Developer shall assign to the City applicable contractor warranties for the Improvements. If any defect should appear during this warranty period, the City shall first seek to enforce any applicable contractor warranty; however, Developer hereby guarantees the Improvements and shall indemnify the City to the extent of any default or failure of any contractor to honor the warranty. Each repair or replacement performed pursuant to this paragraph shall be guaranteed for one (1) year from the completion thereof.

8. Upon verification by the City Engineer that all of the Improvements have been satisfactorily constructed, installed or escrowed in accordance with City of Mequon Zoning Code, inspected and found to be in compliance with City requirements and with the following conditions as described below, and that all other requirements of this agreement have been complied with, Final Plat approval will be granted by the Common Council.

   A. The City Engineer shall only recommend Final Subdivision Plat approval to the Planning Commission and Common Council upon certification that:

      i. All of the Improvements have been satisfactorily constructed or installed, completed and approved except that private play equipment as required by the approved plans does not need to be installed until 10 homes in this phase have received occupancy permits from the City provided that the Subdivision covenants and restrictions contain a requirement that the Developer shall install the same.

      ii. In the event that installation of the final asphalt surface course, street trees, open space landscaping and/or minimal site restoration as contemplated in Developer's plans approved by the City cannot be completed due to weather conditions at the time in which Developer wishes to obtain Final Plat approval, the City may, in its sole discretion, accept from Developer a Letter of credit in form approved by the City Attorney and in an amount determined by the City Engineer to provide appropriate security to ensure installation is completed within 14 months from Final Plat approval.

   B. The Department of Community Development shall schedule Final Subdivision Plat recommendation before the Planning Commission and Common Council only upon certification by the City Engineer that all the improvements have been constructed, installed and approved.

9. No special assessments are contemplated in connection with the development. The sanitary sewer special assessment for the Wauwatosa Road project was paid in full prior to the sale of the property.

10. The following special provisions shall apply:

   A. Easements are to be provided with the plat for the use of WE Energies, phone, Cable T.V. and other utilities for provision of services to the Development. The Developer shall provide proof of payment in full for installation of the utilities prior to Final Plat approval.

Attachment: Packet Docs (4752 : Mequon I, LLC/VH Mequon II, LLC)

B. Underground utility installations shall be made without any street pavement removal, unless otherwise specifically approved by the City Engineer.

C. A building permit may be issued for 3 principal structures prior to the Final Plat being approved and recorded. The building permit for the model home shall not be issued until the binder course is installed. The Developer agrees and understands that the transfer of title to any lot/residence in this development may not occur until after final certification by the City Engineer that the terms of this agreement have been complied with and the final subdivision plat is approved and recorded.

D. Subject to ¶5 above, the title to the sanitary sewer system, water main, streets and all other Improvements and the land on which they stand, unless located within a dedicated public easement, shall be dedicated and given in fee simple by the Developer to the City upon recording the Final Plat, as provided by State Statutes, and without recourse, and free and clear of all encumbrances and with access provided from a dedicated street, where necessary. Title to the fire protection and water supply facilities shall be given to the City of Mequon.

E. The Improvements shall be constructed in strict accordance with the requirements of the City and the City Engineer or his/her authorized representative, or as directed by said City Engineer; and shall be under and subject to constant inspection by the City Engineer or representative.

F. The Developer agrees that it shall be fully responsible for the Improvements for the Development and appurtenances thereto during the period of the construction of the Improvements, and until certification by the City Engineer, approval of the Improvements, and acceptance of dedication by the City, any damage as may occur to these facilities during this period shall be replaced or repaired by the Developer.

G. Excess topsoil shall only be removed from the subdivision Development by means of end-loading (no screening allowed on site) and trucking from the site. The Developer shall not disrupt topsoil where it is unnecessary, and the final arbiter of necessity shall be the City.

H. The covenants, conditions and restrictions recorded against the property described on Exhibit A shall prohibit future property owners from removing any berms, landscaping or amenities installed on this Development as a condition of landscaping, open space, grading or drainage plans, and from placement of landscape features, berms or plantings which disrupt flow of run-off in drainage ways or courses approved as a condition of the grading and drainage plans, without express written consent from the City Engineer and by action of the Planning Commission.

I. The Developer, its successors and assigns along with individual future lot owners are hereby notified that "impact" fees will be assessed by the City against the Developer and/or lot owners, pursuant to the requirements of Sections 58-138 et seq. of the Mequon Code of Ordinances, which payment is due prior to obtaining a building permit. The parties understand and acknowledge at this time that the City retains full right and authority to amend and modify its impact fee ordinance, the methodology by which impact fees are calculated or the numerical component values of the impact fee calculation in the future, such that the resultant impact fee amounts in effect from time to time may differ from the impact fee assessment which is currently in effect as of the date of this agreement, and that such modifications and amendments are not susceptible of determination at this time.

11. The Developer shall not be released or discharged from the obligations assumed under this agreement until final inspection and verification of all the Improvements has been made by the City Engineer in writing, and the Improvements have been approved and their dedication accepted by the City.

Attachment: Packet Docs (4752 : Mequon I, LLC/VH Mequon II, LLC)

12. The Developer hereby agrees that the costs and value of said improvements will become an integral value of the abutting lots and that no future lot assessment will be made on behalf of the Developer.

13. Provisions of this agreement which may specify design criteria for the construction of required improvements are subject to change by the City Engineer, upon written notice to Developer and based on changes in applicable codes or regulations, for the purpose of reflecting the most up-to-date design standards for required improvements. The design standards in effect at the preliminary approval shall apply to all improvements for a period of two years.

14. Developer shall indemnify, defend, and hold the City and its officers harmless from, penalties, fines, costs, or loss (including reasonable fees for attorneys, consultants, and experts) that arise as a result of the presence or suspected presence in or on the real property dedicated or conveyed to the City by, under, pursuant to, or in connection with the Subdivision Plat or this Agreement including, but not limited to street rights of way, of any toxic or hazardous substances arising from any activity occurring prior to the acceptance of dedication of all Improvements. Without limiting the generality of the foregoing, the indemnification by Developer shall include costs incurred in connection with any site investigation or any remedial, removal, or restoration work required by any local, state, or federal agencies because of the presence or suspected presence of toxic or hazardous substances on or under the real property, whether in the soil, groundwater, air or any other receptor. The City agrees that it will immediately notify Developer of the discovery of any contamination or of any facts or circumstances that reasonably indicate that such contamination may exist in or on the real property. The City also agrees that following notification to Developer that contamination may exist, the City shall make all reasonable accommodations to allow Developer to examine the real property and conduct such clean-up operations as may be required by appropriate local, state, or federal agencies to comply with applicable laws.

15. Execution of this agreement shall be accepted by the City as adequate provision for improvements within the meaning of Section 236.13(2) of the Wisconsin Statues.

16. This agreement shall be binding upon the heirs, successors, executors and assigns of the parties hereto.

17. If the final plat conforms substantially to the preliminary plat as approved, including any conditions of that approval and to local plans and ordinances adopted as authorized by law, it is entitled to approval. If the final plat is not submitted within 24 months of satisfaction of the last required condition of approval of the preliminary plat, any approving authority may refuse to approve the final plat. The final plat may, if permitted by the approving authority, constitute only that portion of the approved preliminary plat, which the Developer proposes to record at that time. The Preliminary Plat shall be deemed an expression of approval or conditional approval of the layout submitted as a guide to the preparation of the Final Plat which will be subject to further consideration by the Planning Commission at the time of its submission.

18. It is understood that this Development Agreement may need to be amended to cover changes to the standards regarding landscaping, stewardship plans, stormwater management, grading and/or other plans.

19. In accordance with section 58-635(3)(e), if the Developer fails to commence construction within two (2) years of development agreement approval, then the development agreement shall become null and void.

Attachment: Packet Docs (4752 : Mequon I, LLC/VH Mequon II, LLC)

CITY OF MEQUON

By_____
John Wirth, Mayor

By_____
Caroline Fochs, City Clerk

OWNER

VH Mequon II

By: _____

By: _____

STATE OF WISCONSIN)
)SS
OZAUKEE COUNTY)

Personally came before me, this _____ day of _____, 2020, the above named Mayor and City Clerk, to me known to be the persons who executed the foregoing instrument and acknowledged the same.

_____

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

STATE OF WISCONSIN)
)SS
WAUKESHA COUNTY)

Personally came before me, this _____ day of _____, 2020, the above named_____, to me known to be the person who executed the foregoing instrument and acknowledged the same.

_____

_____
Notary Public, Waukesha County, Wisconsin
My Commission (expires) (is)_____

Approved by: _____
City Attorney

Attachment: Packet Docs (4752 : Mequon I, LLC/VH Mequon II, LLC)

EXHIBIT A

DEVELOPMENT AGREEMENT

The Enclave at Mequon Preserve IV

DESCRIPTION OF AREA INCORPORATED IN THE SAID DEVELOPMENT:

Attachment: Packet Docs (4752 : Mequon I, LLC/VH Mequon II, LLC)

EXHIBIT B

CITY OF MEQUON

WISCONSIN
* * * * *

DEPARTMENT OF PUBLIC WORKS

ENGINEERING DIVISION

TERMS AND CONDITIONS INCORPORATED INTO DEVELOPMENT AGREEMENT BY AND BETWEEN THE CITY OF MEQUON AND THE ENCLAVE AT MEQUON PRESERVE IV

The proposed development plans granted concept approval and preliminary plat approval by the Planning Commission have been reviewed by the Engineering Division and this report is hereby submitted in accordance with the procedural requirements established by the Common Council.

Notwithstanding anything herein to the contrary, the parties acknowledge that the Developer intends to complete the improvements necessary to provide access prior to construction of principal structures, and other improvements may be constructed and obligations may be performed by Developer, as indicated below, by requiring its lot purchasers to so perform in the lot purchasers' contracts or declaration of restrictions.

The following public works improvements and conditions are necessary:

1. Sanitary Sewer System

    a. Installation of a sanitary sewer system designed to meet the ultimate needs of this development, in accordance with the City's sanitary sewer system plan. Installation of one sewer lateral from the sanitary sewer main to the limits of the sanitary sewer utility easement or, road right-of-way.

    b. Sanitary sewer plans/profile shall conform to the City's Standard Specifications for Land Development, Standard Specifications for Sewer and Water Construction in Wisconsin and additional requirements of the Milwaukee Metropolitan Sewerage District (MMSD) shall apply.

    c. The City shall approve all sanitary sewer lateral locations.

    d. Connection to the existing sanitary sewer shall be done in accordance with the City's specifications.

    e. The lateral locations shall not deviate from the approved plan unless approved by the City.

    f. The public mainline shall meet the City's master plan for the area, in terms of depth and size, and be extended to the adjacent properties.

2. Water Supply System

    a. Installation of a water supply and distribution system for the proposed Development with mains, hydrants, valves and laterals for each lot. The plans, specifications and installation shall be in accordance with the City Standard Specifications for Land Development, latest edition.

    b. The City shall review and approve all water main plans to be installed in a City road right-of-way or easement.

Attachment: Packet Docs (4752 : Mequon I, LLC/VH Mequon II, LLC)

c. Connection to the City of Mequon water system shall be in accordance with the City of Mequon Standard Specifications for Land Development, latest edition and be subject to a Water Services Agreement.

d. The City will determine the lateral locations to avoid removal of any specimen trees; the City shall approve all lateral locations.

e. The public mainline shall meet the City's master plan for the area, in terms of depth and size, and be extended to the adjacent properties.

f. Easements shall be provided to adjacent single family lots for access for potential future connection.

g. The mainline water main shall meet Water Utility standards for ISO recommended fire flows of 2500 gpm, which may require 12" pipe for the dead end main.

h. Dead end mains must be terminated with a public hydrant and phasing plans and construction to be approved through a Water Services Agreement.

3. Fire Protection Water Supply

a. The water for fire protection will be supplied to the Development water system through the City of Mequon Water System.

b. All fire hydrant locations shall be approved by the City's Fire Chief.

4. Grading and Drainage Plan

a. The Developer shall submit a master site grading plan. The master grading plan shall indicate which lots are designed for the following: full exposure, partial exposure, and lots that are limited to front load entry garage only. The Developer shall grade the site in conformance with the approved grading and drainage plan. The future owners/builders who construct the principal building shall be responsible for siting the principal building, rough and fine grading the building pad to comply with the master grading plan.

b. The Master Grading/Drainage/Storm Sewer and Erosion Control Plans shall comply with the requirements of the City's Standard Specifications for Land Development, latest edition.

c. Grading and drainage plan showing 2' contours for both existing and proposed grades, City approved building pad grades, culverts or storm sewers. Cross-section and profiles of all drainage ways and erosion protection as required, must be indicated on the plans and detailed.

d. Site grading plan showing only minimum setback and offset dimensions, and City approved building grades.

e. Erosion Control Plan for land disturbing activities showing existing contours at least 200' into adjacent parcels. This plan will show location and dimension of all construction site management measures to control erosion and sedimentation.

f. Rough grade as necessary to establish lot grades in accordance with future building grades, top-soiling, seeding and mulching as required, to all exposed ground surfaces to prevent erosion.

g. The grading plan shall include minimum elevations for proposed top of principal building foundation wall based on proposed building envelopes shown on the approved specimen tree plan and City approved finished yard grades. Lots intended for partial or full exposure shall be identified on the grading plan.

Attachment: Packet Docs (4752 : Mequon I, LLC/VH Mequon II, LLC)

h. Grading and filling shall be kept to a minimum, including in individual building envelopes.

i. The Developer is responsible for top-soiling, seeding and mulching, as required to all exposed ground surfaces to prevent erosion, including disturbance by utility contractors.

j. Wetland fill requires the approval of the WNDR.

5. Storm Drainage System

a. Drainage System Plan showing all tributary areas to the proposed subdivision drainage system and downstream analysis. Included on the system plan should be all proposed and existing drainage structures in the drainage system area.

b. Drainage easements must be shown by dimension and detailed cross-section.

c. Installation and construction of a complete storm drainage system, including culverts, storm sewer, and open ditches as required to adequately drain the surface water from and through the Development. Erosion protection and minimum velocity design shall be provided for in the storm drainage system design. All areas adjacent to existing and proposed roadways shall be restored to conform with the approved roadway cross-section.

d. The storm water facilities shall be installed before the impervious surface.

e. Additional considerations will be required on all ditch slopes exceeding five percent (5%). All roadside ditches or drainage easements shall have a minimum one percent (1%) slope. Areas less than one percent (1%) will require further analysis.

f. The Development will be required to provide on-site stormwater detention and demonstrate to the City Engineer that the Development shall comply with the City's stormwater ordinance and MMSD Chapter 13 rules and regulations.

g. The Developer shall submit hydrologic calculations for the 2, 10 and 100 year development conditions.

h. The Developer shall provide hydraulic calculations showing pond discharge rates under proposed conditions. Under proposed conditions, the stormwater management must demonstrate that the 2, 10 and 100 year discharge rate will be less than pre-settlement conditions.

i. All sump pump discharge pipes shall discharge to a roadside ditch, storm sewer or other location approved by the City. For roadways with an urban section a sump pump collection system shall be required in accordance with the City’s Standard Specifications for Land development, latest edition.

j. Submittal, at the time of architectural review and approval, of a sump pump discharge and roof drainage plan in accordance with Storm Water Management Plan approved by the City Engineer.

k. If the storm sewer design includes underground piping, a set of utility plans showing all plan and profile views of sanitary water and storm sewer shall be used and kept current during all phases of construction.

l. Stormwater Best Management Practices Maintenance Agreement:

Attachment: Packet Docs (4752 : Mequon I, LLC/VH Mequon II, LLC)

The Developer shall design and construct storm water facilities, including detention and/or retention pond(s), in accordance with the approved storm water drainage plan such that they are adequate to accommodate expected surface water flow within and through the Development, in accordance with applicable City ordinances, Chapter 13 of the Milwaukee Metropolitan Sewerage District rules, and the regulations of WDNR, as may be applicable. Thereafter, it shall be the responsibility of the Developer and/or its successors and assigns, as provided below, that such storm water facilities shall be maintained to meet or exceed the standards to which they were constructed, such that in the future, they continue to accommodate the maximum potential volumes of flow through and within the development, and meet applicable performance standards for storage and release.

Accordingly, the following requirements are applicable to this Development and conditions of approval of the preliminary plat and the development agreement, pertaining to detention basin/pond maintenance.

i. All stormwater drainage and storage facilities, including detention basin(s)/pond(s), shall be maintained and cared for by the Developer and subsequently, at such time as the Developer passes control of the stormwater elements of the Development and responsibility for maintenance thereof to the Homeowners Association they shall be maintained in accordance with this Section 5.g.

ii. In order that the perpetual care and maintenance of all stormwater drainage and storage facilities shall be provided for, the Developer shall create or cause to be created an entity (the Homeowners Association) with a perpetual existence under the laws of the State of Wisconsin for the express purpose, *inter alia*, of assuming all responsibility in connection with the perpetual maintenance of the stormwater facilities. Developer shall provide by contract, declaration of covenants, deed provision, or otherwise that all lot owners in the development, including Developer, shall be members of the Association solely by virtue of being a lot owner, and shall be jointly responsible for its obligations, which obligations shall be assessable as against such members. If, as contemplated by the parties, any portions of the Development in or on which is located stormwater drainage and storage facilities, including detention basin(s)/pond(s), shall be conveyed to other assigns and/or successors in interest, then Developer shall provide by contract, declaration of covenants, deed provision, or otherwise that such other assigns and/or successors in interest shall assume all responsibility in connection with the perpetual maintenance of those stormwater facilities. The Developer shall have no further responsibility for such maintenance, only after arms length sale of the lots by the Developer, conveyance of outlots and/or common areas to the Homeowners Association or other good faith grantees, and acceptance of dedication of the Improvements by the City.

iii. The following minimum standards for future care and maintenance of the stormwater drainage and storage facilities, including detention basin(s)/pond(s), shall be adhered to by Developer and Developer's assigns and successors in interest:

A. Provide normal and customary cleaning and maintenance to the detention basin(s), and pond(s) located in this Development including, but not be limited to, weed and algae control, dam stabilization, emergency overflow, outlet structure (including trash rack), dredging and biological control.

B. As necessary, dredging of the storm water facilities shall require permits and approvals under Section 30.20 Wisconsin Statutes, to remove materials from the bed of a pond ultimately connected to a navigable waterway from the Wisconsin Department of Natural Resources (WDNR).

C. Make chemical treatments as necessary, in keeping with the regulatory requirement(s) that the application of EPA/State Registered Chemicals to

Attachment: Packet Docs (4752 : Mequon I, LLC/VH Mequon II, LLC)

detention basins/ponds or lakes is regulated by the WDNR. With few exceptions, a permit must be filed with, and approved by the WDNR, prior to chemical treatment. In certain circumstances, a representative of the WDNR will monitor or supervise the chemical treatment. Contact the WDNR for additional information.

D. The detention basin(s)/pond(s) shall be certified by a licensed professional engineer or land surveyor as a condition of Final Plat approval. To assure compliance with the approved plans, the Developer shall be responsible to recertify the detention basin(s)/pond(s) as a condition of transferring ownership to the Homeowners Association, but in no event shall such recertification occur later than two years after the approval of the Final Plat.

E. The detention basin(s), pond(s) certification shall be submitted with an as-built record drawing.

F. The detention basin(s)/pond(s) shall be inspected in compliance with the Inspection Report Form supplied by the City. Any deficiencies shall be corrected immediately. A copy of the report form, including but not limited to photographs or diagrams of the deficiency and corrections with the certification shall be provided to the Homeowners Association, and any other assigns and successors in interest of Developer, and shall be promptly submitted to the City Engineer for review and approval. Specific areas shall include, but not be limited to:

- Bio-retention facility
- Pond containment berms are stable and free of animal burrowings
- Detention storage volume
- Erosion
- Vegetative cover
- Sediment accumulation
- Trash rack/culvert functions
- Outlet flow
- High water level
- Water surface elevation at time of survey
- Normal pond water level
- Emergency overflow

iv. To guarantee performance of all of the foregoing obligations concerning the private stormwater drainage and storage facilities, including detention basin(s)/pond(s), the developer shall, in accordance with City ordinance 58-677(b), 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).

v. Not less than ninety days prior to the final expiration of the Developer's LOC obligations, or at such time as the Developer shall convey the outlot(s) or common area(a) in or on which are located the stormwater drainage and storage facilities, including detention basin(s)/pond(s), to the Subdivision Association or other assigns or successors in interest, whichever is later, the Developer shall have the detention basin(s)/pond(s) recertified in accordance with d. and e. above.

