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Department of Community Development
Taped and Televised

PLANNING COMMISSION
Regular Meeting
Monday, February 11, 2019
6:00 PM
Christine Nuernberg Hall

Agenda

1) Call to Order, Roll Call

- a) Approval of Minutes from January 14, 2019

2) Consent

- a) First Weber for Catherine & James Hurth. The applicant is seeking certified survey map approval for a 2-lot land division for the property located at 12501 N. Lake Shore Drive and parcels to the west and north.

3) Regular Business

- a) New World Montessori School, Ltd. The applicant is seeking rezoning recommendation approval from B-5 (Light Industrial) to IPS (Institutional and Public Service) for a private school for the property located at 10333 N. Industrial Drive.
- b) ICAP Development for Jewish Home and Care Center, Inc. The applicant is seeking rezoning recommendation approval from IPS (Institutional and Public Service) to B-2/PUD (Commercial Business/Planned Unit Development) for the property located at 10865-10911 N. Port Washington Road.
- c) Plunkett Raysich Architects, LLP for Lumen Christi Catholic Parish. The applicant is seeking building and site plan amendment approval to remodel the existing church building for the property located at 2750 W. Mequon Road.
- d) Shaffer Development for Spur 16. The applicant is seeking master sign plan approval for the Spur 16 mixed use project located at 6100-6300 W. Mequon Road.

4) Policy

Planning Commission Determination of Unclassified Use

5) Announcements

The next meeting is March 11, 2019 at 6:00 p.m.

6) Adjourn

Dated: February 7, 2019

/s/ Dan Abendroth, 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



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**PLANNING COMMISSION
Regular Meeting
Monday, January 14, 2019
6:00 PM
Christine Nuernberg Hall**

Minutes

1) Call to Order, Roll Call

Present:

Chairman Dan Abendroth
Alderman Robert Strzelczyk
Commissioner Martin Choren
Commissioner Rick Lemke
Commissioner Brian Parrish
Commissioner James Schaefer
Commissioner Rebecca Schaefer
Commissioner John Stoker
Alternate Stephanie Hawley
Board Member James Baka - **Absent**

a) Approval of Minutes

Action

Ald. Strzelczyk made a motion to approve the December 3, 2018 minutes.
Commissioner Becky Schaefer seconded the motion.
A voice vote was taken, vote passed (8-0)

RESULT:	APPROVED BY VOICE ACCLAMATION [UNANIMOUS]
MOVER:	Robert Strzelczyk, Alderman
SECONDER:	Rebecca Schaefer, Commissioner
AYES:	Abendroth, Choren, Hawley, Lemke, Parrish, J. Schaefer, R. Schaefer, Stoker, Strzelczyk

b) PLANNING COMMISSION MEETING MINUTES

Attachment: PC Minutes 01.14.19 DRAFT1 (3878 : Minutes from January 14, 2019)

2) Consent

- a) P2 Development for RKC Limited Partnership. The applicant is seeking fill permit approval to excavate the foundation at 11124 N. Industrial Drive and to fill the lots at 11127 and 11050 N. Industrial Drive and 6209 W. Mequon Road (Foxtown Development).

Action

Ald. Strzelczyk made a motion to approve the 6 consent agenda items.

Commissioner Stoker seconded the motion.

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

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Robert Strzelczyk, Alderman
SECONDER:	John Stoker, Commissioner
AYES:	Abendroth, Choren, Lemke, Parrish, J. Schaefer, 2R. Schaefer, Stoker, Strzelczyk

- b) Stantec for Bill Arpe. The applicant is seeking fill permit approval for landscape pond extension (5.6. acres) and fill of cut areas (20 acres) for the property located at 4550 W. Highland Road.

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

- c) Chaput Land Surveys for Bill Arpe. The applicant is seeking certified survey map approval for a 3-lot land division for the property located at 4550 W. Highland and the parcel to the immediate west.

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

- d) Robert Bach for Fox Yard, LLC & FT1, LLC. The applicant is seeking certified survey map approval for a 2-lot land division for the properties located at 6209 W. Mequon Road and 11124 N. Industrial Drive (Foxtown Development).

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

- e) First Weber Inc. for James & Catherine Hurth. The applicant is seeking certified survey map approval for a 2-lot land division for the property located at 12501 N. Lake Shore Drive and parcels to the west and north.

This item was canceled by the applicant.

- f) Dawn & Jason Moll. The applicant is seeking setback waiver approval to allow for an addition to an existing dwelling for the property located at 12000 W. Highland Road.

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

- g) Walter Buildings for Scott Ernst. The applicant is seeking approval for an accessory structure greater than 1,000 sq. ft. to allow for a 7,200 sq. ft. cold storage machine shed for property located at 13101 N. Wauwatosa Road.

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

3) Regular Business / Public Hearing

- a) CSD for Carlson Tool. The applicant is seeking conditional use grant and building and site plan amendment approval for a 36,355 sq. ft. expansion to the industrial facility for the property located at 5545 West Pioneer Road.

Action

Commissioner Stoker made a motion to open a public hearing.

Commissioner Parrish seconded the motion.

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

Action

Ald. Strzelczyk made a motion to close the public hearing.

Commissioner Jim Schaefer seconded the motion.

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

Asst. Dir. Zader stated that the expansion is to the east of the existing building. It is zoned B-5 and is a permitted use but the applicant is asking for a waiver for the front set back which required the need for the conditional use grant (CUG). The code currently has a setback at 65 feet. When this building was originally built the setback was 50 feet and the applicant is proposing to place the front of the building no closer than 48 feet. The two foot difference is due to a machinery lift inside the building that must be in line throughout the building. They are asking for a 2 foot waiver to the existing building and a 17 foot waiver to the current code standard.

The architectural of the building matches the existing the building on the front. The rear elevation, which has no public visibility, will have a more standard steam finish. There is ample parking available and no changes are being made to the parking lot. The landscaping plan was reviewed by the landscaping consultant and he provided a number of comments which were forwarded to the applicant prior to the meeting. The plan included in the packet is in response to the consultant comments but there was not enough time before the meeting to fully review to new plan. It is an improvement from the original plan submitted and a condition will be that a final review of the plan is done by the landscaping consultant. The only lighting being added is the additional wall packs. Some clarification on a few of the fixtures is needed. A condition will be added that cut sheets be submitted that meet the code requirement. Staff does recommend approval according to the conditions in the staff report.

The applicant, Jerry Edquist, stated that they are matching the existing front façade. They have three crane bays in the building that run east to west that building needs to accommodate and this is the reason for the setback waiver.

The feedback from the Commission is that the landscape reviews are difficult to read and there is a request for staff to work with the landscape consultant to provider reports that are easier to understand.

Asst. Dir. Zader responded that there is a scope of services from the consultant to not only changing the code requirements and the language in the code but to establish expectations for the type of review requested and to not be so overly detailed and technical.

Action

Ald. Strzelczyk made a motion to approve the item.

Commissioner Jim Schaefer seconded the motion.

Mayor Abendroth made a request to include the technical reason for the waiver to the setback in the CUG.

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

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

- b) Boulder Venture for Associated Bank. The applicant is seeking building and site plan, conditional use grant sign waiver approval for a proposed two-story, 7,600 sq. ft. financial institution for the property located at 11223 N. Port Washington Road.

Action

Ald. Strzelczyk made a motion to open a public hearing.

Commissioner Becky Schaefer seconded the motion.

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

Action

Commissioner Parrish made a motion to close the public hearing.

Commissioner Stoker seconded the motion.

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

Planner Vang stated that this proposal is for Associated Bank to build a 7,600 sq. ft. building on .99 acres in B-2 zoning, which is a permitted use. The applicant is requesting a conditional use grant (CUG) to allow for waivers to the requirements to the B-2 zoning district. The site is non-conforming to the lot size, so the Planning Commission may approve modifications to one or more district standards through a CUG. The applicant is also requesting a sign waiver for an illuminated window sign which exceeds the height requirement. The site plan shows a setback of 25.7 feet which is set further back than the PNC bank building to the south and is in line with the Starbucks building to the north. The proposed tower element does project further into the setback; having a setback of 15 feet, and does sit between the PNC and Starbucks setbacks. The placement of the building does bridge the gap between the location of the PNC Bank building and the Starbucks development to the north. This will help to create a nice gradual street edge change from the PNC Bank building on the corner and the properties to the north.

The applicant is requesting several waivers to the building and parking lot. The proposed building setback is 15 feet and the required setback is 60 feet. Staff is supportive of this setback waiver request to keep a consistent building line with existing and future buildings. The site plan proposes a south side offset of 10 feet and the required offset is 20 feet. The applicant is requesting waivers to the parking lot setbacks and offsets. The proposed plan shows a parking lot setback of 15 feet while the code requires a 25 foot setback. The plan shows a 5.6 offset while the district code requires a 20 foot offset. Staff does support the waivers requested due to the size of the non-conforming lot. In addition, the applicant has worked with staff over the past several months to change the location of the drive-thru and staff supports the location of the drive-thru at the rear and west of the building.

According to the building code, the parking lot would require 26 parking stalls plus one per employee. The applicant has indicated there are 10-15 employees on a daily basis which would require 41 parking stalls. They are proposing 43 stalls and staff recommends that they reduce the parking plan by 2 stalls to still meet the code requirement as well as to increase the open space ratio.

The FAR proposed is 17 .16% for the entire development which complies with the 30% requirement. The concept plan shows the green space to be at 31% which does not meet the 40% code requirement and

requires a waiver. Although staff understands the need for a waiver to the green pace requirement due to the non-conforming site size, staff does recommend reducing the parking stalls by two, which will help increase that ratio.

There is an existing right-in/right-out drive access to the south end of the site near the PNC Bank which this site plan eliminates. The access from Port Washington Road will be from the existing access driveway to the north. The new bank facility will share the access with the property to the north. A cross access easement shall be reviewed and approved by the City Attorney prior to issuing building permits. The access point does not align with the medium and it is recommended to be in line with development on the east side of Port Washington Road. Port Washington Road is under the jurisdiction of Ozaukee County and any changes are subject to the county's approval. The engineering department has stated that the exit shall have a left turn and a dedicated thru lane.

Staff has worked with the applicant on the building plan design and site plan. Many of the suggestions by staff have been incorporated into the proposed plan including the location of the drive-thru in the rear. Staff does support the proposed elevations. The building materials were detailed and renderings were shown.

The applicant is requesting a sign waiver for an illuminated window sign. Staff is denying the request based on the illumination and height of the sign.

There are many recommendations by the landscape consultant that staff supports.

Overall staff recommends the following:

- Eliminate two parking stalls
- Add to landscaping islands
- Add landscaping enhancements to the north parking row
- Add trees to the south and west along property lines to meet the 30% shading requirement
- Reduce the level of treatment on the front east portion

Asst. Eng. Henk stated that the many of the engineering recommendations are similar to previous reviews. The highlights:

- Access will line up with the development across the street and the medium and is under the jurisdiction of Ozaukee County.
- Stormwater management is required for this site due to the increase in impervious area
- Required to connect to city water and sewer.

The applicant, Robert Schmidt from Boulder Venture, thanked staff for their work over the past few months. They asked that the tower sign be removed from the approval tonight and brought back at another time.

The amount of parking stalls was discussed. The applicant stated that there will be expanded services (more employees and customers) offered at the bank building that will require the additional parking spaces. Some Commissioners voiced concern about the amount of waivers requested. There was some support for the location of the proposed building and many like that it fills in between the existing adjacent developments but not all are supportive of the setback. The building materials were well received. Commissioners do not like the big sign in the tower element and some do not like the glass staircase tower and stated that that space should not be used for marketing purposes.

There was discussion regarding the line of sight and the location of the building as well as reducing the

landscaping to the west in an effort to push the building back 10 feet.

Action

Ald. Strzelczyk made a motion to table the item.

Commissioner Jim Schaefer seconded the motion to table the item.

A roll call vote was taken, vote failed (5-3) (No: Mayor Abendroth, Parrish, Stoker, Choren, Lemke)

Action

Commissioner Stoker made a motion to approve the item with the condition of moving the building back 10 feet by using both of the landscaping areas in the front and the back, the 26 conditions listed in the staff report and removing the tower element sign from this approval.

Commissioner Parrish seconded the motion

Mayor Abendroth made a friendly comment (not a required condition) to be added to the motion that the intent of the Commission is that no open space waivers will be granted on the north parcel; they should aim to meet the 40% open space ratio.

Commissioner Stoker accepted the friendly comment.

Commissioner Parrish seconded accepting the friendly comment.

A roll call vote was taken, vote passed (5-3) (No: Ald. Strzelczyk, Becky Schaefer, Jim Schaefer).

RESULT:	APPROVED WITH CONDITIONS [5 TO 3]
MOVER:	John Stoker, Commissioner
SECONDER:	Brian Parrish, Commissioner
AYES:	Abendroth, Choren, Lemke, Parrish, Stoker
NAYS:	J. Schaefer, R. Schaefer, Strzelczyk

4) Regular Business

- a) Froze Design Build, Inc. for Betsey & Jay Woody. The applicant is seeking approval to remove an existing Planning Commission imposed ravine setback to allow for the expansion of an existing home for the property located at 616 E. Juniper Lane.

Planner Vang stated that as part of a 3-lot land division in 1979, the Planning Commission added a condition that CSM 1233 show a 30 feet setback for all buildings at the top of the ravine. The current homeowners had an existing home that was within the 30 foot setback. They would like to add a one-story bedroom addition as well as a deck that encroaches within this setback. The city zoning code does not have setback requirements from the ravine. A land division in 1979 also imposed that condition and a total of 7 properties have a ravine setback on that survey.

There were not many details or explanation in the minutes from CSM 1233 as to why the setback was imposed. The minutes from the land division to the north (CSM 1089) discussed concerns with the runoff and drainage to the ravine as well as the stability of the soil.

Staff did reach out to other communities as to their zoning regarding ravine setbacks. Per Ozaukee County standards, a 75 foot ravine setback would be required for this property. Although the zoning code does not address the ravine setback, this has been imposed on previous land divisions.

Staff does not recommend the approval to remove the setback. At the time, the Planning Commission

uniformly approved the ravine setback due to concerns regarding runoff and erosion and properties have complied with the setback requirement since that time.

The City Attorney stated that if the Commission does vote to approve the removal of the setback requirement, the applicant shall alter the plat through a circuit court order that has the right to approve alteration of plats if the Commission has in writing released or waived the restriction.

The applicant, Betsey Woody, has owned the property for over 20 years and they have made many improvements over the years. They want to expand the master bedroom on the first floor so that they can age in the home as well as put a deck on the back. She stated that the roof in the back of their house is non-compliant and they wish to fix it and to build out from there. They want to replace the flat roof with a pitched roof in efforts to better match the rest of the house as well as improve runoff and drainage issues they have.

Due to the fact that Mequon does not have a code for this, they are requesting the opportunity to do an environmental study before being refused approval. They feel that the improvements would help mitigate water issues.

Asst. Eng. Henk explained that a geo technical engineer, trained in soils, erosion and foundation, would need to evaluate whether putting a building any closer to the ravine would impact the ravine itself.

There was support from the Commission to allow the applicant to hire a geo-technical engineer to conduct a study prior to a decision on the proposed request.

Mayor Abendroth requested that the geo-technical study include impacts to the neighboring properties as well and the Commission supported this request.

Action

Mayor Abendroth made a motion to table the item and allow for a geo-technical study to be conducted to include the impact on the subject property as well as the neighboring properties.

Commissioner Lemke seconded the motion.

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

RESULT:	TABLED [UNANIMOUS]
MOVER:	Dan Abendroth, Chairman
SECONDER:	Rick Lemke, Commissioner
AYES:	Abendroth, Choren, Lemke, Parrish, J. Schaefer, R. Schaefer, Stoker, Strzelczyk

- b) Gene Shikhman. The applicant is seeking specimen tree removal approval to remove four trees from the property located at 10249 N. Wildwood Court (Lot 6).

Asst. Dir. Zader stated that this request is for the removal of specimen trees for a property located in the Wildwood subdivision. He reminded the Commission that this is a unique subdivision in that at the time of the subdivision plat, given the vast amount of trees, the city along with the developer, proactively looked at each individual home site and determined equitable number of specimen trees that could be removed to place a home site on each property. There were 3 trees permitted to be removed at this site as part of the subdivision plat.

In 2016 the applicant was before the Commission requesting an additional 7 specimen trees be approved for removal for a total of 10 trees. The Commission denied that request and approved the 3 permitted trees. The current request is for the removal of 1 additional tree which is shown in the center of the driveway of the proposed site plan. The City Forester provided a memo included in the board packet detailing the condition of the trees on the site.

Asst. Dir. Zader stated that there is a 50 foot building setback on the north end of the property from the approved subdivision plat that is no longer valid due to the original road design change. The side yard offset is only 20 feet, so if the house could be shifted to the north up to 30 feet, only 3 trees would need to be removed. The driveway has been slightly modified and does not impact additional trees although the City Forester has recommended protective tree fencing to keep the trees safe from damage during construction.

Staff and the City Forester recommend shifting the building to the north and eliminating the 3 permitted trees and the applicant would be required to spend the required 75% of replacement trees or pay the equivalent into the Tree Fund. If the Commission supports this recommendation, the surveyor will need to do an affidavit to make a correction to the plat to indicate the mistake is noted and reduced to 20 foot offset per the code.

The applicant, Gene Shikhman, stated they moved the house 30 feet as recommended by staff but it is too close to the neighboring property and there is not enough room in the front of the house and the driveway is too small with the adjustment. They originally asked for 7 trees and they are only asking for 1 tree at this time.

Action

Commissioner Stoker made a motion to approve the removal of the additional tree (4 trees in total), the required replacement trees or fee paid to the Tree Fund will be adjusted based on the 4th tree and is required.

Commissioner Lemke seconded the motion.

A roll call vote was taken, vote passed (5-3)(No: Ald. Strzelczyk, Becky Schaefer, Jim Schaefer)

RESULT:	APPROVED WITH CONDITIONS [5 TO 3]
MOVER:	John Stoker, Commissioner
SECONDER:	Rick Lemke, Commissioner
AYES:	Abendroth, Choren, Lemke, Parrish, Stoker
NAYS:	J. Schaefer, R. Schaefer, Strzelczyk

5) Policy

- a) An Ordinance Amending Chapter 58 Zoning Code as it relates to Permitted Uses in the B-5 Zoning District to allow specialty trade contractors or building service providers.

Action

Mayor Abendroth made a motion to approve the item.

Ald. Strzelczyk seconded the motion.

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

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

- b) An Ordinance Amending Chapter 58, Zoning Code, to Rezone the Property Located at 4828 W. Donges Bay Road from B-3 (Office & Service) with Floodway and Flood Fringe to NC (Neighborhood Commercial) with a PUD (Planned Unit Development) with Floodway and Flood Fringe and Amending the City's Land Use Plan Map from Residential 1 - 1.5 Acres to Neighborhood Commercial

Reed Kailing – 10545 N. River Lake Drive - is concerned about noise issues that may be associated with the proposed commercial rezoning. They have collected 100 signatures of other concerned neighbors that support the desire to have the property zoned residential.

Noreen Oelschlaeger – 10440 N. River Lake Drive – is opposed to the proposed zoning along with the group of concerned neighbors. Her concerns involve safety, security, noise, increased light and erosion. She supports staff recommendation to rezone the property to single-family residential.

Marti Carr – 10513 N. River Lake Drive - supports planning staff recommendation to rezone the property to single-family residential. Her concerns include noise, light, and erosion as well as decreased property values if the property is zoned commercial.

Joseph Bastin – 10443 N. River Lake Drive – lives directly across the river from the property in question and is opposed to the rezoning and does not wish to live across the river from a commercial property. He feels that the single-family residential zoning is the best fit for that area. He worries about the reduced public safety and feels that it will cause decreased property values.

Spencer Koenig – 10139 Hunt Club – supports the applicant's right to have the property continued to be zoned commercial as the corner is filled with commercial properties.

Perry Robinson – 4811 N. Donges Bay Road – appreciates the moratorium study conducted by the city. He is supportive of the staff recommendations of single-family residential. He feels that it aligns the property with neighboring properties along the river. He feels this is an example of spot zoning and should not be allowed. He also has environmental concerns of noise and traffic to the area.

Craig Raddatz - 3620 W. Normandy Court – supports the applicant and feels that he has a right to maintain the commercial zoning he paid for when he purchased the property and expects for his property.

Paul Apfelbach – 10820 N. Cedarburg Road – he supports the applicant and his rights to maintain the commercial zoning and feels that it is an appropriate space for this zoning as it is surrounding by high intensity commercial uses.

Cheryl Bragstad – 4320 W. Fox Run - stated that she feels that everyone can work together and find a compromise that is acceptable. Her biggest concern is how the waterway may be used and the noise it may cause and disruption to the conservancy across the river from this property. A day time office type use would be acceptable but not a business that has lights during the evenings or on the weekends.

Director Tollefson stated that in an effort to finalize the moratorium recommendations and measures, which were recommended by the Commission in December and adopted by the Common Council last week, this one piece was held out to discuss the zoning. The vote at the last Commission meeting was tied at 3-3 and the issue seems to be the competing interest of land use and planning policy recommendation versus private property rights.

In response to the Commission pulling this one property out from the general approval, it was recommended by staff and the Council that a compromised approach to the property owner be offered. Staff and the LaSage family worked out an agreement for Neighborhood Commercial zoning and agreed upon conditions listed for the PUD. There is still concern from the neighbors regarding this zoning. She stated that the applicant previously proposed a youth camp to be located at the property and that would not be allowed as it would only be allowed under a Park zoning district.

The Neighborhood Commercial zoning was recommended based on good land use and zoning practices as well as the surrounding neighborhood. Although the number of uses allowed in this new zoning district is restricted, it does allow for greater flexibility than the B-3 district.

The property is currently being used as single-family residence and based on a letter received from the LaSage family, there are a few home occupations being run out of the single-family home. The PUD would require a permit to be completed for approval of those uses at the site.

The applicant, Jeremy LaSage, stated that he did not propose a zoning change; this has been initiated by the city through the moratorium. He purchased his property as B-3 and paid more for it because of this zoning and he wants to keep the current zoning and not have it changed to residential as he would lose a lot of property value. He is upset about his property rights potentially being taken away. The property has been zoned commercial for 40 years. He also is a firm believer in cleaning up the river and takes efforts to do his part to keep it clean.

Mr. LaSage stated he does plan to gut and repair the 5,000 sq. ft. building on his property and his intent is to use it for a commercial use.

Dir. Tollefson explained that all residential zoning districts allow for a home occupation; which requires a permit; and is essentially office transactions conducted within in a residential home. If the principal use on this property, under the commercial zoning, becomes commercial, the single-family home needs to be removed. The current single-family residence and structure are non-conforming in the current B-3 zoning. One of the public policy objectives included in the moratorium is to clear up as many non-conforming properties as possible.

There was discussion amongst the Commission about which zoning is most preferable. The Commission acknowledged the fact that a group of residents are concerned about the rezoning of this property. The Commission does not feel comfortable taking away a property owner's rights and devaluing the property.

Motion

Ald. Strzelczyk made a motion to approve the Neighborhood Commercial/PUD overlay per staff recommendations with the restriction that all business use is limited to 4828 N. Donges Bay Road and have access from Donges Bay Road only.

There was no second to this motion.

Dir. Tollefson suggested that if the property is left as it is currently zoned (B-3) it would be the most agreeable to all. This site was not of particular focus when enacting the moratorium. In addition, it may be

best to determine zoning, if and when the owner brings forward a proposal. It would be considered an outlier and non-conforming to its use, however the issue regarding the intensity of a potential use under the Neighborhood Commercial/PUD zoning is concerning to the surrounding neighbors.

Motion

Commissioner Lemke made a motion to keep the current B-3 zoning.

Commissioner Stoker seconded the motion.

A roll call vote was taken; vote passed (8-0)

RESULT:	DENIAL [UNANIMOUS]
MOVER:	John Stoker, Commissioner
SECONDER:	Rick Lemke, Commissioner
AYES:	Abendroth, Choren, Lemke, Parrish, J. Schaefer, R. Schaefer, Stoker, Strzelczyk

6) Announcements

The next meeting is Monday, February 11, 2019 at 6:00 p.m.

7) Adjourn

Action

Commissioner Becky Schaefer made a motion to adjourn.

Ald. Strzelczyk seconded the motion.

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

The meeting concluded at 9:07 p.m.

Respectfully Submitted,

Jac Zader



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

www.ci.mequon.wi.us

Department of Community Development

TO: Planning Commission
FROM: PA PHOUALA VANG, PLANNER
DATE: February 11, 2019
SUBJECT: First Weber for Catherine & James Hurth. The applicant is seeking certified survey map approval for a 2-lot land division for the property located at 12501 N. Lake Shore Drive and parcels to the west and north.

Applicant:	First Weber
Status of Applicant:	Agent
Requested:	Final Land Division Approval
Existing Use:	Residential
Existing Zoning:	R-1B Residential (2.5 Acres) C-1 Shoreland-Wetland Conservancy FW Floodway
Lot size:	13.15 acres
Location:	12501 N Lake Shore Drive and Parcels
Tax Keys:	#15-017-08-012.00, #15-017-08-010.00, #15-017-08-017.00, #15-017-08-009.00, #15-017-08-008.00, #15-017-08-007.00, #15-017-08-013.00
District:	#5

Background: The applicant is requesting approval for a two-lot certified survey map for property at 12501 N Lake Shore Drive and parcels to the west and north. All the parcels are currently under the same ownership, but the owner intends to sell the properties and is requesting the land division to create more marketable lots that meet district requirements. The certified survey map (CSM) would create two lots: Lot 1 is 2.53 acres and Lot 2 is 10.62 acres. Lot 1 includes an existing single-family dwelling and detached accessory structure. Lot 2 is currently vacant. The CSM dedicates right-of-way to Lake Shore Drive.

R-1B Residential District Standards:

The proposed certified survey map is consistent with the current zoning designation of R-1B, requiring a two and a half (2.5) acre minimum lot size and 200 minimum average lot width and depth. The existing house on Lot 1 meets the setback and offset requirements of the district.