Attachment: Packet Docs (4752 : Mequon I, LLC/VH Mequon II, LLC)

vi. At any time in the future, if, in the opinion of the City, either the Developer (in keeping with the limitations upon its responsibility as expressed herein), the Subdivision Association, or any other assigns or successors in interest, shall fail to maintain the stormwater drainage and storage facilities, including detention basin(s)/pond(s), the City, at its option, may give the Developer, the Subdivision Homeowners Association or other assigns or successors in interest, as may be interested, written notice requiring any or all of them within thirty (30) days thereafter, to cure the failure and to maintain and to provide the required care. If the notified party fails to comply with the demands of the notice, the City shall have the right , but not the obligation, to perform the work necessary to correct the deficiency, and to charge the cost thereof, including administrative charges, to the Developer, and/or to the Subdivision Homeowners Association, and/or other assigns and successors in interest, by drawing upon the LOC, and/or by imposing such charge as a special charge for services pursuant to §66.0627, Wisconsin Statutes, and if not promptly paid by the party to whom the charges were invoiced, as a lien and special tax on the property(ies).

vii. The City Engineer has the authority to stop work, amend, or alter remediation measures to the detention basin/ponds. Failure to comply will result in the issuance of a municipal citation by a forfeiture as prescribed by law, or may be addressed in an action for injunction, mandatory injunction, or any combination of remedies. Each day a violation exists shall constitute a separate offense.

viii. Upon 75% (or fewer) of the lots within this Development being sold, a Homeowners Association shall be created.

ix. This agreement and all of its covenants are and shall be covenants running with the land, and shall encumber the Development, and shall be binding on the heirs, personal representatives, successors and assigns of the parties hereto. This agreement shall be recorded with the Ozaukee County Register of Deeds office. The Development covenants and restrictions shall include this language and not by reference.

6. Erosion and Run-off Control

a. Installation and construction of improvements in the proposed Development shall be done in conformance with the City in cooperation with the Ozaukee County Land Conservation Guidelines (SCS) and Department of Natural Resources "Wisconsin Construction Site Best Management Practice Handbook," latest edition, requirements, with respect to erosion and sedimentation control. Temporary stormwater quality measures during construction activities shall include, as a minimum, the installation of silt fence and temporary sediment basins.

b. The Developer shall install the drainage system, including roads (unpaved, but with gravel surface), first. The swale and ditches shall be sodded or planted with fast growing grasses immediately after grade certification by the City or designated agent. The City may request temporary mulching if ground is exposed for more than 7 days. Straw, hay bales, check dams or silt fences shall be placed in the drainage system as sediment traps in accordance with established Best Management practices. The City will decide what situation is appropriate for sod and will determine the sediment trap method to be used.

c. The Developer may not commence land disturbing activities until all erosion control measures are installed and approved by the City. An erosion control permit must be approved which requires the Developer to construct in conformance with the City's erosion control ordinance.

d. Excavated soil shall not be allowed to be piled near the drainage system. A topsoil stockpile area shall be identified and used, complete with appropriate erosion control measures.

Attachment: Packet Docs (4752 : Mequon I, LLC/VH Mequon II, LLC)

e. The surface of exposed bare soils shall be protected by mulches or by temporary annual grasses, or erosion matting.

f. The Developer will periodically inspect and maintain any measures utilized above. All erosion control devices shall be inspected after each rain event.

7. Streets

a. The road design standards shall be subject to the review and approval by the City Engineer and Fire Chief. The roads, whether public of private, shall be constructed in compliance with the City Standard Specifications for Land Development, latest edition, unless otherwise approved by the City.

b. Private access roads/driveways shall be approved by the City Engineer and Fire Chief.

c. Construction of a twelve (12) inch road base consisting of twelve (12) inches of one and one-quarter inch (1 1/4") crushed stone base course for all new streets. The initial surface shall consist of three inches (2.5") of bituminous binder course. The roads shall be constructed to the City's typical cross-section and in accordance with the City's standard specifications for land development.

d. In developments with sanitary sewer the final one and one-half inch (1 ½") asphalt surface course shall be applied following the construction of the binder course.

e. All cross connections are required to be constructed in each phase, with a temporary turnaround constructed until the adjacent property develops. The developer or Homeowner's Association shall remove and restore the temporary turnaround at the time the connection is constructed.

f. The roadside sidewalk shall be installed at the time of roadway construction, prior to final plat and shall be maintained by the homeowner or homeowners association. This maintenance will include snow and ice removal.

g. The Developer shall provide to the City a performance bond, Letter of Credit or Cash Bond, in a form approved by the City Attorney subject to prior review and approval by the City, to provide security for compensation to the City for wear and tear and accelerated deterioration of City streets as a result of infrastructure improvement associated with the hauling of stone and asphalt attributable to the approved Development.

Prior to commencement of any construction activity, the Developer shall establish with the City a performance bond, Letter of Credit or Cash Bond, in a form approved by the City Attorney, for road damage, in the amount equal to $1,000 per residential lot in the proposed Development. Should the proposed development be approved as a phased Development, the performance bond and evaluation process shall be established prior to commencement of each phase of Development. Prior to the commencement of any construction activity, the following provisions shall be complied with:

i. The Developer shall meet with City Engineering and Public Works staff to identify and agree to a specific "haul" route for all construction equipment and material supplies associated with the Development. The Developer shall agree to confine the movement of its construction equipment to the approved route unless approved otherwise by the City Engineer or Public Works Director.

ii. Prior to commencement of construction, the City shall videotape and perform a road evaluation of the agreed to haul route. This evaluation, known as a service condition rating or SCR, shall be used as the base line for establishing the level of damage that occurs as a result of the Development.

Attachment: Packet Docs (4752 : Mequon I, LLC/VH Mequon II, LLC)

iii. At the conclusion of the construction activity and prior to the recording of the final plat, the City will again videotape and perform a post development SCR of the Developer's "haul" route.

iv. Prior to the City acceptance of the Improvements, the Developer will repair the road or pay to the City for the Dollar amount for the estimated repairs.

The road account and road evaluation is only applicable to that portion of the approved haul route that lies within the corporate limits of the City.

h. Should the money in the account be inadequate to defray the cost of surfacing to include inspection, shouldering, road failures, base repairs and defects and utility adjustments, the Developer shall make up any shortage of funds.

8. Landscaping and Open Spaces

a. A street tree plan shall be subject to the review and approval of the Tree Board and Planning Commission. The species and installation of street trees shall conform to the street tree ordinance.

b. Landscape plans for the open space, public street cul-de-sac, and detention pond buffering shall be designed by a licensed landscape architect and shall be reviewed and approved by City staff. The City may have a licensed landscape architect review the submitted landscape plans. All amenities located in this phase of the development shall be constructed prior to Final Plat approval.

c. Signage and entryway landscape plans shall be reviewed and approved by City staff.

d. A letter of credit issued by a local bank on the US Chamber of Commerce model form or reasonable equivalent, and subject to prior review and approval by the City Attorney, equal to 25% of the landscape and street trees contract cost to insure that all private open space landscaping that dies within three (3) years of installation will be replaced by the Developer.

e. A performance bond equal to 25 percent of the installation costs of the street trees is required to ensure that all street trees that die within the first 14 months will be replaced by the developer.

f. Any required pedestrian paths shall be installed and shall be maintained by the developer or home owners association. Pedestrian and bike path plans shall address the public use of the paths and maintenance and shall be subject to the review and approval of the City Engineering Department. A ten (10) foot wide pedestrian and bike path easement shall provide for public access. An eight (8) foot wide path shall be designed and constructed in accordance with the Department of Transportation (DOT) Bike Path Facilities Handbook.

9. Miscellaneous

a. The Developer shall be responsible for maintaining and repairing all damage done to City streets as a result of excessive hauling operations and Development construction pursuant to section 7(f) above.

b. The Developer shall be responsible for the material and installation of street name signs and regulatory/public safety signs (speed limit, stop sign, etc).

c. All construction shall conform to the “Standard and Specifications for Development Construction in the City of Mequon,” latest edition.

Attachment: Packet Docs (4752 : Mequon I, LLC/VH Mequon II, LLC)

d. Wetland Boundaries shall be identified and marked in the field and verified by the Wisconsin Department of Natural Resources. The wetlands and setbacks shall be identified on the plat. Wetland boundary markers shall be maintained and setbacks observed during all phases of land disturbance and construction.

e. The City Engineer may make changes to the approved plans and specifications for any of the improvements covered under this agreement which are necessary to correct oversights, omissions, and errors to compensate for changing site conditions, or to complete fully the work in accordance with sound engineering practice. The Developer shall perform the work as changed entirely at its expense without any claim for reimbursement.

f. Submittal and Planning Commission approval of the maintenance agreement and street tree landscape plan, if applicable.

g. Submittal of underground utility easements.

h. All sanitary, drainage, water and other utility easements must be shown on the plat. All sanitary, water and drainage easements must be prepared separately for each lot or parcel and recorded at the Developer's expense. These documents shall be required at the time of final plat approval and approved by the City.

i. Submittal of proposed driveway culvert size plan where applicable.

j. Developer shall be responsible for the cost of installation of one WE-Energies standard street light mounted on a wooden pole, or may provide upgraded street light and mounting, as shall be approved by the City, at the main entrance to the Development. The City Public Works Department shall arrange for the installation permit and coordinate the installation. Developer shall pay for labor and materials within 30 days after being invoiced. After acceptance of dedication of the Improvements by the City, the City shall assume responsibility for the monthly energy costs and future maintenance for the street light.

k. The developer shall be responsible for all costs associated with the access improvements at the intersection with Wauwatosa Road (STH181). These roadway improvements are subject to review and approval by WisDOT.

10. Special Provisions

a. The development process shall strictly conform to the conditions of approval of the Preliminary Plat and other approvals, and as set forth in the Development Agreement. Request for final plat approval is subject to Engineering Department certification that all improvements required to be installed have been completed and approved, and as to the Improvements, approval and acceptance of their dedication by the City.

The remainder of this page is intentionally left blank.

Attachment: Packet Docs (4752 : Mequon I, LLC/VH Mequon II, LLC)

EXHIBIT C

CITY OF MEQUON
WISCONSIN
*** * * * ***

ENGINEERING DEPARTMENT
DEVELOPMENT AGREEMENT

The Enclave at Mequon Preserve IV

As a condition of final plat approval, the Developer, in accordance with the requirements of Section 58-640 of the Mequon Code of Ordinances will make payment in full of the following sewer connection charge: $5,200 (26 lots @ $200 per lot). This charge will only be applied if the Development is required to install a public sanitary sewerage system.

In addition, the Developer shall provide a lot pipe guarantee. The Developer shall provide a financial guarantee in the amount of $2,600, which is equivalent to $100 per lot. The financial guarantee is subject to release upon receipt by the City of a lot pipe certification stamped and signed by a professional land surveyor, registered in the State of Wisconsin.

Attachment: Packet Docs (4752 : Mequon I, LLC/VH Mequon II, LLC)

prefers that it is moved in from the property line to add some landscaping to soften the look to the neighboring properties.

The applicant, Steve Stys; owner of Quality Auto Body, stated that he is requesting the fence to provide screening from the neighboring properties. He has the support of the neighbor to place the fence on the property line and he has an agreement with the neighbors to provide landscaping even if it is located on their property. He explained that the lot line is so small and so close to the building that if he places a fence 10-feet off the property line he will not have space to park cars. He stated that he cannot afford to losing any parking stalls as he is already at capacity. He stated that aesthetically and for security purposes he would like a 6-foot fence for the entire property as proposed.

Asst. Dir. Zader answered the Commission that documentation from the neighbor is required and a landscaping plan is required.

The Commission prefers the 10-foot setback be imposed where applicable but acknowledge that this is a unique property in that it is very small and oddly shaped. The Commission appreciates the applicant making improvements to this site.

Action
Ald. Strzelczyk made a motion to approve a 6-foot fence for the entire property within a 5-foot setback from the property line and the landscaping plan shall be approved by staff.
Commissioner Parrish seconded the motion.
A voice vote was taken; vote passed (8-0).

RESULT:	**APPROVED WITH CONDITIONS [8 TO 0]**
MOVER:	Robert Strzelczyk, Alderman/Vice Chair
SECONDER:	Brian Parrish, Commissioner
AYES:	Wirth, Strzelczyk, Baka, Lemke, Parrish, R. Schaefer, J. Schaefer, Stoker
ABSENT:	Choren

e) Mequon 1, LLC/VH Mequon II, LLC. The applicant is seeking rezoning recommendation approval to allow for an 82-lot single-family subdivision for the property located at 10565 N. Wauwatosa Road and lands to the west.

Asst. Dir. Zader stated that this has been in front of the Commission several times over the years and has changed depending on the applicant. He showed a few maps to demonstrate where the proposal is today. Veridian Homes now has ownership of all three parcels and the PUD will only include the three parcels and will remove the 12 acres to the south. The overall number of units for the project has dropped to 82. 68 of such lots are based on the 1-acre yield and as part of the purchase from North Shore Bank, the applicant has also purchased TDR credits. The applicant is using 14 of the 16 TDR credits on this site. There will be connections to Tree Sparrow Court on the north, a connection across from Hidden Creek on Wauwatosa Road as well as a future connection to the south and to the west for a future development.

Asst. Dir. Zader stated the yield plan is similar to what has been previously approved. The

Attachment: Packet Docs (4752 : Mequon I, LLC/VH Mequon II, LLC)

biggest change is the modification to the road which turns slightly to the north due to the preservation of a specimen tree. A few trail connections have been added per staff request. There is an issue regarding the mailboxes and whether they can be broken up into a few areas instead of one clustered mail location. Engineering would like some traffic calming features to be added. Overall staff is supportive of the plans and recommends approval.

The applicant, Matt Cudney from Veridian Homes, stated that he agrees with most of the staff report conditions except for items #10 and #13. The applicant is requesting a 10-foot minimum width for the outlot for the paths and they will provide maintenance easements on the individual lots. To be consistent with the existing Enclave neighborhood the applicant is requesting the minimum dwelling sizes on a ranch home be 1900 square feet and 2100 square feet for a multi-story home.

Staff supports the changes requested by the applicant.

The Mayor stated that he is pleased that the applicant is using the TDR credits and would like them to be used more extensively. He believes it permanently preserves land that would not be otherwise preserved without charging taxpayers for it. It allows for the rural character of these areas in the city to be maintained while adding new residential development.

Action
Commissioner Stoker made a motion to approve per staff recommendations with the change to item #10 to allow for a 10-foot wide easement and a change to #13 to allow for 1900 sq. ft. for a ranch homes and 2100 sq. ft. for multi-story homes.
Ald. Strzelczyk seconded the motion.
A voice vote was taken; vote passed (8-0).

RESULT:	**APPROVED WITH CONDITIONS [8 TO 0]**
MOVER:	John Stoker, Commissioner
SECONDER:	Robert Strzelczyk, Alderman/Vice Chair
AYES:	Wirth, Strzelczyk, Baka, Lemke, Parrish, R. Schaefer, J. Schaefer, Stoker
ABSENT:	Choren

5) Policy

a) Text Amendment to Chapter 58 of the Municipal Code as it resale shops.

Asst. Dir. Zader stated that a 3-prong approach was taken regarding the resale shops text amendment: additions to the definitions, conditional uses added, and licensing requirements added. He talked through some of the details of these changes (which are included in the board packet staff report).

He stated that the text amendment will allow E-Collectique to seek a conditional use in the B-2 district, but Ivana's Trunk will not be able to seek a conditional use in the B-4 district and will need to relocate elsewhere in the city.

Attachment: Packet Docs (4752 : Mequon I, LLC/VH Mequon II, LLC)

church. MATC is down the street and is a much more appropriate location. He said that the Chapel Hill neighborhood is a hidden gem in the city and he is very frustrated by this item being before the PC.

Commissioner Jim Schaefer stated that he agrees with Ald. Strzelczyk; he does not like that this feels like it is shoved down his throat. He also plans to vote no.

Commissioner Rebecca Schaefer stated that she also dislikes the statue. She would like to vote no based on principal but she wants to understand what the repercussions are because she feels uncomfortable putting the city at any risk of a lawsuit.

Asst. Dir. Zader explained that this would go to the Board of Appeals and the applicant would appeal the error of the decision making and the Board of Appeals would most likely overturn the decision. The City Attorney does attend the Board of Appeals meetings and he would most likely provide legal advise them regarding the statue.

Mayor Abendroth stated that the problem with not approving this item is that then there is not control to determine the building and landscaping approvals. He asked if an access road off Highland Road need to be approved.

Dir. of Public Works/City Engineer, Kristen Lundeen, stated that the city is not able to deny the access request.

Commissioner Lemke made a motion to table this item until the letter from the City Attorney is available to be reviewed by the PC.
Ald. Strzelczyk seconded the motion
Roll call was taken, motion passed (7-1, No vote: Stoker)

RESULT:	**TABLED [7 TO 1]**
MOVER:	Rick Lemke, Commissioner
SECONDER:	Robert Strzelczyk, Alderman
AYES:	Abendroth, Strzelczyk, Choren, Parrish, Schaefer, Schaefer, Lemke
NAYS:	Stoker
ABSENT:	Mason
EXCUSED:	Adams, Hawley

c) Preliminary Plat and Development Agreement. The applicant, North Shore Bank for Mequon Preserve Estates, is seeking preliminary plat and development agreement approval for a 77-lot subdivision located at the lands south of 10631 W. Wauwatosa Road.

Asst. Dir. Zader stated that this item is back for preliminary plat approval for the TDR site that was approved previously. When this was originally approved the access point was located to the north. Veridian Homes had a contract on the entire parcel including a 5-acre piece along Wauwatosa Road that provided access at the Hidden Creek intersection. Both staff and the DOT feel is a preferably location. Negotiations between the owner of the land and Veridian ended but Veridian did retain ownership of the 5-acre parcel.

Attachment: Packet Docs (4752 : Mequon I, LLC/VH Mequon II, LLC)

The first step is to approve the preliminary plat and the development agreement for this project and then to approve the development agreement for item #7's project. The agreement states that whichever party develops first would have to install this road network and any improvements that the DOT would require on Wauwatosa Road. This helps to alleviate an issue with trying to provide a temporary access road there until the property is developed. The city feels that this is a good compromise to get the location in a desired spot.

The preliminary plat is similar to the previously approved plat but there are a few minor tweaks that are noted in the staff report. The plat shows 77 lots using 16 of the 22 TDR available credits. There is a land swap with the McDonald property that will take place.

The development agreement does allow for the 2 model homes to be built for Phase I once the roadway is installed. There are connections to the south that may connect to a future separate development. Staff does recommend approval but both items would need to be approved to move forward.

The applicant, John Kuhn and David Kane from North Shore Bank and David Koch from Pinnacle Engineering were present.

Mayor Abendroth asked the applicant if they had any objections to the 29 conditions in the staff report.

Mr. Kuhn answered they did not have any objections at this time.

Ald, Strzleczyk made a motion to approve the item subject to staff recommendations. Commissioner Stoker seconded the motion.
A voice vote was taken; vote passed (8-0)

RESULT:	**APPROVED WITH CONDITIONS [UNANIMOUS]**
MOVER:	Robert Strzelczyk, Alderman
SECONDER:	John Stoker, Alternate
AYES:	Abendroth, Strzelczyk, Choren, Parrish, Stoker, Schaefer, Schaefer, Lemke
ABSENT:	Mason
EXCUSED:	Adams, Hawley

d) Final Plat and Development Agreement Amendment. The applicant, Veridian Homes for Lucht Property, is seeking final plat and development agreement amendment approval for a 5-lot subdivision located at 10565 N. Wauwatosa Road.

Asst. Dir. Zader stated that the applicant will dedicate the right of way to the city. In order to accommodate the developer, the development agreement has to be modified to allow the final plat to occur without any improvements. There is a condition that building permits will not be issued until the roadway is complete. The right of way is needed to allow for the preliminary plat to go forward and be approved. There are a few minor changes in the report with regard to the naming of the road and the easement. This is a temporary easement that

Attachment: Packet Docs (4752 : Mequon I, LLC/VH Mequon II, LLC)

City of Mequon

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: **BRIDGET HENK, ASSISTANT CITY ENGINEER**

DATE: **January 13, 2020**

SUBJECT: **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.**

Applicant:	John Graham
Status of Applicant:	Agent
Requested:	Development Agreement Amendment
Existing Use:	Vacant
Existing Zoning:	R-1 (5 Acre Residential) OA (Agricultural Overlay)
Existing Land Use Plan:	Residential 5 Acre
Lot size:	35.81 acres
Location:	Northwest corner of Farmdale and Mequon Roads
Tax Key:	#14-020-12-000.00
District:	#3

Background:
The applicant is requesting a development agreement amendment for a 6-lot subdivision development on 36.99 acres of land located at the northwest corner of Farmdale and Mequon Roads. The plan proposes lots ranging from 5.1 acres to 6.1 acres in size served by a private road. The Common Council approved the Development Agreement on June 11, 2019. The proposed amendment would allow the applicant to construct a single-family dwelling prior to the installation of the asphalt base course as well as allow Final Plat approval prior to completion of all improvements.

Development Agreement:
The development agreement approved on June 11, 2019 included all the conditions that are typically found in single family subdivision development. The applicant is requesting a deviation to the timing of the construction of a model home. Staff has also revised portions of the development agreement that are not applicable to this specific development and should have been addressed with the original development agreement. Planning and Engineering staff has worked with the developer to amend the agreement that will provide the flexibility that the developer feels is necessary to complete the project while protecting the interests of the city.