Site Conditions:

Access to Lot 1 is provided from Lake Shore Drive from an existing driveway. Lot 2 has an existing driveway off Lake Shore Drive; however, the access is only 9.77 foot wide due to abutting wetlands. As a condition of approval, staff will require that the applicant receive approval from the DNR to fill the wetland to widen the access to a minimum of 20 feet; otherwise, staff will require an access easement on Lot 1 for Lot 2. The shared access agreement shall be reviewed and approved by the City Attorney prior to recording of the CSM. The lots contain wetlands. Please see Engineering section of this report regarding the wetlands on site.

Engineering Report:

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

Wetlands appear to be present on site. A wetland delineation report with concurrence by the Wisconsin Department of Natural Resources (WDNR) is required. The WDNR surface water data viewer and aerial photos were used to confirm that wetlands may be present. The wetland and wetland setbacks shall be shown on the face of the CSM.

The proposed CSM closes and the description matches the mapping. The CSM requires Common Council approval due to the dedication of right-of-way. Sheet 6 shall be revised to include Common Council approval signature block.

The site is located inside the City's sewer service area. City sewer service is not provided to the lots; therefore, a soil evaluation report for the usage of septic or mound systems is required for any future land divisions. The current CSM indicates that several parcels are being combined into two lots. Combining parcels does not trigger the requirement for soil testing; however, any future land division will require soil testing. 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.

Staff Recommendation:

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

1. Common Council approval of the CSM for dedication of right-of-way.
2. Final staff review and approval of CSM.
3. Approval from the DNR to fill the wetland to widen the access on Lot 2 to a minimum of 20 feet; otherwise, review and approval by City Attorney and recording of shared access agreement dedication between properties prior to the recording of the CSM.
4. Common Council approval signature block shall be added to Sheet 6.
5. Compliance with the Tree Preservation Ordinance.
6. Applicant shall provide the wetland delineation report and add the wetland boundary to the face of the CSM, including applicable setbacks.
7. 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).
8. If the wetland delineation creates any technical issues, a revised CSM may be required and may require Planning Commission approval.
9. Applicant shall provide a soil evaluation report verifying that each of the lots may be served via approved private onsite wastewater system with any future land divisions.

Attachments:

Packet_02.11.19 (PDF)

First Weber Inc. for James & Catherine Hurth

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		

UNION PACIFIC RAILROAD

R-1B/OA

R-1B

LAKE SHORE DRIVE 5W

R-2

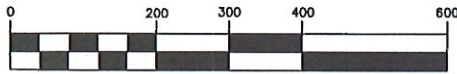
R-1B

R-2

Attachment: Packet 02.11.19 (3879 : First Weber for Catherine & James Hurth)

CERTIFIED SURVEY MAP NO. _____

PART OF THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 17, TOWN 9 NORTH, RANGE 22 EAST, IN THE CITY OF MEQUON, OZAUKEE COUNTY, WISCONSIN.



SCALE 1" = 200'

NSE

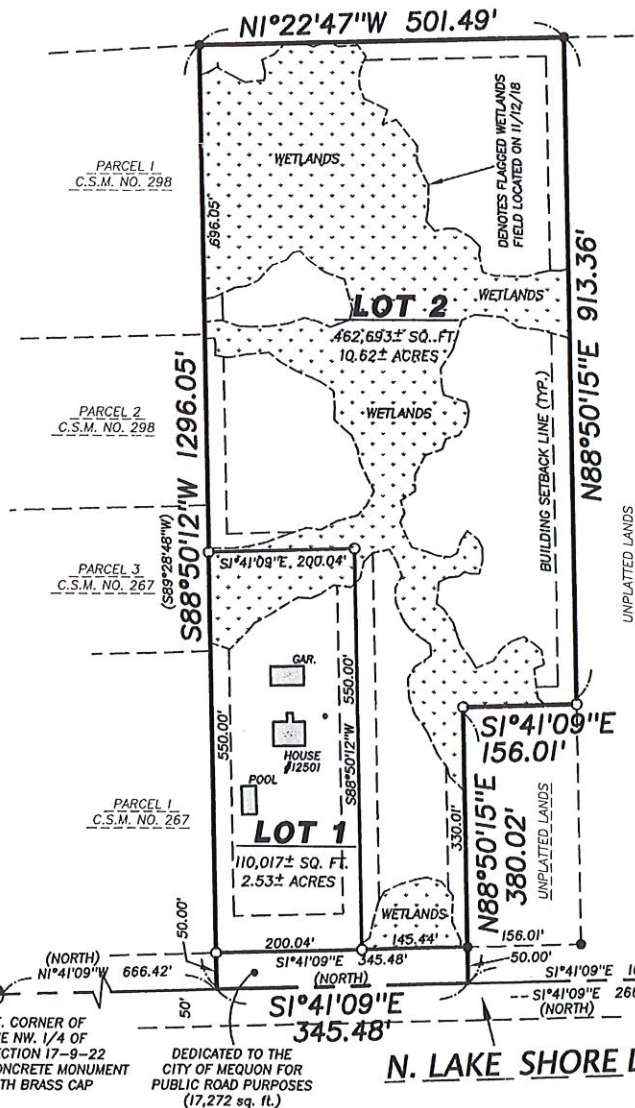
NORTH SHORE ENGINEERING, INC.
Consulting Engineers & Land Surveyors
11433 N. Port Washington Rd., Mequon, Wisconsin, 53092
(262) 241-9400 • FAX: (262) 241-5337
www.northshoreengineering.net

OWNER:
JAMES & CATHERINE HURTH
12501 N. LAKE SHORE DR.
MEQUON WI 53092

SETBACK NOTE:
FRONT YARD = 50.0'
REAR YARD = 25.0'
SIDE YARD = 25.0'

**LEGEND:**

- — DENOTES 1.315"X18" STEEL PIPE WEIGHING 1.13 LBS. PER LINEAL FOOT (SET)
 - — DENOTES STEEL PIPE (FOUND)
 -) — DENOTES ALSO RECORDED AS
- ALL BEARINGS REFERENCED TO GRID NORTH OF THE WISCONSIN STATE PLANE COORDINATE SYSTEM, SOUTH ZONE (EAST LINE OF THE NW. 1/4 OF SECTION 17-9-22 WHICH BEARS S1°41'09"E)

UNION PACIFIC RAILROAD**LOCATION MAP**

NORTHWEST 1/4 SEC. 17-9-22
(SCALE 1"=2000')



1-29-2019

NOTES:

1. CURRENT ZONING:
R-1B (RURAL RESIDENTIAL DETACHED DISTRICT)
2. THIS PROPERTY IS ALSO SUBJECT TO EASEMENTS OF RECORD.
3. SEE SHEET 2-4 FOR WETLAND EXHIBITS AND INFORMATION

SE. CORNER OF THE NW. 1/4 OF SECTION 17-9-22 CONCRETE MONUMENT WITH BRASS CAP

DEDICATED TO THE CITY OF MEQUON FOR PUBLIC ROAD PURPOSES (17,272 sq. ft.)

N. LAKE SHORE DRIVE

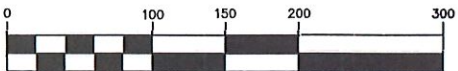
NE. CORNER OF THE NW. 1/4 OF SECTION 17-9-22 CONCRETE MONUMENT WITH BRASS CAP

THIS INSTRUMENT DRAFTED BY JAMES G. SCHNEIDER

SHEET 1 OF 6 SHEETS

CERTIFIED SURVEY MAP NO. _____

PART OF THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 17, TOWN 9 NORTH, RANGE 22 EAST, IN THE CITY OF MEQUON, OZAUKEE COUNTY, WISCONSIN.

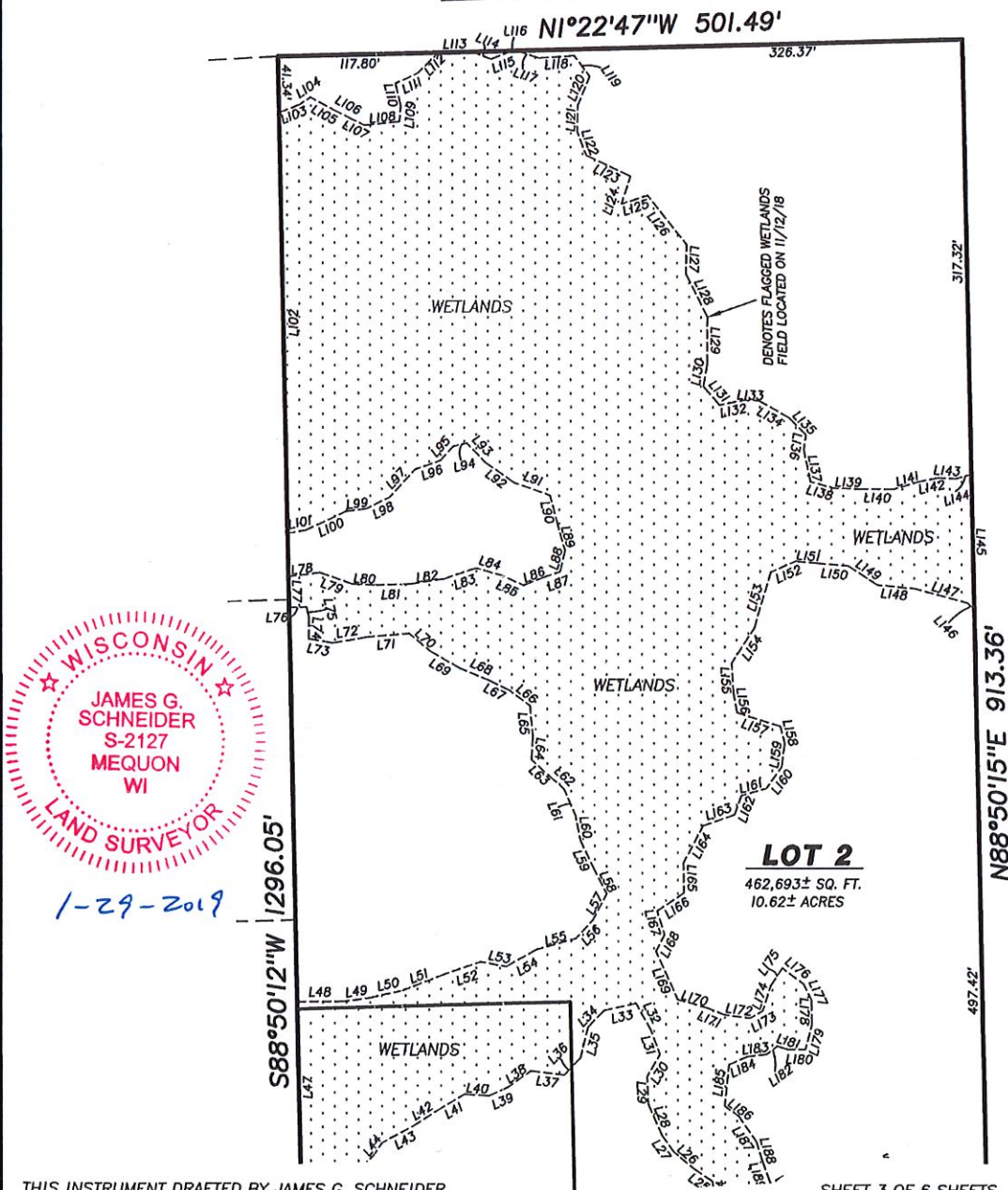


SCALE 1" = 100'

WETLANDS EXHIBIT

UNION PACIFIC RAILROAD

N1°22'47"W 501.49'



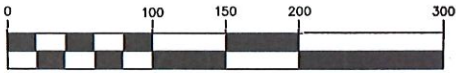
THIS INSTRUMENT DRAFTED BY JAMES G. SCHNEIDER

SHEET 3 OF 6 SHEETS

Attachment: Packet_02.11.19 (3879 : First Weber for Catherine & James Hurth)

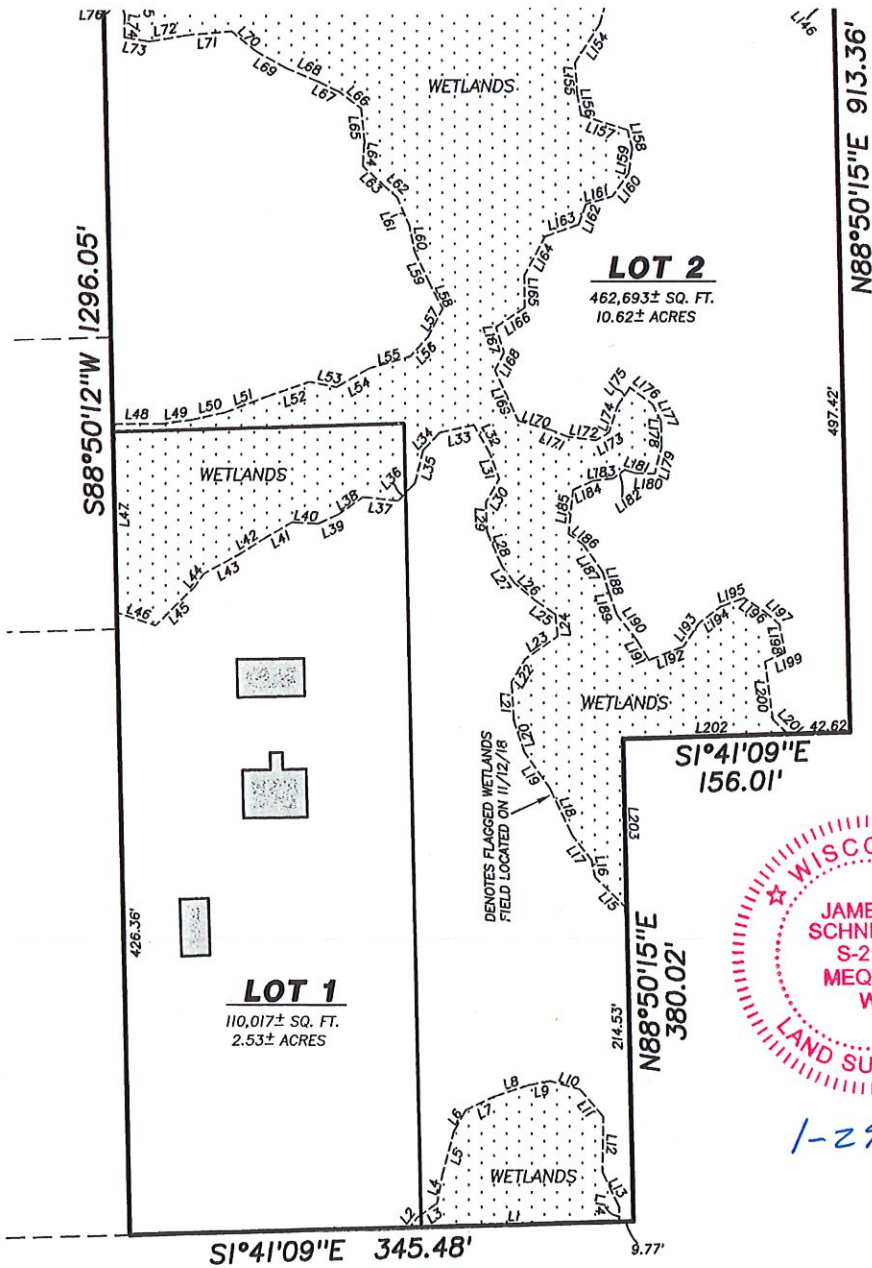
CERTIFIED SURVEY MAP NO. _____

PART OF THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 17, TOWN 9 NORTH, RANGE 22 EAST, IN THE CITY OF MEQUON, OZAUKEE COUNTY, WISCONSIN.



SCALE 1" = 100'

WETLANDS EXHIBIT



N. LAKE SHORE DRIVE

THIS INSTRUMENT DRAFTED BY JAMES G. SCHNEIDER

SHEET 2 OF 6 SHEETS

Packet Pg. 20

Attachment: Packet_02.11.19 (3879 : First Weber for Catherine & James Hurth)

CERTIFIED SURVEY MAP NO. _____

PART OF THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 17, TOWN 9 NORTH, RANGE 22 EAST, IN THE CITY OF MEQUON, OZAUKEE COUNTY, WISCONSIN.

WETLAND LINE TABLE		
LINE	LENGTH	BEARING
L1	143.90'	S01°41'09"E
L2	9.00'	N50°40'32"W
L3	16.34'	N35°25'28"W
L4	20.37'	N79°19'12"W
L5	29.68'	N74°34'47"W
L6	17.37'	N61°06'09"W
L7	21.95'	N25°36'22"W
L8	25.11'	N18°17'07"W
L9	14.36'	N10°27'30"W
L10	20.97'	N15°24'48"E
L11	24.87'	N49°38'28"E
L12	37.71'	S88°54'48"E
L13	26.60'	N64°14'53"E
L14	9.84'	S89°05'31"E
L15	30.61'	S45°02'22"W
L16	11.68'	S78°28'42"W
L17	21.57'	S52°05'07"W
L18	35.45'	S64°24'23"W
L19	30.06'	S54°47'44"W
L20	21.91'	S71°05'20"W
L21	26.54'	S86°30'02"W
L22	18.40'	N59°29'30"W
L23	27.53'	N35°28'39"W
L24	15.13'	S84°09'51"W
L25	16.64'	S34°10'03"W
L26	18.63'	S39°47'22"W
L27	15.04'	S54°08'57"W
L28	25.07'	S66°15'18"W
L29	19.90'	S87°54'45"W
L30	18.66'	N60°04'15"W
L31	19.79'	S69°25'35"W
L32	21.24'	S60°33'02"W
L33	23.82'	S12°17'56"E
L34	17.14'	S46°10'12"E
L35	22.89'	S76°09'59"E
L36	16.91'	S46°24'57"E
L37	24.65'	S06°10'42"W
L38	20.17'	S35°20'22"E
L39	15.81'	S24°21'14"E
L40	17.65'	S03°36'57"W
L41	22.39'	S30°30'09"E
L42	19.66'	S32°48'00"E
L43	28.31'	S28°46'02"E
L44	11.24'	S54°50'17"E
L45	37.28'	S44°45'47"E
L46	28.13'	S18°11'09"W
L47	129.13'	S88°50'06"W
L48	34.09'	N00°15'56"W
L49	19.78'	N07°55'07"W
L50	23.85'	N12°36'53"W
L51	32.83'	N20°54'28"W
L52	28.67'	N18°49'43"W
L53	18.99'	N10°43'40"E
L54	25.99'	N29°45'38"W
L55	29.65'	N16°03'13"W
L56	18.39'	N47°38'34"W
L57	21.59'	N62°36'37"W
L58	19.44'	S62°37'56"W
L59	24.12'	S64°33'28"W
L60	18.04'	S78°57'15"W
L61	21.69'	S66°39'13"W
L62	11.52'	S41°02'56"W
L63	20.39'	S42°07'02"W
L64	16.49'	N85°48'49"W
L65	22.76'	S84°25'47"W
L66	18.53'	S37°06'37"W
L67	16.48'	S25°40'22"W
L68	24.14'	S22°50'50"W
L69	23.25'	S29°05'37"W
L70	21.43'	S39°14'55"W
L71	30.38'	S04°59'49"E
L72	26.23'	S09°41'43"E
L73	17.59'	S09°55'52"W
L74	15.15'	N88°55'20"W
L75	8.13'	S77°46'01"W
L76	12.79'	S00°51'31"E
L77	22.42'	S88°50'12"W
L78	23.22'	N07°16'39"W

WETLAND LINE TABLE		
LINE	LENGTH	BEARING
L79	25.11'	N19°08'08"E
L80	16.43'	N02°40'56"E
L81	25.81'	N01°48'58"W
L82	25.75'	N08°33'25"W
L83	24.23'	N19°06'47"W
L84	18.98'	N15°30'54"E
L85	18.32'	N23°56'44"E
L86	17.39'	N21°19'45"W
L87	11.04'	N19°24'07"W
L88	15.84'	N76°37'43"W
L89	20.18'	S73°42'17"W
L90	21.44'	S75°49'14"W
L91	27.93'	S19°26'58"W
L92	25.90'	S35°20'57"W
L93	19.33'	S45°57'13"W
L94	10.05'	S13°21'01"E
L95	13.87'	S47°23'25"E
L96	20.13'	S19°37'27"E
L97	27.43'	S47°51'28"E
L98	19.10'	S26°05'10"E
L99	15.19'	S07°16'22"E
L100	31.97'	S25°11'08"E
L101	14.05'	S11°30'23"E
L102	307.50'	S88°50'12"W
L103	16.77'	N21°47'36"W
L104	9.10'	N33°11'58"W
L105	20.28'	N28°33'30"E
L106	13.00'	N26°49'59"E
L107	10.96'	N25°33'11"E
L108	25.83'	N06°04'56"W
L109	11.57'	N85°22'12"W
L110	16.77'	S77°10'13"W
L111	18.36'	N25°19'27"W
L112	21.02'	N44°40'25"W
L113	24.78'	N01°22'47"W
L114	14.98'	N20°10'09"E
L115	16.17'	N21°16'31"W
L116	3.41'	N01°22'47"W
L117	17.30'	N17°40'13"E
L118	25.81'	N03°33'47"W
L119	18.76'	N53°09'14"E
L120	23.03'	S67°54'49"E
L121	19.02'	S88°17'41"E
L122	18.66'	N89°09'57"E
L123	36.00'	N25°08'03"E
L124	21.21'	S71°48'09"E
L125	19.90'	N18°11'21"W
L126	45.98'	N51°39'55"E
L127	22.07'	S89°07'58"E
L128	34.96'	N63°29'45"E
L129	33.86'	S89°49'08"E
L130	16.58'	S80°26'50"E
L131	17.90'	N48°35'59"E
L132	18.31'	N11°29'54"W
L133	10.53'	N01°45'26"E
L134	25.88'	N29°22'33"E
L135	17.18'	N45°55'02"E
L136	10.74'	S81°46'02"E
L137	24.10'	N78°31'55"E
L138	18.00'	N15°15'53"E
L139	18.15'	N01°49'30"E
L140	25.38'	N00°32'55"E
L141	18.07'	N16°23'18"W
L142	15.90'	N11°53'07"W
L143	13.04'	N03°21'30"E
L144	11.61'	N16°14'12"W
L145	98.62'	N88°50'15"E
L146	6.83'	S44°20'31"W
L147	39.90'	S15°06'05"W
L148	27.69'	S05°49'42"W
L149	25.39'	S33°04'13"W
L150	21.56'	S05°04'16"W
L151	17.08'	S05°04'26"W
L152	19.76'	S23°24'46"E
L153	42.47'	S73°39'08"E
L154	30.79'	S57°00'58"E
L155	20.85'	N86°38'43"E
L156	15.23'	N79°21'04"E

WETLAND LINE TABLE		
LINE	LENGTH	BEARING
L157	33.12'	N17°31'58"E
L158	12.84'	N75°16'07"E
L159	17.46'	S81°55'32"E
L160	18.90'	S54°27'15"E
L161	19.02'	S16°25'51"E
L162	14.86'	S70°25'48"E
L163	24.56'	S19°38'34"E
L164	30.83'	S62°15'14"E
L165	21.76'	N89°16'05"E
L166	23.80'	S34°05'41"E
L167	18.35'	N72°38'18"E
L168	13.63'	S62°48'52"E
L169	37.99'	N65°20'02"E
L170	22.85'	N15°35'33"E
L171	12.82'	N21°58'15"E
L172	19.56'	N07°21'13"E
L173	10.44'	N30°23'08"W
L174	19.05'	N72°27'29"W
L175	15.31'	N55°41'29"W
L176	19.23'	N36°32'00"E
L177	12.90'	N63°52'05"E
L178	17.73'	N89°04'21"E
L179	18.58'	S75°29'14"E
L180	12.49'	S00°39'38"W
L181	8.27'	S15°59'25"W
L182	9.69'	S36°49'17"E
L183	14.24'	S06°43'04"E
L184	14.84'	S24°10'25"E
L185	30.35'	S83°58'43"E
L186	12.62'	N35°17'48"E
L187	22.56'	N55°05'28"E
L188	14.17'	N72°58'08"E
L189	16.98'	N70°33'04"E
L190	21.73'	N51°43'01"E
L191	16.41'	N59°16'33"E
L192	25.78'	N21°48'44"W
L193	18.90'	N56°26'43"W
L194	18.74'	N37°01'20"W
L195	17.09'	N20°30'42"W
L196	18.54'	N33°54'43"E
L197	11.69'	N40°24'11"E
L198	20.14'	N78°49'28"E
L199	14.98'	S23°04'28"E
L200	39.96'	N82°30'54"E
L201	14.38'	N43°21'14"E
L202	113.31'	S01°41'09"E
L203	115.49'	N88°50'15"E



1-29-2019

CERTIFIED SURVEY MAP NO. _____

PART OF THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 17, 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:

Part of the Southeast 1/4 of the Northwest 1/4 of Section 17, Township 9 North, Range 22 East, in the City of Mequon, Ozaukee County, Wisconsin, bounded and described as follows:

Commencing at the Northeast corner of the Northwest 1/4 of said Section 17; thence S1°41'09"E along the East line of said 1/4 Section, said line also being the centerline of Lake Shore Drive, 1653.90 feet to the point of beginning of lands to be described; thence continuing S1°41'09"E along the East line of said 1/4 Section, 345.48 feet to a point in the Easterly extension of the North line of Certified Survey Map No. 267, said point lying N1°41'09"W, 666.42 feet from the Southeast corner of said 1/4 Section; thence S88°50'12"W along the North line of Certified Survey Map No. 267 and Certified Survey Map No. 298, 1296.05 feet to a point in the East right of way line of the Union Pacific Railroad, said point also being the Northwest corner of Parcel 1 of Certified Survey Map No. 298; thence N1°22'47"W along said East right of way line, 501.49 feet; thence N88°50'15"E, 913.36 feet; thence S1°41'09"E, 156.01 feet; thence N88°50'15"E, 380.02 feet to the point of beginning.

Said lands containing, 13.54 acres of land, more or less.

That I have made such survey, land division, and plat at the direction of the James P. Hurth and Catherine A. Hurth, 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

1-29-2019



This instrument was drafted by James G. Schneider

Sheet 5 of 6 Sheets

Attachment: Packet_02.11.19 (3879 : First Weber for Catherine & James Hurth)

CERTIFIED SURVEY MAP NO. _____

PART OF THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 17, TOWN 9
NORTH, RANGE 22 EAST, IN THE CITY OF MEQUON, OZAUKEE COUNTY,
WISCONSIN.

OWNER'S CERTIFICATE

WE, James P. Hurth and Catherine A. Hurth, 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 P. Hurth

Witness Catherine A. Hurth

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 P. Hurth and Catherine A. Hurth, to me known to be the persons who executed
the foregoing certificate and acknowledged the same.

Notary Public My Commission expires _____

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

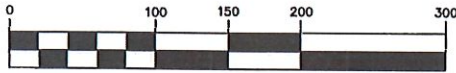
1-29-2019

Attachment: Packet 02.11.19 (3879 : First Weber for Catherine & James Hurth)

Lot 2 - Access Exhibit

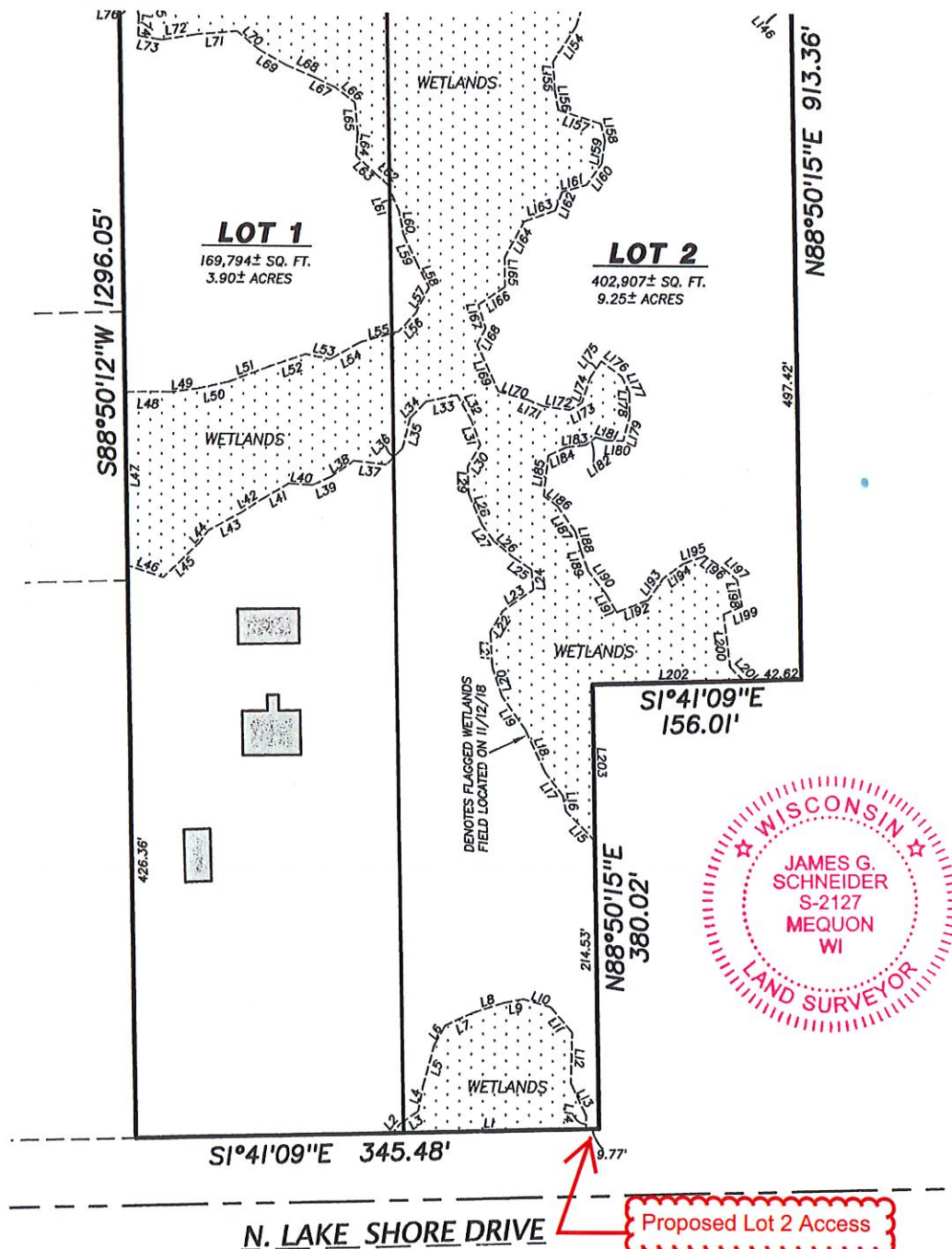
CERTIFIED SURVEY MAP NO. _____

PART OF THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 17, TOWN 9 NORTH, RANGE 22 EAST, IN THE CITY OF MEQUON, OZAUKEE COUNTY, WISCONSIN.



SCALE 1" = 100'

~~WETLANDS EXHIBIT~~



THIS INSTRUMENT DRAFTED BY JAMES G. SCHNEIDER

SHEET 2 OF 6 SHEETS

Attachment: Packet 02.11.19 (3879 : First Weber for Catherine & James Hurth)

TO: Planning Commission

FROM: JAC ZADER, ASSISTANT DIRECTOR COMMUNITY DEVELOPMENT

DATE: February 11, 2019

SUBJECT: New World Montessori School, Ltd. The applicant is seeking rezoning recommendation approval from B-5 (Light Industrial) to IPS (Institutional and Public Service) for a private school for the property located at 10333 N. Industrial Drive.

Applicant:	New World Montessori School, Ltd.
Status of Applicant:	Contract to Purchase
Requested:	Rezoning Recommendation Land Use Plan Amendment
Existing Zoning:	B-5 (Light Industrial)
Proposed Zoning:	IPS (Institutional)
Existing Land Use Plan:	Industrial
Proposed Land Use Plan:	Industrial
Lot size:	1.49 acres
Location:	10333 N. Enterprise Drive
Tax Key:	#14-034-02-012.00
District:	#4

Background: The applicant is seeking rezoning recommendation and land use plan amendment to allow for a private school for the property at 10333 N Enterprise Drive. The parcel is zoned B-5 (Light Industrial) and has been used as a childcare facility since 1994. The applicant is requesting to rezone the property from B-5 to IPS (Institutional and Public Service). Private schools are a permitted use in the IPS zoning district. The proposed private school would offer services beginning at the age of 18 months through sixth grade. The proposed school hours are between 7:30 AM to 5:30 PM on weekdays. The school also offers a summer school curriculum during the summer that is available to local businesses as an alternative to daycare.

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

Is the proposed rezoning consistent with existing and surrounding Land Use Designations?

The properties adjacent to the parcel requesting the rezoning have Land Use designations that include Industrial, Business Park and Critical Environmental. A majority of the uses along Donges Bay Road in this area are industrial uses or professional offices. While there are no other parcels zoned IPS, the private school use is consistent with the previous and current use as a day care center. Properties zoned IPS are scattered throughout the city with many located along primary arterials. Since the uses within the district are meant to provide public or institutional services, there are many locations throughout the city where IPS uses are appropriate in close proximity to other zoning districts. Steffen Middle School is an example of a nearby school with IPS zoning that abuts B-5 zoning.

There are many permitted and conditional uses in the IPS district that would be consistent with the existing land uses along Donges Bay Road. While there are other uses that are less appropriate for this location, the size of the site will limit more intensive uses such as public libraries and hospitals.

IPS Permitted Uses	IPS Conditional Uses
Public or private schools	Private lodges and clubs
Public Admin Offices and public service buildings, including police and fire stations	Bar, restaurant or other service facilities accessory to an approved use and intended solely for use by members and guests or intended to be open for use by the general public.
Public Libraries	Crematory service.
Churches	Funeral homes.
Child day care facilities	Hospitals, nursing and rest homes, and elderly housing.

Is there a Public Interest?

There is a public interest in providing services to meet the demand of local residents. There is also a public interest in utilizing existing buildings and reducing vacancy in the city. The existing 6,583 square foot, two-story building has classrooms and offices which makes the property suitable for a school or day care facility. The existing floor plan and size of the building makes the building not as practical for an industrial user. The school intends to occupy and use the site without any significant short-term changes to the subject property.

Are there reasonable uses under existing zoning?

Light manufacturing and professional and business offices and services are permitted uses in the B-5 district. Fitness centers, child day care facilities and sit down restaurants are some of the conditional uses listed in the B-5 zoning. There is potential for the site to be developed as any of these uses.

Since the rezoning request to IPS is unique to the immediate area, the question of spot zoning should be addressed. Spot zoning is when a zoning ordinance is amended to zone a relatively small area for uses significantly different from those allowed in the surrounding area to favor the owner of a particular piece of property. Spot zoning is not necessarily illegal because such zoning is not necessarily inconsistent with the purposes for which zoning ordinances can be passed. The decision to rezone should be based upon considerations which affect the whole community and where it is in the public interest and not solely for the benefit of the property owner requesting the rezoning. Staff believes in this case, the proposed use of the property will not be significantly different than the previous use and will provide a benefit to the community.

Engineering Report:

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

There are two known items that City of Mequon staff is aware of relating to the subject property that should be completed prior to the rezoning.

In 2018, the Engineering Division provided an extension for the recertification of the stormwater management facility. The facility has not recently been certified and may require repairs to bring it into compliance. The extension was granted to June 1, 2019 to submit the certification report. The certification report would indicate whether there are repairs needed.

In February 2018, Engineering Division staff was notified of a hole in the parking lot that seemed to be aligned with the private sanitary sewer lateral. The sewer division has not received any reports of debris in the public mainline; however, further investigation beyond a visual inspection was not completed by City staff since the sinkhole is on private property. The owners

were notified that additional follow up is needed. The hole was covered by a traffic cone by the property owner. This description is provided for informational purposes only.

Staff Recommendation: Planning staff recommends approval of the rezoning recommendation and land use amendment subject to the following conditions:

1. Common Council approval of the rezoning.
2. Recertification of the Stormwater Management Facilities

Attachments:

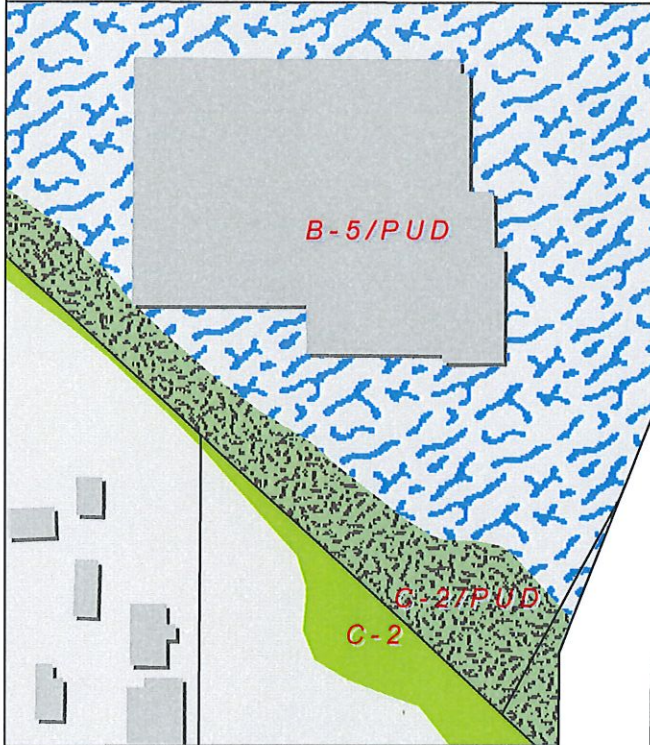
Packet_02.11.19 (PDF)

New World Montessori School, Ltd.

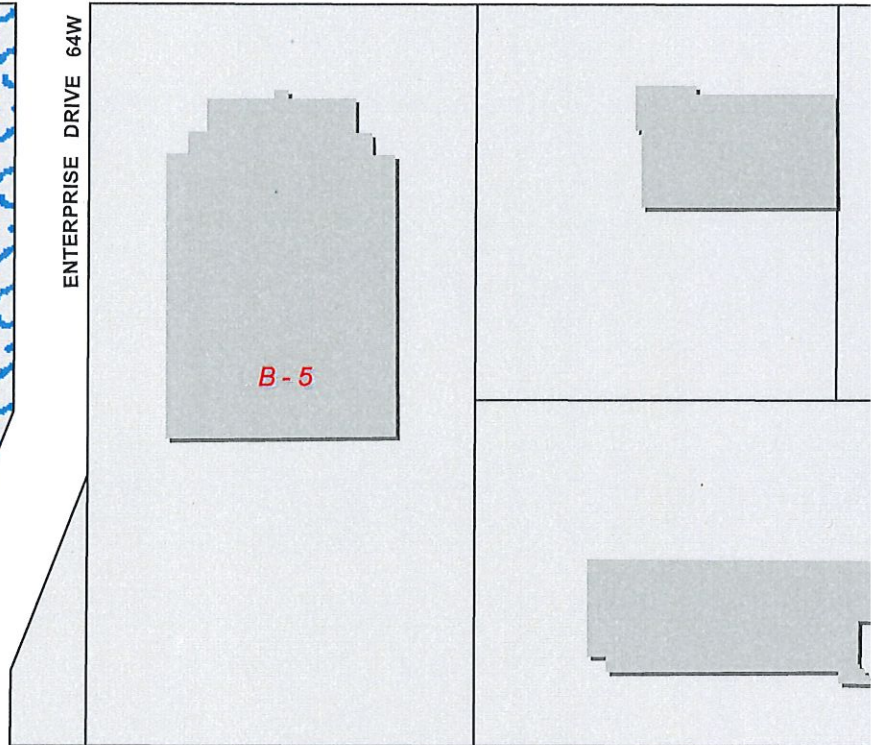
AC Arrival Corridor
A-1 Agricultural Preserve
A-2 General Agricultural
B-1 Neighborhood Business
B-2 Community Business
B-3 Office & Service Business
B-4 Business Park
B-5 Light Industrial
B-6 Rural Industrial
B-7 Rural Business
C-1 Shoreland/Wetland Conservancy
C-2 General Conservancy
CGO Central Growth 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

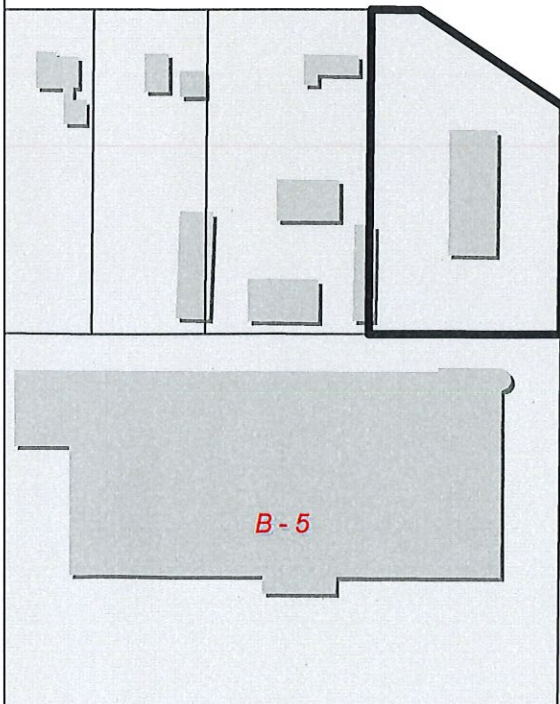
EXECUTIVE DRIVE 105N



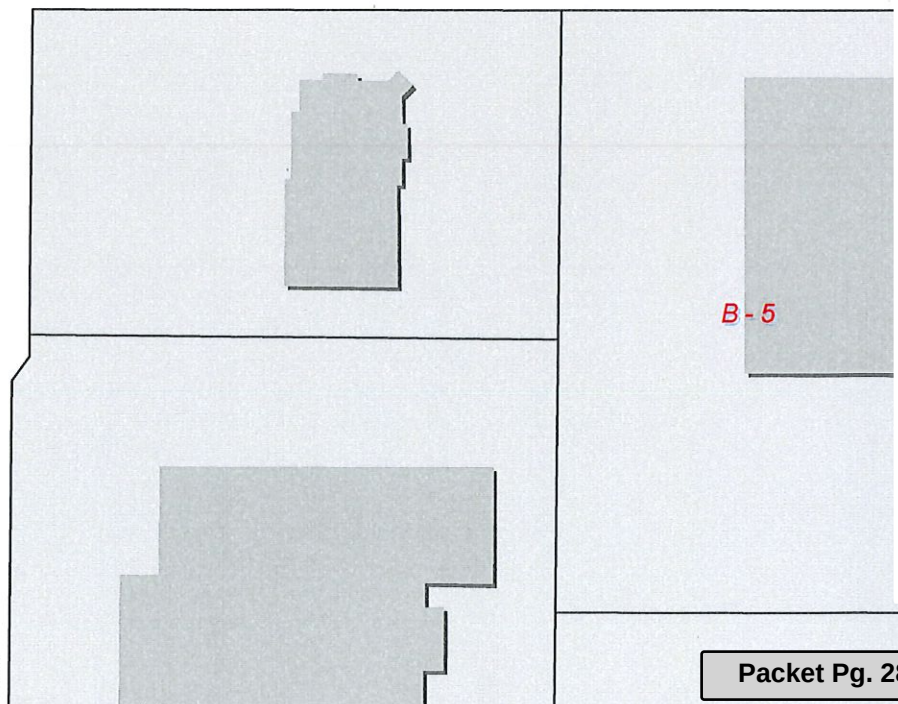
ENTERPRISE DRIVE 64W



DONGES BAY ROAD 104N



M99



Attachment: Packet 02.11.19 (3880 : New World Montessori School, Ltd.)

Owner's Consent to File Rezoning Application

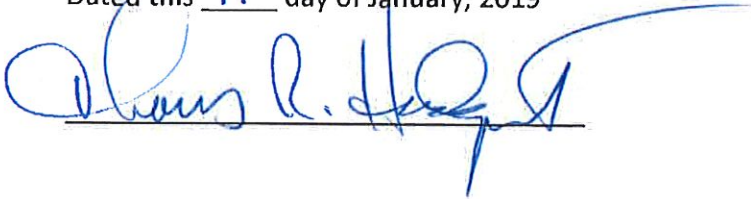
I, Thomas R. Hodgert, state that I and Karen Koch-Hodgert are the owners ("The Owners") of the property located at 10333 N. Enterprise Drive, Mequon, Wisconsin ("The Property"); and

The Owners have entered into a purchase contract with New World Montessori School, Ltd. ("The School") to sell the Property to the School, subject to certain contingencies; and

In furtherance of the purchase contract between the Owners and the School, the Owners consent to and authorize the School to submit an application to the City of Mequon and perform other acts as necessary to seek to change the zoning of the Property from B-5 (Light Industrial) to IPS (Institutional and Public Service).

Nothing contained herein shall prevent Owners from withdrawing this application at their option.

Dated this 11 day of January, 2019

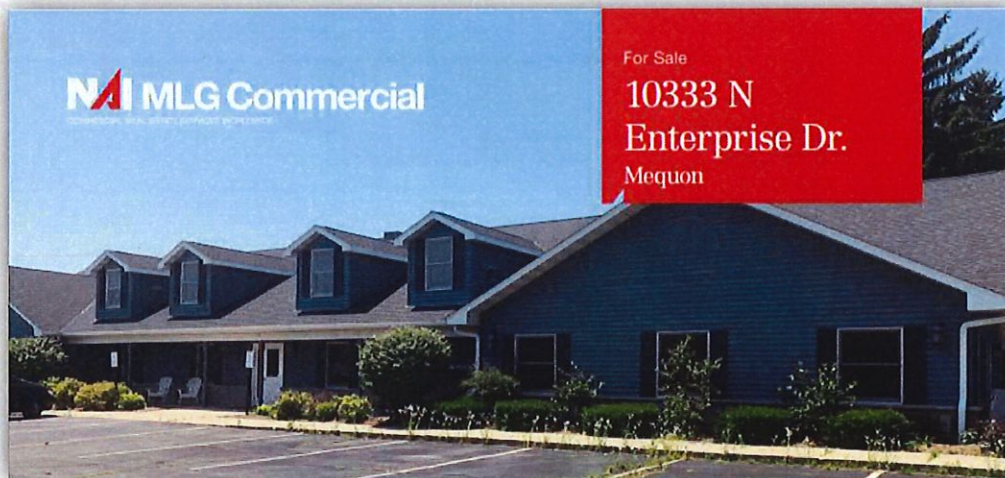
A handwritten signature in blue ink, appearing to read "Thomas R. Hodgert", is written over a horizontal line.

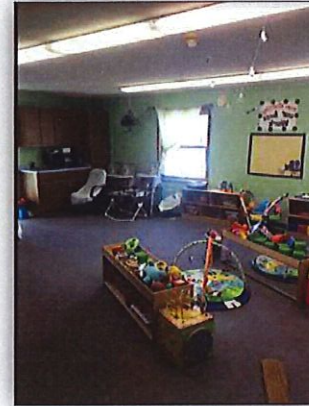
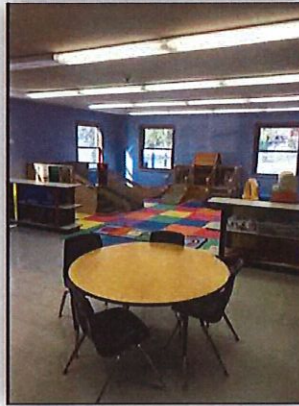
Description of Property

The subject property is a 1.49 acre parcel located at the southwest corner of W. Donges Bay Road and N. Enterprise Drive.



Additional area maps are attached as Exhibit A. The property has been improved with one two-story structure of approximately 6,583 square feet built in 1994. The structure was built for use as a day care facility, with classrooms and offices.





A listing brochure with floor plans and additional information is attached as Exhibit B. The property is currently leased by the owner to a third-party day care operator, who is not fully utilizing the space.

Requested Intended Use

New World Montessori School, Ltd. and the current property owners have entered into a purchase contract under which the owners will sell the property to New World Montessori School for use as a private school.

New World Montessori School was founded in 1975 and is the oldest Montessori school accredited by Association Montessori Internationale (AMI) in the state of Wisconsin. For the past 12 years, the school has leased classroom and office space at Indian Hill Elementary School from the Maple Dale Indian Hill School District. Prior to that, the school leased space at the Dunwood School from the Fox Point – Bayside School district for 14 years.

The school has approximately 70 students from 50 families. Eight of these families reside in Mequon, and the school expects that the number of families residing in or working in Mequon will increase over time if the school relocates to the subject property. The school serves a diverse range of families and students, ranging from life-long Wisconsin residents to international families attracted to Wisconsin's employment opportunities and quality of life.

The school is licensed by the State of Wisconsin and offers services beginning at age 18 months through sixth grade. The school has one toddler classroom with children ages 18 – 36 months, two primary classrooms with children ages 2 ½ - 6, and one elementary classroom with children in grades 1 – 6. The school's administrator, Ms. Priscilla Bovee, has been a Montessori educator since 1975 and has worked at the school since that time. The school also employs 5 AMI-accredited teachers, and 2 classroom assistants with Montessori training.

The school operates during regular school hours, and also offers before and after school care. Operations are typically between approximately 7:30 AM and 5:30 PM on weekdays. The school offers a summer school curriculum during the summer that is available to local businesses as a superior alternative to daycare.

The school intends to occupy and use the subject property as a private school without significant short-term change to its services or to the subject property.

Basis for Request

The property structure built in 1994 comprises classrooms and offices, suitable for both a child care facility or a school. The property is currently zoned B-5, which designates "commercial child day care facilities" as allowable conditional uses, and New World Montessori School understands that the property has been used as a child care facility pursuant to a conditional use permit since approximately 1994. The current zoning, however, does not permit use as a private school.

To accommodate use as a private school, New World Montessori School requests that the property zoning be changed from B-5 to IPS. Under IPS zoning, both "public or private schools" and "child day care facilities" are permitted uses. Accordingly, the zoning change would accommodate and be consistent with not only the property's historic use as a day care facility, but also New World Montessori School's intended use as a private school.

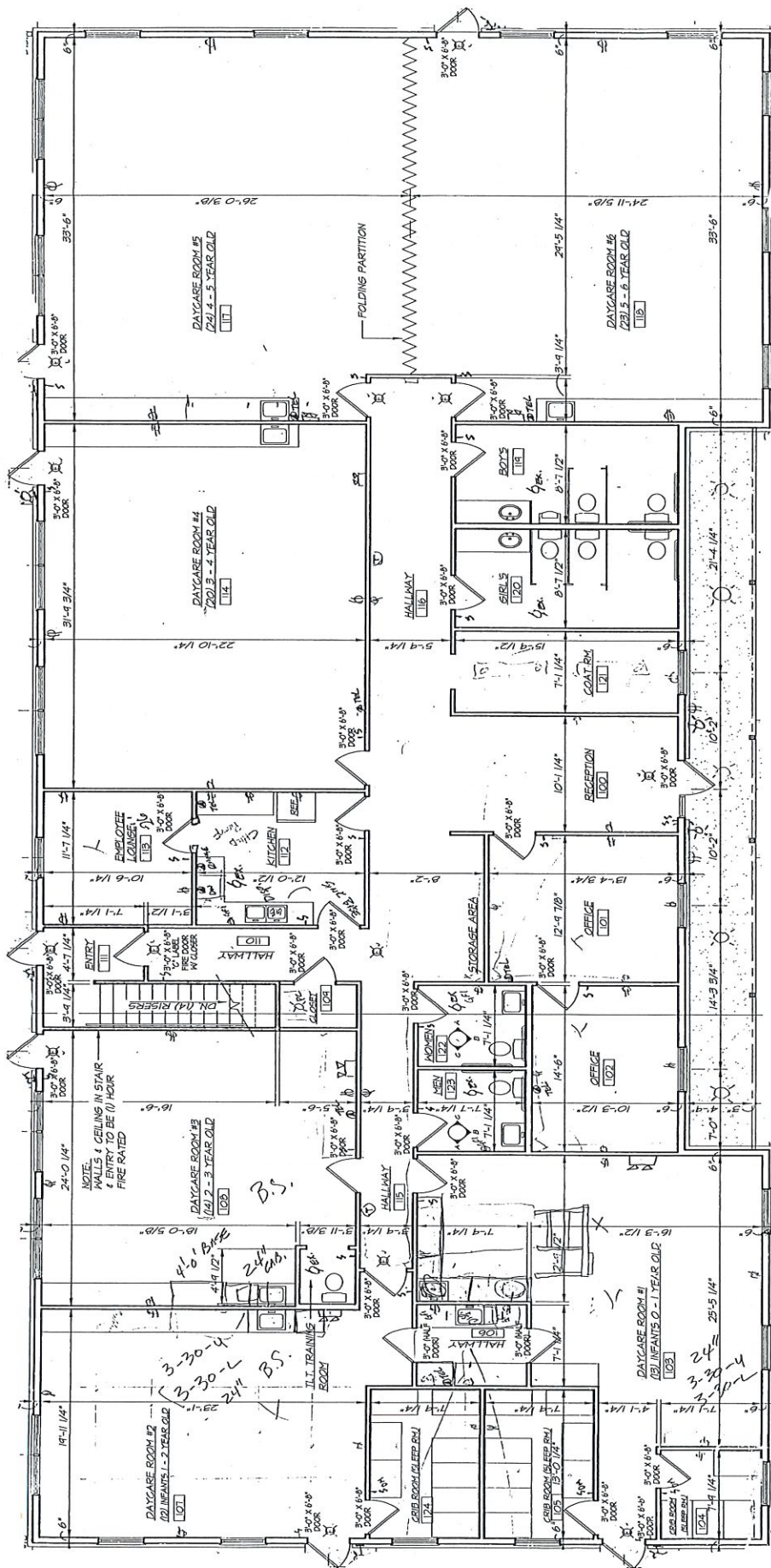
The zoning change will not result in any changes to the nature of the use of the property. The property use will continue to be used primarily during weekday business hours, with traffic concentrated at child drop off and pick up in the morning and afternoon. As with the child care use, use as a school involves occupancy by a number of children and supervising teachers and staff.