The most significant change to the agreement would allow the developer to start construction on one single-family dwellings prior to the binder course being installed. The applicant states that based on the wet fall season and the desire for occupancy of the unit by the fourth quarter of 2020, construction on the home must commence prior to spring, when the binder course will be paved. City staff is supportive of one unit being built prior to final plat and the installation of the asphalt binder course, which is consistent with the recommended policy language. The revised

development agreement indicates that the single-family lot shall be either lot 1 or lot 6 which are the closest to a paved roadway. Requiring that the construction of the model home be restricted to the lots closest in proximity to the main access point is consistent with the recommended policy language. The developer has indicated that they prefer to choose any of the 6 lots for the single-family dwelling.

The applicant also requested that the acceleration and deceleration lanes be removed from the development. The applicant made this same request at the June 10, 2019 Planning Commission meeting but the Commission included the lanes as part of the conditions of approval. Consideration of a waiver for the acceleration and deceleration lanes can be discussed again at the commission level. There has been a change in the charter ordinances that addresses the re-considerations; however, the ordiance change is not effective until February 19, 2020.

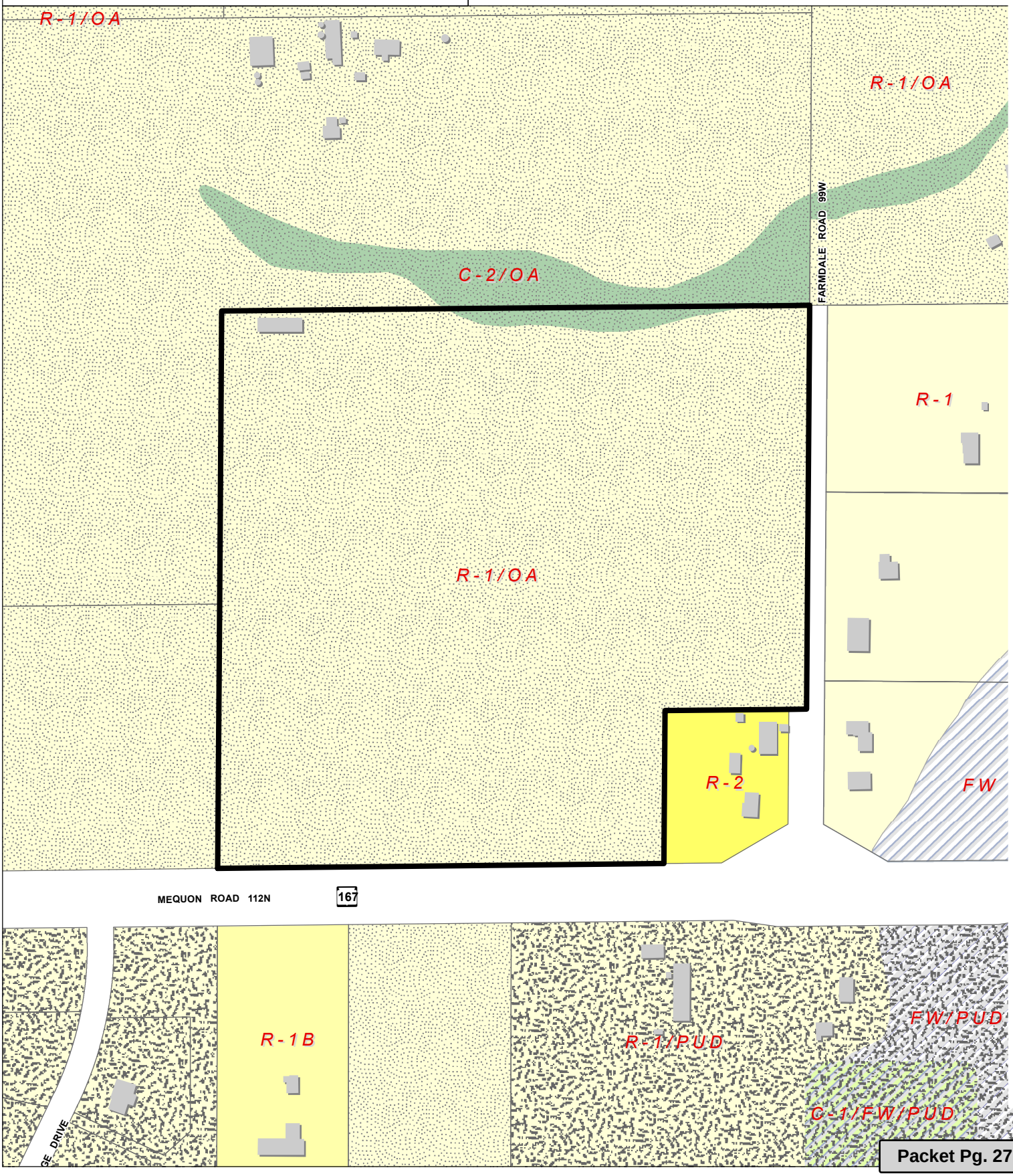
Staff Recommendation:
Staff recommends **approval** of the development agreement amendment subject to the following condition(s):

1. Common Council approval of the Development Agreement Amendment.
2. The applicant shall be allowed one single family home permit prior to the installation of binder course. The single-family home permit shall be restricted to either lot 1 or lot 6.

Attachments:
Packet Docs (PDF)

Farmdale Estates

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 (4754 : Farmdale Estates)

Advisors LLC
Innovative Real Estate Solutions

tel 262 938 4405
www.AdvisorsRE.com

11501 N Port Washington Rd,
Suite 222,
Mequon, WI 53092

Serving Wisconsin, Illinois, Iowa, Minnesota, Florida, Texas and Arizona

December 6,2019

Plan Commissioners,

Please find attached our request to be heard at the January 13,2020 Plan Commission meeting. We are requesting to amend our Development Agreement Dated October 11, 2019 for the property at the NW corner of Mequon Road and Farmdale Road known as Farmdale Estates.

We are requesting to modify the Development Agreement as follows: Development Agreement, Paragraph 9-C, allows for the issuance of a building permit for one dwelling unit subject to installation of the binder course of pavement. We are requesting an amendment allowing one building permit subject to access for emergency and inspection vehicles accessible on a graded and gravel base prepared for paving in the spring. This request is based on a very wet fall and the Developer/Builder has buyers desiring occupancy in the 4th quarter of 2020. Average new home construction period is 9 to 12 months.

Secondly, we request the elimination of the southbound deceleration lane. Farmdale Road runs for 2 miles between West Highland Road on the North to Mequon Road on the South with a stop sign at Freistadt Road. The private road that serves Farmdale Estates enters Farmdale Road about 150 yards North of Mequon Road. Traffic is decelerating before crossing the access point of the private road and Farmdale.

Third, all developers are urged to minimize non impervious surfaces and adding a deceleration lane at the point of the private road access is contrary to that goal.

Finally, according to the DOT traffic statistics the traffic count between Freistadt Road and Mequon Road is 1,300 vehicles per day, approximately 54 cars per hour, 27 to the South and 27 to the North. Farmdale Estate residents may add a total traffic load of 10 to 15 trips in each direction per day.

We look forward to presenting this case to the Plan Commission on January 13th, 2020.

Thank you for your consideration.

Farmdale Estates LLC

John O. Graham, Agent

John O. Graham, Principal
J G Ventures LLC
Advisors LLC

Attachment: Packet Docs (4754 : Farmdale Estates)

Farmdale Estates

Amendment to the Development Agreement dated and signed on October 10, 2019

9.C. Previously Approved

A building permit may be issued for 1 principal structures prior to the Final Plat being approved and recorded. The building permit for the model home shall not be issued until the binder course is installed. The Developer agrees and understands that the transfer of title to any lot/residence in this development may not occur until after final certification by the City Engineer that the terms of this agreement have been complied with and the final subdivision plat is approved and recorded.

Proposed Amendment

A building permit may be issued for 1 principal structure on either lot 1 or lot 6 prior to the Final Plat being approved and recorded. The building permit for the model shall not be issued until stone base is installed. The stone base shall allow, in the City's sole discretion, access for inspections and emergency personnel. Inspections may be canceled if access is not provided to inspections staff. The Developer agrees and understands that the transfer of title to any lot**/**residence in this development may not occur until after final certification by the City Engineer that the terms of this agreement have been complied with and the final subdivision plat is approved and recorded.

Exhibit B

5.l.viii. Previously Approved

Upon 75% (or fewer) of the condominiums within this Development being sold, a Homeowners Association shall be created.

Proposed Amendment

Upon 75% (or fewer) of the lots within this Development being sold, a Homeowners Association shall be created.

Exhibit C

5.l.viii. Previously Approved

As a condition of final plat approval, the Developer, in accordance with the requirements of Section 58-640 of the Mequon Code of Ordinances will make payment in full of the following sewer connection charge: $3,400 (17 lots @ $200 per lot). This charge will only be applied if the Development is required to install a public sanitary sewerage system.

Proposed Amendment

(Remove Section – it is not applicable.)

Attachment: Packet Docs (4754 : Farmdale Estates)

Farmdale Estates

CITY OF MEQUON

By_____
John Wirth, Mayor

By_____
Caroline Fochs, City Clerk

OWNER

Farmdale Estates

By: _____

By: _____

STATE OF WISCONSIN)
)SS
OZAUKEE COUNTY)

Personally came before me, this _____ day of _____, 2020, the above named Mayor and City Clerk, to me known to be the persons who executed the foregoing instrument and acknowledged the same.

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

STATE OF WISCONSIN)
)SS
OZAUKEE COUNTY)

Personally came before me, this _____ day of _____, 2020, the above named_____, to me known to be the person who executed the foregoing instrument and acknowledged the same.

_____
Notary Public, Waukesha County, Wisconsin
My Commission (expires) (is)_____

Approved by: _____
City Attorney

Attachment: Packet Docs (4754 : Farmdale Estates)

8373893
Tx:4317264

1085843
RONALD A. VOIGT
OZAUKEE COUNTY
REGISTER OF DEEDS
RECORDED ON
11/15/2019 12:13 PM
REC FEE: 30.00
TRANS FEE:
PAGES: 18
EXEMPT #:

Document Number

Development Agreement
Document Title

Recording Area

Name and Return Address

City of Mequon

$30

Parcel Identification Number (PIN)

THIS PAGE IS PART OF THIS LEGAL DOCUMENT – DO NOT REMOVE.

This information must be completed by submitter: document title, name & return address, and PIN (if required). Other information such as the granting clause, legal description, etc., may be placed on this first page of the document or may be placed on additional pages of the document.
WRDA Rev. 12/22/2010

Attachment: Packet Docs (4754 : Farmdale Estates)

DEVELOPMENT AGREEMENT

FARMDALE ESTATES

Articles of agreement made and entered into this 11th day of October, 2019, by and between Farmdale Estates, LLC hereinafter called the Developer, and the City of Mequon, a municipal corporation of Ozaukee County, Wisconsin, hereinafter called the City.

WITNESSETH:

WHEREAS, the Developer desires to improve and develop certain lands located in:

See Exhibit A

And as described on attached Exhibit A (the "Development"), and for that purpose requires the installation of certain public improvements; and

WHEREAS, the City Engineer's report, attached hereto as Exhibit B, identifying the public improvements and other terms and conditions necessary to this Development (the "Improvements"), and

WHEREAS, Section 236.13(2) of the Wisconsin Statutes and Sections 58-634(c) and 58-637 of the Mequon Code of Ordinances provide that as a condition of approval, the City shall require that the Developer make and install or have made and installed, any improvements reasonably necessary; and

WHEREAS, the Public Works schedule and budget of the City does not include installation of the said improvements for the said Development, and normally there would be a considerable delay in the installation of said improvements unless the instant agreement were entered into; and

WHEREAS, the City believes that the orderly, planned development of said lands will best promote the health, safety and general welfare of the community.

NOW, THEREFORE, in consideration of the payment of One Dollar ($1.00) and other good and valuable consideration to each in hand paid by the other, receipt of which is hereby acknowledged, and in consideration of the various approvals granted by the City, and in obedience to the conditions imposed upon said approvals, and the mutual covenants herein contained, the parties agree:

1. The area to be improved shall consist of that area designated in Exhibit A in the proposed development plan granted preliminary plat approval by the Planning Commission.

2. Preliminary plat approval was granted by the Planning Commission on June 10, 2019.

3. The Improvements shall be as described on Exhibit B.

4. The Developer will, at its expense, have plans and specifications prepared for the aforesaid Improvements and such plans and specifications shall be submitted to the City Engineer for approval. The plans and specifications to be submitted are indicated in Exhibit B.

5. The Developer will contract for and have constructed, at its expense, all of the Improvements. The City, as a condition of final certification by the City Engineer, and approval and acceptance of dedication of the Improvements by the City, will require that copies of lien waivers from all contractors and/or material suppliers performing work or supplying materials for the installation of the Improvements be filed with the City.

Attachment: Packet Docs (4754 : Farmdale Estates)

6. The Developer will pay for all reasonable costs incurred by the City, or its consultant in the review of the engineering plans, landscaping plans, inspection of the construction and/or installation of the Improvements, installation of street signs, review of record drawings for City files, and any other costs that may be incurred by the City in the installation of the Improvements for this Development. The Developer will pay the costs above enumerated within thirty (30) days after being billed by the City. Billing will be made periodically and/or monthly as the improvements are completed and as costs are incurred. Full cost will include labor, equipment, materials, engineering, inspection and overhead costs incidental to said work. Past due amounts on invoices generated by the City are subject to a one and one-half (1.5) percent per month charge, computed from the date of the original invoice.

7. All dedicated Improvements shall be warranted against defects due to faulty materials or workmanship which appear within one (1) year from the date of acceptance of dedication by the City, and Developer shall assign to the City applicable contractor warranties for the Improvements. If any defect should appear during this warranty period, the City shall first seek to enforce any applicable contractor warranty; however, Developer hereby guarantees the Improvements and shall indemnify the City to the extent of any default or failure of any contractor to honor the warranty. Each repair or replacement performed pursuant to this paragraph shall be guaranteed for one (1) year from the completion thereof.

8. Upon verification by the City Engineer that all of the Improvements have been satisfactorily constructed, installed or escrowed in accordance with City of Mequon Zoning Code, inspected and found to be in compliance with City requirements and with the following conditions as described below, and that all other requirements of this agreement have been complied with, Final Plat approval will be granted by the Common Council.

   A. The City Engineer shall only recommend Final Subdivision Plat approval to the Planning Commission and Common Council upon certification that:

      i. All of the Improvements have been satisfactorily constructed or installed, completed and approved.

      ii. In the event that installation of the final asphalt surface course, street trees, open space landscaping and/or minimal site restoration as contemplated in Developer's plans approved by the City cannot be completed due to weather conditions at the time in which Developer wishes to obtain Final Plat approval, the City may, in its sole discretion, accept from Developer a Letter of credit in form approved by the City Attorney and in an amount determined by the City Engineer to provide appropriate security to ensure installation is completed within 14 months from Final Plat approval.

   B. The Department of Community Development shall schedule Final Subdivision Plat recommendation before the Planning Commission and Common Council only upon certification by the City Engineer that all the improvements have been constructed, installed and approved.

9. The following special provisions shall apply:

   A. Easements are to be provided with the plat for the use of WE Energies, phone, Cable T.V. and other utilities for provision of services to the Condominium Development. The Developer shall provide proof of payment in full for installation of the utilities prior to Final Plat approval.

   B. Underground utility installations shall be made without any street pavement removal, unless otherwise specifically approved by the City Engineer.

Attachment: Packet Docs (4754 : Farmdale Estates)

C. A building permit may be issued for 1 principal structures prior to the Final Plat being approved and recorded. The building permit for the model home shall not be issued until the binder course is installed. The Developer agrees and understands that the transfer of title to any lot/residence in this development may not occur until after final certification by the City Engineer that the terms of this agreement have been complied with and the final subdivision plat is approved and recorded.

D. The Improvements shall be constructed in strict accordance with the requirements of the City and the City Engineer or his/her authorized representative, or as directed by said City Engineer; and shall be under and subject to constant inspection by the City Engineer or representative.

E. The Developer agrees that it shall be fully responsible for the Improvements for the Development and appurtenances thereto during the period of the construction of the Improvements, and until certification by the City Engineer, approval of the Improvements, and acceptance of dedication by the City, any damage as may occur to these facilities during this period shall be replaced or repaired by the Developer.

F. Excess topsoil shall only be removed from the subdivision Development by means of end-loading (no screening allowed on site) and trucking from the site. The Developer shall not disrupt topsoil where it is unnecessary, and the final arbiter of necessity shall be the City.

G. The covenants, conditions and restrictions recorded against the property described on Exhibit A shall prohibit future property owners from removing any berms, landscaping or amenities installed on this Development as a condition of landscaping, open space, grading or drainage plans, and from placement of landscape features, berms or plantings which disrupt flow of run-off in drainage ways or courses approved as a condition of the grading and drainage plans, without express written consent from the City Engineer and by action of the Planning Commission.

H. The Developer, its successors and assigns along with individual future lot owners are hereby notified that "impact" fees will be assessed by the City against the Developer and/or lot owners, pursuant to the requirements of Sections 58-138 et seq. of the Mequon Code of Ordinances, which payment is due prior to obtaining a building permit. The parties understand and acknowledge at this time that the City retains full right and authority to amend and modify its impact fee ordinance, the methodology by which impact fees are calculated or the numerical component values of the impact fee calculation in the future, such that the resultant impact fee amounts in effect from time to time may differ from the impact fee assessment which is currently in effect as of the date of this agreement, and that such modifications and amendments are not susceptible of determination at this time.

10. The Developer shall not be released or discharged from the obligations assumed under this agreement until final inspection and verification of all the Improvements has been made by the City Engineer in writing, and the Improvements have been approved and their dedication accepted by the City.

11. The Developer hereby agrees that the costs and value of said improvements will become an integral value of the abutting lots and that no future lot assessment will be made on behalf of the Developer.

12. Provisions of this agreement which may specify design criteria for the construction of required improvements are subject to change by the City Engineer, upon written notice to Developer and based on changes in applicable codes or regulations, for the purpose of reflecting the most up-to-date design standards for required improvements. The design standards in effect at the preliminary approval shall apply to all improvements for a period of two years.

Attachment: Packet Docs (4754 : Farmdale Estates)

13. Developer shall indemnify, defend, and hold the City and its officers harmless from, penalties, fines, costs, or loss (including reasonable fees for attorneys, consultants, and experts) that arise as a result of the presence or suspected presence in or on the real property dedicated or conveyed to the City by, under, pursuant to, or in connection with the Subdivision Plat or this Agreement including, but not limited to street rights of way, of any toxic or hazardous substances arising from any activity occurring prior to the acceptance of dedication of all Improvements. Without limiting the generality of the foregoing, the indemnification by Developer shall include costs incurred in connection with any site investigation or any remedial, removal, or restoration work required by any local, state, or federal agencies because of the presence or suspected presence of toxic or hazardous substances on or under the real property, whether in the soil, groundwater, air or any other receptor. The City agrees that it will immediately notify Developer of the discovery of any contamination or of any facts or circumstances that reasonably indicate that such contamination may exist in or on the real property. The City also agrees that following notification to Developer that contamination may exist, the City shall make all reasonable accommodations to allow Developer to examine the real property and conduct such clean-up operations as may be required by appropriate local, state, or federal agencies to comply with applicable laws.

14. Execution of this agreement shall be accepted by the City as adequate provision for improvements within the meaning of Section 236.13(2) of the Wisconsin Statues.

15. This agreement shall be binding upon the heirs, successors, executors and assigns of the parties hereto.

16. If the final plat conforms substantially to the preliminary plat as approved, including any conditions of that approval and to local plans and ordinances adopted as authorized by law, it is entitled to approval. If the final plat is not submitted within 24 months of satisfaction of the last required condition of approval of the preliminary plat, any approving authority may refuse to approve the final plat. The final plat may, if permitted by the approving authority, constitute only that portion of the approved preliminary plat, which the Developer proposes to record at that time. The Preliminary Plat shall be deemed an expression of approval or conditional approval of the layout submitted as a guide to the preparation of the Final Plat which will be subject to further consideration by the Planning Commission at the time of its submission.

17. It is understood that this Development Agreement may need to be amended to cover changes to the standards regarding landscaping, stewardship plans, stormwater management, grading and/or other plans.

18. In accordance with section 58-635(3)(e), if the Developer fails to commence construction within two (2) years of development agreement approval, then the development agreement shall become null and void.

Attachment: Packet Docs (4754 : Farmdale Estates)

CITY OF MEQUON

By _____
John Wirth, Mayor

By _____
Caroline Fochs, City Clerk

OWNER

Farmdale Estates

By: _____

By: _____

STATE OF WISCONSIN)
)SS
OZAUKEE COUNTY)

Personally came before me, this 31st day of October, 2019, the above named Mayor and City Clerk, to me known to be the persons who executed the foregoing instrument and acknowledged the same.

NOTARY PUBLIC LINA A. PROSSER STATE OF WISCONSIN

_____
Lina A. Prosser
Notary Public, Ozaukee County, Wisconsin
My Commission (expires) (is) 12-20-2019

STATE OF WISCONSIN)
)SS
~~WAUKESHA~~ OZAUKEE COUNTY)

Personally came before me, this 28th day of October, 2019, the above named John Stoker, to me known to be the person who executed the foregoing instrument and acknowledged the same.