In addition, notwithstanding the B-5 zoning, the current property is not amenable to traditional light industrial uses. It has, for example, no loading dock, no industrial HVAC system, and no industrial utilities. The size of the lot, 1.49 acres, is small for a B-5 district and is not amenable for construction of a typical light industrial facility.

Rezoning to IPS also is consistent with other nearby uses within or adjacent to the larger B-5 district. Steffen Middle School is a public school in the Mequon-Thiensville School District enrolling approximately 450 students and located on a 24-acre parcel zoned IPS located approximately 0.7 miles due north of the subject property at 6633 Steffen Drive in Mequon. Splash! is a children's swimming school located on a parcel zoned B-5 / PUD located approximately 0.5 miles northwest of the subject property at 10636 N. Commerce St. in Mequon. The subject property is not within an industrial park area, but is on the corner of Donges Bay Road, with restaurants and other commercial establishments nearby. C-2 and C-2/PUD conservation districts are located across Donges Bay Road immediately to the north of the subject property, and a large R-1/OA district is located approximately 0.1 miles southwest of the subject property. Area zoning maps are attached as Exhibit C.

In addition, the rezoning will provide a benefit to the City of Mequon and a resource to area residents, employers, and employees. As noted, 8 families currently enrolled at New World Montessori School reside in Mequon. Moreover, the location in Mequon will provide a high-quality school option to additional families who not only reside in Mequon, but who may be employed by Mequon businesses. New World Montessori School understands that the property is currently underused and not fully maintained. Rather than partial use as a rental property by a day care operator, rezoning would allow use and occupancy by the owner who is stable and a well-established and respected private school.

First Floor Floor Plan



NAI MLG Commercial
COMMERCIAL REAL ESTATE SERVICES WORLDWIDE

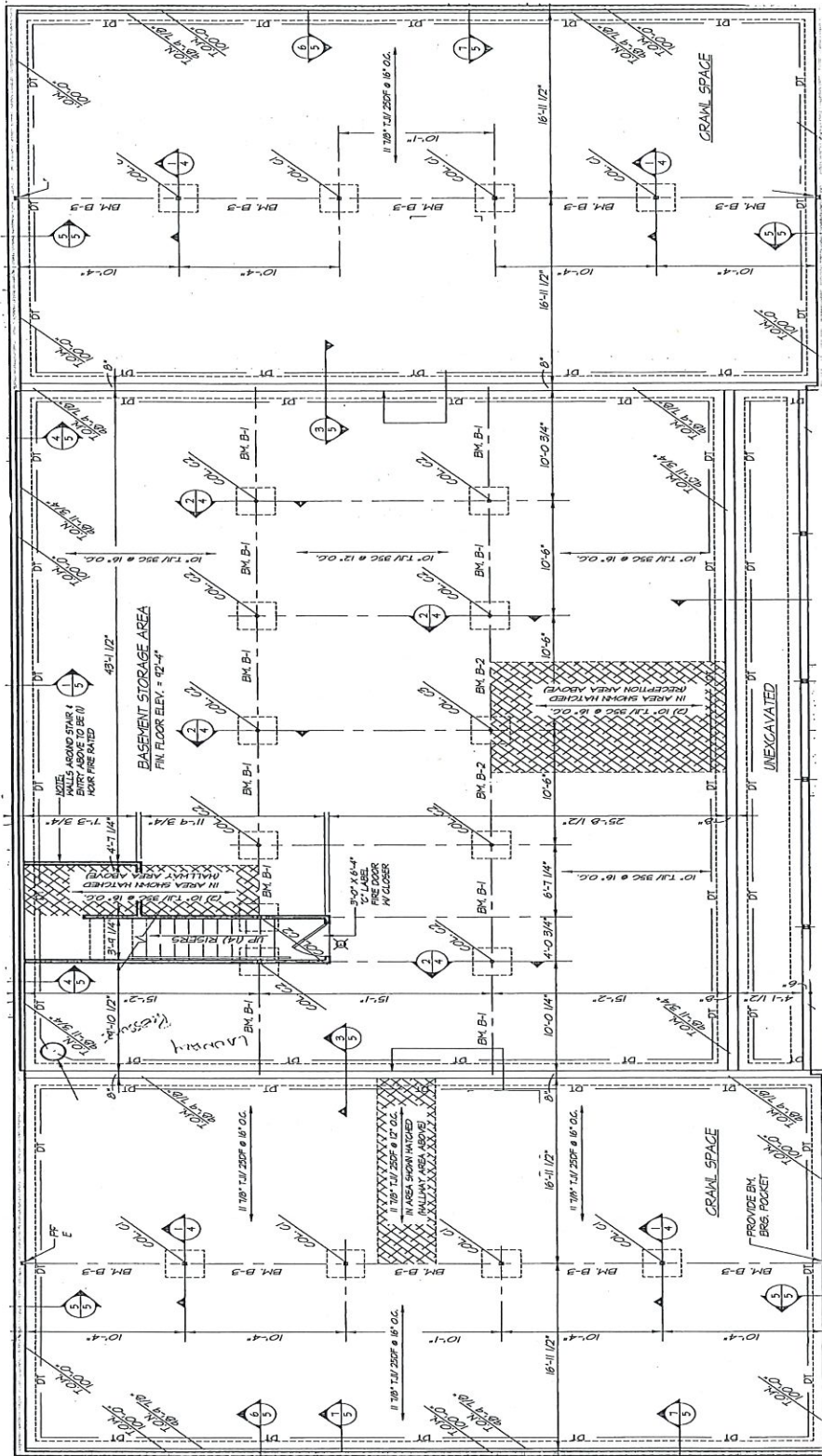
Information shown herein was provided by the Seller/Lessor and/or other third parties and has not been verified by the broker unless otherwise indicated.

757 N Broadway, Suite 700
Milwaukee, WI 53202
414 347 9400
mlgcommercial.com
Offices in Milwaukee and Madison, WI

Attachment: Packet_02.11.19 (3880 : New World Montessori School, Ltd.)

Lower Level Floor Plan

757 N Broadway, Suite 700
Milwaukee, WI 53202
414 347 9400
mlgcommercial.com
Offices in Milwaukee and Madison, WI



COMMERCIAL REAL ESTATE SERVICES WORLDWIDE
Information shown herein was provided by the Seller/Lessor and/or other third parties and has not been verified by the broker unless otherwise indicated.

Attachment: Packet_02.11.19 (3880 : New World Montessori School, Ltd.)



TO: Planning Commission
FROM: JAC ZADER, ASSISTANT DIRECTOR COMMUNITY DEVELOPMENT
DATE: February 11, 2019
SUBJECT: ICAP Development for Jewish Home and Care Center, Inc. The applicant is seeking rezoning recommendation approval from IPS (Institutional and Public Service) to B-2/PUD (Commercial Business/Planned Unit Development) for the property located at 10865-10911 N. Port Washington Road.

Applicant:	ICAP
Status of Applicant:	Offer to Purchase
Requested:	Rezoning Recommendation Concept Plan
Existing Use:	Vacant
Existing Zoning:	IPS (Institutional Public Service)
Proposed Zoning:	B-2 (Community Business) PUD (Planned Unit Development)
Existing Land Use Plan:	Institutional
Proposed Land Use Plan:	Community Commercial
Lot size:	8.9 acres
Location:	10865-10911 N. Port Washington Road and parcel to the south
Tax Key:	#15-030-04-010.00
District:	#5

Background:

The applicant is requesting a rezoning recommendation and concept plan approval for a commercial development on 8.9 acres of land located at 10865 & 10911 N Port Washington Road. The site, which is the former home of the Jewish Home Center, is currently zoned IPS (Institutional) and has been vacant for over 10 years. The applicant is requesting a change to B-2 (Community Commercial) with a PUD (Planned Unit Overlay). The concept plan shows a commercial development with the potential for five separate tenant spaces.

Rezoning Analysis: Some factors to consider when analyzing a rezoning request include:

- **Is the proposed rezoning consistent with existing and surrounding Land Use Designations?** The Land Use Plan Map designates the site as Institutional. Other land use designations in the area include Office, Institutional, and Community Commercial. The general area on the west side of Port Washington Road is primarily Institutional in nature. A number of years ago, the City of Mequon designated this area as Institutional after it was determined that there was a high demand for such uses in the city and very little available inventory for development. A change to the B-2 zoning district would be the most appropriate zoning designation due to the proximity of other B-2 zoning to the north and to the east.

- **Is there a Public Interest?** The parcel has been vacant since 2005 when the Milwaukee Jewish Home was razed. Staff believes that it is unlikely that the parcel would develop under the current zoning with the use restrictions in place. The change to B-2 would accelerate development of the parcel and provide vitality to this section of the Port Washington Road commercial corridor. Since there is residential to the west (Winding Hollow), restriction in the PUD would limit retail and restaurant uses to the front of the site along Port Washington Road.
- **Are there reasonable uses under existing zoning?**
There are a number of uses that are reasonable for the site under the IPS zoning district. However, the current owner of the site is requiring a use restriction covenant that eliminates a number of the permitted uses found in the IPS district including assisted living, memory care and skilled nursing homes. Based on this use restriction, it is unlikely that the site would be developed under the remaining uses allowed in the IPS District. Staff has met with a number of developers regarding the site over the last several years and the only use that has been contemplated for the site that complies with the IPS district and would not be impacted by the deed restriction is senior housing. While staff believes senior housing is viable for the site, previous requests included buildings in excess of two stories and densities beyond what has typically been allowed in Mequon.
- **Has there been a change in character or trend in development in area of proposal?**
The Port Washington Road corridor in this area remains a mix of commercial, institutional, and office uses. The change of zoning to B-2 would be consistent with the character of the surrounding area.

Concept Site Plan

The concept plan shows a total of five buildings located on the site with 291 total parking spaces and four storm water detention facilities. There are three separate access shown points to Port Washington Road which is under the jurisdiction of Ozaukee County. Based on correspondence with the county, preliminary approval has been conditionally approved based on the results of a pending traffic study. The plan does not state whether it complies with FAR or greenspace requirements. Based on the overall parcel size, staff does not recommend any deviation from the code requirements. As a condition of approval, staff will require that the entire development comply with open space and FAR requirements.

The applicant has stated that letters of intent have been received for several of the users they are able to make them public at this time. The applicant has also submitted a preliminary plan to show what a future potential land division would look like. The proposed lots show property lines running through parking areas and storm water facilities which will require offset waivers at the time of site plan approval. Since the overall development includes shared parking and storm water facilities, staff believes that the offset waivers are justified. Staff will require that the perimeter building and parking offsets for the overall development are complied with.

Overall, staff feels the concept plan does a nice job in master planning the site with shared parking, access and detention facilities. Staff does have an issue with the proposed orientation of the buildings along Port Washington Road. As with the Associated Bank project, staff will require as a condition of approval that all buildings shall be orientated towards Port Washington Road and any proposed drive thru shall be to the rear of the building. This may require a modification to the proposed land division boundaries.

Site Conditions:

The site contains several small isolated wetlands. The applicant has requested approval from the DNR to fill all of the wetlands on site. On January 31, 2019 the DNR approved the filling of all wetlands on the site.

The City Forester, Mike Gies, visited the site on February 4, 2019 and has identified several specimen trees on the site. There are two general areas that contain a stand of specimen trees. One area is located in the western portion of the site and is located where the proposed dry pond is shown. It is likely that this area could be avoided without a major change to the concept plan. The other area is located in the footprint of the northern most building is shown adjacent to the existing wetlands. In order to avoid this area the building and parking lot would need to be modified.

Staff Comment:

Based on the restriction being placed on the site, staff is supportive of the base district zoning change to the B-2. While the concept plan does a nice job in coordinating shared access and incorporating shared facilities like parking and storm water, the impact of the specimen trees and the orientation of the buildings will require substantial modifications to the plan. Because of this, staff is recommending the item be tabled until these issues can be vetted out. The applicant is aware of the issues and will be looking at revisions to the concept plan; however they would like feedback from the Commission regarding the rezoning to B-2 prior to tabling the item.

Engineering Report:

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

Access to the site is proposed to be at the 3 existing access locations. The center access point aligns with an existing median opening. The change in usage may warrant a reconfiguration of the median opening on Port Washington Road. A traffic study is being planned to evaluate the traffic impacts of the development. Port Washington Road is the jurisdiction of Ozaukee County, approval of the alignment and access points is subject to Ozaukee County approval. The site is located within the City's sewer service area and connection to the public sanitary sewer and watermain 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 is required. The concept plan may be affected by the wetland locations and setbacks.

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.

Staff Recommendation:

Planning staff recommends tabling the rezoning request and concept plan.

Attachments:

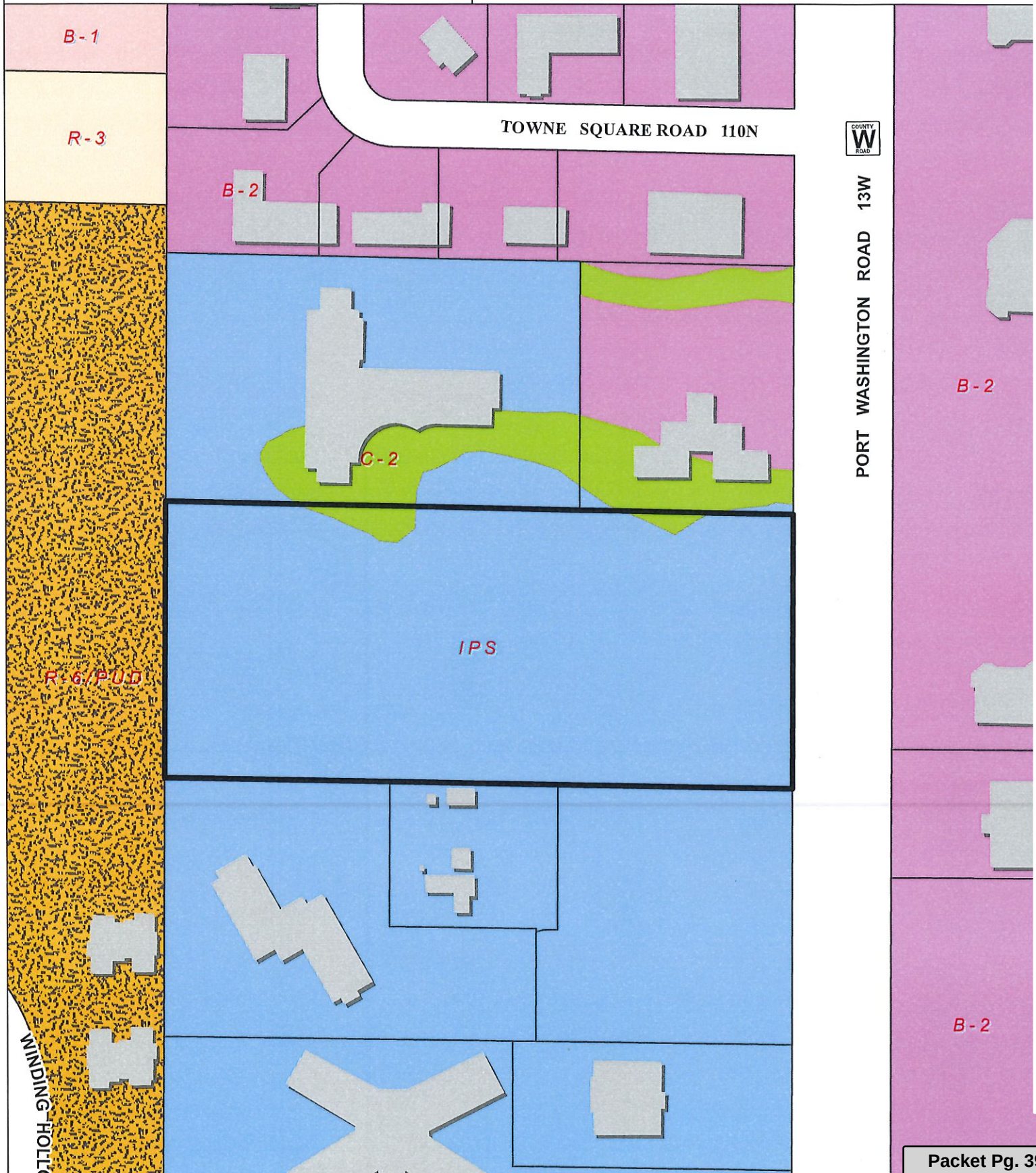
Packet_02.11.19 (PDF)

Jewish Home and Care Center, Inc.

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
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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

3.b.a



Attachment: Packet_02.11.19 (3881 : ICAP Development for Jewish Home and Care Center, Inc.)



January 14, 2019

Kimberly Tollefson
 Director of Community Development
 City of Mequon
 11333 N. Cedarburg Road
 Mequon, WI 53092

SUBJECT: Conceptual Development Plan and Rezone Request Submittal
 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 shown on the Conceptual Development Plan. 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 a rezone of the Property, contingent upon ICAP closing on the purchase of the Property, as well as the approval of the Conceptual Development Plan for a Planned Unit Development.

Zoning & Use:

The Property is currently zoned IPS (institutional and public service district). ICAP is seeking a rezone to B-2/PUD, which we believe would be complementary to the surrounding properties to the north and east along Port Washington Road. ICAP is requesting a PUD overlay to accommodate design flexibility for both the community and the development.

While ICAP cannot commit to specific users for the site at this time, Letters of Intent have been received for users that fall under the Allowed and Conditional Uses of the B-2 zoning district. The requirements of these potential users would include the following:

- Single-story and two-story buildings.
- Single and multi-tenant occupancies.
- Drive-thru services.
- Uses that include:
 - o General offices.
 - o Finance, insurance and real estate services including, but not limited to, banks, insurance offices, savings and loan associations and security brokers.

Attachment: Packet_02.11.19 (3881 : ICAP Development for Jewish Home and Care Center, Inc.)



- Health care facilities including, but not limited to, dental clinics, medical clinics, chiropractic clinics and health clubs.
- Restaurants and nightclubs.
- Automobile service facilities including, but not limited to, gasoline sale and automotive repair.
- Motels and hotels.

While not all of these users can be accommodated on the Property, the list is an expression of the diversity of users being considered, and the impetus for requesting a B-2 rezoning.

ICAP is requesting a PUD overlay to allow for additional community input on the types of uses that are ultimately approved as well as developer flexibility for potential conflicts with setback requirements on the individual sites within the Property.

Access and Traffic:

The Property currently has 3 access points to Port Washington Road. Our Conceptual Development Plan maintains the access points at the north and south of the Property and would relocate the access point near the middle of the property to align with the median openings in Port Washington Road. ICAP has sought preliminary review from Ozaukee County for a full access point along Port Washington Road at this location and will perform a traffic study to support our request.

The Property will have reciprocal access amongst occupants to allow vehicles and pedestrians to move about the development without the need to exit to Port Washington Road and re-enter.

The parking lots and access roads on the Property have been designed to allow for queuing of traffic exiting to Port Washington Road, and the prospective drive thru locations have been positioned to allow for queuing on the parcels, not the access roads.

Utilities/Storm Water Management:

Sanitary sewer and water lines are available in the northern access road, and sizes appear appropriate for use by the development. ICAP intends to work with City Engineering on capacity of the existing utilities and demand needs of the eventual users.

All storm water will be collected on-site and released via existing outflow locations to the north and south of the Property per City and MMSD regulations and requirements. Please see the attached Stormwater Memo for further information relating to this matter.

Project Operation:

The Project will be subdivided into separate parcels based on user needs. All parcels within the Project will be subject to a perpetual Reciprocal Easement and Maintenance Agreement which will grant cross access easements and create operation/maintenance obligations between each parcel within the Property. Initially, ICAP will own all parcels within the Project. The Reciprocal Easement and Maintenance Agreement will allow for ownership transfers to occur without impacting the overall operation and cohesiveness of a unified mixed-use project.

Schedule:

ICAP desires to commence construction of the project in Summer 2019. Following Conceptual Development Plan and Rezoning approval, ICAP will secure user commitments for the Project and submit user site plans in compliance with the Conceptual Development Plan.

The following documents are included with this submittal:

- Planning Commission Application



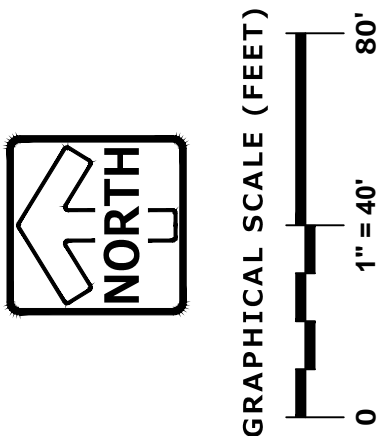
- Rezoning Petition Application Fee
- Stormwater Memo
- Conceptual Development Plan Set

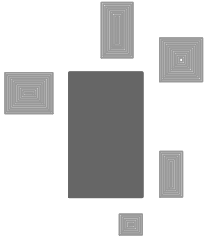
Respectfully Submitted,

Jerad Protaskey
ICAP Development LLC

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

DRAFTED: SRB
DESIGNED: SRB
REVIEWED: MTS



**PINNACLE ENGINEERING GROUP**
ENGINEERING | NATURAL RESOURCE SURVEYING

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

WISCONSIN OFFICE:
1501 W. WISCONSIN AVE.
BROOKFIELD, WI 53005
(262) 754-8888
CHICAGO | MILWAUKEE | NATIONWIDE

ICAP - MEQUON

10865-10911 N. PORT WASHINGTON RD

COLORED SITE PLAN

REVISIONS	
1. REV PROPERTY LINES	01/28/19

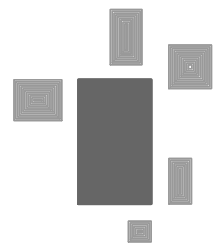
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PFG PM	MTS
SCALE	1"=40'
START DATE	01/14/19
SHEET	C-2
SHEET	C-8

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DESIGNED: SR8
REVIEWED: MTS

DRAFTED: SR8

Z:\PROJECTS\2018\1524.00-WT\CAD\SHEETS\EXISTING CONDITIONS PLAN.DWG



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EXISTING CONDITIONS PLAN

REV	PROPERTY LINES	DATE
1		01/28/19

REVISIONS

SHEET
C-3

SHEET
C-8

SCALE
1"=40'

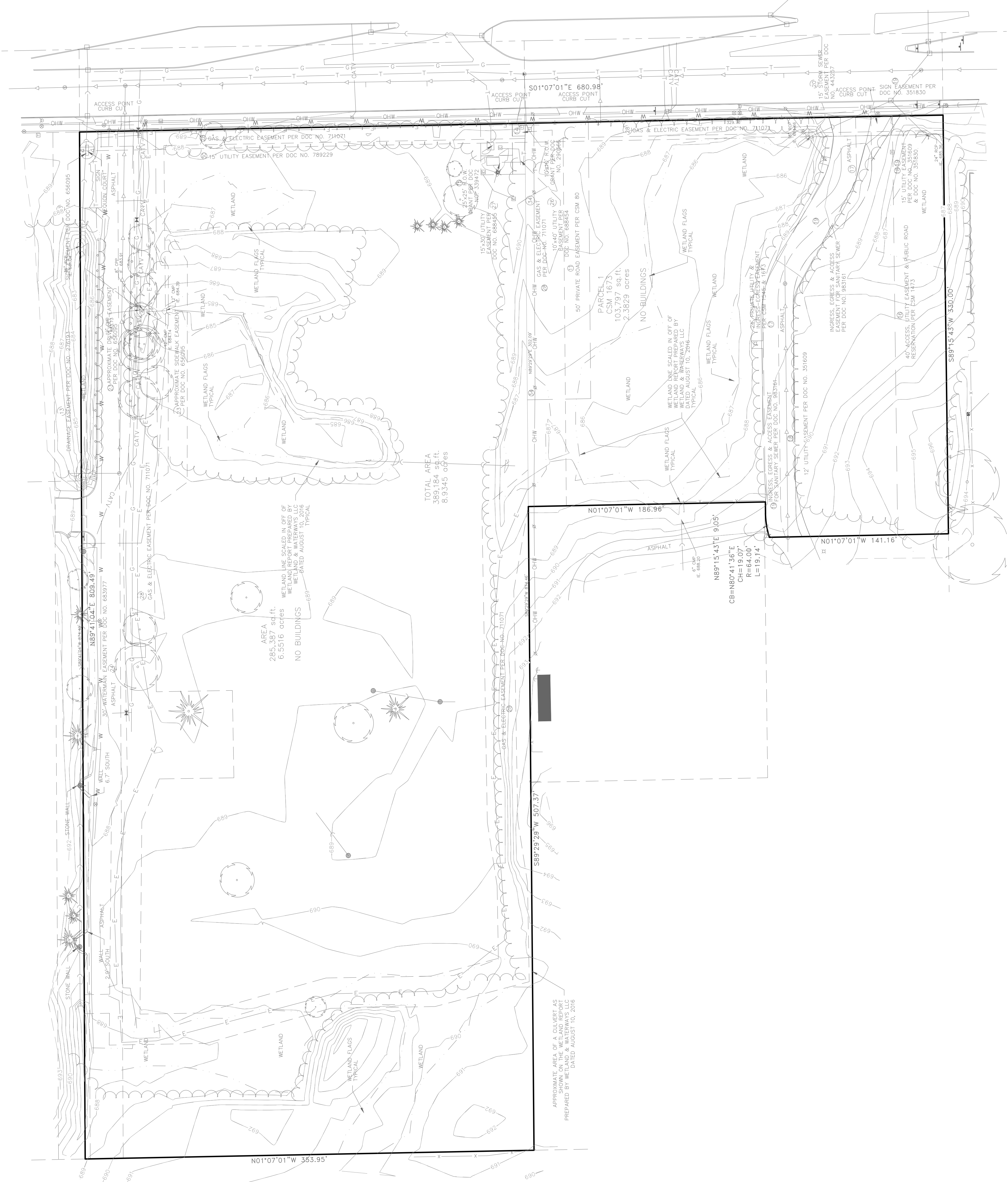
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01/14/19