_____
Regina Rogers
Notary Public, ~~Waukesha~~ Ozaukee County, Wisconsin
My Commission (expires) (is) 8/14/20

Approved by: _____
City Attorney

REGINA ROGERS NOTARY PUBLIC STATE OF WISCONSIN

Attachment: Packet Docs (4754 : Farmdale Estates)

EXHIBIT A

DEVELOPMENT AGREEMENT

Farmdale Estates

DESCRIPTION OF AREA INCORPORATED IN THE SAID DEVELOPMENT:

Attachment: Packet Docs (4754 : Farmdale Estates)

EXHIBIT B

CITY OF MEQUON

WISCONSIN
* * * * *

DEPARTMENT OF PUBLIC WORKS

ENGINEERING DIVISION

TERMS AND CONDITIONS INCORPORATED INTO DEVELOPMENT AGREEMENT BY AND BETWEEN THE CITY OF MEQUON AND FARMDALE ESTATES

The proposed development plans granted concept approval and preliminary plat approval by the Planning Commission have been reviewed by the Engineering Division and this report is hereby submitted in accordance with the procedural requirements established by the Common Council.

Notwithstanding anything herein to the contrary, the parties acknowledge that the Developer intends to complete the improvements necessary to provide access prior to construction of principal structures, and other improvements may be constructed and obligations may be performed by Developer, as indicated below, by requiring its lot purchasers to so perform in the lot purchasers' contracts or declaration of restrictions.

The following public works improvements and conditions are necessary:

1. Sanitary Sewer System

    a. Developments covered by this agreement require a Private On-Site Waste Treatment System (POWTS).

    b. A plan of the subdivision shall include the location of soil boring and designated area for the POWTS

2. Water Supply System

    a. The proposed development is not located within the municipal water service boundary.

    b. The lots in the subdivision will be developed with private wells in accordance with NR812 and permitted through the WDNR.

    c. The private wells shall be installed and maintained by the respective property owner.

    d. Through the permitting process, the well digger must follow proper procedures with respect to the draw down effect on adjacent wells.

3. Fire Protection Water Supply

    a. The Developer and City shall establish an escrow fund which shall be in the total amount of $50,000 when fully funded ("Escrow"). The Escrow shall be used for the installation of a fire cistern at the Subdivision or as the City may otherwise decide to use the Escrow for fire protection purposes for the Subdivision. The Escrow shall be funded as follows: at such time as the owner of a lot in the Subdivision applies for a building permit, in addition to all other fees and costs that are due, the owner shall pay $8,333.33 to the City ("Fire Protection Fee"). The Fire Protection Fee shall be deposited into the Escrow. When the Escrow is fully funded, the City may withdraw the funds from the Escrow and use the funds for a cistern or for other fire protection for the Subdivision in the City's discretion.

Attachment: Packet Docs (4754 : Farmdale Estates)

4. Grading and Drainage Plan

   a. The Developer shall submit a master site grading plan. The master grading plan shall indicate which lots are designed for the following: full exposure, partial exposure, and lots that are limited to front load entry garage only. The Developer shall grade the site in conformance with the approved grading and drainage plan. The future owners/builders who construct the principal building shall be responsible for siting the principal building, rough and fine grading the building pad to comply with the master grading plan.

   b. The Master Grading/Drainage/Storm Sewer and Erosion Control Plans shall comply with the requirements of the City's Standard Specifications for Land Development, latest edition.

   c. Grading and drainage plan showing 2' contours for both existing and proposed grades, City approved building pad grades, culverts or storm sewers. Cross-section and profiles of all drainage ways and erosion protection as required, must be indicated on the plans and detailed.

   d. Site grading plan showing only minimum setback and offset dimensions, and City approved building grades.

   e. Erosion Control Plan for land disturbing activities showing existing contours at least 200' into adjacent parcels. This plan will show location and dimension of all construction site management measures to control erosion and sedimentation.

   f. Rough grade as necessary to establish lot grades in accordance with future building grades, top-soiling, seeding and mulching as required, to all exposed ground surfaces to prevent erosion.

   g. The grading plan shall include minimum elevations for proposed top of principal building foundation wall based on proposed building envelopes shown on the approved specimen tree plan and City approved finished yard grades.

   h. Grading and filling shall be kept to a minimum, including in individual building envelopes.

   i. The Developer is responsible for top-soiling, seeding and mulching, as required to all exposed ground surfaces to prevent erosion, including disturbance by utility contractors.

   j. Wetland fill requires the approval of the WNDR.

5. Storm Drainage System

   a. Drainage System Plan showing all tributary areas to the proposed subdivision drainage system and downstream analysis. Included on the system plan should be all proposed and existing drainage structures in the drainage system area.

   b. Drainage easements must be shown by dimension and detailed cross-section.

   c. Installation and construction of a complete storm drainage system, including culverts, storm sewer, and open ditches as required to adequately drain the surface water from and through the Development. Erosion protection and minimum velocity design shall be provided for in the storm drainage system design. All areas adjacent to existing and proposed roadways shall be restored to conform with the approved roadway cross-section.

   d. The storm water facilities shall be installed before the impervious surface.

Attachment: Packet Docs (4754 : Farmdale Estates)

e. Additional considerations will be required on all ditch slopes exceeding five percent (5%). All roadside ditches or drainage easements shall have a minimum one percent (1%) slope. Areas less than one percent (1%) will require further analysis.

f. The Development will be required to provide on-site stormwater detention and demonstrate to the City Engineer that the Development shall comply with the City's stormwater ordinance and MMSD Chapter 13 rules and regulations.

g. The Developer shall submit hydrologic calculations for the 2, 10 and 100 year development conditions.

h. The Developer shall provide hydraulic calculations showing pond discharge rates under proposed conditions. Under proposed conditions, the stormwater management must demonstrate that the 2, 10 and 100 year discharge rate will be less than pre-settlement conditions.

i. All sump pump discharge pipes shall discharge to a roadside ditch, storm sewer or other location approved by the City. For roadways with an urban section a sump pump collection system shall be required in accordance with the City's Standard Specifications for Land development, latest edition.

j. Submittal, at the time of architectural review and approval, of a sump pump discharge and roof drainage plan in accordance with Storm Water Management Plan approved by the City Engineer.

k. If the storm sewer design includes underground piping, a set of utility plans showing all plan and profile views of sanitary water and storm sewer shall be used and kept current during all phases of construction.

l. Stormwater Best Management Practices Maintenance Agreement:

The Developer shall design and construct storm water facilities, including detention and/or retention pond(s), in accordance with the approved storm water drainage plan such that they are adequate to accommodate expected surface water flow within and through the Development, in accordance with applicable City ordinances, Chapter 13 of the Milwaukee Metropolitan Sewerage District rules, and the regulations of WDNR, as may be applicable. Thereafter, it shall be the responsibility of the Developer and/or its successors and assigns, as provided below, that such storm water facilities shall be maintained to meet or exceed the standards to which they were constructed, such that in the future, they continue to accommodate the maximum potential volumes of flow through and within the development, and meet applicable performance standards for storage and release.

Accordingly, the following requirements are applicable to this Development and conditions of approval of the preliminary plat and the development agreement, pertaining to detention basin/pond maintenance.

i. All stormwater drainage and storage facilities, including detention basin(s)/pond(s), shall be maintained and cared for by the Developer and subsequently, at such time as the Developer passes control of the stormwater elements of the Development and responsibility for maintenance thereof to the Homeowners Association they shall be maintained in accordance with this Section 5.g.

ii. In order that the perpetual care and maintenance of all stormwater drainage and storage facilities shall be provided for, the Developer shall create or cause to be created an entity (the Condominium Association) with a perpetual existence under the laws of the State of Wisconsin for the express purpose, *inter alia*, of assuming all responsibility in connection with the perpetual maintenance of the stormwater

Attachment: Packet Docs (4754 : Farmdale Estates)

facilities. Developer shall provide by contract, declaration of covenants, deed provision, or otherwise that all condominium owners in the development, including Developer, shall be members of the Association solely by virtue of being a condominium owner, and shall be jointly responsible for its obligations, which obligations shall be assessable as against such members. If, as contemplated by the parties, any portions of the Development in or on which is located stormwater drainage and storage facilities, including detention basin(s)/pond(s), shall be conveyed to other assigns and/or successors in interest, then Developer shall provide by contract, declaration of covenants, deed provision, or otherwise that such other assigns and/or successors in interest shall assume all responsibility in connection with the perpetual maintenance of those stormwater facilities. The Developer shall have no further responsibility for such maintenance, only after arms length sale of the condominium by the Developer, conveyance of outlots and/or common areas to the Condominium Association or other good faith grantees, and acceptance of dedication of the Improvements by the City.

iii. The following minimum standards for future care and maintenance of the stormwater drainage and storage facilities, including detention basin(s)/pond(s), shall be adhered to by Developer and Developer's assigns and successors in interest:

A. Provide normal and customary cleaning and maintenance to the detention basin(s), and pond(s) located in this Development including, but not be limited to, weed and algae control, dam stabilization, emergency overflow, outlet structure (including trash rack), dredging and biological control.

B. As necessary, dredging of the storm water facilities shall require permits and approvals under Section 30.20 Wisconsin Statutes, to remove materials from the bed of a pond ultimately connected to a navigable waterway from the Wisconsin Department of Natural Resources (WDNR).

C. Make chemical treatments as necessary, in keeping with the regulatory requirement(s) that the application of EPA/State Registered Chemicals to detention basins/ponds or lakes is regulated by the WDNR. With few exceptions, a permit must be filed with, and approved by the WDNR, prior to chemical treatment. In certain circumstances, a representative of the WDNR will monitor or supervise the chemical treatment. Contact the WDNR for additional information.

D. The detention basin(s)/pond(s) shall be certified by a licensed professional engineer or land surveyor as a condition of Final Plat approval. To assure compliance with the approved plans, the Developer shall be responsible to recertify the detention basin(s)/pond(s) as a condition of transferring ownership to the Condominium Association, but in no event shall such recertification occur later than two years after the approval of the Final Plat.

E. The detention basin(s), pond(s) certification shall be submitted with an as-built record drawing.

F. The detention basin(s)/pond(s) shall be inspected in compliance with the Inspection Report Form supplied by the City. Any deficiencies shall be corrected immediately. A copy of the report form, including but not limited to photographs or diagrams of the deficiency and corrections with the certification shall be provided to the Homeowners Association, and any other assigns and successors in interest of Developer, and shall be promptly submitted to the City Engineer for review and approval. Specific areas shall include, but not be limited to:

Attachment: Packet Docs (4754 : Farmdale Estates)

- Bio-retention facility
- Pond containment berms are stable and free of animal burrowings
- Detention storage volume
- Erosion
- Vegetative cover
- Sediment accumulation
- Trash rack/culvert functions
- Outlet flow
- High water level
- Water surface elevation at time of survey
- Normal pond water level
- Emergency overflow

iv. To guarantee performance of all of the foregoing obligations concerning the private stormwater drainage and storage facilities, including detention basin(s)/pond(s), the developer shall, in accordance with City ordinance 58-677(b), 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).

v. Not less than ninety days prior to the final expiration of the Developer's LOC obligations, or at such time as the Developer shall convey the outlot(s) or common area(a) in or on which are located the stormwater drainage and storage facilities, including detention basin(s)/pond(s), to the Subdivision Association or other assigns or successors in interest, whichever is later, the Developer shall have the detention basin(s)/pond(s) recertified in accordance with d. and e. above.

vi. At any time in the future, if, in the opinion of the City, either the Developer (in keeping with the limitations upon its responsibility as expressed herein), the Subdivision Association, or any other assigns or successors in interest, shall fail to maintain the stormwater drainage and storage facilities, including detention basin(s)/pond(s), the City, at its option, may give the Developer, the Subdivision Homeowners Association or other assigns or successors in interest, as may be interested, written notice requiring any or all of them within thirty (30) days thereafter, to cure the failure and to maintain and to provide the required care. If the notified party fails to comply with the demands of the notice, the City shall have the right , but not the obligation, to perform the work necessary to correct the deficiency, and to charge the cost thereof, including administrative charges, to the Developer, and/or to the Subdivision Homeowners Association, and/or other assigns and successors in interest, by drawing upon the LOC, and/or by imposing such charge as a special charge for services pursuant to §66.0627, Wisconsin Statutes, and if not promptly paid by the party to whom the charges were invoiced, as a lien and special tax on the property(ies).

vii. The City Engineer has the authority to stop work, amend, or alter remediation measures to the detention basin/ponds. Failure to comply will result in the issuance of a municipal citation by a forfeiture as prescribed by law, or may be addressed in an action for injunction, mandatory injunction, or any combination of remedies. Each day a violation exists shall constitute a separate offense.

viii. Upon 75% (or fewer) of the condominiums within this Development being sold, a Homeowners Association shall be created.

Attachment: Packet Docs (4754 : Farmdale Estates)

ix. This agreement and all of its covenants are and shall be covenants running with the land, and shall encumber the Development, and shall be binding on the heirs, personal representatives, successors and assigns of the parties hereto. This agreement shall be recorded with the Ozaukee County Register of Deeds office. The Development covenants and restrictions shall include this language and not by reference.

6. Erosion and Run-off Control

a. Installation and construction of improvements in the proposed Development shall be done in conformance with the City in cooperation with the Ozaukee County Land Conservation Guidelines (SCS) and Department of Natural Resources "Wisconsin Construction Site Best Management Practice Handbook," latest edition, requirements, with respect to erosion and sedimentation control. Temporary stormwater quality measures during construction activities shall include, as a minimum, the installation of silt fence and temporary sediment basins.

b. The Developer shall install the drainage system, including roads (unpaved, but with gravel surface), first. The swale and ditches shall be sodded or planted with fast growing grasses immediately after grade certification by the City or designated agent. The City may request temporary mulching if ground is exposed for more than 7 days. Straw, hay bales, check dams or silt fences shall be placed in the drainage system as sediment traps in accordance with established Best Management practices. The City will decide what situation is appropriate for sod and will determine the sediment trap method to be used.

c. The Developer may not commence land disturbing activities until all erosion control measures are installed and approved by the City. An erosion control permit must be approved which requires the Developer to construct in conformance with the City's erosion control ordinance.

d. Excavated soil shall not be allowed to be piled near the drainage system. A topsoil stockpile area shall be identified and used, complete with appropriate erosion control measures.

e. The surface of exposed bare soils shall be protected by mulches or by temporary annual grasses, or erosion matting.

f. The Developer will periodically inspect and maintain any measures utilized above. All erosion control devices shall be inspected after each rain event.

7. Streets

a. The road design standards shall be subject to the review and approval by the City Engineer and Fire Chief. The roads, whether public of private, shall be constructed in compliance with the City Standard Specifications for Land Development, latest edition, unless otherwise approved by the City.

b. Private access roads/driveways shall be approved by the City Engineer and Fire Chief.

c. Construction of a twelve (12) inch road base consisting of twelve (12) inches of one and one-quarter inch (1 1/4") crushed stone base course for all new streets. The initial surface shall consist of three inches (2.5") of bituminous binder course. The roads shall be constructed to the City's typical cross-section and in accordance with the City's standard specifications for land development.

d. All cross connections are required to be constructed in each phase, with a temporary turnaround constructed until the adjacent property develops. The developer or Homeowner's Association shall remove and restore the temporary turnaround at the time the connection is constructed.

Attachment: Packet Docs (4754 : Farmdale Estates)

e. The Developer and subsequently the Homeowner's Association shall be responsible for the maintenance of the private road, including snow and ice removal.

f. The Developer shall provide to the City a performance bond, Letter of Credit or Cash Bond, in a form approved by the City Attorney subject to prior review and approval by the City, to provide security for compensation to the City for wear and tear and accelerated deterioration of City streets as a result of infrastructure improvement associated with the hauling of stone and asphalt attributable to the approved Development.

Prior to commencement of any construction activity, the Developer shall establish with the City a performance bond, Letter of Credit or Cash Bond, in a form approved by the City Attorney, for road damage, in the amount equal to $1,000 per residential lot in the proposed Development. Should the proposed development be approved as a phased Development, the performance bond and evaluation process shall be established prior to commencement of each phase of Development. Prior to the commencement of any construction activity, the following provisions shall be complied with:

i. The Developer shall meet with City Engineering and Public Works staff to identify and agree to a specific "haul" route for all construction equipment and material supplies associated with the Development. The Developer shall agree to confine the movement of its construction equipment to the approved route unless approved otherwise by the City Engineer or Public Works Director.

ii. Prior to commencement of construction, the City shall videotape and perform a road evaluation of the agreed to haul route. This evaluation, known as a service condition rating or SCR, shall be used as the base line for establishing the level of damage that occurs as a result of the Development.

iii. At the conclusion of the construction activity and prior to the recording of the final plat, the City will again videotape and perform a post development SCR of the Developer's "haul" route.

iv. Prior to the City acceptance of the Improvements, the Developer will repair the road or pay to the City for the Dollar amount for the estimated repairs.

The road account and road evaluation is only applicable to that portion of the approved haul route that lies within the corporate limits of the City.

g. Should the money in the account be inadequate to defray the cost of surfacing to include inspection, shouldering, road failures, base repairs and defects and utility adjustments, the Developer shall make up any shortage of funds.

8. Landscaping and Open Spaces

a. A street tree plan shall be subject to the review and approval of the Tree Board and Planning Commission. The species and installation of street trees shall conform to the street tree ordinance.

b. Landscape plans for the open space and detention pond buffering shall be designed by a licensed landscape architect and shall be reviewed and approved by City staff. The City may have a licensed landscape architect review the submitted landscape plans. All amenities located in this phase of the development shall be constructed prior to Final Plat approval.

c. Signage and entryway landscape plans shall be reviewed and approved by City staff.

Attachment: Packet Docs (4754 : Farmdale Estates)

d. A letter of credit issued by a local bank on the US Chamber of Commerce model form or reasonable equivalent, and subject to prior review and approval by the City Attorney, equal to 25% of the landscape and street trees contract cost to insure that all private open space landscaping that dies within three (3) years of installation will be replaced by the Developer.

e. A performance bond equal to 25 percent of the installation costs of the street trees is required to ensure that all street trees that die within the first 14 months will be replaced by the developer.

f. Any required pedestrian paths shall be installed and shall be maintained by the developer or home owners association. Pedestrian and bike path plans shall address the public use of the paths and maintenance and shall be subject to the review and approval of the City Engineering Department. A ten (10) foot wide pedestrian and bike path easement shall provide for public access. An eight (8) foot wide path shall be designed and constructed in accordance with the Department of Transportation (DOT) Bike Path Facilities Handbook.

9. Miscellaneous

a. The Developer shall be responsible for maintaining and repairing all damage done to City streets as a result of excessive hauling operations and Development construction pursuant to section 7(f) above.

b. The Developer shall be responsible for the material and installation of street name signs and regulatory/public safety signs (speed limit, stop sign, etc).

c. All construction shall conform to the "Standard and Specifications for Development Construction in the City of Mequon," latest edition.

d. Wetland Boundaries shall be identified and marked in the field and verified by the Wisconsin Department of Natural Resources. The wetlands and setbacks shall be identified on the plat. Wetland boundary markers shall be maintained and setbacks observed during all phases of land disturbance and construction.

e. The City Engineer may make changes to the approved plans and specifications for any of the improvements covered under this agreement which are necessary to correct oversights, omissions, and errors to compensate for changing site conditions, or to complete fully the work in accordance with sound engineering practice. The Developer shall perform the work as changed entirely at its expense without any claim for reimbursement.

f. Submittal and Planning Commission approval of the maintenance agreement and street tree landscape plan, if applicable.

g. Submittal of underground utility easements.

h. All sanitary, drainage, water and other utility easements must be shown on the plat. All sanitary, water and drainage easements must be prepared separately for each lot or parcel and recorded at the Developer's expense. These documents shall be required at the time of final plat approval and approved by the City.

i. Submittal of proposed driveway culvert size plan where applicable.

j. Developer shall be responsible for the cost of installation of one WE-Energies standard street light mounted on a wooden pole, or may provide upgraded street light and mounting, as shall be approved by the City, at the main entrance to the Development. The City Public Works Department shall arrange for the installation permit and coordinate the installation. Developer shall pay for labor and materials within 30 days after being invoiced. After acceptance of

Attachment: Packet Docs (4754 : Farmdale Estates)

dedication of the Improvements by the City, the City shall assume responsibility for the monthly energy costs and future maintenance for the street light

10. Special Provisions

a. The development process shall strictly conform to the conditions of approval of the Preliminary Plat and other approvals, and as set forth in the Development Agreement. Request for final plat approval is subject to Engineering Department certification that all improvements required to be installed have been completed and approved, and as to the Improvements, approval and acceptance of their dedication by the City.

The remainder of this page is intentionally left blank.

Attachment: Packet Docs (4754 : Farmdale Estates)

EXHIBIT C

CITY OF MEQUON
WISCONSIN
* * * * *

ENGINEERING DEPARTMENT
DEVELOPMENT AGREEMENT

Farmdale Estates

As a condition of final plat approval, the Developer, in accordance with the requirements of Section 58-640 of the Mequon Code of Ordinances will make payment in full of the following sewer connection charge: $3,400 (17 lots @ $200 per lot). This charge will only be applied if the Development is required to install a public sanitary sewerage system.