PEO PM
MTS

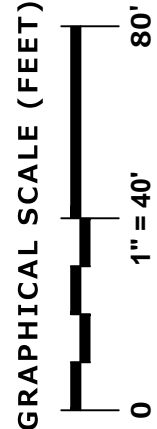
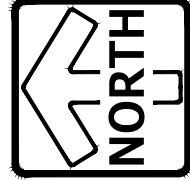
PEO JOB NO.
1524.00-WT

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LEGEND	
SANITARY SEWER MANHOLE	EXISTING
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	
ELECTRICAL CABLE	
OVERHEAD WIRES	
GAS MAIN	
TELEPHONE LINE	
LIGHTING	
ELECTRICAL TRANSFORMER OR PEDESTAL	
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	



FOR REVIEW ONLY

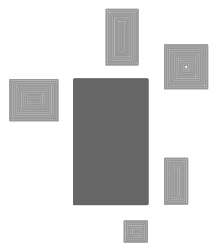
EXISTING CONDITIONS PLAN

3.b.a

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DRAFTED: SRB
DESIGNED: SRB
REVIEWED: MTS

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SITE PLAN

REV	PROPERTY LINES	DATE
1		01/28/19

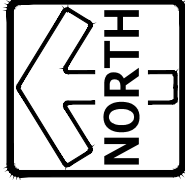
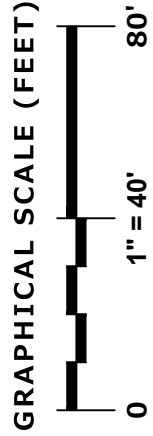
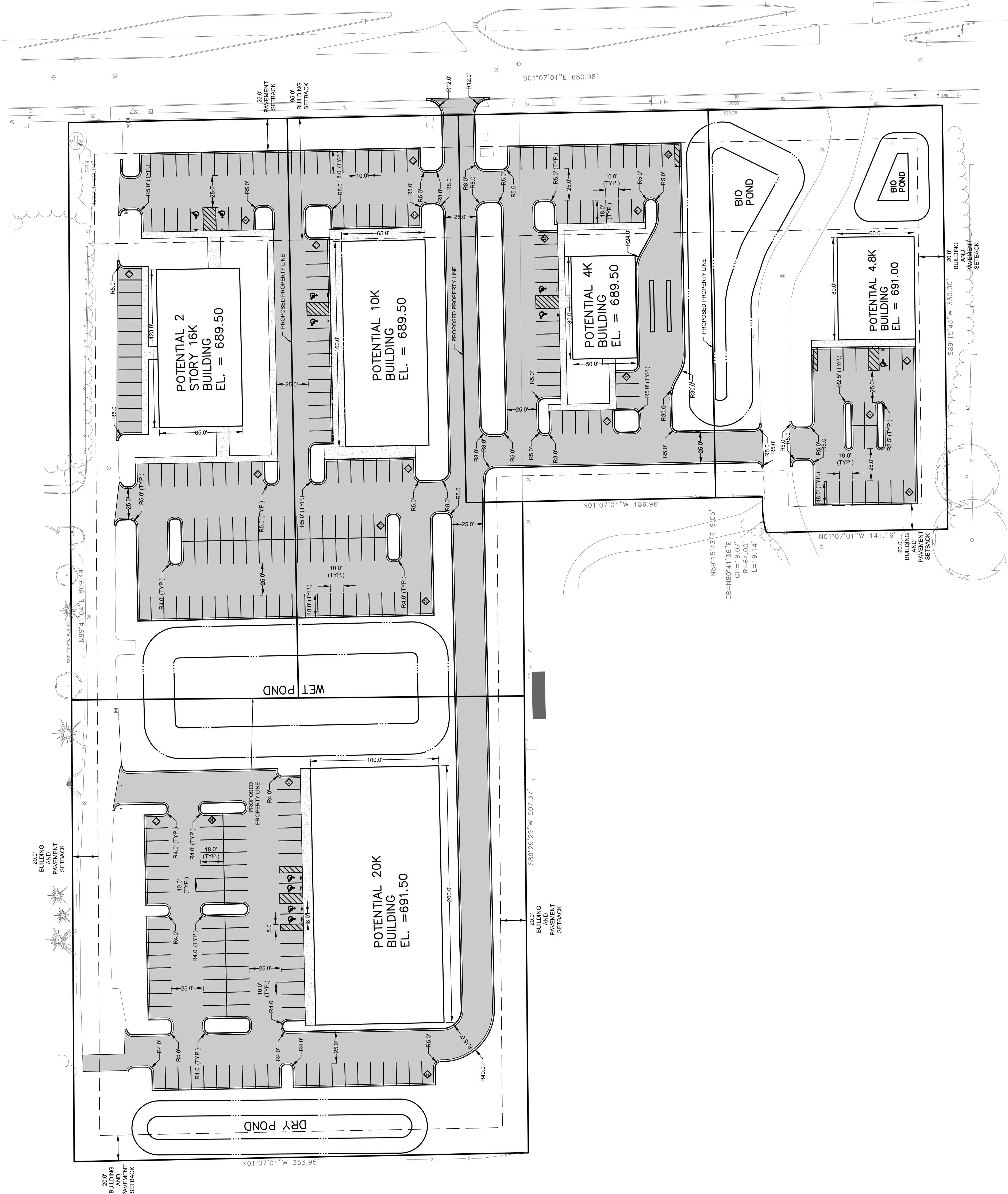
REVISIONS

SHEET
C-4
C-8

PGS JOB NO: 1524.00-WI
PGS PM: MTS
START DATE: 01/14/19
SCALE: 1"=40'

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LEGEND	
	ASPHALT PAVEMENT
	CONCRETE SIDEWALK
	PARKING COUNT (FOR INFORMATION ONLY, NOT TO BE PAINTED)

FOR REVIEW ONLY

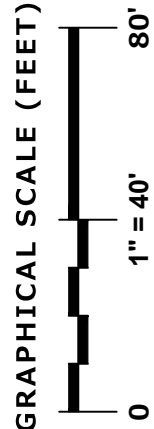
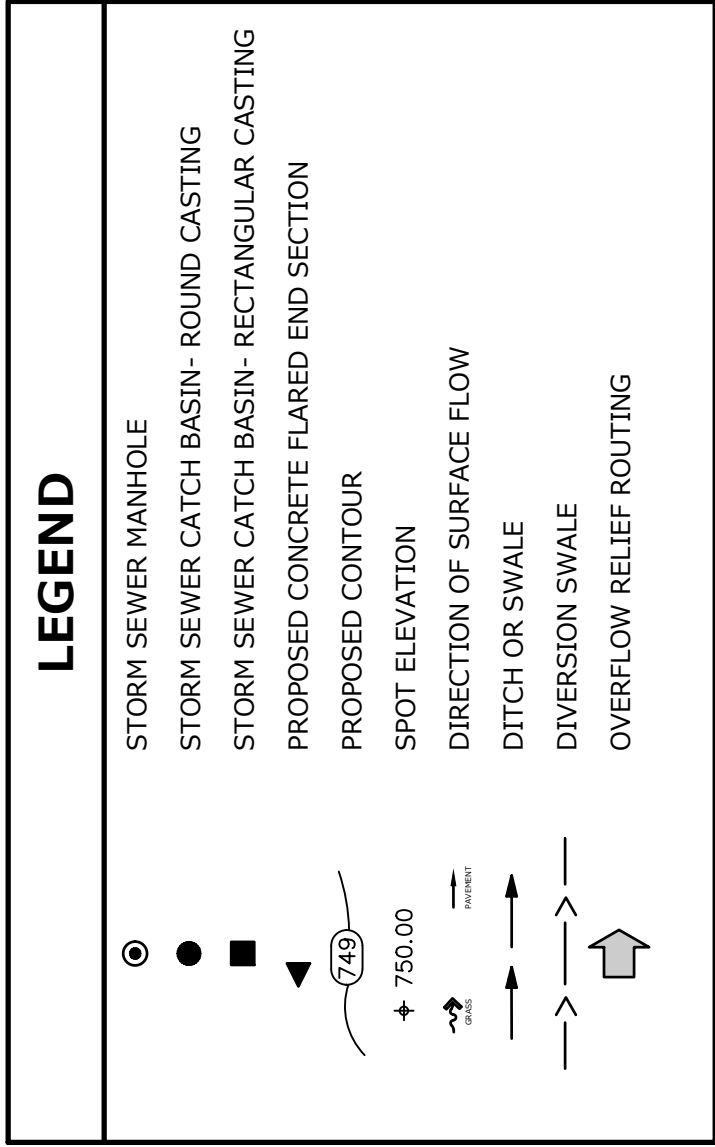
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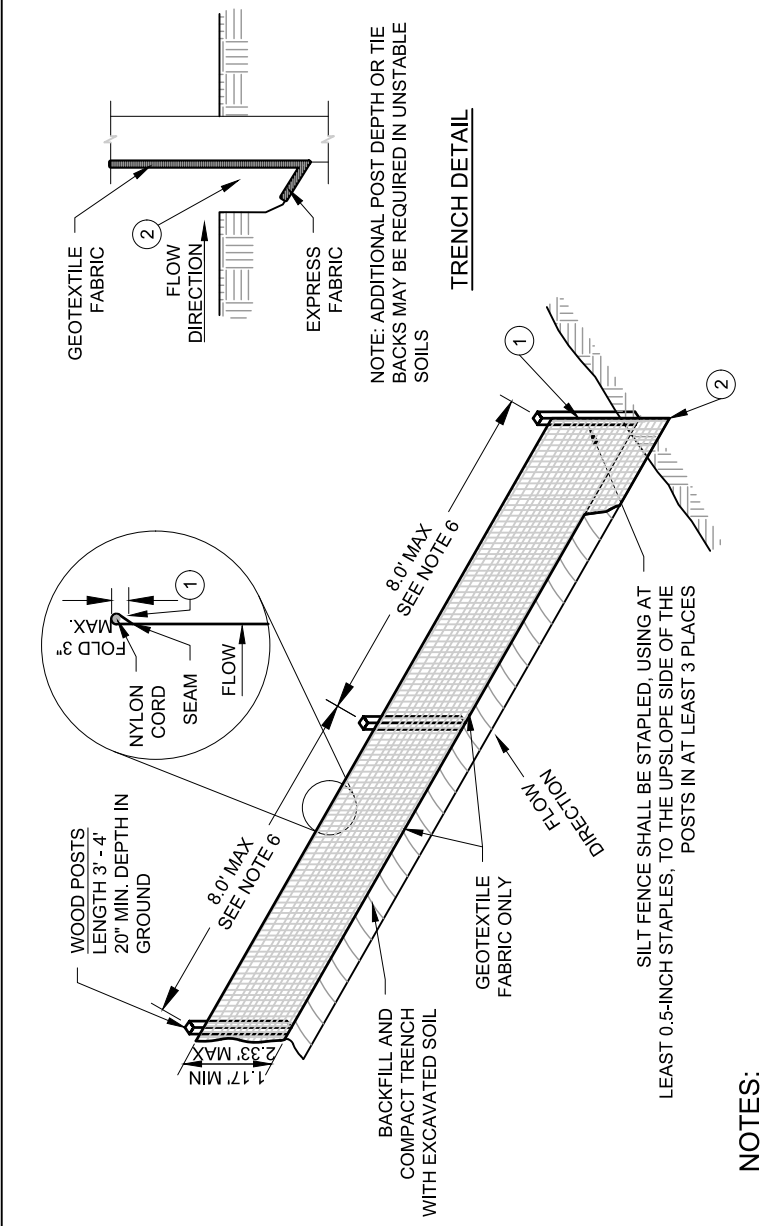
REVISED		REVISIONS
1	REV. PROPERTY LINES	01/28/19

C-8
C-5
SHEET

EG JOB No. 1524.00-WI
EG PM MTS
START DATE 01/14/19
SCALE 1"=40'

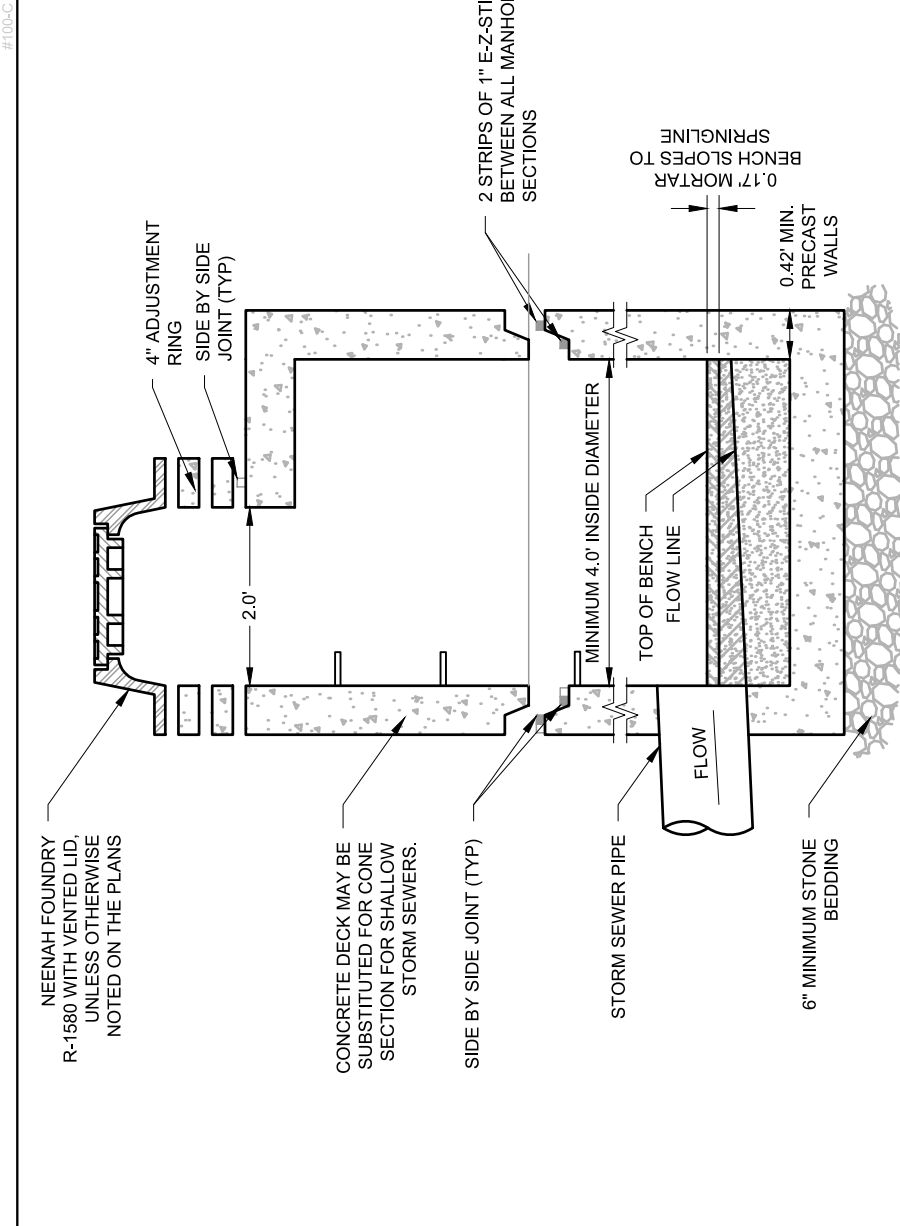
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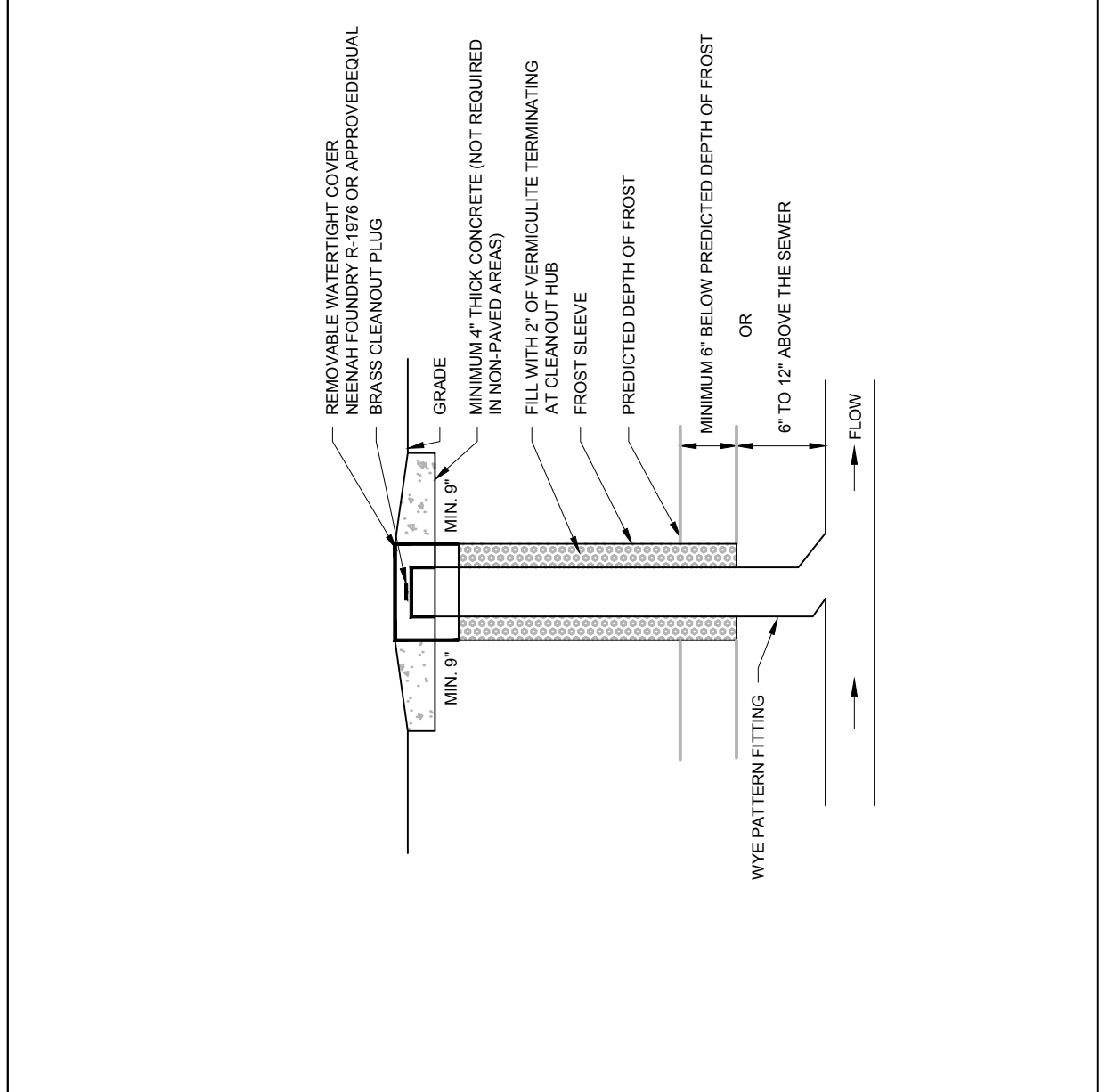
- NOTES:**
1. SILT FENCE SHALL BE STOPPED USING AT LEAST 15-4 INCH SPACED POSTS IN AT LEAST 3 PLACES
 2. SILT FENCE SHALL BE STOPPED USING AT LEAST 15-4 INCH SPACED POSTS IN AT LEAST 3 PLACES
 3. SILT FENCE SHALL BE STOPPED USING AT LEAST 15-4 INCH SPACED POSTS IN AT LEAST 3 PLACES
 4. SILT FENCE SHALL BE STOPPED USING AT LEAST 15-4 INCH SPACED POSTS IN AT LEAST 3 PLACES
 5. SILT FENCE SHALL BE STOPPED USING AT LEAST 15-4 INCH SPACED POSTS IN AT LEAST 3 PLACES
 6. SILT FENCE SHALL BE STOPPED USING AT LEAST 15-4 INCH SPACED POSTS IN AT LEAST 3 PLACES
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SILT FENCE

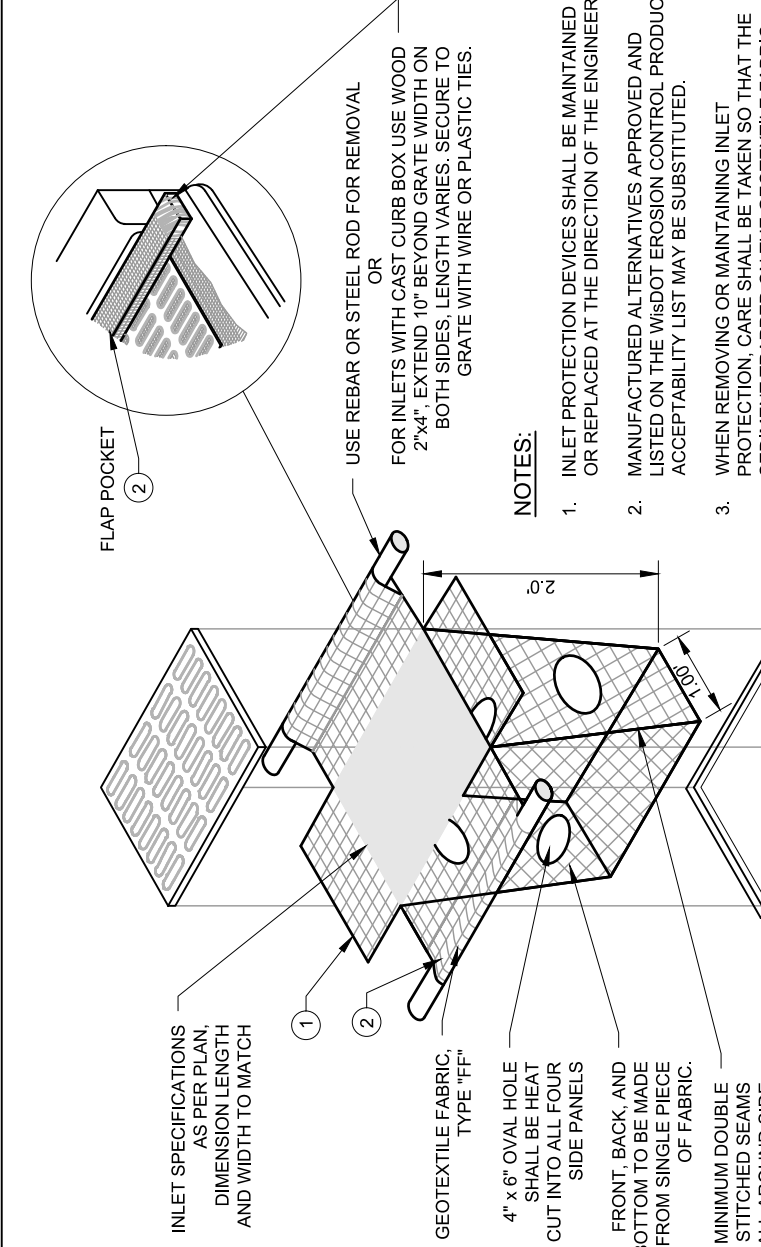
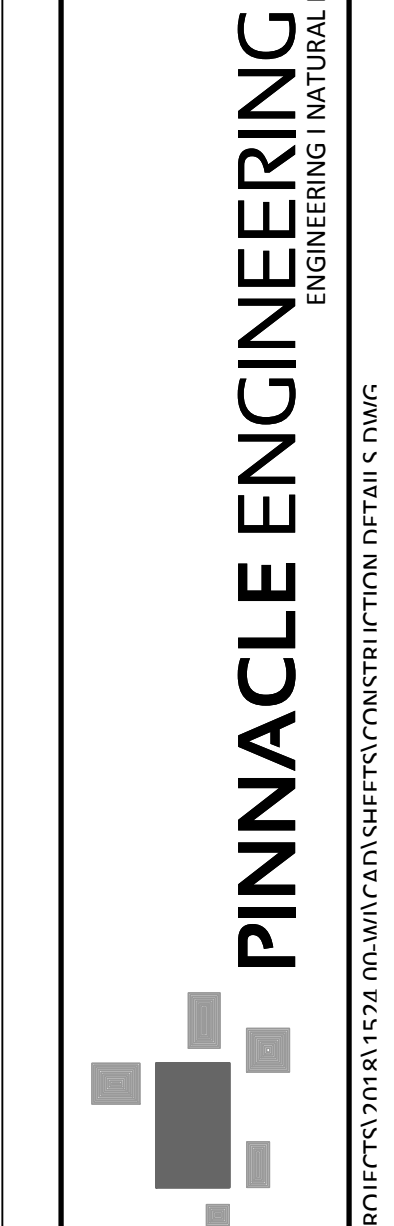


- NOTES:**
1. CLEAN UNDERSIDE OF ADJUSTING RING OR CAST IRON FRAME AND SET IN PLACE
 2. TUCKPOINT MORTAR INTO ANNULAR CRACK AND BACKPLASTERED INSIDE AND OUTSIDE OF ALL JOINTS
 3. THE TOP MAY BE USED IN LIEU OF THE TAPERED TOP WHEN FIELD CONDITIONS PROHIBIT THE USE OF A FLAT TAPERED TOP
 4. MANHOLE CONSTRUCTION TO MEET REQUIREMENTS OF ASTM C478
 5. ECCENTRIC CONE SECTION OF MANHOLE TO BE SET OUTSIDE OF VEHICULAR WHEEL PATH NEAR 1/2 OF RADIUS

STORM SEWER MANHOLE

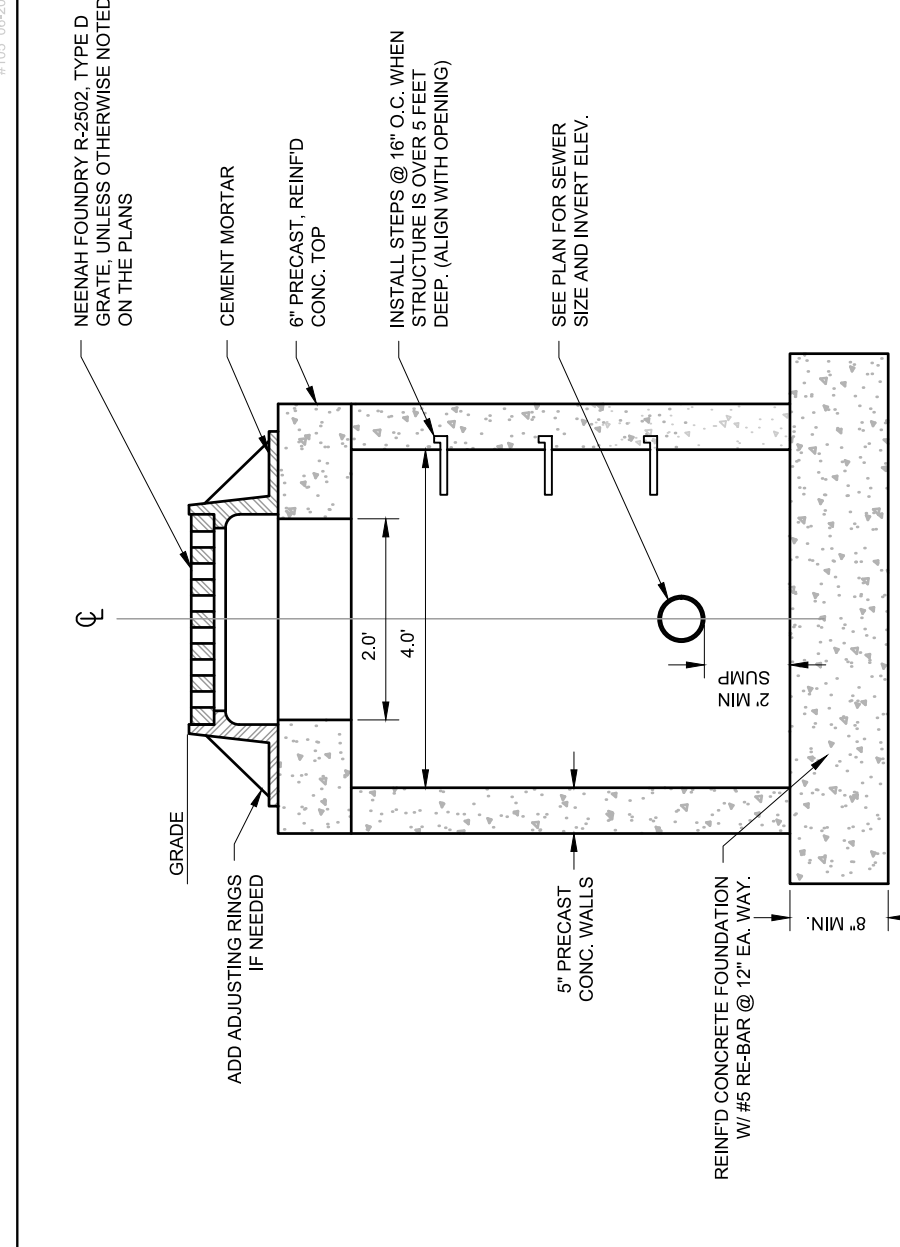


STORM CLEANOUT



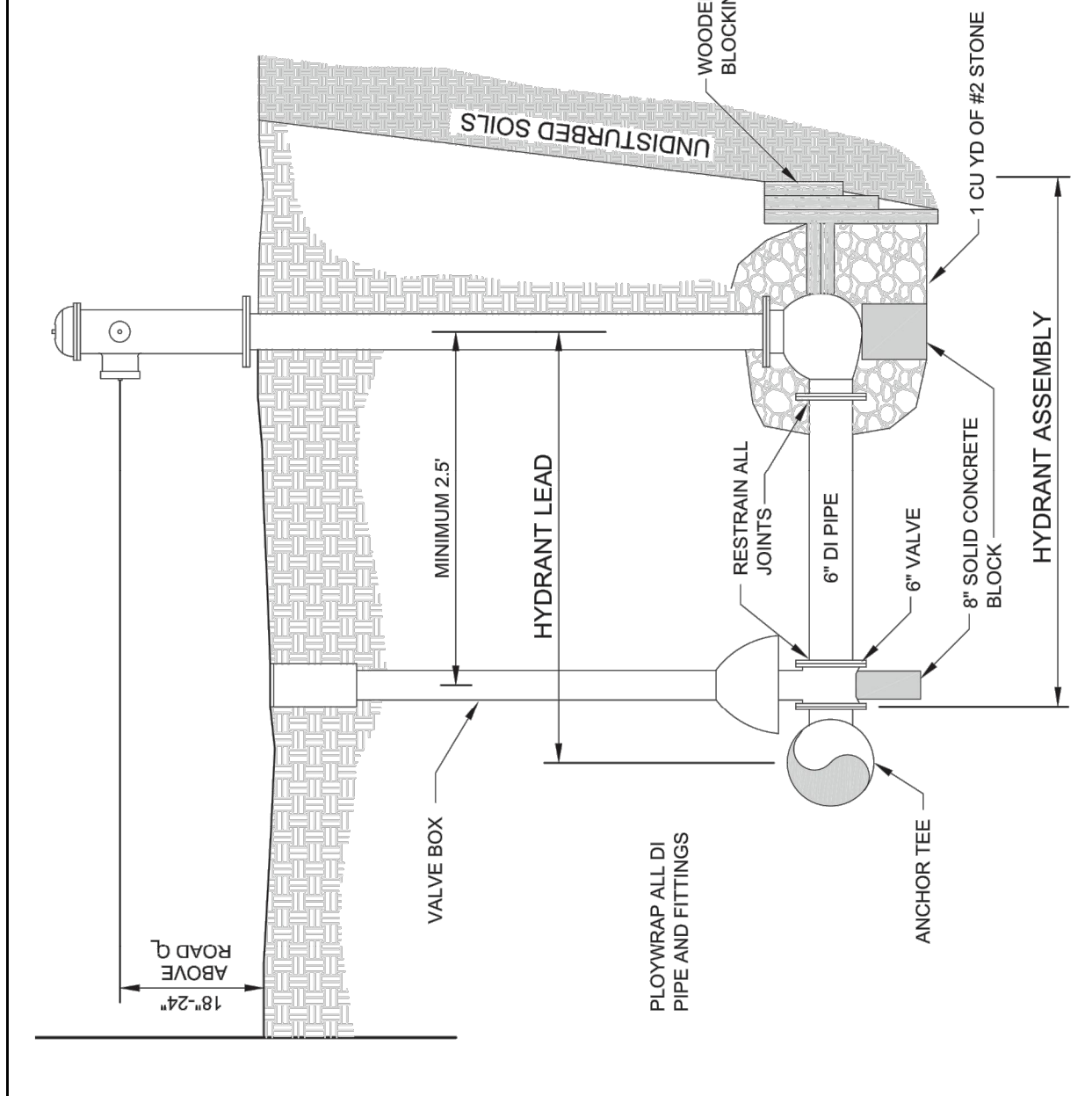
- NOTES:**
1. INLET PROTECTION SHALL BE STOPPED USING AT LEAST 15-4 INCH SPACED POSTS IN AT LEAST 3 PLACES
 2. INLET PROTECTION SHALL BE STOPPED USING AT LEAST 15-4 INCH SPACED POSTS IN AT LEAST 3 PLACES
 3. INLET PROTECTION SHALL BE STOPPED USING AT LEAST 15-4 INCH SPACED POSTS IN AT LEAST 3 PLACES
 4. INLET PROTECTION SHALL BE STOPPED USING AT LEAST 15-4 INCH SPACED POSTS IN AT LEAST 3 PLACES
 5. INLET PROTECTION SHALL BE STOPPED USING AT LEAST 15-4 INCH SPACED POSTS IN AT LEAST 3 PLACES
 6. INLET PROTECTION SHALL BE STOPPED USING AT LEAST 15-4 INCH SPACED POSTS IN AT LEAST 3 PLACES
 7. INLET PROTECTION SHALL BE STOPPED USING AT LEAST 15-4 INCH SPACED POSTS IN AT LEAST 3 PLACES

INLET PROTECTION

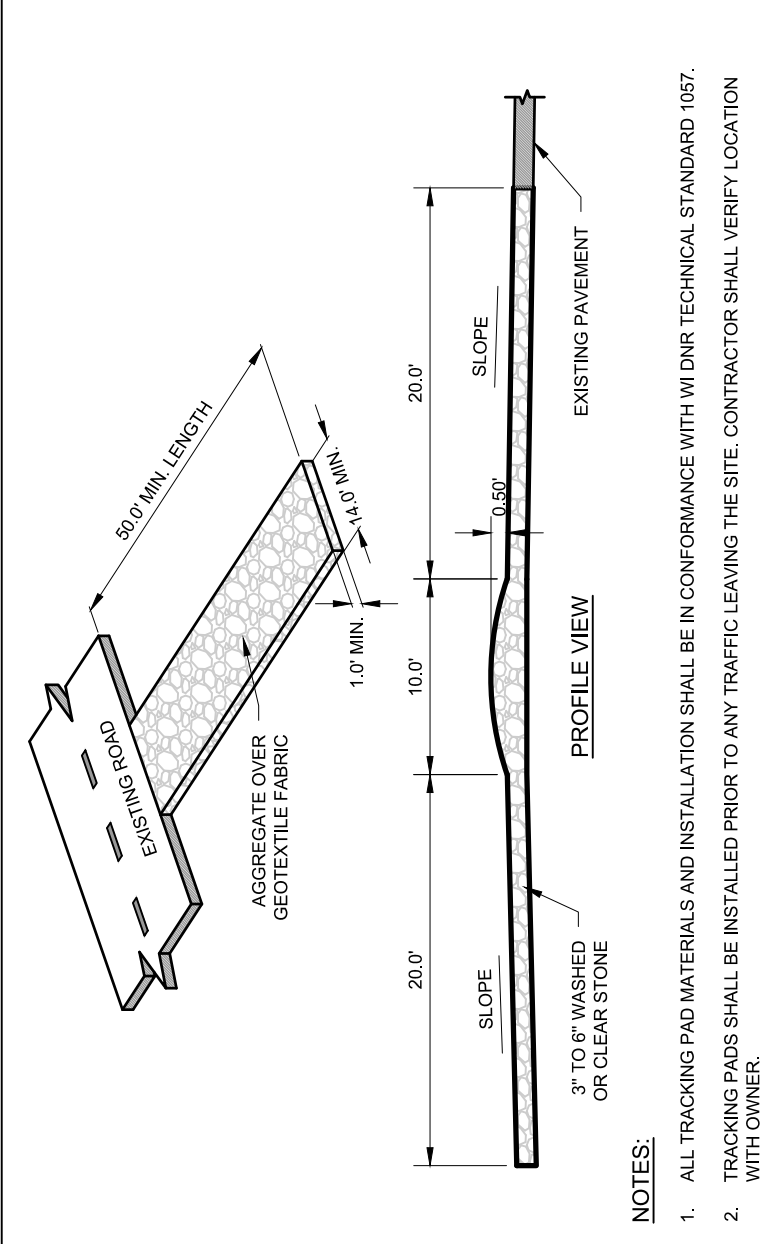
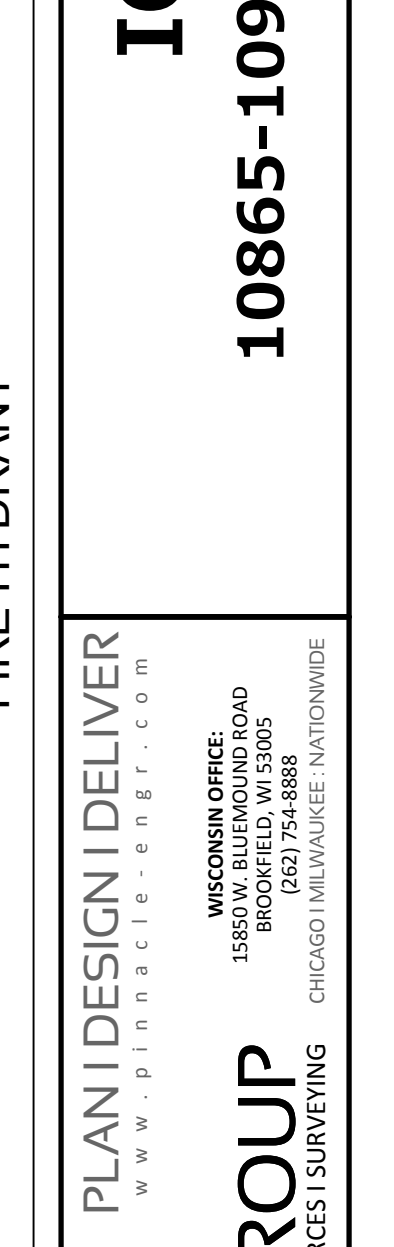


- NOTES:**
1. EACH STRIK, RUBBER GASKET OR APPROVED EQUIVALENT SHALL BE PLACED AT ALL JOINTS BETWEEN ADJUSTING RINGS FOR STORM CATCH BASINS
 2. THE FLAT TOP MAY BE USED IN LIEU OF THE TAPERED TOP WHEN FIELD CONDITIONS PROHIBIT THE USE OF A TAPERED TOP
 3. STRUCTURE TO BE 4.0' DIA OR AS INDICATED ON THE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

CATCH BASIN

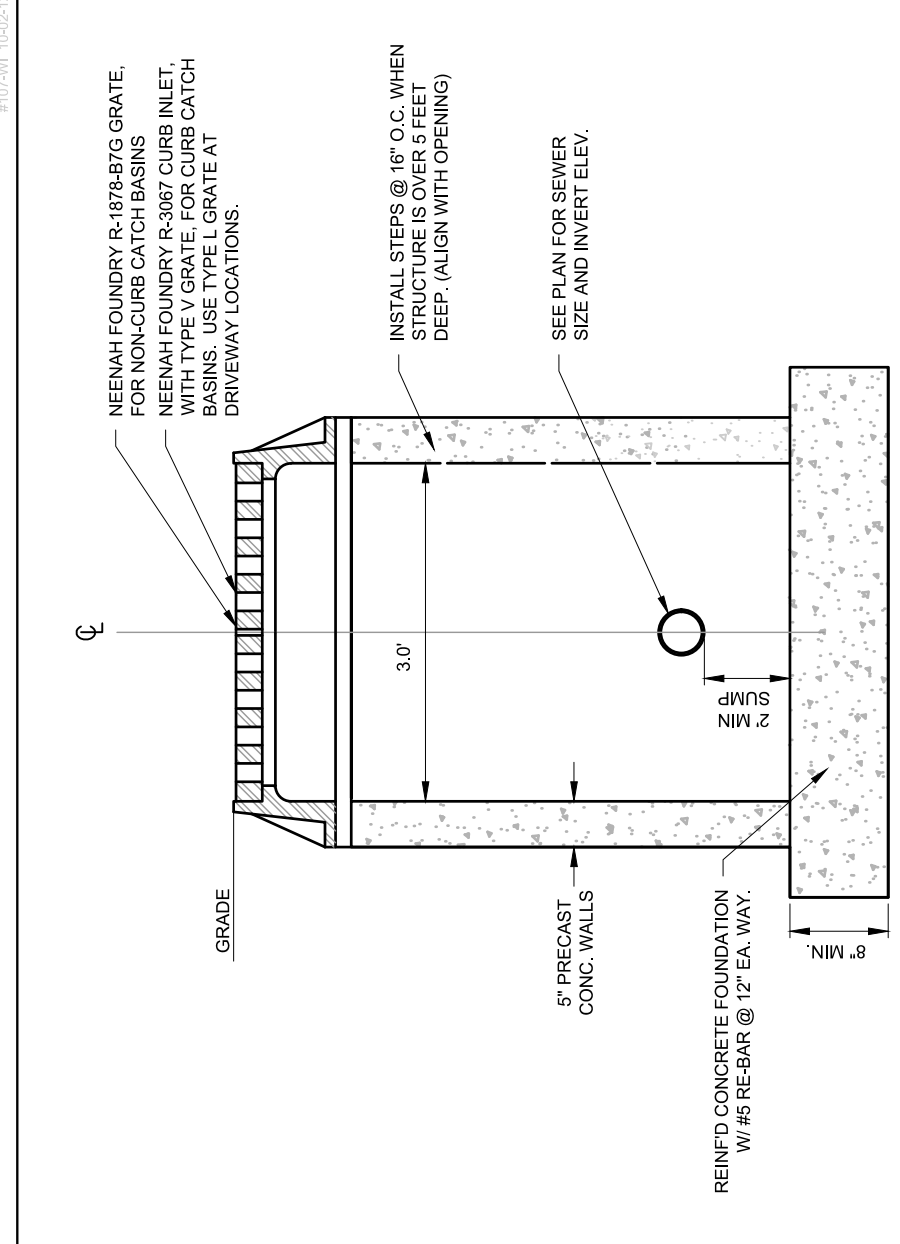


FIRE HYDRANT



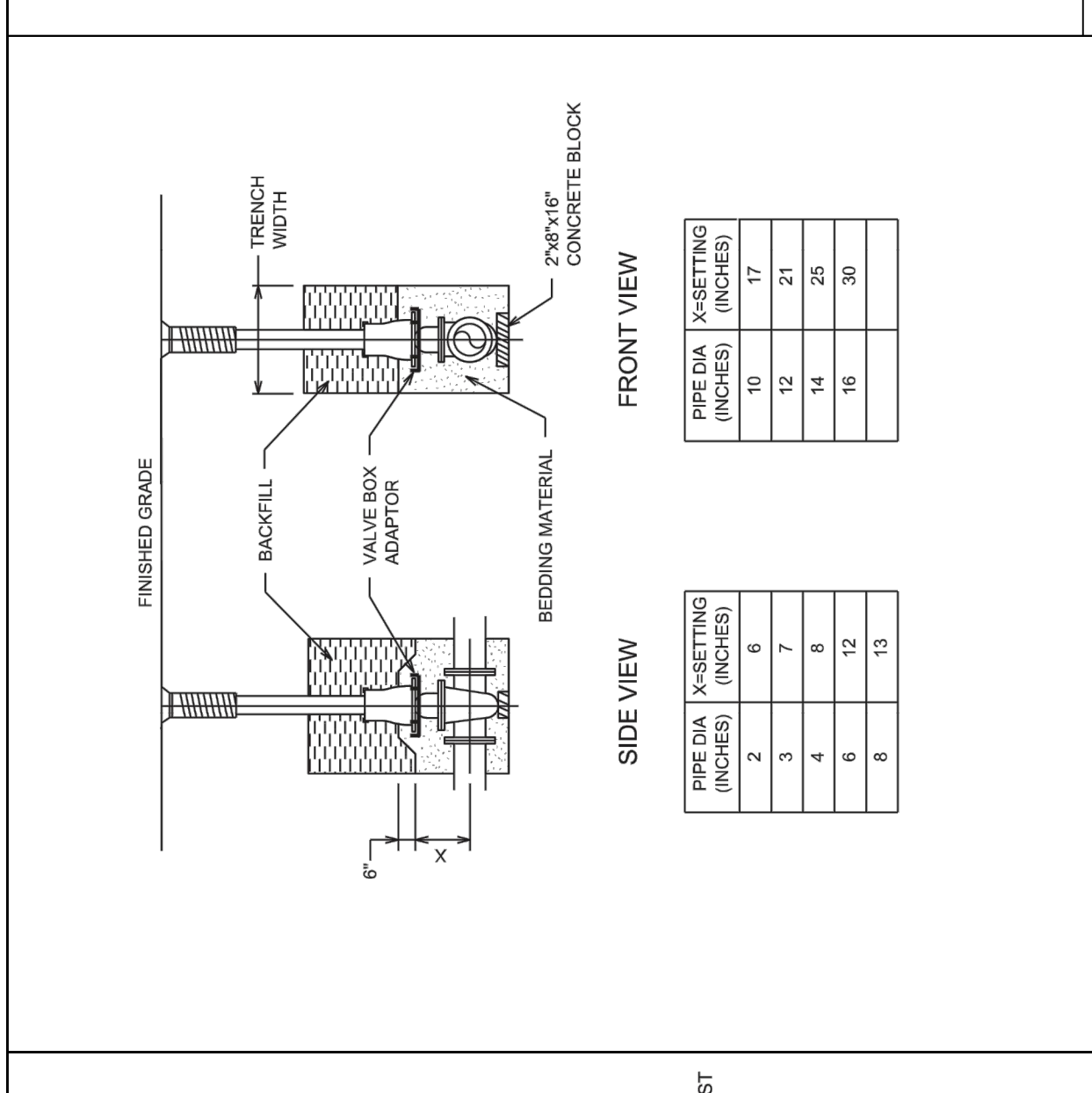
- NOTES:**
1. ALL TRACKING PAD MATERIALS AND INSTALLATION SHALL BE IN CONFORMANCE WITH WD TECHNICAL STANDARD 1007
 2. TRACKING PADS SHALL BE INSTALLED PRIOR TO ANY TRAFFIC LEAVING THE SITE. CONTRACTOR SHALL VERIFY LOCATION WITH OWNER
 3. THE AGGREGATE FOR TRACKING PADS SHALL BE 3 TO 8 INCH CLEAR OR WASHED STONE. ALL MATERIALS TO BE RETAINED ON A 3/4 INCH SIEVE
 4. THE AGGREGATE SHALL BE PLACED IN A LAYER AT LEAST 12 INCHES THICK, ON SITES WHERE SATURATED CONDITIONS ARE ENCOUNTERED, THE AGGREGATE SHALL BE PLACED IN A LAYER AT LEAST 12 INCHES THICK, ON SITES WHERE SATURATED CONDITIONS ARE ENCOUNTERED, THE AGGREGATE SHALL BE PLACED IN A LAYER AT LEAST 12 INCHES THICK
 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 TRUCKER 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

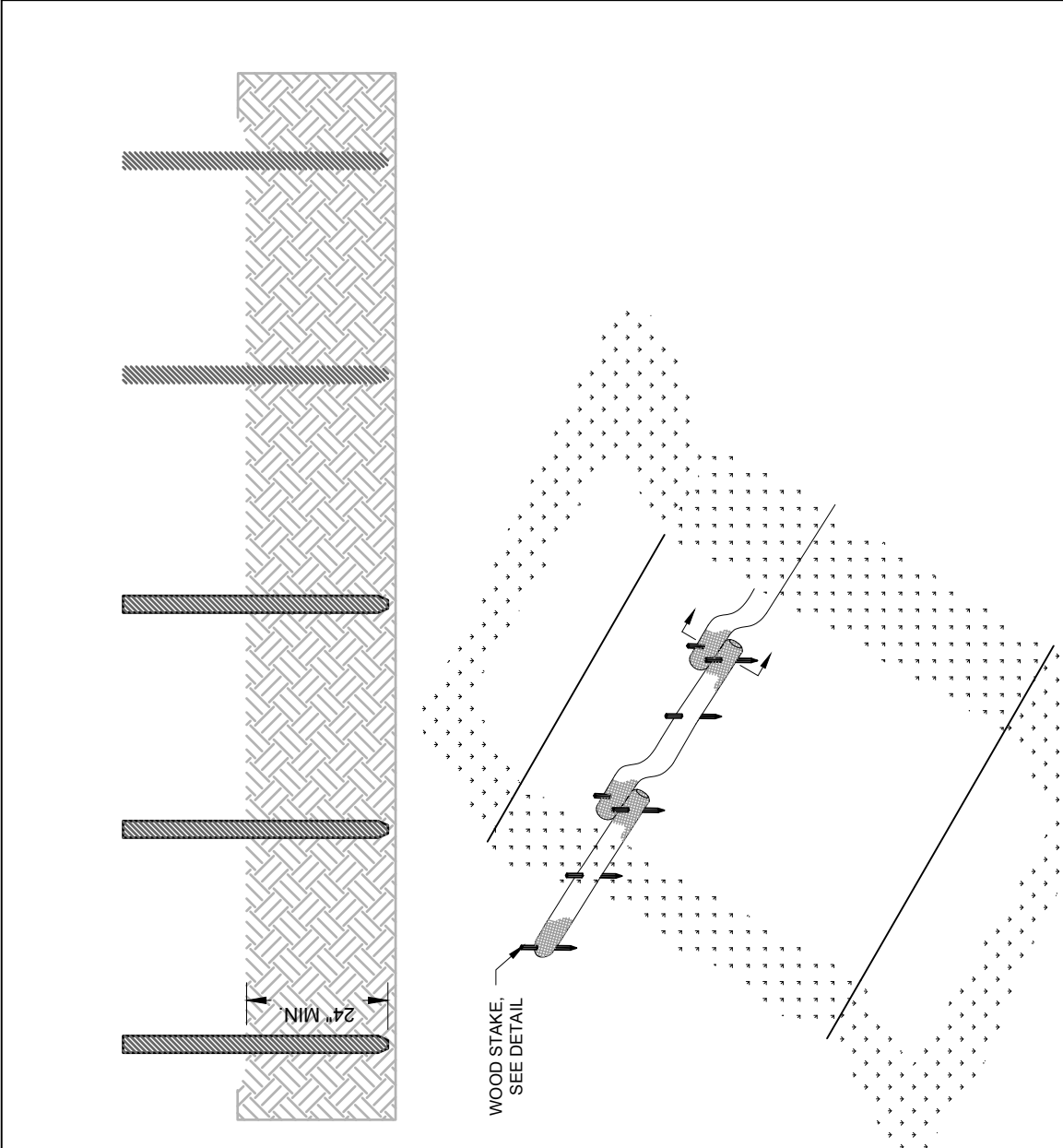
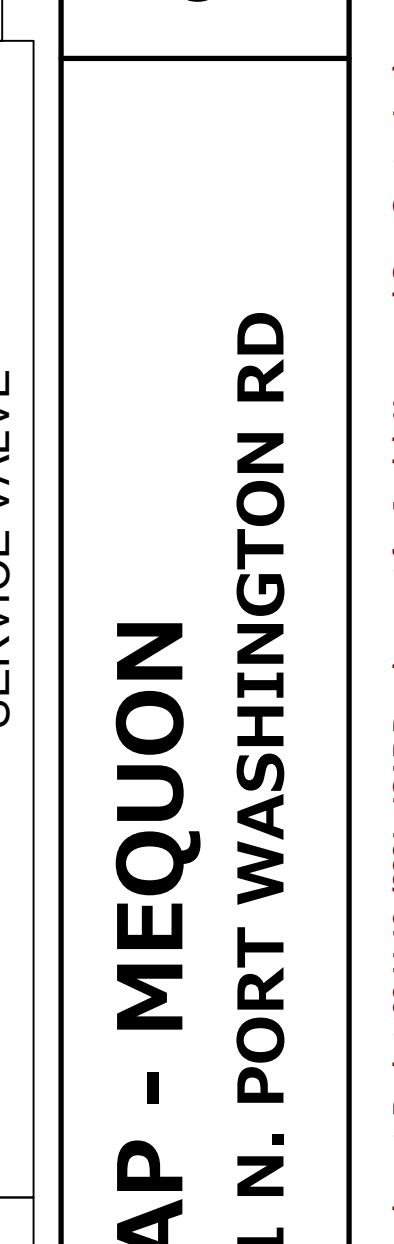