In addition, the Developer shall provide a lot pipe guarantee. The Developer shall provide a financial guarantee in the amount of $1,700, which is equivalent to $100 per lot. The financial guarantee is subject to release upon receipt by the City of a lot pipe certification stamped and signed by a professional land surveyor, registered in the State of Wisconsin.

Attachment: Packet Docs (4754 : Farmdale Estates)

Legal Description

1079816 SE SW 35.48 ACS *EXC S 410 FT OF E 320 FT & S 65 FT* SEC 20 T 9 R 21

Attachment: Packet Docs (4754 : Farmdale Estates)

about this item as he was surprised that a permit was required.

Asst. Eng. Henk explained that there are emergency overflow plans in place and a full analysis was done on this site. There are safe routes for water from heavy storms.

Action
Commission Choren made a motion to approve the item.
Commissioner Hawley seconded the motion.
Voice vote was taken; vote passed (8-0)

4) Regular Business

a) John Graham for Oldenburg Farm, LLC. The applicant is seeking preliminary plat and development agreement approval for a six-lot single-family subdivision, 5 acres per lot on 36 acres, for the property located at the northwest corner of Mequon Road and Farmdale Road.

Planner Vang stated that the request is for a proposed 6-lot subdivision located on the northwest corner of Farmdale and Mequon Roads. The plot shows lots ranging from 5-6 acres. When reviewing new subdivisions, staff looks for opportunities for connectivity. There are no opportunities to the north and although there is an opportunity to the west, they are proposing a private road ending in a cul du sac. The proposed lots meet the R-1 zoning district requirements of 5-acre minimum and 300 minimum average lot width and depth. There is also a cross access easement around the perimeter of the site and this is for the purpose of a pedestrian walking path. Staff added as a condition of approval that a cross access easement is required for the walking path as well as for the private road. The applicant has indicated that the trees along Farmdale and Mequon Roads will remain. They are proposing additional landscaping for the site and the applicant will need to submit a landscape plan for approval from the Commission at a future date. The City Forester walked the site and has no concerns with the proposed development.

Asst. Eng. Henk stated that deceleration and acceleration lanes are required as well as a bypass lane. She stated that similar to the last few approved subdivisions; the Commission has the authority to eliminate the requirement for the bypass lane.

The applicant was represented by John Graham, acting as the agent developer on behalf of Mr. Oldenburg. Mr. Graham stated that he is partnering with The Victory Companies, LLC who will be the sole developer of the homes. Their intent is to be in compliance with all of the zoning requirements while developing a high-value 6-lot subdivision including the intent to install a private road. The only waiver they are requesting is for the elimination of the bypass lane on Farmdale Road. He feels that the bypass lane encourages drivers to speed on the 2-lane road and he would like that to be avoided. He explained that it is a very nice country road and their development will add very little traffic. He stated that everyone in that area is on individual wells and septic mound systems.

Asst. Dir. Zader explained that the private road will have the same standards required for a public road. The benefit of a private road is that the property lines can extend to the center of the road and the lots do not lose the area as being dedicated to the lot size. Additionally, the issue of

Attachment: Packet Docs (4754 : Farmdale Estates)

connectivity is not forced on a private road. He stated that staff will ask for the 60 feet needed between Lots 3 & 4 for possible connectivity in the future.

A few of the Commissioners gave feedback that they feel that the bypass lane is not necessary in that area.

Action
Commissioner Becky Schaefer made a motion to approve with the exception of staff report condition #13 (bypass lane) and the condition that 60 feet be required between Lot 3 & Lot 4 for future connectivity.
Ald. Strzelczyk seconded the motion.
A voice vote was taken; vote passed (8-0)

.

RESULT:	**APPROVED WITH CONDITIONS [UNANIMOUS]**
MOVER:	Rebecca Schaefer, Commissioner
SECONDER:	Robert Strzelczyk, Alderman/Vice Chair
AYES:	Wirth, Strzelczyk, Choren, Hawley, Lemke, Parrish, J. Schaefer, R. Schaefer
ABSENT:	Stoker

b) NORR LLC for Brixmor SPE I LLC. The applicant is seeking building and site plan and landscape plan approval for facade and site upgrades for the property located at 10906-11116 N. Port Washington Road (The Pavilions).

Planner Vang stated the request is back before the Commission for building and site plan amendment and landscape plan which were tabled at the previous meeting as well as master sign plan amendment (MSP). The proposed elevations are similar to what was shown at the last meeting except there is now a reduction in height for some of the parapet walls. This was a concern voiced by the Commission regarding the massing. Most of the parapet walls and tower elements have been reduced with the exception of three which are shown at the 30'-2" height, which is the height of the existing roof ridge. The proposed height does meet the requirement of the B-2 zoning district.

During a meeting with the applicant, which included Commissioner Jim Schaefer and Commissioner Marty Choren, there were concerns about the massing proposed for the Chancery. Since that meeting the applicant has reduced that height by 2 feet which is more in line with the massing with that corner of the property and this height is supported by staff for that location.

The revised plan also shows the north and east elevations are to be painted beige to match the paint on the street frontage elevations as well as awnings added to match as well.

Based on Commission comments and concerns from the last meeting, staff did meet with the applicant regarding the configuration of the site to discuss possible improvements. The applicant communicated that at this time they are unable to commit to changes due to limited funding and

Attachment: Packet Docs (4754 : Farmdale Estates)

City of Mequon

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: **January 13, 2020**

SUBJECT: **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.**

Applicant:	Lakeside Development
Status of Applicant:	Owner
Requested:	Development Agreement Amendment
Existing Use:	Vacant
Existing Zoning:	TC (Town Center) PUD (Planned Unit Development)
Lot size:	3.55 acres
Location:	Immediately east of 11050 N. Weston Drive
Tax Key:	14-027-01-027.00
District:	#6

Background:
The applicant is requesting development agreement amendment and a minor request for fill approval for a 23-lot subdivision development on 3.55 acres of lands located to the east of 11050 N Industrial Drive. The development agreement amendment would allow the applicant to construct a number of the single-family dwellings prior to the installation of the asphalt base course as well as allow Final Plat approval prior to completion of all improvements. The Common Council approved the original Development Agreement on June 11, 2019. The Planning Commission tabled the item at its December 2, 2019 meeting until a policy discussion takes place regarding requirements that are included in the standard development agreement template. The policy item will be discussed as a separate agenda item.

Development Agreement:
The development agreement approved on June 11, 2019 included all the conditions that are typically found in single family subdivision development. The applicant is requesting a number of deviations to the approved agreement based on the size of the lots in the development and the proximity of the dwellings that will be constructed. Planning and Engineering staff has worked with the developer to amend the agreement that will provide the flexibility that the developer feels is necessary to complete the project while protecting the interests of the city.

The most significant change to the agreement would allow the developer to start construction on three single-family dwellings prior to the asphalt base being installed and the recording of the final plat. The applicant states that based on the uniqueness of the development, it is important to have home models constructed early in the development process. Staff is supportive of the request to allow single family construction to commence prior to the asphalt base but does not

support increasing the number beyond three single family homes based on previous staff recommendations. The applicant is requesting that they be allowed to construct 6 single family lots prior to the installation of base course and the recording of the final plat. The proposed policy as presented would only allow one single family home to be constructed prior to the asphalt base. In this case, staff feels a waiver is warranted based on previous recommendations.

The applicant is also requested to allow final plat approval prior to the installation of the surface course and sidewalks in certain areas because of the small size of the lots. Staff has agreed to this amendment based on having a sequencing plan for the construction of the houses, a letter of credit posted for 125% of the value of the improvements not installed, and time line determined for the installation of the final surface course. These stipulations are added to the amended agreement.

The amendment also includes language that would allow the applicant to receive approval from the Architectural Review Board for the three different house designs at one time without having to return to the Board for each individual home permit. The Board was amenable to this approach provided that certain conditions were followed. These conditions have been added to the agreement.

The applicant has also requested revisions to the depth and placement of the asphalt surface. (Exhibit B, Items 7c and 7d). These changes are supported by the geotechnical report prepared for this project.

Provisions were also added to the development agreement amendment to address material stockpile locations relating to the filling and excavation and the home building materials.

Filling and Excavating
The applicant requests Planning Commission approval of a minor request to fill in excess of 1,000 cubic yards to haul in and deposit fill material for the construction of 23 single family residences. A grading plan was submitted with the development plans. The application requests approximately 8,000 cubic yards of fill will be hauled off site for this project.

The site drains toward the south to the existing stormwater management basins. The removal of the fill and construction of the home sites maintains the existing drainage pattern.

A haul route has been proposed as part of the subdivision development and a haul route bond is in place. The haul route bond will remain until the excavation of material is complete.

Staff is recommending approval of up to 8,000 cubic yards of fill.

Staff Recommendation:
Staff recommends approval of the development agreement amendment subject to the following condition(s):

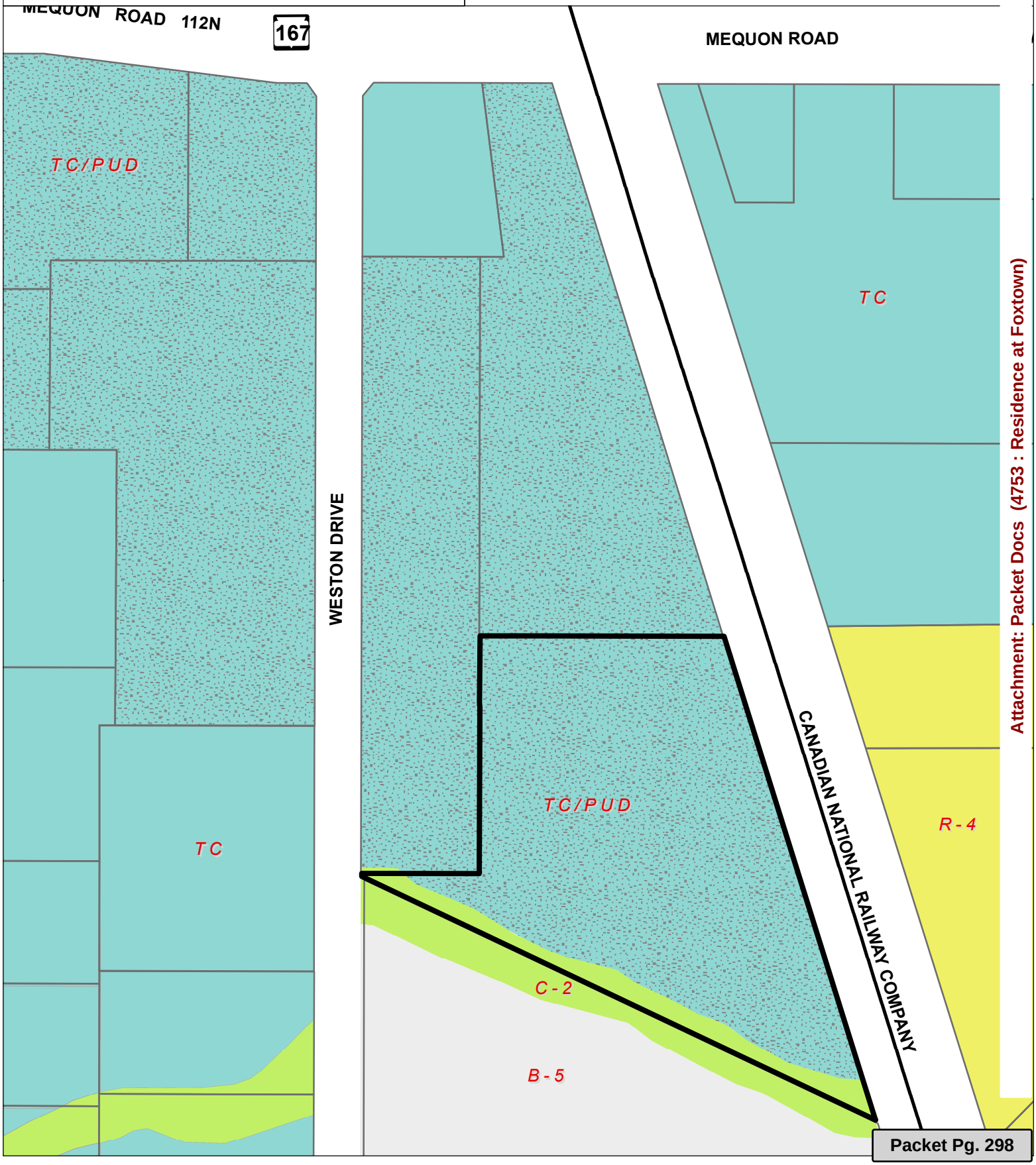
1. Common Council approval of the Development Agreement Amendment.
2. The applicant shall be allowed three single family home permits prior to binder installation and final plat approval.
3. Permittee must notify the Engineering Division before starting any land disturbing activity and again not more than five days after project completion.
4. Work must be complete on or before a date specified by the City. Requests for extensions must be made in writing.

5. Permittee shall keep a copy of the Filling, Excavation and Berms permit on site at all times.
6. The City or the Wisconsin Department of Natural Resources (WDNR) may revoke the permit for non-compliance.
7. The City Engineer reserves the right to stop work, amend or alter construction measures.

Attachments:
Packet Docs (PDF)

Residence at Foxtown

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 (4753 : Residence at Foxtown)

The Residence at Foxtown January 2, 2020

Amendment to the Development Agreement dated and signed on October 3, 2019

8.A.i. Previously Approved

All of the Improvements have been satisfactorily constructed or installed, completed and approved.

Proposed Amendment

All of the Improvements have been satisfactorily constructed or installed, completed and approved with the exception of the final asphalt surface, sidewalks and landscaping. Regarding the asphalt surface, the binder course of asphalt will be installed, completed and approved in its entirety prior to requesting final plat approval. However, the final asphalt surface will only be installed on Foxtown Drive before final plat approval. The final asphalt surface for Fox Crossing Drive and the alleys will be completed no later than occupancy of 50% of the houses or 24 months of the date of Final Plat approval, whichever comes first. Regarding sidewalks and landscaping, they will be installed before final plat approval with the exception of the sidewalks and landscaping on the west side of lots 1, 18 and 19 and the east side of lot 10 and 23. Those portions of sidewalks and landscaping will be completed prior to occupancy of each house or within 24 months of Final Plat approval, whichever comes first. The Developer must submit a Letter of Credit to the City Engineer in the amount of 125% of the final asphalt surface, sidewalk construction and landscaping costs to ensure all installations are completed within 24 months of Final Plat approval.

8.A.ii Previously Approved

14 months

Proposed Amendment

24 months

9.C. Previously Approved

A building permit may be issued for 2 principal structures prior to the Final Plat being approved and recorded. The building permit for the model home shall not be issued until the binder course is installed. The developer agrees and understands that the transfer of title to any lot/residence in this development may not occur until after final certification by the City Engineer, that the terms of this agreement have been complied with and the final subdivision plat is approved and recorded.

Proposed Amendment

A building permit may be issued for 6 principal structures prior to the Final Plat being approved and recorded. The 6 structures will be located on lots 1 through 6, starting with lot 1 and being built in succession through lot 6. The building permits for the 6 structures shall not be issued until stone base is installed. The stone base shall allow, in the City's sole discretion, access to those structures for inspections and emergency personnel. The developer agrees and understands that the transfer of title to any lot/residence in this development may not occur until after final certification by the City Engineer, that the terms of this agreement have been complied with and the final subdivision plat is approved and recorded.

Attachment: Packet Docs (4753 : Residence at Foxtown)

18. Proposed Amendment (this section did not previously exist)
The Developer shall secure Architectural Board approval for each distinct house style and accessory garage style; including but not limited to elevations, floor plans for a minimum of three (3) house styles. All garage walls which face a street, public path or located on a corner lot shall include windows. Any variation of the approved housing style shall be approved by the Architectural Review, unless staff deems the change as minor. No front elevations shall be adjacent to each other. No front elevation shall be directly across the street from one another. There shall be no exact repeating pattern of house styles per block.

Exhibit B

7.c. Previously Approved
Construction of a twelve (12) inch road base consisting of twelve (12) inches of one and one-quarter inch (1 ¼") crushed stone base course for all new streets. The initial surface shall consist of three inches (2.5") of bituminous binder course. The roads shall be constructed to the City's typical cross-section and in accordance with the City's standard specifications for land development.
Proposed Amendment
Construction of a ten (10) inch road base consisting of ten (10) inches of one and one-quarter inch (1 ¼") crushed stone base course for all new streets. The initial surface shall consist of 2 and one-quarter (2.25") inches of bituminous binder course.

7.d. Previously Approved
one and one-half inch (1 ½") asphalt
Proposed Amendment
one and three-quarter inch (1 ¾") asphalt

7.f. Previously Approved
The roadside sidewalk shall be installed at the time of roadway construction, prior to final plat and shall be maintained by the homeowner association. This maintenance will include snow and ice removal.
Proposed Amendment
The roadside sidewalk shall be installed per 8.A.i. and shall be maintained by the homeowner association. This maintenance will include snow and ice removal.

9.k. Proposed Amendment (this section did not previously exist)
The Developer shall submit a location for material stockpiles to be submitted to city staff for review.

Attachment: Packet Docs (4753 : Residence at Foxtown)

CITY OF MEQUON

By_____
John Wirth, Mayor

By_____
Caroline Fochs, City Clerk

OWNER

The Residence at Foxtown

By: _____

By: _____

STATE OF WISCONSIN)
)SS
OZAUKEE COUNTY)

Personally came before me, this _____ day of _____, 2019, the above named Mayor and City Clerk, to me known to be the persons who executed the foregoing instrument and acknowledged the same.

_____

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

STATE OF WISCONSIN)
)SS
OZAUKEE COUNTY)

Personally came before me, this _____ day of _____, 2019, the above named_____, to me known to be the person who executed the foregoing instrument and acknowledged the same.

_____

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

Approved by: _____
City Attorney

Attachment: Packet Docs (4753 : Residence at Foxtown)

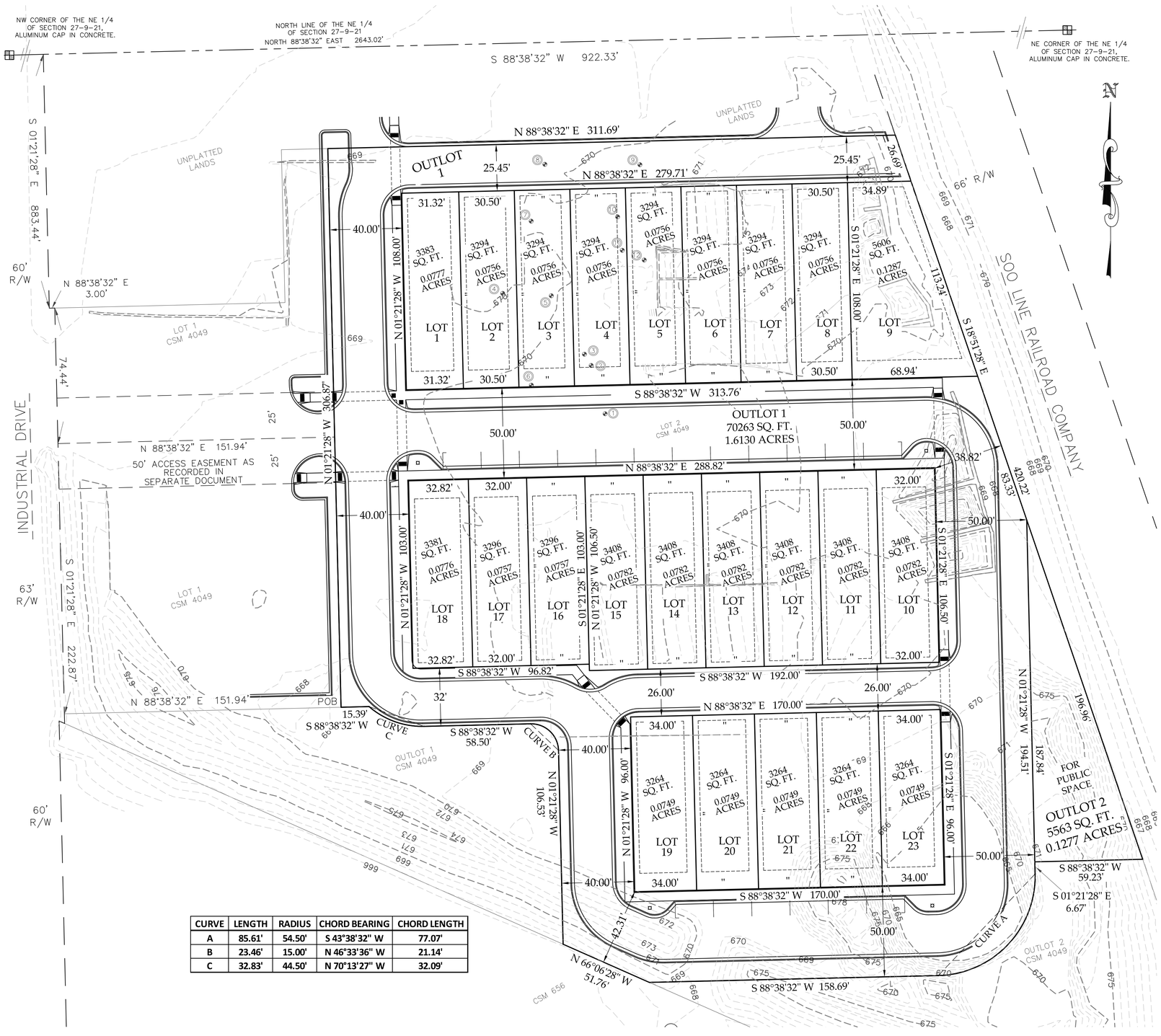
The Residence at Foxtown

Attachment: Packet Docs (4753 : Residence at Foxtown)

The Residence at Foxtown

Attachment: Packet Docs (4753 : Residence at Foxtown)

\AA-11-99\PD-04_PLAT_THERESIDENCEATFOXTOWN_ALT-1.DWG



CURVE	LENGTH	RADIUS	CHORD BEARING	CHORD LENGTH
A	85.61'	54.50'	S 43°38'32" W	77.07'
B	23.46'	15.00'	N 46°33'36" W	21.14'
C	32.83'	44.50'	N 70°13'27" W	32.09'

PRELIMINARY PLAT

THE RESIDENCE AT FOXTOWN

LOT 2 OF CERTIFIED SURVEY MAP 4049 RECORDED AS DOCUMENT No. 1074319 BEING PART OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 27, TOWNSHIP 9 NORTH, RANGE 21 EAST, IN THE CITY OF MEQUON, COUNTY OF OZAUKEE, STATE OF WISCONSIN.