- NOTES:**
1. EACH STRIK, RUBBER GASKET OR APPROVED EQUIVALENT SHALL BE PLACED AT ALL JOINTS BETWEEN ADJUSTING RINGS FOR STORM CATCH BASINS
 2. THE FLAT TOP MAY BE USED IN LIEU OF THE TAPERED TOP WHEN FIELD CONDITIONS PROHIBIT THE USE OF A TAPERED TOP
 3. STRUCTURE TO BE 4.0' DIA OR AS INDICATED ON THE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

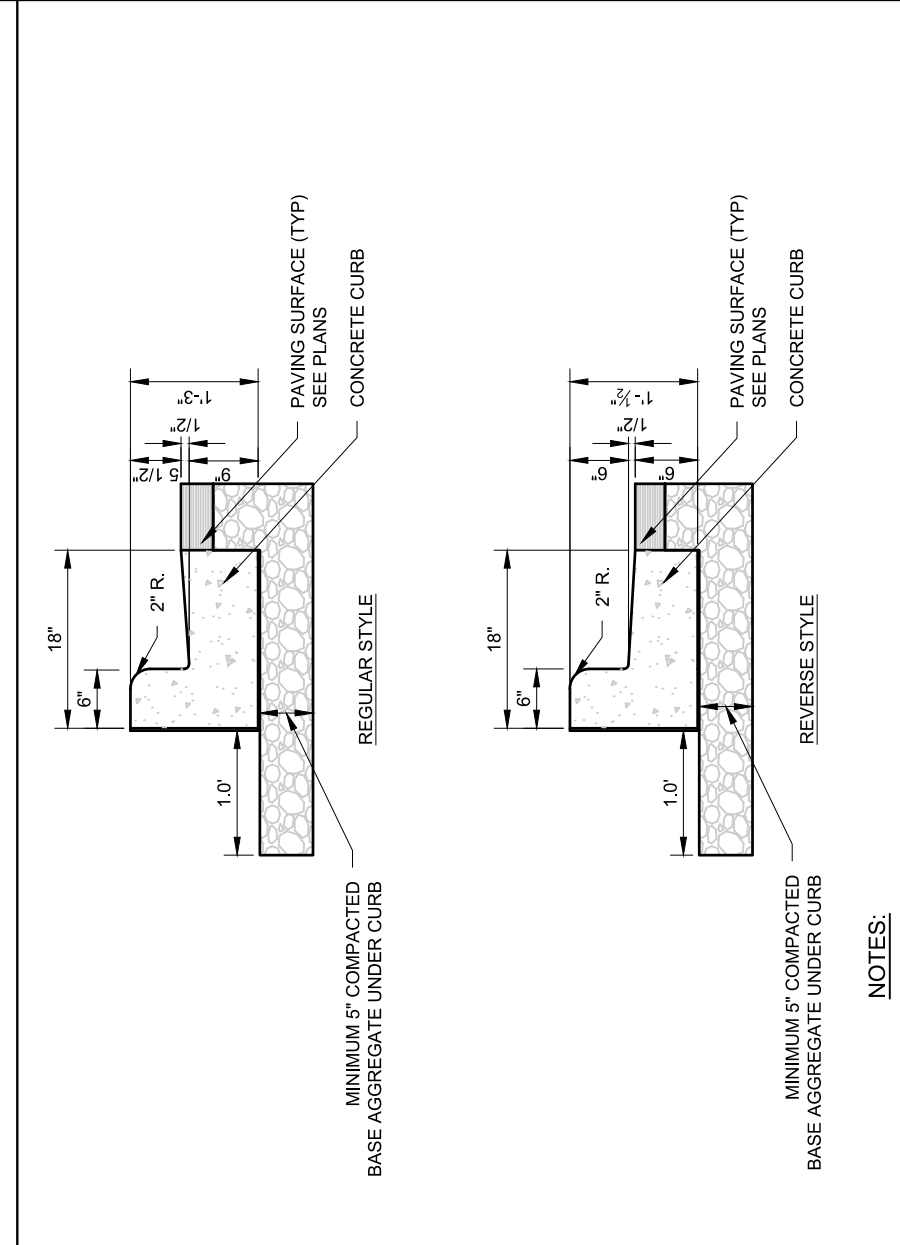
2' x 3' CATCH BASIN



SERVICE VALVE

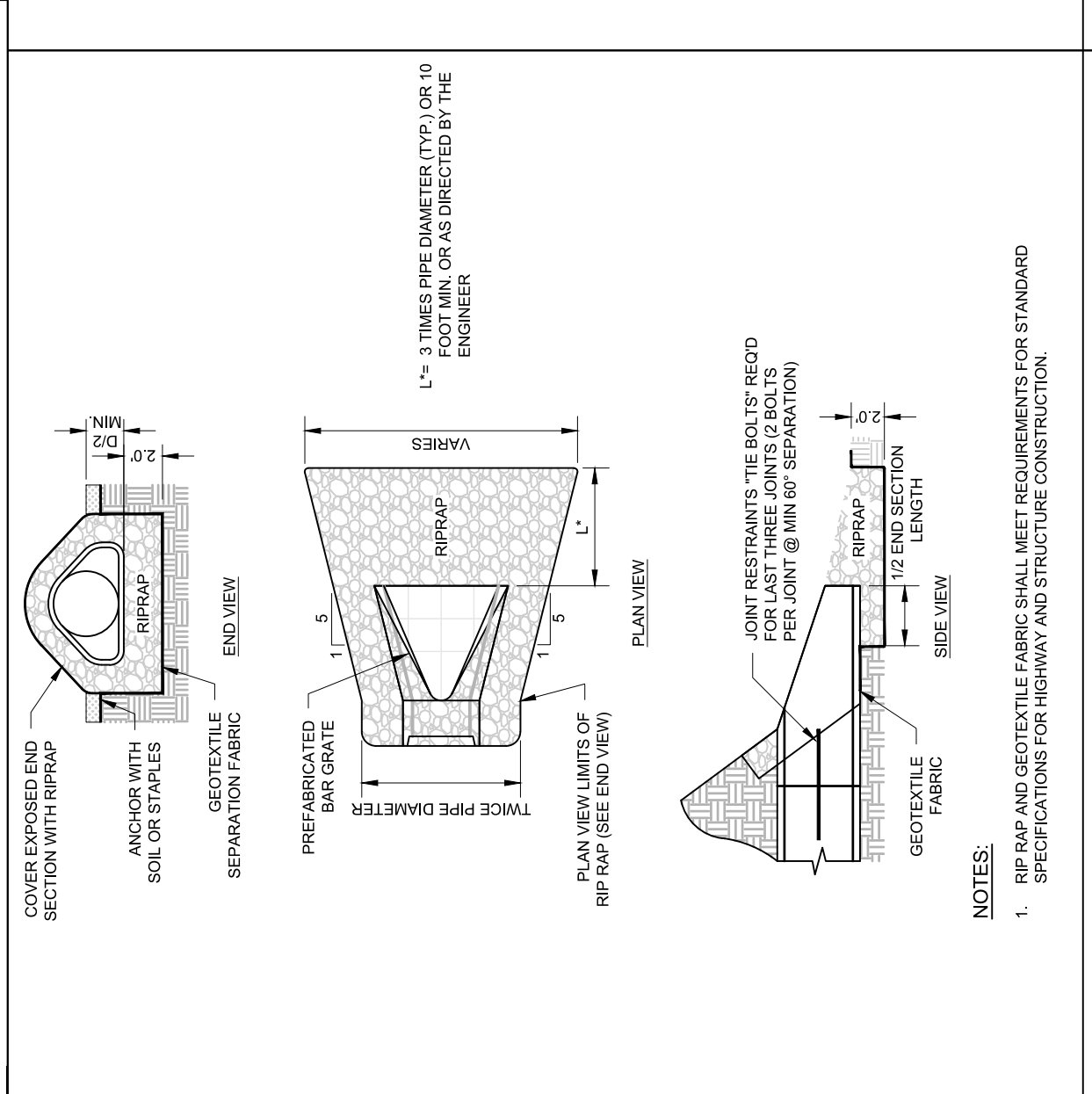


STRAW WATTLE

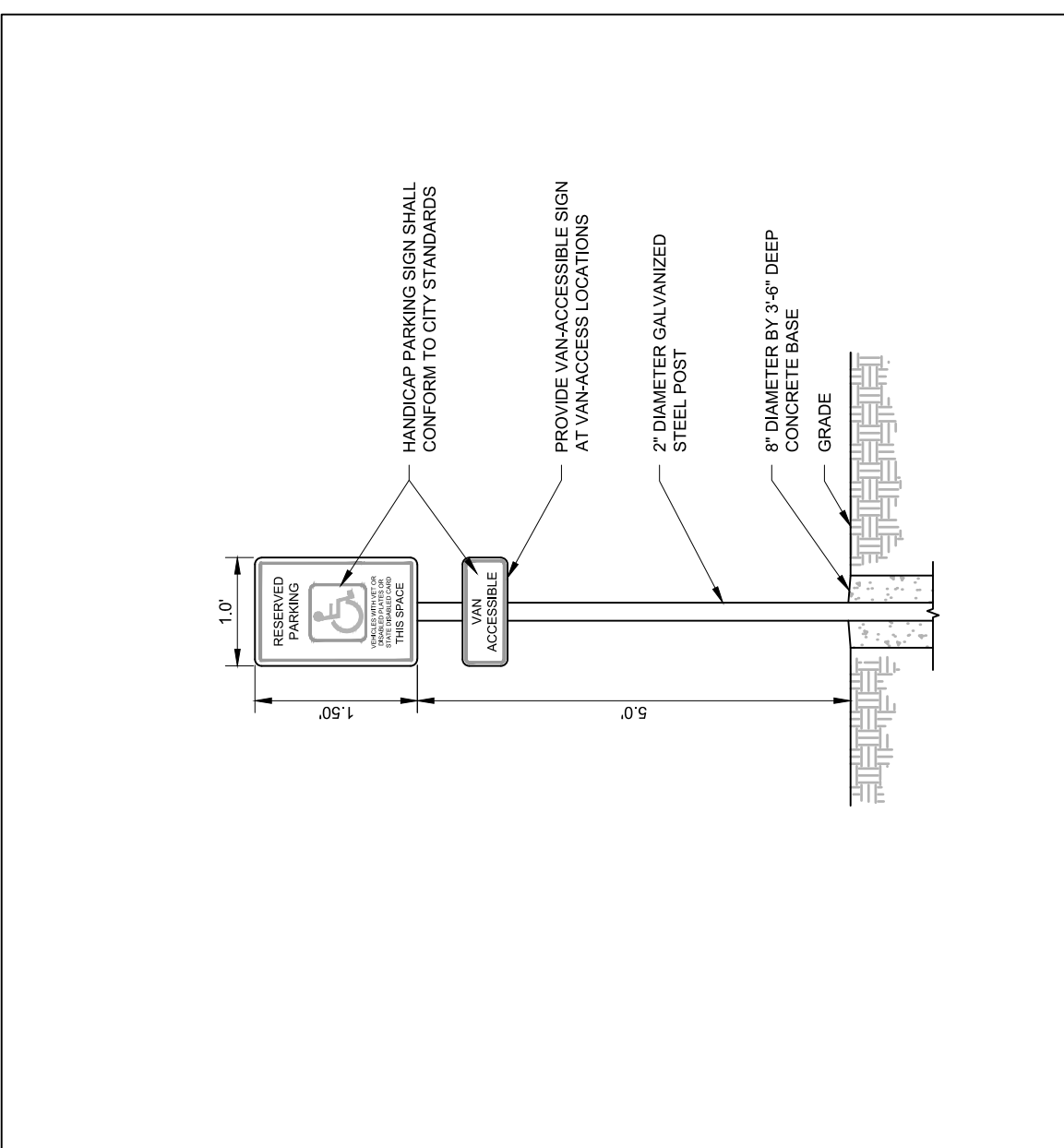
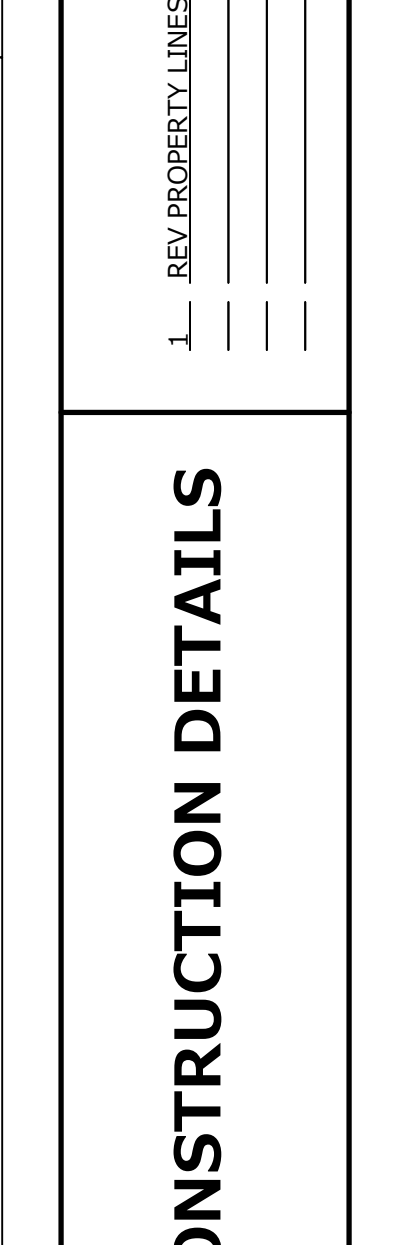


- NOTES:**
1. LATERAL CONTRACTION JOINTS SHALL BE PLACED AT INTERVALS OF NOT MORE THAN 15 FEET NOR LESS THAN 6 FEET. THE JOINTS SHALL BE A MINIMUM OF 3 INCHES IN DEPTH
 2. EXPANSION JOINTS SHALL BE PLACED TRANSVERSELY AT RADIUS POINTS ON THE EXPANSION JOINTS. THE EXPANSION JOINTS SHALL BE A ONE-PIECE JOINT. THE EXPANSION JOINTS SHALL BE A ONE-PIECE JOINT. THE EXPANSION JOINTS SHALL BE A ONE-PIECE JOINT
 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

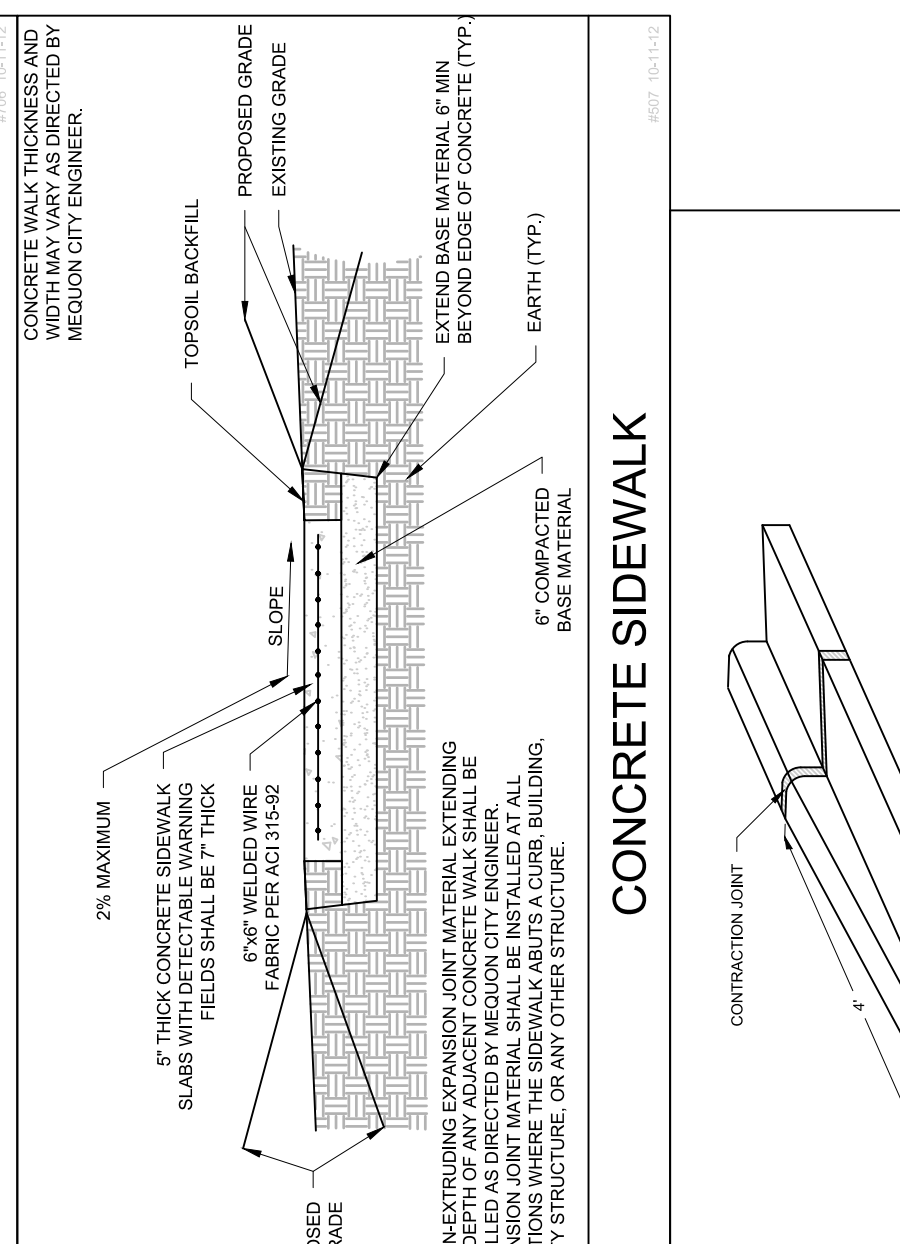
18" VERTICAL FACE CURB



RIP RAP AT END SECTIONS

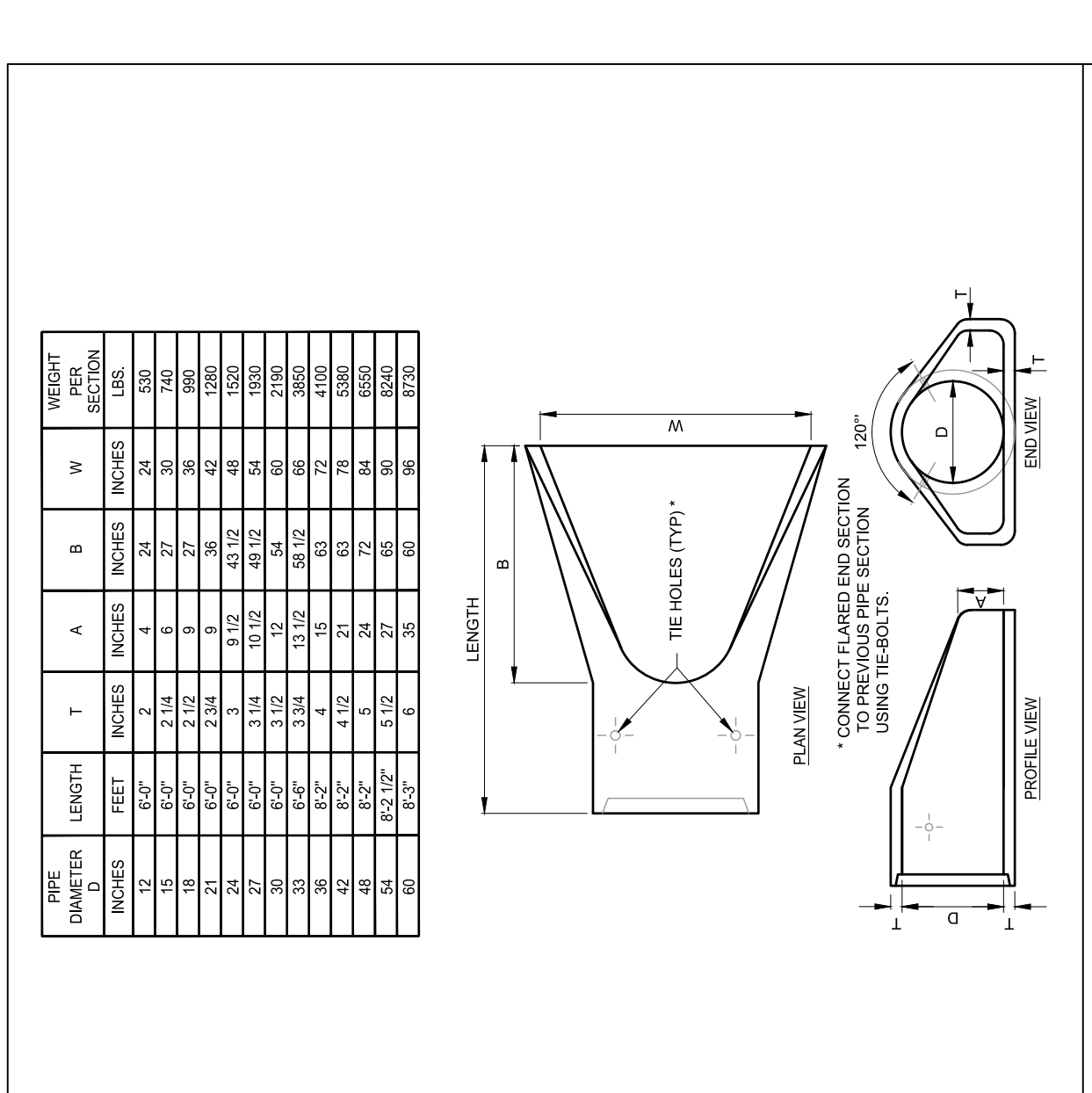


ADA SIGN

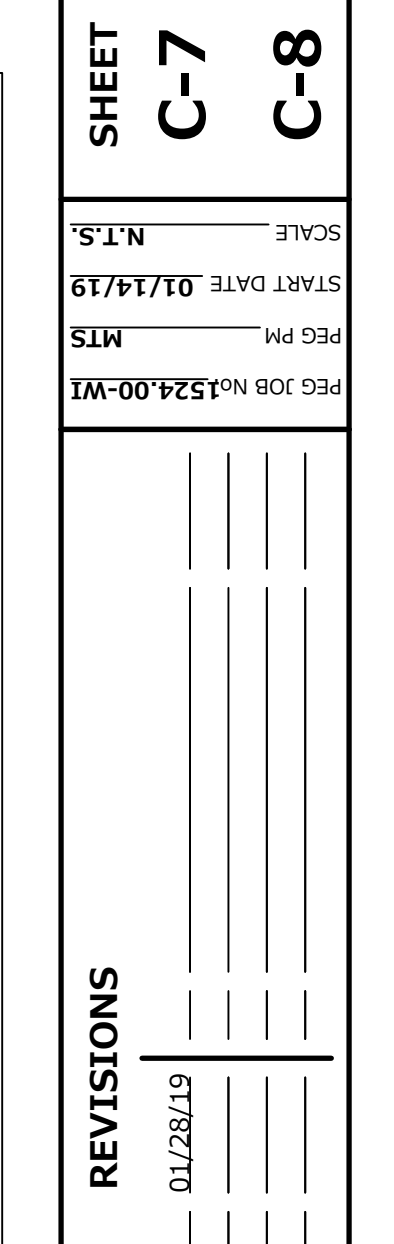


- NOTES:**
1. CONTRACTION JOINTS SHALL BE PLACED EVERY 10 FEET EVERY 80 FEET AND AT EVERY POCKET AND 3 FEET FROM STRUCTURES
 2. EXPANSION JOINTS BY EXPANSION JOINT MATERIAL SHALL BE PLACED EVERY 10 FEET EVERY 80 FEET AND AT EVERY POCKET AND 3 FEET FROM STRUCTURES

TAPER CURB HEAD



FLARED END SECTION



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To: City of Mequon Engineering Department
 From: Shermak Bugno
 Date: January 14, 2019
 Subject: ICAP Mequon Stormwater Memo

For the review by the City of Mequon, the following is a short summary detailing the ICAP Mequon site. This memo is intended to verify that the project site is designed to comply with the Stormwater Management Criteria for both the City of Mequon, and MMSD.