OWNER: FT 2, LLC
524 TECHNOLOGY WAY
SAUKVILLE, WI

BEARINGS ARE REFERENCED TO THE WISCONSIN STATE PLANE COORDINATE SYSTEM, SOUTH ZONE. THE NORTH LINE OF NE 1/4 OF SECTION 27-9-21 BEARS NORTH 88°38'32" EAST, AS PUBLISHED BY SEWRPC

SCALE
0 30 60 120

SOIL BORING

SURVEYOR'S CERTIFICATE

I, J. SCOTT HENKEL, PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THAT I HAVE SURVEYED, DIVIDED, AND MAPPED THE FOLLOWING LAND AS DIRECTED BY THE OWNER, FT 2, LLC:

LOT 2 OF CERTIFIED SURVEY MAP 4049 RECORDED AS DOCUMENT NO.1074319 BEING PART OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 27, TOWNSHIP 9 NORTH, RANGE 21 EAST, IN THE CITY OF MEQUON, COUNTY OF OZAUKEE, STATE OF WISCONSIN, DESCRIBED AS FOLLOWS:

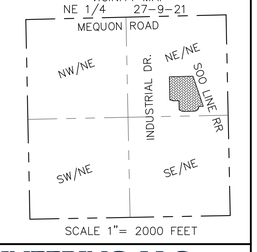
COMMENCING AT THE NORTHEAST CORNER OF THE NORTHEAST 1/4 OF SAID SECTION 27;
THENCE SOUTH 88°38'32" WEST, 922.33 FEET, ALONG THE NORTH LINE OF SAID NORTHEAST 1/4;
THENCE SOUTH 01°21'28" EAST, 883.44 FEET, ALONG THE EAST LINE OF INDUSTRIAL DRIVE;
THENCE NORTH 88°38'32" EAST, 3.00 FEET, ALONG SAID EAST LINE;
THENCE SOUTH 01°21'28" EAST, 222.87 FEET, ALONG SAID EAST LINE;
THENCE NORTH 88°38'32" EAST, 151.94 FEET, ALONG THE SOUTH LINE OF LOT 1 OF SAID CERTIFIED SURVEY MAP NO. 4049 TO THE SOUTHEAST CORNER OF SAID LOT 1 AND THE POINT OF BEGINNING OF THIS DESCRIPTION;
THENCE NORTH 01°21'28" WEST, 306.87 FEET, ALONG THE EAST LINE OF SAID LOT 1;
THENCE NORTH 88°38'32" EAST 311.69, ALONG THE NORTH LINE OF SAID LOT 2 TO THE WEST LINE OF THE SOO LINE RAILROAD RIGHT-OF-WAY;
THENCE SOUTH 18°51'28" EAST, 420.22 FEET, ALONG SAID WEST LINE;
THENCE SOUTH 88°38'32" WEST, 59.23 FEET, ALONG THE NORTH LINE OF OUTLOT 2 OF SAID CERTIFIED SURVEY MAP 4049;
THENCE SOUTH 01°21'28" EAST, 6.67 FEET, ALONG THE NORTH LINE OF SAID OUTLOT 2;
THENCE ALONG THE NORTHWEST LINE OF SAID OUTLOT 2 BEING THE ARC OF A CURVE BEARING TO THE RIGHT 85.61 FEET, WITH A RADIUS OF 54.50 FEET, AND A CHORD BEARING AND LENGTH OF SOUTH 43°38'32" WEST, 77.17 FEET;
THENCE SOUTH 88°38'32" WEST, 158.69 FEET, ALONG THE WEST LINE OF SAID OUTLOT 2;
THENCE NORTH 66°06'28" WEST, 51.76 FEET, ALONG THE NORTH LINE OF CERTIFIED SURVEY MAP 656;
THENCE NORTH 01°21'28" WEST, 106.53 FEET, ALONG THE EAST LINE OF OUTLOT 1 OF SAID CERTIFIED SURVEY MAP 4049;
THENCE ALONG THE NORTHEAST LINE OF SAID OUTLOT 1 BEING THE ARC OF A CURVE BEARING TO THE LEFT 23.46 FEET, WITH A RADIUS OF 15.00 FEET, AND A CHORD BEARING AND LENGTH OF NORTH 46°33'36" WEST, 21.14 FEET;
THENCE SOUTH 88°38'32" WEST, 58.50 FEET, ALONG THE NORTH LINE OF SAID OUTLOT 1;
THENCE ALONG THE NORTH LINE OF SAID OUTLOT 1 BEING THE ARC OF A CURVE BEARING TO THE RIGHT 32.83 FEET, WITH A RADIUS OF 44.50 FEET, AND A CHORD BEARING AND LENGTH OF NORTH 70°13'27" WEST, 32.09 FEET;
HENCE SOUTH 88°38'32" WEST, 15.39 FEET ALONG THE NORTH LINE OF SAID OUTLOT 1 TO THE POINT OF BEGINNING.

CONTAINING 154,965 SQUARE FEET / 3.5575 ACRES, MORE OR LESS.

I FURTHER CERTIFY THAT THE PLAT PREPARED IS A CORRECT REPRESENTATION OF ALL OF THE EXTERIOR BOUNDARIES AS SHOWN AND THAT I HAVE FULLY COMPLIED WITH THE PROVISIONS OF CHAPTER 236 OF THE WISCONSIN STATUTES, AND THE CITY OF MEQUON LAND DIVISION ORDINANCE.

_____
J. SCOTT HENKEL, PLS 2495

18 ON-STREET PARKING STALLS



REVISED: 5/28/19
REVISED: 5/10/19
REVISED: 4/24/19
REVISED: 4/22/19
DATE: 4/12/19

QUAM ENGINEERING, LLC
Residential and Commercial Site Design Consultants
122 Wisconsin Street; West Bend, Wisconsin 53095
Phone (262) 338-6641; www.quamengineering.com

SHEET 1 OF 2

DRAFTED BY J. SCOTT HENKEL

Attachment: Packet Docs (4753 : Residence at Foxtown)

\AA-11-99\PD-04_PLAT_THERESIDENCEATFOXTOWN_ALT-1.DWG

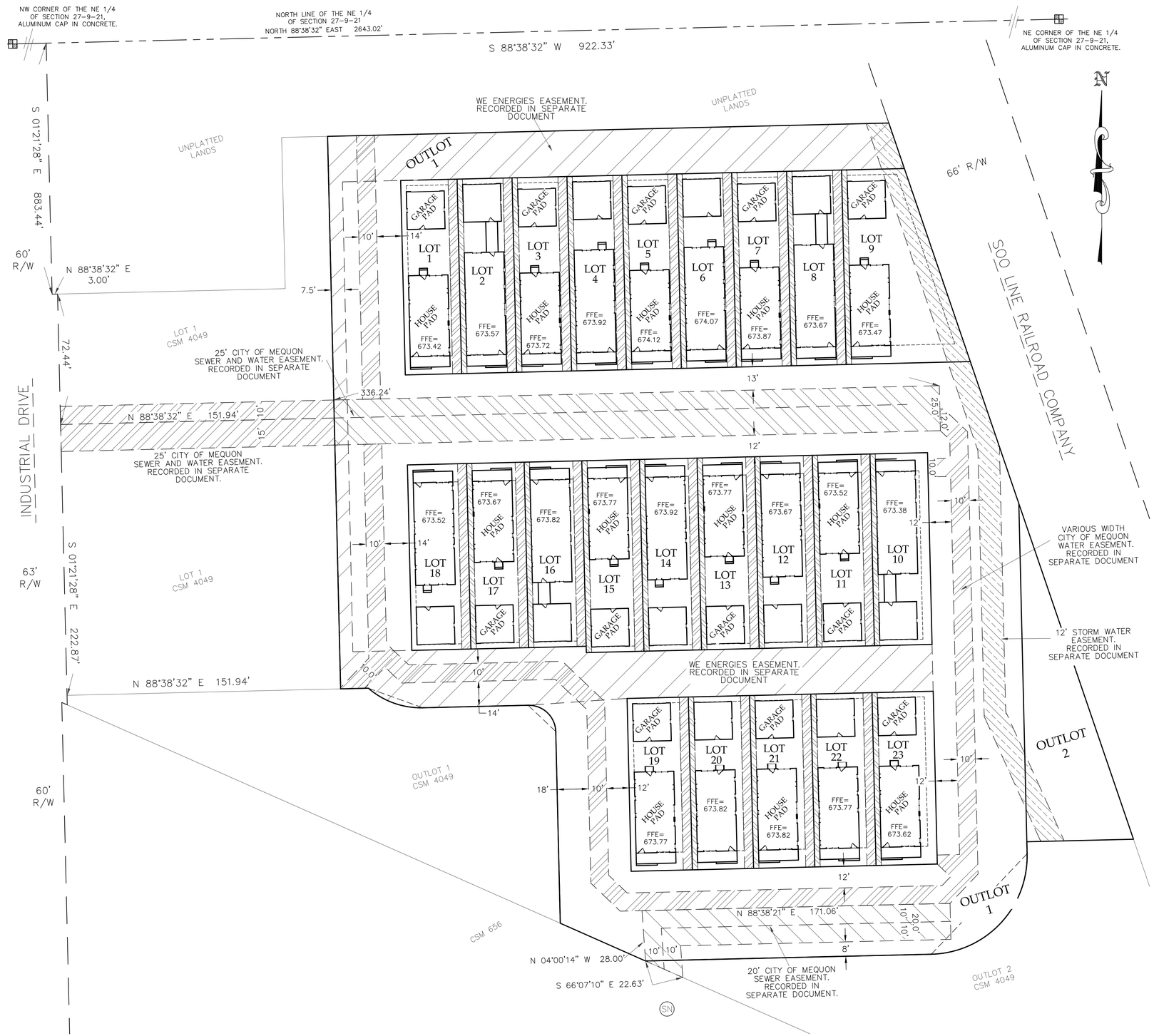
PRELIMINARY PLAT
THE RESIDENCE AT FOXTOWN

LOT 2 OF CERTIFIED SURVEY MAP 4049 RECORDED AS DOCUMENT No. 1074319 BEING PART OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 27, TOWNSHIP 9 NORTH, RANGE 21 EAST, IN THE CITY OF MEQUON, COUNTY OF OZAUKEE, STATE OF WISCONSIN.

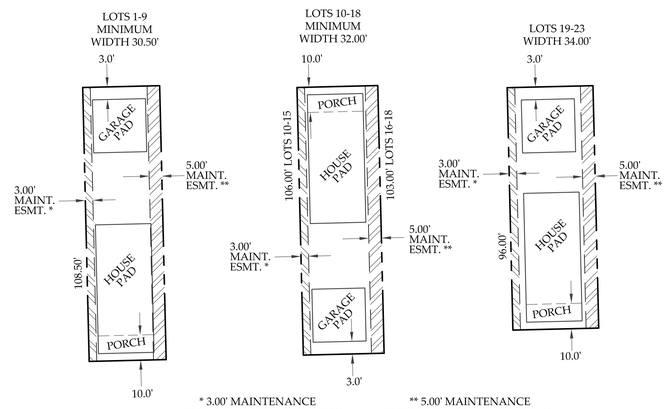
OWNER: FT 2, LLC
524 TECHNOLOGY WAY
SAUKVILLE, WI

BEARINGS ARE REFERENCED TO THE WISCONSIN STATE PLANE COORDINATE SYSTEM, SOUTH ZONE. THE NORTH LINE OF NE 1/4 OF SECTION 27-9-21 BEARS NORTH 88°38'32" EAST, AS PUBLISHED BY SEWRPC

SCALE
0 30 60 120



TYPICAL SETBACKS
FRONT: 10.00'
REAR: 3.00'
WEST SIDE YARD: 3.00'
EAST SIDE YARD: 5.00'



* 3.00' MAINTENANCE EASEMENT FOR THE BENEFIT OF THE WESTERLY ADJOINER. EASEMENT DOES NOT IMPACT: LOT 1, LOT 18, AND LOT 19.

** 5.00' MAINTENANCE EASEMENT FOR THE BENEFIT OF THE EASTERLY ADJOINER. EASEMENT DOES NOT IMPACT: LOT 9, LOT 10, AND LOT 23.

DATE: 5/28/19
DATE: 5/10/19
DATE: 4/24/19
DATE: 4/22/19

QUAM ENGINEERING, LLC
Residential and Commercial Site Design Consultants
122 Wisconsin Street; West Bend, Wisconsin 53095
Phone (262) 338-6641; www.quamengineering.com

SHEET 2 OF 2

DRAFTED BY J. SCOTT HENKEL

Attachment: Packet Docs (4753 : Residence at Foxtown)

8373894
Tx:4317264

1085844
RONALD A. VOIGT
OZAUKEE COUNTY
REGISTER OF DEEDS
RECORDED ON
11/15/2019 12:13 PM
REC FEE: 30.00
TRANS FEE:
PAGES: 19
EXEMPT #:

Document Number

Development Agreement
Document Title

Recording Area

Name and Return Address

City of Mequon

$30

Parcel Identification Number (PIN)

THIS PAGE IS PART OF THIS LEGAL DOCUMENT – DO NOT REMOVE.

This information must be completed by submitter: document title, name & return address, and PIN (If required). Other information such as the granting clause, legal description, etc., may be placed on this first page of the document or may be placed on additional pages of the document.
WRDA Rev. 12/22/2010

Attachment: Packet Docs (4753 : Residence at Foxtown)

DEVELOPMENT AGREEMENT

The Residence at Foxtown

Articles of agreement made and entered into this 3rd day of October, 2019, by and between Lakeside Development Company (1986), hereinafter called the Developer, and the City of Mequon, a municipal corporation of Ozaukee County, Wisconsin, hereinafter called the City.

WITNESSETH:

WHEREAS, the Developer desires to improve and develop certain lands located in:

See Exhibit A

And as described on attached Exhibit A (the "Development"), and for that purpose requires the installation of certain public improvements; and

WHEREAS, the City Engineer's report, attached hereto as Exhibit B, identifying the public improvements and other terms and conditions necessary to this Development (the "Improvements"), and

WHEREAS, Section 236.13(2) of the Wisconsin Statutes and Sections 58-634(c) and 58-637 of the Mequon Code of Ordinances provide that as a condition of approval, the City shall require that the Developer make and install or have made and installed, any improvements reasonably necessary; and

WHEREAS, the Public Works schedule and budget of the City does not include installation of the said improvements for the said Development, and normally there would be a considerable delay in the installation of said improvements unless the instant agreement were entered into; and

WHEREAS, the City believes that the orderly, planned development of said lands will best promote the health, safety and general welfare of the community.

NOW, THEREFORE, in consideration of the payment of One Dollar ($1.00) and other good and valuable consideration to each in hand paid by the other, receipt of which is hereby acknowledged, and in consideration of the various approvals granted by the City, and in obedience to the conditions imposed upon said approvals, and the mutual covenants herein contained, the parties agree:

1. The area to be improved shall consist of that area designated in Exhibit A in the proposed development plan granted preliminary plat approval by the Planning Commission.

2. Preliminary plat approval was granted by the Planning Commission on June 10, 2019.

3. The Improvements shall be as described on Exhibit B.

4. The Developer will, at its expense, have plans and specifications prepared for the aforesaid Improvements and such plans and specifications shall be submitted to the City Engineer for approval. The plans and specifications to be submitted are indicated in Exhibit B.

5. The Developer will contract for and have constructed, at its expense, all of the Improvements. The City, as a condition of final certification by the City Engineer, and approval and acceptance of dedication of the Improvements by the City, will require that copies of lien waivers from all contractors and/or material suppliers performing work or supplying materials for the installation of the Improvements be filed with the City.

Attachment: Packet Docs (4753 : Residence at Foxtown)

6. The Developer will pay for all reasonable costs incurred by the City, or its consultant in the review of the engineering plans, landscaping plans, inspection of the construction and/or installation of the Improvements, installation of street signs, review of record drawings for City files, and any other costs that may be incurred by the City in the installation of the Improvements for this Development. The Developer will pay the costs above enumerated within thirty (30) days after being billed by the City. Billing will be made periodically and/or monthly as the improvements are completed and as costs are incurred. Full cost will include labor, equipment, materials, engineering, inspection and overhead costs incidental to said work. Past due amounts on invoices generated by the City are subject to a one and one-half (1.5) percent per month charge, computed from the date of the original invoice.

7. All dedicated Improvements shall be warranted against defects due to faulty materials or workmanship which appear within one (1) year from the date of acceptance of dedication by the City, and Developer shall assign to the City applicable contractor warranties for the Improvements. If any defect should appear during this warranty period, the City shall first seek to enforce any applicable contractor warranty; however, Developer hereby guarantees the Improvements and shall indemnify the City to the extent of any default or failure of any contractor to honor the warranty. Each repair or replacement performed pursuant to this paragraph shall be guaranteed for one (1) year from the completion thereof.

8. Upon verification by the City Engineer that all of the Improvements have been satisfactorily constructed, installed or escrowed in accordance with City of Mequon Zoning Code, inspected and found to be in compliance with City requirements and with the following conditions as described below, and that all other requirements of this agreement have been complied with, Final Plat approval will be granted by the Common Council.

   A. The City Engineer shall only recommend Final Plat approval to the Planning Commission and Common Council upon certification that:

      i. All of the Improvements have been satisfactorily constructed or installed, completed and approved.

      ii. In the event that installation of the final asphalt surface course, street trees, open space landscaping and/or minimal site restoration as contemplated in Developer's plans approved by the City cannot be completed due to weather conditions at the time in which Developer wishes to obtain Final Plat approval, the City may, in its sole discretion, accept from Developer a Letter of credit in form approved by the City Attorney and in an amount determined by the City Engineer to provide appropriate security to ensure installation is completed within 14 months from Final Plat approval.

   B. The Department of Community Development shall schedule Final Plat recommendation before the Planning Commission and Common Council only upon certification by the City Engineer that all the improvements have been constructed, installed and approved.

9. The following special provisions shall apply:

   A. Easements are to be provided with the plat for the use of WE Energies, phone, Cable T.V. and other utilities for provision of services to the Residential Development. The Developer shall provide proof of payment in full for installation of the utilities prior to Final Plat approval.

   B. Underground utility installations shall be made without any street pavement removal, unless otherwise specifically approved by the City Engineer.

   C. A building permit may be issued for 2 principal structures prior to the Final Plat being approved and recorded. The building permit for the model home shall not be issued until the binder course is installed. The Developer agrees and understands that the transfer of title to

Attachment: Packet Docs (4753 : Residence at Foxtown)

any lot/residence in this development may not occur until after final certification by the City Engineer that the terms of this agreement have been complied with and the final subdivision plat is approved and recorded.

D. Subject to ¶5 above, the title to the sanitary sewer system, water main, and all other Improvements and the land on which they stand, unless located within a dedicated public easement, shall be dedicated and given in fee simple by the Developer to the City upon recording the Final Plat, as provided by State Statutes, and without recourse, and free and clear of all encumbrances and with access provided from a dedicated street, where necessary. Title to the fire protection and water supply facilities shall be given to the City of Mequon.

E. The Improvements shall be constructed in strict accordance with the requirements of the City and the City Engineer or his/her authorized representative, or as directed by said City Engineer; and shall be under and subject to constant inspection by the City Engineer or representative.

F. The Developer agrees that it shall be fully responsible for the Improvements for the Development and appurtenances thereto during the period of the construction of the Improvements, and until certification by the City Engineer, approval of the Improvements, and acceptance of dedication by the City, any damage as may occur to these facilities during this period shall be replaced or repaired by the Developer.

G. Excess topsoil shall only be removed from the Development by means of end-loading (no screening allowed on site) and trucking from the site. The Developer shall not disrupt topsoil where it is unnecessary, and the final arbiter of necessity shall be the City.

H. The covenants, conditions and restrictions recorded against the property described on Exhibit A shall prohibit future property owners from removing any berms, landscaping or amenities installed on this Development as a condition of landscaping, open space, grading or drainage plans, and from placement of landscape features, berms or plantings which disrupt flow of run-off in drainage ways or courses approved as a condition of the grading and drainage plans, without express written consent from the City Engineer and by action of the Planning Commission.

I. The Developer, its successors and assigns along with individual future lot owners are hereby notified that "impact" fees will be assessed by the City against the Developer and/or lot owners, pursuant to the requirements of Sections 58-138 et seq. of the Mequon Code of Ordinances, which payment is due prior to obtaining a building permit. The parties understand and acknowledge at this time that the City retains full right and authority to amend and modify its impact fee ordinance, the methodology by which impact fees are calculated or the numerical component values of the impact fee calculation in the future, such that the resultant impact fee amounts in effect from time to time may differ from the impact fee assessment which is currently in effect as of the date of this agreement, and that such modifications and amendments are not susceptible of determination at this time.

10. The Developer shall not be released or discharged from the obligations assumed under this agreement until final inspection and verification of all the Improvements has been made by the City Engineer in writing, and the Improvements have been approved and their dedication accepted by the City.

11. The Developer hereby agrees that the costs and value of said improvements will become an integral value of the abutting lots and that no future lot assessment will be made on behalf of the Developer.

12. Provisions of this agreement which may specify design criteria for the construction of required improvements are subject to change by the City Engineer, upon written notice to Developer and based on changes in applicable codes or regulations, for the purpose of reflecting the most up-to-date design

Attachment: Packet Docs (4753 : Residence at Foxtown)

standards for required improvements. The design standards in effect at the preliminary approval shall apply to all improvements for a period of two years.

13. Developer shall indemnify, defend, and hold the City and its officers harmless from, penalties, fines, costs, or loss (including reasonable fees for attorneys, consultants, and experts) that arise as a result of the presence or suspected presence in or on the real property dedicated or conveyed to the City by, under, pursuant to, or in connection with the Subdivision Plat or this Agreement including, but not limited to street rights of way, of any toxic or hazardous substances arising from any activity occurring prior to the acceptance of dedication of all Improvements. Without limiting the generality of the foregoing, the indemnification by Developer shall include costs incurred in connection with any site investigation or any remedial, removal, or restoration work required by any local, state, or federal agencies because of the presence or suspected presence of toxic or hazardous substances on or under the real property, whether in the soil, groundwater, air or any other receptor. The City agrees that it will immediately notify Developer of the discovery of any contamination or of any facts or circumstances that reasonably indicate that such contamination may exist in or on the real property. The City also agrees that following notification to Developer that contamination may exist, the City shall make all reasonable accommodations to allow Developer to examine the real property and conduct such clean-up operations as may be required by appropriate local, state, or federal agencies to comply with applicable laws.

14. Execution of this agreement shall be accepted by the City as adequate provision for improvements within the meaning of Section 236.13(2) of the Wisconsin Statues.

15. This agreement shall be binding upon the heirs, successors, executors and assigns of the parties hereto.

16. If the final plat conforms substantially to the preliminary plat as approved, including any conditions of that approval and to local plans and ordinances adopted as authorized by law, it is entitled to approval. If the final plat is not submitted within 24 months of satisfaction of the last required condition of approval of the preliminary plat, any approving authority may refuse to approve the final plat. The final plat may, if permitted by the approving authority, constitute only that portion of the approved preliminary plat, which the Developer proposes to record at that time. The Preliminary Plat shall be deemed an expression of approval or conditional approval of the layout submitted as a guide to the preparation of the Final Plat which will be subject to further consideration by the Planning Commission at the time of its submission.

17. It is understood that this Development Agreement may need to be amended to cover changes to the standards regarding landscaping, stewardship plans, stormwater management, grading and/or other plans.

18. In accordance with section 58-635(3)(e), if the Developer fails to commence construction within two (2) years of development agreement approval, then the development agreement shall become null and void.

Attachment: Packet Docs (4753 : Residence at Foxtown)

CITY OF MEQUON

By _____
John Wirth, Mayor

By _____
Caroline Fochs, City Clerk

OWNER

The Residence at Foxtown

By: _____

By: _____

STATE OF WISCONSIN)
)SS
OZAUKEE COUNTY)

Personally came before me, this 29th day of October, 2019, the above named Mayor and City Clerk, to me known to be the persons who executed the foregoing instrument and acknowledged the same.

NOTARY PUBLIC LINA A. PROSSER STATE OF WISCONSIN

_____
Notary Public, Ozaukee County, Wisconsin
My Commission (expires) (is) 12-20-19

STATE OF WISCONSIN)
)SS
~~WAUKESHA~~ Ozaukee COUNTY)

Thomas Zabjek

Personally came before me, this 22 day of October, 2019, the above named _____, to me known to be the person who executed the foregoing instrument and acknowledged the same.

_____
Ozaukee
Notary Public, ~~Waukesha~~ County, Wisconsin
My Commission (expires) (is) 8/14/20

KATHLEEN ANDRYKOWSKI NOTARY PUBLIC STATE OF WISCONSIN

Approved by: _____
City Attorney

Attachment: Packet Docs (4753 : Residence at Foxtown)

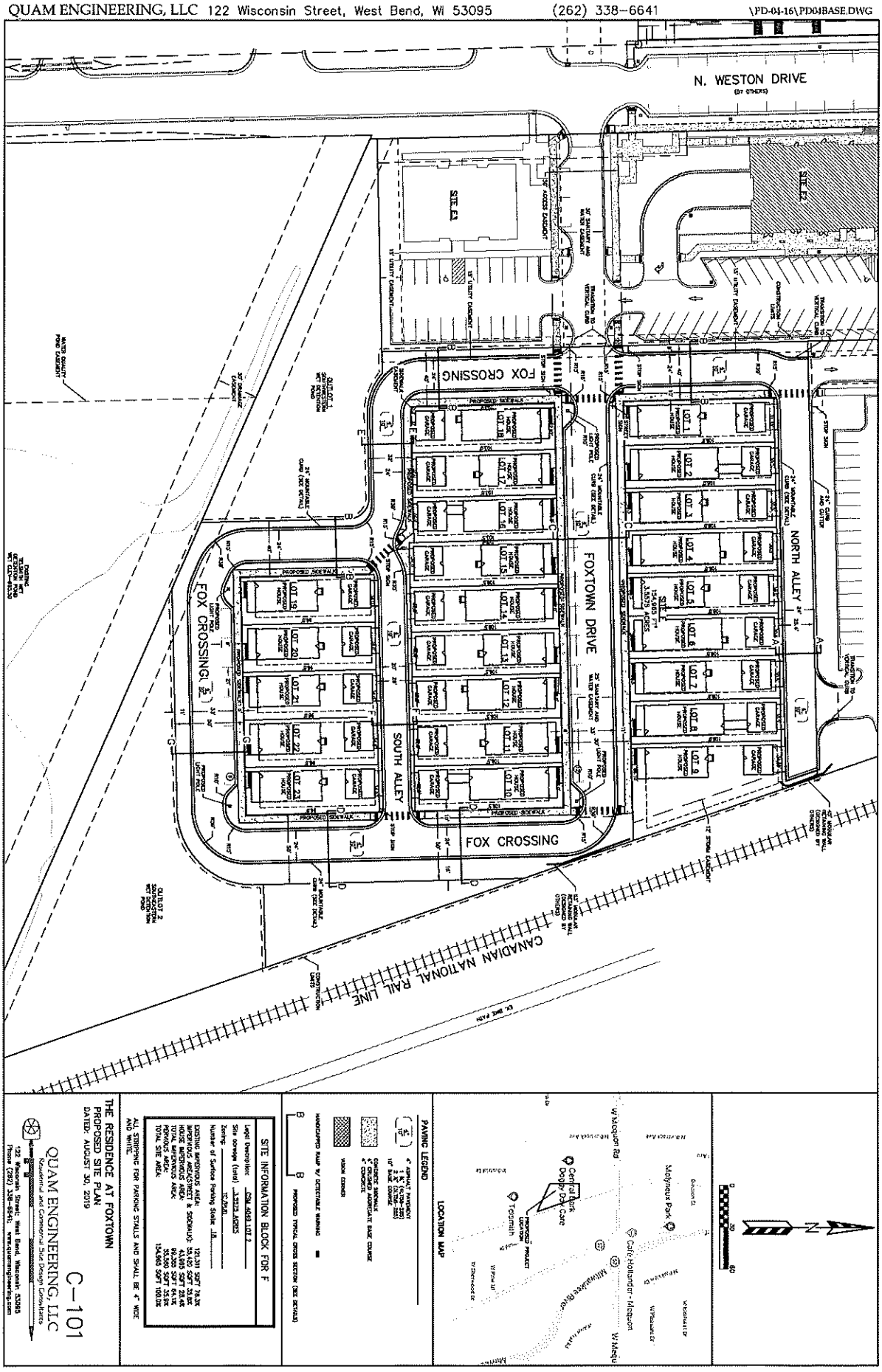
EXHIBIT A

DEVELOPMENT AGREEMENT

The Residence at Foxtown

DESCRIPTION OF AREA INCORPORATED IN THE SAID DEVELOPMENT:

Attachment: Packet Docs (4753 : Residence at Foxtown)



Attachment: Packet Docs (4753 : Residence at Foxtown)

EXHIBIT B

CITY OF MEQUON

WISCONSIN
* * * * *

DEPARTMENT OF PUBLIC WORKS

ENGINEERING DIVISION

TERMS AND CONDITIONS INCORPORATED INTO DEVELOPMENT AGREEMENT BY AND BETWEEN THE CITY OF MEQUON AND THE RESIDENCE AT FOXTOWN

The proposed development plans granted concept approval and preliminary plat approval by the Planning Commission have been reviewed by the Engineering Division and this report is hereby submitted in accordance with the procedural requirements established by the Common Council.

Notwithstanding anything herein to the contrary, the parties acknowledge that the Developer intends to complete the improvements necessary to provide access prior to construction of principal structures, and other improvements may be constructed and obligations may be performed by Developer, as indicated below, by requiring its lot purchasers to so perform in the lot purchasers' contracts or declaration of restrictions.

The following public works improvements and conditions are necessary:

1. Sanitary Sewer System

    a. Installation of a sanitary sewer system designed to meet the ultimate needs of this development, in accordance with the City's sanitary sewer system plan. Installation of one sewer lateral from the sanitary sewer main to the limits of the sanitary sewer utility easement or, road right-of-way.

    b. Sanitary sewer plans/profile shall conform to the City's Standard Specifications for Land Development, Standard Specifications for Sewer and Water Construction in Wisconsin and additional requirements of the Milwaukee Metropolitan Sewerage District (MMSD) shall apply.

    c. The City shall approve all sanitary sewer lateral locations.

    d. Connection to the existing sanitary sewer shall be done in accordance with the City's specifications.

    e. The lateral locations shall not deviate from the approved plan unless approved by the City.

    f. The public mainline shall meet the City's master plan for the area, in terms of depth and size, and be extended to the adjacent properties.

2. Water Supply System

    a. Installation of a water supply and distribution system for the proposed Development with mains, hydrants, valves and laterals for each building. The plans, specifications and installation shall be in accordance with the City Standard Specifications for Land Development, latest edition.

    b. The City shall review and approve all water main plans to be installed in a City road right-of-way or easement.

Attachment: Packet Docs (4753 : Residence at Foxtown)

c. Connection to the City of Mequon water system shall be in accordance with the City of Mequon Standard Specifications for Land Development, latest edition and be subject to a Water Services Agreement.

d. The City will determine the lateral locations to avoid removal of any specimen trees; the City shall approve all lateral locations.

e. The public mainline shall meet the City's master plan for the area, in terms of depth and size, and be extended to the adjacent properties.

f. Easements shall be provided to adjacent single family lots for access for potential future connection.

g. The mainline water main shall meet Water Utility standards for ISO recommended fire flows of 2500 gpm, which may require 12" pipe for the dead end main.

h. Dead end mains must be terminated with a public hydrant and phasing plans and construction to be approved through a Water Services Agreement.

3. Fire Protection Water Supply

a. The water for fire protection will be supplied to the Development water system through the City of Mequon Water System.

b. All fire hydrant locations shall be approved by the City's Fire Chief.

4. Grading and Drainage Plan

a. The Developer shall submit a master site grading plan. The Developer shall grade the site in conformance with the approved grading and drainage plan. The future owners/builders who construct the principal building shall be responsible for siting the principal building, rough and fine grading the building pad to comply with the master grading plan.

b. The Master Grading/Drainage/Storm Sewer and Erosion Control Plans shall comply with the requirements of the City's Standard Specifications for Land Development, latest edition.

c. Grading and drainage plan showing 2' contours for both existing and proposed grades, City approved building pad grades, culverts or storm sewers. Cross-section and profiles of all drainage ways and erosion protection as required, must be indicated on the plans and detailed.

d. Site grading plan showing only minimum setback and offset dimensions, and City approved building grades.

e. Erosion Control Plan for land disturbing activities showing existing contours at least 200' into adjacent parcels. This plan will show location and dimension of all construction site management measures to control erosion and sedimentation.

f. Rough grade as necessary to establish lot grades in accordance with future building grades, top-soiling, seeding and mulching as required, to all exposed ground surfaces to prevent erosion.

g. The grading plan shall include minimum elevations for proposed top of principal building foundation wall based on proposed building envelopes shown on the approved specimen tree plan and City approved finished yard grades.

h. Grading and filling shall be kept to a minimum, including in individual building envelopes.

Attachment: Packet Docs (4753 : Residence at Foxtown)

i. The Developer is responsible for top-soiling, seeding and mulching, as required to all exposed ground surfaces to prevent erosion, including disturbance by utility contractors.

j. Wetland fill requires the approval of the WNDR.

5. Storm Drainage System

a. Drainage System Plan showing all tributary areas to the proposed subdivision drainage system and downstream analysis. Included on the system plan should be all proposed and existing drainage structures in the drainage system area.

b. Drainage easements must be shown by dimension and detailed cross-section.

c. Installation and construction of a complete storm drainage system, including culverts, storm sewer, and open ditches as required to adequately drain the surface water from and through the Development. Erosion protection and minimum velocity design shall be provided for in the storm drainage system design. All areas adjacent to existing and proposed roadways shall be restored to conform with the approved roadway cross-section.

d. The storm water facilities shall be installed before the impervious surface.

e. Additional considerations will be required on all ditch slopes exceeding five percent (5%). All roadside ditches or drainage easements shall have a minimum one percent (1%) slope. Areas less than one percent (1%) will require further analysis.

f. The Development will be required to provide on-site stormwater detention and demonstrate to the City Engineer that the Development shall comply with the City's stormwater ordinance and MMSD Chapter 13 rules and regulations.

g. The Developer shall submit hydrologic calculations for the 2, 10 and 100 year development conditions.

h. The Developer shall provide hydraulic calculations showing pond discharge rates under proposed conditions. Under proposed conditions, the stormwater management must demonstrate that the 2, 10 and 100 year discharge rate will be less than pre-settlement conditions.

i. All sump pump discharge pipes shall discharge to a roadside ditch, storm sewer or other location approved by the City. For roadways with an urban section a sump pump collection system shall be required in accordance with the City's Standard Specifications for Land development, latest edition.

j. Submittal, at the time of architectural review and approval, of a sump pump discharge and roof drainage plan in accordance with Storm Water Management Plan approved by the City Engineer.

k. If the storm sewer design includes underground piping, a set of utility plans showing all plan and profile views of sanitary water and storm sewer shall be used and kept current during all phases of construction.

l. Stormwater Best Management Practices Maintenance Agreement:

The Developer shall design and construct storm water facilities, including detention and/or retention pond(s), in accordance with the approved storm water drainage plan such that they are adequate to accommodate expected surface water flow within and through the

Attachment: Packet Docs (4753 : Residence at Foxtown)

Development, in accordance with applicable City ordinances, Chapter 13 of the Milwaukee Metropolitan Sewerage District rules, and the regulations of WDNR, as may be applicable. Thereafter, it shall be the responsibility of the Developer and/or its successors and assigns, as provided below, that such storm water facilities shall be maintained to meet or exceed the standards to which they were constructed, such that in the future, they continue to accommodate the maximum potential volumes of flow through and within the development, and meet applicable performance standards for storage and release.

Accordingly, the following requirements are applicable to this Development and conditions of approval of the preliminary plat and the development agreement, pertaining to detention basin/pond maintenance.

i. All stormwater drainage and storage facilities, including detention basin(s)/pond(s), shall be maintained and cared for by the Developer and subsequently, at such time as the Developer passes control of the stormwater elements of the Development and responsibility for maintenance thereof to the Homeowners Association they shall be maintained in accordance with this Section 5.g.

ii. In order that the perpetual care and maintenance of all stormwater drainage and storage facilities shall be provided for, the Developer shall create or cause to be created an entity (the Homeownerd Association) with a perpetual existence under the laws of the State of Wisconsin for the express purpose, *inter alia*, of assuming all responsibility in connection with the perpetual maintenance of the stormwater facilities. Developer shall provide by contract, declaration of covenants, deed provision, or otherwise that all lot owners in the development, including Developer, shall be members of the Association solely by virtue of being a lot owner, and shall be jointly responsible for its obligations, which obligations shall be assessable as against such members. If, as contemplated by the parties, any portions of the Development in or on which is located stormwater drainage and storage facilities, including detention basin(s)/pond(s), shall be conveyed to other assigns and/or successors in interest, then Developer shall provide by contract, declaration of covenants, deed provision, or otherwise that such other assigns and/or successors in interest shall assume all responsibility in connection with the perpetual maintenance of those stormwater facilities. The Developer shall have no further responsibility for such maintenance, only after arms length sale of the lot by the Developer, conveyance of outlots and/or common areas to the Homeowners Association or other good faith grantees, and acceptance of dedication of the Improvements by the City.

iii. The following minimum standards for future care and maintenance of the stormwater drainage and storage facilities, including detention basin(s)/pond(s), shall be adhered to by Developer and Developer's assigns and successors in interest:

A. Provide normal and customary cleaning and maintenance to the detention basin(s), and pond(s) located in this Development including, but not be limited to, weed and algae control, dam stabilization, emergency overflow, outlet structure (including trash rack), dredging and biological control.

B. As necessary, dredging of the storm water facilities shall require permits and approvals under Section 30.20 Wisconsin Statutes, to remove materials from the bed of a pond ultimately connected to a navigable waterway from the Wisconsin Department of Natural Resources (WDNR).

C. Make chemical treatments as necessary, in keeping with the regulatory requirement(s) that the application of EPA/State Registered Chemicals to detention basins/ponds or lakes is regulated by the WDNR. With few exceptions, a permit must be filed with, and approved by the WDNR, prior to chemical treatment. In certain circumstances, a representative of the WDNR

Attachment: Packet Docs (4753 : Residence at Foxtown)

will monitor or supervise the chemical treatment. Contact the WDNR for additional information.

D. The detention basin(s)/pond(s) shall be certified by a licensed professional engineer or land surveyor as a condition of Final Plat approval. To assure compliance with the approved plans, the Developer shall be responsible to recertify the detention basin(s)/pond(s) as a condition of transferring ownership to the Homeowners Association, but in no event shall such recertification occur later than two years after the approval of the Final Plat.

E. The detention basin(s), pond(s) certification shall be submitted with an as-built record drawing.

F. The detention basin(s)/pond(s) shall be inspected in compliance with the Inspection Report Form supplied by the City. Any deficiencies shall be corrected immediately. A copy of the report form, including but not limited to photographs or diagrams of the deficiency and corrections with the certification shall be provided to the Homeowners Association, and any other assigns and successors in interest of Developer, and shall be promptly submitted to the City Engineer for review and approval. Specific areas shall include, but not be limited to:

- Bio-retention facility
- Pond containment berms are stable and free of animal burrowings
- Detention storage volume
- Erosion
- Vegetative cover
- Sediment accumulation
- Trash rack/culvert functions
- Outlet flow
- High water level
- Water surface elevation at time of survey
- Normal pond water level
- Emergency overflow

iv. To guarantee performance of all of the foregoing obligations concerning the private stormwater drainage and storage facilities, including detention basin(s)/pond(s), the developer shall, in accordance with City ordinance 58-677(b), 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).

v. Not less than ninety days prior to the final expiration of the Developer's LOC obligations, or at such time as the Developer shall convey the outlot(s) or common area(a) in or on which are located the stormwater drainage and storage facilities, including detention basin(s)/pond(s), to the Homeowners Association or other assigns or successors in interest, whichever is later, the Developer shall have the detention basin(s)/pond(s) recertified in accordance with d. and e. above.

vi. At any time in the future, if, in the opinion of the City, either the Developer (in keeping with the limitations upon its responsibility as expressed herein), the Homeowners Association, or any other assigns or successors in interest, shall fail to maintain the

Attachment: Packet Docs (4753 : Residence at Foxtown)

stormwater drainage and storage facilities, including detention basin(s)/pond(s), the City, at its option, may give the Developer, the Homeowners Association or other assigns or successors in interest, as may be interested, written notice requiring any or all of them within thirty (30) days thereafter, to cure the failure and to maintain and to provide the required care. If the notified party fails to comply with the demands of the notice, the City shall have the right , but not the obligation, to perform the work necessary to correct the deficiency, and to charge the cost thereof, including administrative charges, to the Developer, and/or to the Homeowners Association, and/or other assigns and successors in interest, by drawing upon the LOC, and/or by imposing such charge as a special charge for services pursuant to §66.0627, Wisconsin Statutes, and if not promptly paid by the party to whom the charges were invoiced, as a lien and special tax on the property(ies).

vii. The City Engineer has the authority to stop work, amend, or alter remediation measures to the detention basin/ponds. Failure to comply will result in the issuance of a municipal citation by a forfeiture as prescribed by law, or may be addressed in an action for injunction, mandatory injunction, or any combination of remedies. Each day a violation exists shall constitute a separate offense.

viii. Upon 75% (or fewer) of the lots within this Development being sold, a Homeowners Association shall be created.

ix. This agreement and all of its covenants are and shall be covenants running with the land, and shall encumber the Development, and shall be binding on the heirs, personal representatives, successors and assigns of the parties hereto. This agreement shall be recorded with the Ozaukee County Register of Deeds office. The Development covenants and restrictions shall include this language and not by reference.

6. Erosion and Run-off Control

a. Installation and construction of improvements in the proposed Development shall be done in conformance with the City in cooperation with the Ozaukee County Land Conservation Guidelines (SCS) and Department of Natural Resources "Wisconsin Construction Site Best Management Practice Handbook," latest edition, requirements, with respect to erosion and sedimentation control. Temporary stormwater quality measures during construction activities shall include, as a minimum, the installation of silt fence and temporary sediment basins.

b. The Developer shall install the drainage system, including roads (unpaved, but with gravel surface), first. The swale and ditches shall be sodded or planted with fast growing grasses immediately after grade certification by the City or designated agent. The City may request temporary mulching if ground is exposed for more than 7 days. Straw, hay bales, check dams or silt fences shall be placed in the drainage system as sediment traps in accordance with established Best Management practices. The City will decide what situation is appropriate for sod and will determine the sediment trap method to be used.

c. The Developer may not commence land disturbing activities until all erosion control measures are installed and approved by the City. An erosion control permit must be approved which requires the Developer to construct in conformance with the City's erosion control ordinance.

d. Excavated soil shall not be allowed to be piled near the drainage system. A topsoil stockpile area shall be identified and used, complete with appropriate erosion control measures.

e. The surface of exposed bare soils shall be protected by mulches or by temporary annual grasses, or erosion matting.

f. The Developer will periodically inspect and maintain any measures utilized above. All erosion control devices shall be inspected after each rain event.

Attachment: Packet Docs (4753 : Residence at Foxtown)

7. Streets

a. The road design standards shall be subject to the review and approval by the City Engineer and Fire Chief. The roads, whether public of private, shall be constructed in compliance with the City Standard Specifications for Land Development, latest edition, unless otherwise approved by the City.

b. Private access roads/driveways shall be approved by the City Engineer and Fire Chief.

c. Construction of a twelve (12) inch road base consisting of twelve (12) inches of one and one-quarter inch (1 1/4") crushed stone base course for all new streets. The initial surface shall consist of three inches (2.5") of bituminous binder course. The roads shall be constructed to the City's typical cross-section and in accordance with the City's standard specifications for land development.

d. In developments with sanitary sewer the final one and one-half inch (1 ½") asphalt surface course shall be applied following the construction of the binder course.

e. All cross connections are required to be constructed in each phase, with a temporary turnaround constructed until the adjacent property develops. The developer or Homeowners Association shall remove and restore the temporary turnaround at the time the connection is constructed.

f. The roadside sidewalk shall be installed at the time of roadway construction, prior to final plat and shall be maintained by the homeowner association. This maintenance will include snow and ice removal.

g. The Developer shall provide to the City a performance bond, Letter of Credit or Cash Bond, in a form approved by the City Attorney subject to prior review and approval by the City, to provide security for compensation to the City for wear and tear and accelerated deterioration of City streets as a result of infrastructure improvement associated with the hauling of stone and asphalt attributable to the approved Development.

Prior to commencement of any construction activity, the Developer shall establish with the City a performance bond, Letter of Credit or Cash Bond, in a form approved by the City Attorney, for road damage, in the amount equal to $1,000 per residential lot in the proposed Development. Should the proposed development be approved as a phased Development, the performance bond and evaluation process shall be established prior to commencement of each phase of Development. Prior to the commencement of any construction activity, the following provisions shall be complied with:

i. The Developer shall meet with City Engineering and Public Works staff to identify and agree to a specific "haul" route for all construction equipment and material supplies associated with the Development. The Developer shall agree to confine the movement of its construction equipment to the approved route unless approved otherwise by the City Engineer or Public Works Director.

ii. Prior to commencement of construction, the City shall videotape and perform a road evaluation of the agreed to haul route. This evaluation, known as a service condition rating or SCR, shall be used as the base line for establishing the level of damage that occurs as a result of the Development.

iii. The haul route is likely to include Industrial Drive which is slated to be under construction during the same timeframe as The Residence at Foxtown. Additional haul route videos will be taken at various points of the Industrial Drive construction. These videos will replace the pre-construction evaluation. Alternative routes should

Attachment: Packet Docs (4753 : Residence at Foxtown)

be considered during construction to avoid damage to a new roadway. Alternative routes shall be reviewed and approved by City Engineering and Public Works staff.

iv. At the conclusion of the construction activity and prior to the recording of the final plat, the City will again videotape and perform a post development SCR of the Developer's "haul" route.

v. Prior to the City acceptance of the Improvements, the Developer will repair the road or pay to the City for the Dollar amount for the estimated repairs.

The road account and road evaluation is only applicable to that portion of the approved haul route that lies within the corporate limits of the City.

h. Should the money in the account be inadequate to defray the cost of surfacing to include inspection, shouldering, road failures, base repairs and defects and utility adjustments, the Developer shall make up any shortage of funds.

8. Landscaping and Open Spaces

a. A street tree plan shall be subject to the review and approval of the Tree Board and Planning Commission. The species and installation of street trees shall conform to the street tree ordinance.

b. Landscape plans for the open space and detention pond buffering shall be designed by a licensed landscape architect and shall be reviewed and approved by City staff. The City may have a licensed landscape architect review the submitted landscape plans. All amenities located in this phase of the development shall be constructed prior to Final Plat approval.

c. Signage and entryway landscape plans shall be reviewed and approved by City staff.

d. A letter of credit issued by a local bank on the US Chamber of Commerce model form or reasonable equivalent, and subject to prior review and approval by the City Attorney, equal to 25% of the landscape and street trees contract cost to insure that all private open space landscaping that dies within three (3) years of installation will be replaced by the Developer.

e. A performance bond equal to 25 percent of the installation costs of the street trees is required to ensure that all street trees that die within the first 14 months will be replaced by the developer.

f. Any required pedestrian paths or sidewalks shall be installed and shall be maintained by the developer or Homeowners Association. Pedestrian and bike path plans and sidewalks shall address the public use of the paths and maintenance and shall be subject to the review and approval of the City Engineering Department. A ten (10) foot wide pedestrian and bike path easement shall provide for public access. An eight (8) foot wide path shall be designed and constructed in accordance with the Department of Transportation (DOT) Bike Path Facilities Handbook.

9. Miscellaneous

a. The Developer shall be responsible for maintaining and repairing all damage done to City streets as a result of excessive hauling operations and Development construction pursuant to section 7(f) above.

b. The Developer shall be responsible for the material and installation of street name signs and regulatory/public safety signs (speed limit, stop sign, etc).

Attachment: Packet Docs (4753 : Residence at Foxtown)

c. All construction shall conform to the "Standard and Specifications for Development Construction in the City of Mequon," latest edition.

d. Wetland Boundaries shall be identified and marked in the field and verified by the Wisconsin Department of Natural Resources. The wetlands and setbacks shall be identified on the plat. Wetland boundary markers shall be maintained and setbacks observed during all phases of land disturbance and construction.

e. The City Engineer may make changes to the approved plans and specifications for any of the improvements covered under this agreement which are necessary to correct oversights, omissions, and errors to compensate for changing site conditions, or to complete fully the work in accordance with sound engineering practice. The Developer shall perform the work as changed entirely at its expense without any claim for reimbursement.

f. Submittal and Planning Commission approval of the maintenance agreement and street tree landscape plan, if applicable.

g. Submittal of underground utility easements.

h. All sanitary, drainage, water and other utility easements must be shown on the plat. All sanitary, water and drainage easements must be prepared separately for each lot or parcel and recorded at the Developer's expense. These documents shall be required at the time of final plat approval and approved by the City.

i. Submittal of proposed driveway culvert size plan where applicable.

j. Developer shall be responsible for the cost of installation street lighting, as shall be approved by the City. The City Public Works Department shall arrange for the installation permit and coordinate the installation. Developer shall pay for labor and materials within 30 days after being invoiced. After acceptance of dedication of the Improvements by the City, the City shall assume responsibility for the monthly energy costs and future maintenance for the street lighting.

10. Special Provisions

a. The development process shall strictly conform to the conditions of approval of the Preliminary Plat and other approvals, and as set forth in the Development Agreement. Request for final plat approval is subject to Engineering Department certification that all improvements required to be installed have been completed and approved, and as to the Improvements, approval and acceptance of their dedication by the City.

The remainder of this page is intentionally left blank.

Attachment: Packet Docs (4753 : Residence at Foxtown)

EXHIBIT C

CITY OF MEQUON
WISCONSIN
* * * * *

ENGINEERING DEPARTMENT
DEVELOPMENT AGREEMENT

The Residence at Foxtown

As a condition of final plat approval, the Developer, in accordance with the requirements of Section 58-640 of the Mequon Code of Ordinances will make payment in full of the following sewer connection charge: $4,600 (23 lots @ $200 per lot). This charge will only be applied if the Development is required to install a public sanitary sewerage system.

In addition, the Developer shall provide a lot pipe guarantee. The Developer shall provide a financial guarantee in the amount of $2,300 which is equivalent to $100 per lot. The financial guarantee is subject to release upon receipt by the City of a lot pipe certification stamped and signed by a professional land surveyor, registered in the State of Wisconsin.

Attachment: Packet Docs (4753 : Residence at Foxtown)

Legal Description

1075757 PART NE NE 3.558 ACS COMM 922 FT W & 799 FT S & 129 FT E OF NE COR NE NE BEING CSM #4049 LOT 2 DOC 1074319 SEC 27 T 9 R 21

Attachment: Packet Docs (4753 : Residence at Foxtown)

In regards to phasing, the applicant stated they do want to continue making improvements to the entire development and their tenants will also be pushing them to finish the bookends on the site. Commissioners thanked the applicant for working with staff and for listening to previous feedback and adjusting the plans accordingly. There was support for continued phasing and completion of improvements for the entire site.

Action
Ald. Strzelczyk made a motion to table the landscape plan.
Commissioner Becky Schaefer seconded the motion.
A voice vote was taken; vote passed (8-0)

Action
Ald. Strzelczyk made a motion to approve the building and site plan amendment and the master sign plan amendment subject to the conditions in the staff report.
Commissioner Jim Schaefer seconded the motion.
A voice vote was taken; vote passed (8-0)

RESULT:	**APPROVED [7 TO 0]**
MOVER:	Robert Strzelczyk, Alderman/Vice Chair
SECONDER:	James Schaefer, Commissioner
AYES:	Wirth, Strzelczyk, Choren, Hawley, Lemke, J. Schaefer, R. Schaefer
ABSENT:	Stoker
RECUSED:	Parrish

c) Lakeside Development for Residence at Foxtown. The applicant is seeking rezoning recommendation, preliminary plat and development agreement approval for 23 single-family homes for the property located at 11050 N. Industrial Drive (Foxtown Venture).

Asst. Dir. Zader stated that this request is for the pocket homes for the Foxtown development. The proposed plan is for 23-single family lots and is consistent with the PUD approved for Foxtown. There are three items for approval; preliminary plat, development agreement and rezoning recommendation.

The applicant was previously approved for setbacks of 0 feet on the west and 8.5 feet on the east, the applicant is requesting a change to 3 feet on the west and 3.5 feet on the east. Another request is to reduce the rear setback from 5 feet to 3 feet for the detached garages as it gives a little more space for a yard. Staff recommends approval and if approved by the Commission, this item will go to Common Council for final approval.

The applicant was represented by Brian Sheive and Ryan Zabjek from Lakeside Development. Mr. Sheive stated that after reviewing the development agreement he learned that the number of dwellings allowed to be started before the final plat is limited to 2. They are requesting that number be increased to 4-8 due to timing of site development as well as the nature of the design of the homes all lined in a row; as it relates to efficiency of construction.

Attachment: Packet Docs (4753 : Residence at Foxtown)

Asst. Eng. Henk stated that the phasing of Industrial Drive, the E buildings and D building at the same time as this parcel will be very crowded and can be complicated on such a small construction area.

Mr. Zader stated that Mequon has always been conservative in the process of building houses and only allows construction, except for the 2 spec homes, until the final plat is approved. This is a very tight development and he does not feel the timing is a compelling argument and he recommends no more than 4 homes be approved.

Action
Ald. Strzelczyk made a motion to approve the item.
Commissioner Jim Schaefer seconded the motion.
A voice vote was taken; vote passed (8-0)

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Robert Strzelczyk, Alderman/Vice Chair
SECONDER:	James Schaefer, Commissioner
AYES:	Wirth, Strzelczyk, Choren, Hawley, Lemke, Parrish, J. Schaefer, R. Schaefer
ABSENT:	Stoker

d) ICAP Development for Jewish Home and Care Center, Inc. The applicant is seeking concept plan, specimen tree removal and rezoning recommendation approval from IPS (Institutional and Public Service) to B-2/PUD (Commercial Business/Planned Unit Development) to redevelop the site for multiple commercial uses for the property located at 10865-10911 N. Port Washington Road and parcel to the south. REMOVE FROM TABLE.

Action
Mayor Wirth made a motion to remove the item from the table.
Ald. Strzelczyk seconded the motion.
A voice vote was taken; vote passed (8-0)

Asst. Dir. Zader stated that a letter from a neighbor was left on the dais for the Commissioners regarding the driveway access. This is the third time this item has been in front of the Commission for a request for rezoning from IPS to B-2/PUD. Much of the past discussions have been centered around the specimen trees on site. The applicant has been working with the City Forester, Mike Gies, as well as they have hired their own arborist and there seems to be an agreement of the scope of the removal. The applicant is now requesting to remove only 7 trees, which are all located in the front of the site. They have decided which trees are less desirable due to the quality as well as the impact they have had over the years from when the previous development was on site. The buildings have been slightly shifted to accommodate additional trees on site. Staff is supportive of the request and has some added conditions that should be noted:

Attachment: Packet Docs (4753 : Residence at Foxtown)

intent that additional landscaping outside the islands be added, and that item #16 be replaced with the language supplied the applicant.
Mayor Abendroth seconded the motion.

Asst. Dir. Zader made a friendly amendment to have a 5-10 ft. setback for the new driveway (not a 0 ft. setback).
The applicant accepted the friendly amendment
A voice vote was called, vote passed (8-0).

f) Robert Bach for Foxtown Venture. The applicant is seeking rezoning recommendation and concept plan approval for a mixed-use development located in Town Center.

The applicants showed a video of the proposed project.

The applicants; Stephen Smith, Greg Thompson, Bob Bach, Tom Nieman and Tom Zabjeck were present.

Commentary during the video:
There are 6 different sites on 17 acres that will all be tied together:

Building A = Historic Brewery (Tom Nieman)
Building B = There will be a two-story building with the main restaurant on site and possible banquet hall on the ground level east side. (Gordon Goggins)
Building C = 96 high quality apartments that will be developed by Bob Bach/P2 Development.
Building D = Hamburg Hall / Foxyard Beer Hall and Garden.
Building E = 3 multi-use buildings (retail and office). Top level will have 10-11 Corporate Stay units.
Building F = 21 Condominiums which will be a very unique high quality product. (Tom Zabjek/Lakeside Development)

Ms. Mary Claire Lanser has being doing outreach which consists of going door to door and hosting a neighborhood open house meeting. They have made 89 contacts and have 21 pages of feedback.

Ms. Leah Pickett did outreach to get a feel for the temporary housing interest.

Asst. Dir. Zader stated that the applicant is requesting rezoning to PUD and concept plan approval. He stated that it was difficult to write the staff report as there are many moving parts to this project. The PUD is necessary for the stand alone restaurant; which must be part of a mixed-use development, the single family portion of the project and there are over 16 apartment units. He explained that he looked at the project parcel by parcel and reviewed the plan for any red flags. He paid special attention to the parking as that has been an issue in the area. He feels that many of the areas in the proposed plan have more than the code required parking. The applicant mentioned waivers which the code does allow for, but those would be reviewed and granted at the time of the building and site plan approvals.

Attachment: Packet Docs (4753 : Residence at Foxtown)

He stated that one major issue is the traffic flow through the site. Staff recommends a traffic impact analysis been done related to the traffic on Industrial Drive and the major intersections of the development. Those answers are important before the Council takes action on the PUD as it could dramatically change what this development looks like in the long run. The other issue is that currently single family dwellings are not permitted in the TC zoning. Staff will be discussing making a modification to that but it will also need to be approved by the Council before the project can move forward.

Asst. Dir. Zader listed bullet points in the staff report regarding the concept plan as well as a chronological plan for the proposed development moving forward. Staff did talk with the applicant about a TIF incentive as there is a lot of demolition work that will need to be done. The TIF project plan needs to be amended which will be a several month process. The only waiver that has been granted was regarding the 800 sq. ft. minimum for the apartments. There are requirements recommended for phasing of the project which require the restaurants on Mequon Road to be the first projects completed. Criteria was included that requires occupancy for building A before building B and building B before building C. Some of these buildings will not be constructed for 2 to 3 years. Particular areas that staff will focus on are the street frontage requirement and the percentage of windows which are crucial. Staff does recommend the rezoning and the concept plan.

Mayor Abendroth stated that it is a great concept plan and in order to move forward it needs to be rezoned to a PUD. He added that the goal for this meeting is not to grant waivers or building and site plan approval. He asked the applicant about their feelings of the 20 conditions in the staff report.

Mr. Smith answered they are comfortable with all the listed conditions. They are focused on the timing of getting started on the brewery which they would like to start in the spring. They have already enlisted the parking analysis to take place, which is a 4-5 week process.

Mr. Thompson, project manager, stated that the schedule for the brewery is scheduled to start this winter in January if they can get through the approval process. They would like to have ground breaking on building B in the spring. They are aiming to have the brewery open for Octoberfest next year.

Ald. Wirth stated that this is a phenomenal project. He feels that the staff conditions make sense and he understands the need to keep the process moving on both sides. He requested that somewhere in the process that a parking study be conducted similar to the study that was done for MTC1; given the recent parking issues and he would like this item added to the motion if approved.

Commissioner Mason welcomed the applicant to the community and stated that this will be a great asset to the community. He asked how many years it will take to finish the entire project.

The applicant answered that it will most likely be about 5 years total to complete all the phases.

Attachment: Packet Docs (4753 : Residence at Foxtown)

Action
Ald. Wirth made a motion to approve the rezoning and recommend it to the Common Council and to approve the concept plan per staff's recommendations and conditions with the addition of a desktop parking analysis study similar in scope and authority to the parking analysis desktop study completed for MTC1.
Commissioner Jim Schaefer seconded the motion.

Commissioner Parrish commended the applicant on the great video and he appreciates their investment in the community. He asked how many pocket homes would be constructed right away. He feels that these homes feel out of place and he struggles with this price and the type of dwelling.

Matt Haven, President of TelSmith – stated he has concern about the pocket homes proposed on the south end of the project. He feels the traffic study is a good idea to assess the traffic on Industrial Drive. They want to be good neighbors but they struggle with the residential portions of the development.

Asst. Dir. Zader stated that there is a bit of a concern with the homes located so close to TelSmith but staff is comfortable with moving forward with the project. He commented that if the units sit vacant it is the risk of the developer and not to the city. This will be a life style choice.

A voice vote was called, vote passed (8-0).

g) City of Mequon. The City of Mequon is seeking a text amendment related to residential uses in the Town Center and Arrival Corridor Zoning Districts related to single family and multi-family dwellings.

Dir. Tollefson stated that last month a potential text amendment was addressed and she took direction from the Commission regarding the opportunity for increasing owner-occupied units and allowing for detached single family dwellings as part of the housing mix for Town Center (TC). There was also an interest in maintaining a range of densities; in particular in the Arrival Corridor (AC) for smaller scaled multiple family structures as part of a change to the standard guidelines for multiple family dwellings. These provisions are suggested:

- Allow detached multifamily structures and uses
- Increasing this range of housing type
- Owner-occupancy opportunities

Staff took a hybrid approach to specific design standards which apply to both the TC and AC districts. It is still recommended that single family residential development be part of a PUD. A PUD in the TC has a minimum lot size of 1 acre. It is indicated that single family not abut Mequon Road. In keeping with a traditional neighborhood design, the lot widths are established at a minimum of 36 feet and a maximum of 80 feet. This will allow for a range of side yard setbacks as it relates to the height of those single family structures. It will also allow for varying widths associated with the floorplans for the single family homes.

Attachment: Packet Docs (4753 : Residence at Foxtown)