The ICAP Mequon development site is approximately a 9-acre site which is intended for multi-development use. The stormwater management facilities will be taking both onsite and offsite drainage of the neighboring properties. The City of Mequon requires that stormwater release rates for a site development are modeled for the 2, 10 and 100-year storms. Any onsite drainage has been designed to satisfy pre-settlement conditions, while any offsite drainage has been designed to satisfy existing conditions. MMSD required that unit-rate release conditions were satisfied for the 2 and 100-year storm events. SCS TR-55 methodology in HydroCAD was used to satisfy both criteria.

The city of Mequon also requires that 80% TSS removal be achieved for a new development site. The computer software, WinSLAMM, was used to verify this condition.

With the use of HydroCAD and WinSLAMM, Pinnacle Engineering Group determined that the site can be divided into 4 separate watersheds. Each watershed will have its own stormwater facility. Shown in the attached exhibits are the four detention facilities, and the area of drainage.

Below are the release rates needed to be achieved for the City of Mequon and MMSD.

MMSD	NORTHWEST (cfs)	NORTHEAST(cfs)	CENTRAL (cfs)	SOUTH (cfs)
2-YR	0.32	0.74	0.34	0.19
100-YR	1.06	2.46	1.15	0.64

Mequon	NORTHWEST(cfs)	NORTHEAST(cfs)	CENTRAL (cfs)	SOUTH (cfs)
2-YR	2.12	2.3	1.24	0.49
10-YR	4.19	5.67	2.81	1.18
100-YR	10.09	15.92	7.41	3.33

If you should have any comments or questions, feel free to call us at 262-754-8888

Sincerely,

PINNACLE ENGINEERING GROUP

Shermak Bugno

Project Engineer



ICAP MEQUON EXISTING STORMWATER EXHIBIT

1/14/19

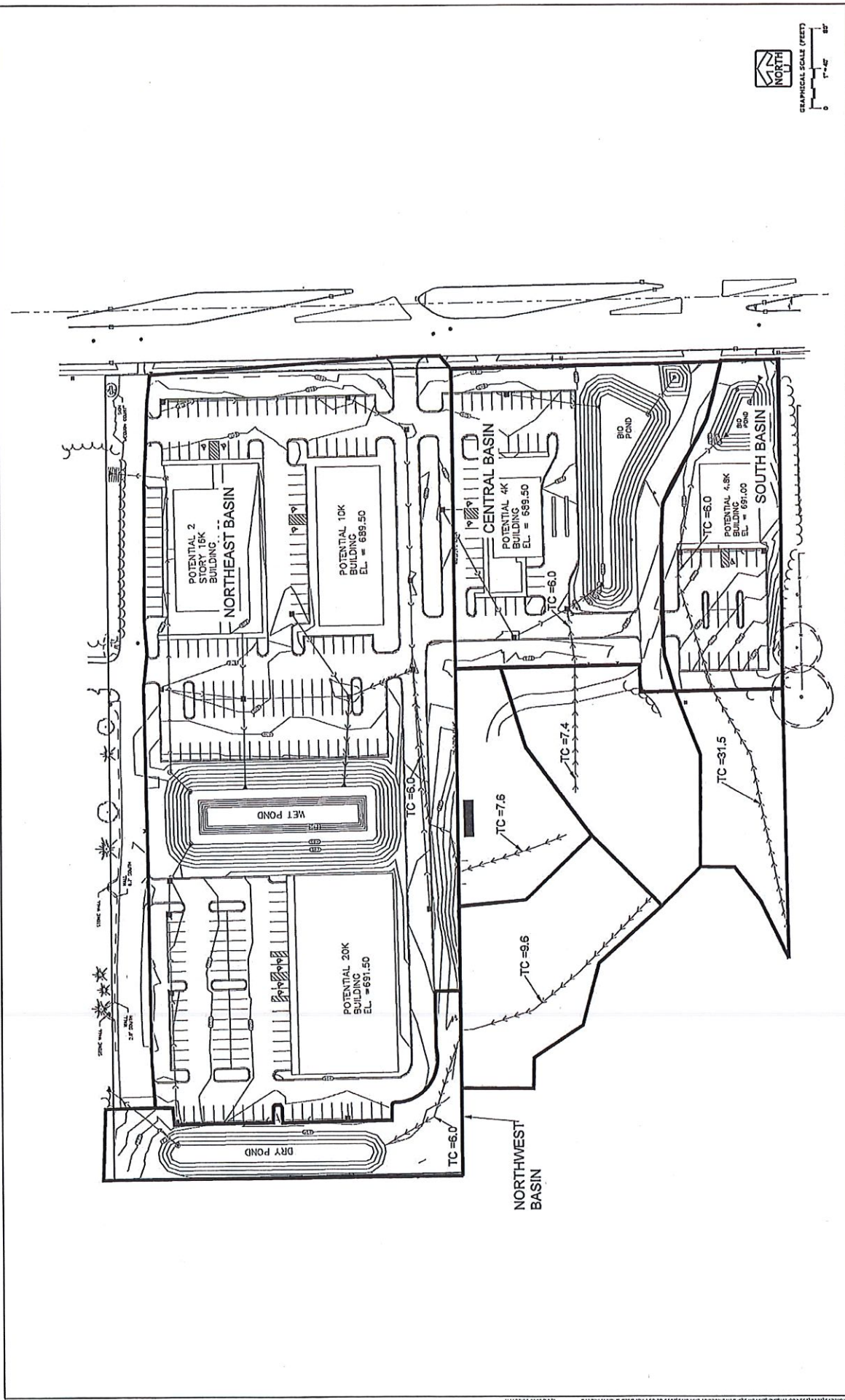
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PEGJOB# 1524.00

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ICAP MEQUON PROPOSED STORMWATER EXHIBIT

01/14/19

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PINNACLE ENGINEERING GROUP

State of Wisconsin
 DEPARTMENT OF NATURAL RESOURCES
 1500 N Johns Street
 Dodgeville, WI 53533-2116

Tony Evers, Governor
 Preston D. Cole, Secretary
 Telephone 608-266-2621
 Toll Free 1-888-936-7463
 TTY Access via relay - 711



January 31, 2019

EXE-SE-2019-46-00040

Jewish Home & Care Center, Inc.
 C/O Michael Sattell
 1414 N Prospect Ave
 Milwaukee, WI 53202

RE: Artificial Wetland Exemption Determination for areas described as Wetlands 1-6, located in the SE1/4 of the NE1/4 of Section 30, Township 09 North, Range 22 East, City of Mequon, Ozaukee County

Dear Mr. Sattell:

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

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

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

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

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

- The request narrative
- Wetland delineations completed in 2011 and 2016
- Natural Resources Conservation Service (NRCS) soil mapping
- Historical maps, including the original land survey plat, Bordner survey and United States Geological Survey (USGS) topographic quad maps
- Pre-construction and post-construction aerial photographs
- Stormwater and flood protection documentation

Below is a summary of our findings:

Request Narrative

The Sigma Group, Inc. was retained by Jewish Home & Care Center, Inc. to provide professional wetland consulting services for the above referenced property as part of this request for an

artificial wetland exemption determination. The requestor has reason to believe the areas identified as Wetlands 1-6 (see enclosed map) meet the definition of an artificial wetland. Justification for this statement is due to the decommissioning and demolition of a 70,000-square foot nursing home on tax parcel 15-030-04-010.00 between 2007 and 2010, a fill road splitting Wetland 4 and 5, and connectivity to off-site stormwater conveyances. Wetlands 1-6 have a combined area of 1.36 acres.

Wetland Delineations

Wetland delineations were completed in 2011 and again in 2016. The 2016 delineation report and Approved Jurisdictional Determinations (AJD) from the U.S. Army Corps of Engineers (Corps) indicate, with the exception of Wetland 3, that all wetlands were present during the 2011 delineation, and Wetlands 1 and 2 have expanded since 2011. Wetlands 1-6 were all determined not to be waters of the United States in the AJDs from 2012.

Data forms for wetland sample points and the report from the 2016 delineation indicate problematic soils within the northern portion of Wetland 1 and all of Wetland 3, due to historic concrete parking lots. The 2016 delineation report also mentions the southern portion of Wetland 2 appears to be a historically excavated pond, manmade ditching for stormwater conveyance in the northern portion of Wetland 2, fill placed in the southern portion of Wetland 6 on the adjacent property, and that Wetlands 1, 4 and 6 are connected to storm culverts which appear to flow into the wetlands following precipitation events.

NRCS Soil Mapping

Soils within Wetlands 1-6 consist mostly of the Kewaunee silt loam (KnB) soil series, with portions of Manawa silt loam (MaA) and Kewaunee silty clay loam (KoC2). These series are classified as predominately non-hydric, predominately non-hydric, and non-hydric, respectively. The KnB and MaA series are capable of supporting wetlands in depressions and drainageways within the Poygan-drained and Poygan map unit components, respectively.

Historical Maps

The original land survey plat does not depict waterways or wetlands within the delineation limits. The Bordner survey denotes the delineation limits as cleared crop land and upland hardwoods. The USGS topographic quad maps from 1934 and 1971 do not show streams or marshland within Wetlands 1-6.

Aerial Photography

A review of aerial photography from 1937 to 1990 does not exhibit apparent wetness signatures within the delineation limits most years. The 1963 and 1970 orthophotos did show wetness signatures in the southwest portion of Wetland 1, and some of the pre-1990 aerial photographs suggest ditching/stormwater conveyance within Wetland 4.

Stormwater and Flood Protection

Stormwater plans for the proposed mixed-use development confirm the loss of runoff storage from the filling of Wetlands 1-6 will be accounted for by an infiltration basin, wet pond, and two bio ponds constructed within the delineation limits.

Conclusion

Based upon the information provided above, the areas described as Wetlands 1-6 lacked definitive evidence of natural wetland history prior to August 1, 1991, and fulfill all artificial wetland exemption standards. **Therefore, Wetlands 1-6 are exempt from state wetland regulations.**

This letter describes DNR's decision regarding the jurisdictional status of Wetlands 1-6, and is only valid for state jurisdictional purposes. **For decisions regarding the federal jurisdictional status of Wetlands 1-6, you will need to contact the U.S. Army Corps of Engineers.** The U.S. Army Corps of Engineers contact for Ozaukee County is April Marcangeli. April Marcangeli can be reached at (651) 290-5731.

If you have any questions about this determination, please contact me at (608) 935-1920 or email James.Brodzeller@wisconsin.gov.

Sincerely,



James Brodzeller
Wetland Exemption Specialist

Enc. Wetland Map

cc:	April Marcangeli	U.S. Army Corps of Engineers
	Josh Wied	DNR Water Management Specialist
	Josh Neudorfer	The Sigma Group
	File	

Attachment: Packet_02.11.19 (3881 : ICAP Development for Jewish Home and Care Center, Inc.)



USE RESTRICTION COVENANT
AND AGREEMENT

Name and Return Address:

Atty. Hal Karas
555 E Wells Street
Suite 1900
Milwaukee, WI 53202

15-030-04-010-00 and
15-030-04-004-00

Parcel Identification Number

Attachment: Packet_02.11.19 (3881 : ICAP Development for Jewish Home and Care Center, Inc.)

USE RESTRICTION COVENANT AND AGREEMENT

This Use Restriction Covenant and Agreement is made and entered into this ____ day of _____, 2018, by and between the Jewish Home and Care Center, Inc., a Wisconsin non-stock corporation ("JHCC"), and ICAP Development LLC, a Wisconsin limited liability company ("ICAP").

RECITALS

A. JHCC is the current owner of real property in the City of Mequon, Ozaukee County, Wisconsin, which is legally described on the attached Exhibit A (the "Property"), and through an affiliate owns and operates the Sarah Chudnow Campus which provides skilled nursing home, rehabilitation services and assisted and independent living services on property described in the attached Exhibit B, which is in close proximity to the Property.

B. On July 9, 2018, JHCC and ICAP entered into a Purchase Agreement (the "Offer") pursuant to which JHCC agreed to sell the Property on various terms and conditions, one of which was that ICAP agree to prohibit the primary use of the Property from being used for skilled nursing home care, rehabilitative services and residential facilities providing assisted living, Alzheimer, dementia and related memory care.

C. JHCC and ICAP have on this date concluded the sale and purchase of the Property and they desire by this Agreement to restrict such uses of the Property in accordance with all the terms and conditions hereof.

NOW, THEREFORE, the parties hereto do hereby agree as follows:

1. Definitions. As used in this Agreement, the following terms shall have the following meanings:

"Agreement" means this Use Restriction Covenant and Agreement.

"Prohibited Use" means any use of the Property for the provision of a continuum of care retirement community or the use of a portion of the Property equal to or more than twenty-five percent (25%) of the total square footage of any facilities on the Property for skilled nursing home care, rehabilitative services or for providing assisted living, Alzheimer, dementia and related memory care services.

"Property" means the JHCC Property legally described on the attached Exhibit A and all easements and other rights appurtenant thereto.

"Section" means a section of this Agreement.

2. General Prohibition. JHCC and ICAP agree that at no time and in no circumstances shall any Prohibited Use be permitted on the Property.

3. Binding Agreement. The foregoing use restriction is a perpetual covenant which shall run with the land and be binding upon ICAP and its successors and assigns as owners of the Property, and shall benefit (and be enforceable by) JHCC and its successors and assigns.

4. Amendments/Termination. The provisions of this Agreement may be terminated or amended only by a writing signed by JHCC, its successors or assigns, and ICAP, its successors or assigns, and duly recorded in the Office of the Register of Deeds for Ozaukee County, Wisconsin.

5. Remedies on Default. In the event of a default on the part of ICAP under this Agreement, JHCC shall be entitled to any and all remedies, legal or equitable, which may be available including, without limitation, the following:

- (a) the specific performance of any obligation of the defaulting party;
- (b) injunction;
- (c) damages;
- (d) reasonable attorneys' fees and expenses incurred in connection with enforcement of any remedies.

6. Miscellaneous.

(a) Section Headings. Section headings herein are inserted only for convenience and reference and shall in no way define, limit or prescribe the scope or intent of any provisions of this Agreement.

(b) Unenforceable Terms. If any term or provision of this Agreement or the application thereof to any person or circumstance shall, to any extent, be invalid or unenforceable, the remainder of the Agreement or the application of such term or provision to persons or circumstances, other than those as to which it is held invalid or unenforceable, shall not be affected thereby, and each term and provision of this Agreement shall be valid and be enforced to the fullest extent permitted by law.

(c) Applicable Law. This Agreement shall be governed by and at all times construed and enforced in accordance with the laws of the State of Wisconsin.

(d) No Construction Against Preparer. No provision of this Agreement shall be construed against or interpreted to the disadvantage of any party by any court or other governmental or judicial authority by reason of such party's having or being deemed to have prepared or imposed such provision.

(e) Counterparts. This Agreement may be executed in counterparts by the parties hereto and each shall be considered an original insofar as the parties hereto are concerned but together said counterparts shall comprise only one agreement.

IN WITNESS WHEREOF, the parties have set their hands as of the date first above written.

JEWISH HOME AND CARE CENTER, INC.

By: _____
Michael I. Sattell, President/CEO

ICAP DEVELOPMENT LLC

By: _____
Dan Jeserig, SVP of Acquisitions & Development

Attachment: Packet_02.11.19 (3881 : ICAP Development for Jewish Home and Care Center, Inc.)

ACKNOWLEDGMENTS

STATE OF WISCONSIN)
) SS
COUNTY OF OZAUKEE)

Personally came before me this ____ day of ____, 2018, Michael I. Sattell, known to me known to be the person who executed the foregoing instrument and acknowledged the same.

Notary Public, State of Wisconsin
My Commission expires: _____

Attachment: Packet_02.11.19 (3881 : ICAP Development for Jewish Home and Care Center, Inc.)

ACKNOWLEDGMENTS

STATE OF WISCONSIN)
) SS
COUNTY OF _____)

Personally came before me this ____ day of _____, 2018, Dan Jeserig, to me known to be the person who executed the foregoing instrument and acknowledged the same.

Notary Public, State of Wisconsin
My Commission expires: _____

Attachment: Packet_02.11.19 (3881 : ICAP Development for Jewish Home and Care Center, Inc.)

This document was drafted by:
Hal Karas
Husch Blackwell LLP
555 E Wells Street, Suite 1900
Milwaukee, WI 53202

Exhibit A

Legal Description

PARCEL A:

That part of the Northeast 1/4 of Section 30, in Town 9 North, Range 22 East, in the City of Mequon, County of Ozaukee, State of Wisconsin, bounded and described as follows:

Commencing at the Southeast corner of said 1/4 Section (East 1/4 corner); thence North along the East line of said 1/4 Section, 663.00 feet to the point of beginning of the land to be described; thence continuing North along the East line of said 1/4 Section, 351.00 feet to a point; thence North 89° 13' West on a line parallel to the North line of said 1/4 Section, 874.50 feet to a point; thence South on a line parallel to the East line of said 1/4 Section, 353.76 feet to a point, which is 663.00 feet North of the South line of said 1/4 Section; thence South 89° 23' 30" East on a line parallel to the South line of said 1/4 Section, 874.50 feet to the point of beginning.

EXCEPTING therefrom the following described parcel: That part of the Northeast 1/4 of Section 30, Township 9 North, Range 22 East, in the City of Mequon, County of Ozaukee, State of Wisconsin, bounded and described as follows: Commencing at the Southeast corner of said 1/4 Section (East 1/4 corner); thence North along the East line of said 1/4 Section, 663.00 feet to a point; thence North 89° 23 minutes 30 seconds West, 65.00 feet to a point being the Northeast corner of Certified Survey Map No. 1673 and the point of beginning; thence North, 351.20 feet on a line parallel to and 65.00 feet west of the East line of said 1/4 Section, to a point being the Southeast corner of Certified Survey Map No. 1457; thence South 89° 13 minutes East, 65.00 feet to a point on the East line of said 1/4 Section; thence South, 351.00 feet along the East line of said 1/4 Section, to a point being 663.00 feet North of the East 1/4 Corner; thence North 89° 23 minutes 30 seconds West, 65.00 feet to the point of beginning.

Tax Key No: 15-030-04-010.00

Address: 10865-10911 N. Port Washington Road

PARCEL B:

Parcel 1 of Certified Survey Map No. 1673, recorded in the office of the Register of Deeds for Ozaukee County, Wisconsin on September 6, 1985 at 2:25 P.M. in Volume 12 of Certified Survey Maps, page 220 as Document No. 363352, being a redivision of Lot 1 of Certified Survey Map No. 1545, being a redivision of Lot 1 of Certified Survey Map No. 1473, being a part of the Southeast 1/4 of the Northeast 1/4 of Section 30, Town 9 North, Range 22 East, in the City of Mequon, County of Ozaukee, State of Wisconsin.

Tax Key No: 15-030-04-004.00

Address: Situated on N. Port Washington Road

Exhibit B

Lot 1 of Certified Survey Map No. 3634, being a redivision of Lot 1, 3 and 4 of C.S.M. No. 3393 and being part of the NE $\frac{1}{4}$, NW $\frac{1}{4}$, SW $\frac{1}{4}$ and SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ and the NE $\frac{1}{4}$ and NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 30, T 9 N, R 22 E, City of Mequon, Ozaukee County, Wisconsin.

Tax Key No: 15-030-02-003.00

Address: 10995 W. Market Street



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

www.ci.mequon.wi.us

Department of Community Development

TO: Planning Commission
FROM: PA PHOUALA VANG, PLANNER
DATE: February 11, 2019
SUBJECT: Plunkett Raysich Architects, LLP for Lumen Christi Catholic Parish. The applicant is seeking building and site plan amendment approval to remodel the existing church building for the property located at 2750 W. Mequon Road.

Applicant:	Plunkett Raysich
Status of Applicant:	Agent
Requested:	Building and Site Plan Amendment Height Waiver
Existing Use:	Institutional
Existing Zoning:	IPS (Institutional and Public Service) C-2 (General Conservancy)
Land Use Plan:	Institutional Critical Environmental
Lot size:	13.97 acres
Location:	2750 W. Mequon Road
Tax Key:	#14-034-16-004.00
District:	#2

Background:

The applicant is requesting building and site plan amendment approval for a two-story, 4,950 square foot addition and remodel to the existing church building for Lumen Christi Catholic Parish at 2750 W Mequon Road. The applicant is also seeking setback waiver approval for the addition and height waiver approval for a new bell tower. The property is zoned IPS (Institutional and Public Service) and C-2 (General Conservancy). Churches are allowed as a permitted use in the IPS district.

Site Plan:

The proposed 4,950 square foot addition is shown to the east of the existing building. The first floor addition is 2,873 square feet and includes a narthex, vestibules and ministry. The lower level addition is 2,077 square feet and will be limited to storage and crawl space. The IPS district requires a 95 foot setback if there is parking between the road and the building as is the case for this property. The existing building setback is 66.9 feet. Since the proposed addition is setback 67.75 feet, a setback waiver from the Planning Commission is required. According to the code, additions to existing buildings which lack the required setback may be allowed if the following is met:

1. The addition is setback at a distance at least equal to the existing building setback,

2. The Planning Commission determines that the addition will neither impede any likely public improvements nor cause any hardship, inconvenience or diminution in value to any adjacent properties and,
3. The Planning Commission further determines that the addition will be harmonious with neighborhood properties.

Many properties along Mequon Road do not meet the setback requirement due to lot shape or size. In addition, the setback was reduced on properties when Mequon Road was widened and reconstructed. The existing church building and proposed addition are setback further than neighboring residential properties. Staff supports the setback waiver and believes the addition is harmonious with neighboring properties and does not cause any hardship or inconvenience.

The handicapped parking along Mequon Road is reconfigured with one way traffic as part of the project. One parking stall will be added. No parking stalls will be eliminated as part of the project. A concrete sidewalk is proposed south of the building and will lead to the entrances on the east elevation.

Building Design:

The proposed addition maintains consistency with the existing building with the use of brick material and an asphalt shingled roof. Further enhancements include a new covered walkway which leads to the new vestibule entrance on the east elevation and a new bell tower above the entrance. The limestone veneer tower will feature stained glass in a window above the entryway. The height to the top of the bell tower is 46.9 feet which exceeds the maximum height allowed of 42 feet for the IPS district. A 7.4 foot tall cross is proposed on the tower for an overall height of 52.3 feet. The Planning Commission has the authority to exempt decorative towers or spires from the height regulation. The tower is the only portion of the addition that exceeds the height regulation; the remainder meets the 42 feet maximum height requirement. As part of the building amendment, the existing spire and cross on the building will be removed. Since the proposed height (54.3 feet) is less than the existing height, staff supports the height exemption for the bell tower. In addition, staff supports the proposed design of the addition and understands that the tower helps distinguish the new main entrance for the church.

The plans also show modifications to the existing building. The existing aluminum railings will be removed from all elevations and the roof cupola on the east elevation will be removed. As previously stated, the existing spire will be removed. On the south elevation, the portico will be eliminated and converted into an adoration chapel with brick infill to match the rest of the building. New window openings are proposed for the adoration chapel which will feature stained glass.

Lighting Plan:

The lighting plan shows recessed down lighting for the covered walkway. Seven new bollards are proposed as part of the lighting plan. The proposed bollards meet the height and output requirements of the lighting code. The lighting plan indicates that the fixtures will be replaced on the existing lanterns. The proposed lanterns are partially shielded and have a lamp output of 2,000 lumens per fixture. The code requires partially shielded light fixtures to have a lamp output at or below 1,000 lumens per fixture. Revised plans shall be submitted to show lanterns that meet the output requirement. Two exterior wall sconces are proposed for the entrance on the east elevation. Staff is requesting that the applicant submit additional information regarding the proposed lighting for final review and approval.

Landscaping Plan:

No new landscaping is proposed as part of the project. Staff will add as a condition of approval that any landscaping that is eliminated or affected by construction shall be replaced once construction is complete.

Engineering Report:

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

Access to the site is provided through two existing roadway connections; to St. James Lane and to Mequon Road (STH 167) at the signalized intersection with Range Line Road. Mequon Road is a state road under the jurisdiction of the Wisconsin Department of Transportation (WisDOT). Access to the addition is provided through the same drives as the existing building. No access modifications are proposed as part of this project.

The existing parking lots are proposed to remain with some areas to be pulverized and repaved. The front access drive on the south side of the building is proposed to be reconfigured as a one-way drive and include angle parking in lieu of 90-degree parking.

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 and plans indicate an internal connection to the sanitary and water.

The Wisconsin DNR surface water data viewer and aerial photos were used to confirm that wetlands are not present on the parcel.

The site proposes land disturbance greater than 4,000 square feet, therefore a City erosion control permit is required. Evidence of the WDNR required WRAPP permit shall also be provided for the site, if the disturbance is greater than an acre.

The site proposes an increase in impervious surface. The plans do not indicate the amount of impervious surface. Any increase of impervious in excess of one half acre or site disturbance of greater than an acre requires a stormwater management plan (SWMP). The stormwater management shall meet the current City of Mequon, WDNR and MMSD criteria. At a minimum, calculations must be provided showing that the existing stormwater facilities can address the increased flow.

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

Staff Recommendation:

Staff recommends approval of the building and site plan amendment, height waiver and setback waiver subject to the following condition(s):

1. Final staff review and approval of site, elevations, floor plans, and lighting plans prior to the issuance of permits.
2. All roof top and ground-level mechanical equipment shall be well screened from public view with screening or landscaping.
3. Landscaping that is eliminated or affected by construction shall be replaced once construction is complete.
4. All partially shielded light fixtures shall have a lamp output at or below 1,000 lumens per fixture.
5. Additional information regarding the proposed wall lighting shall be submitted to staff for final review and approval.

6. Engineering Department review and approval of grading, drainage, storm water management, and erosion control plans in conformance to City ordinances and the Standard Specifications for Land Development.
7. 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 Maintenance and Easement Agreement. Or, at a minimum, calculations must be provided showing that the existing stormwater facilities can address the increased flow.
8. Application for and approval of a City erosion control permit and subject to applicable fees. Land disturbance in excess of 1.0 acre will be conditioned upon WDNR issuance of a WRAPP permit.
9. Application for and approval of a City Filling and Excavation Permit.
10. 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:

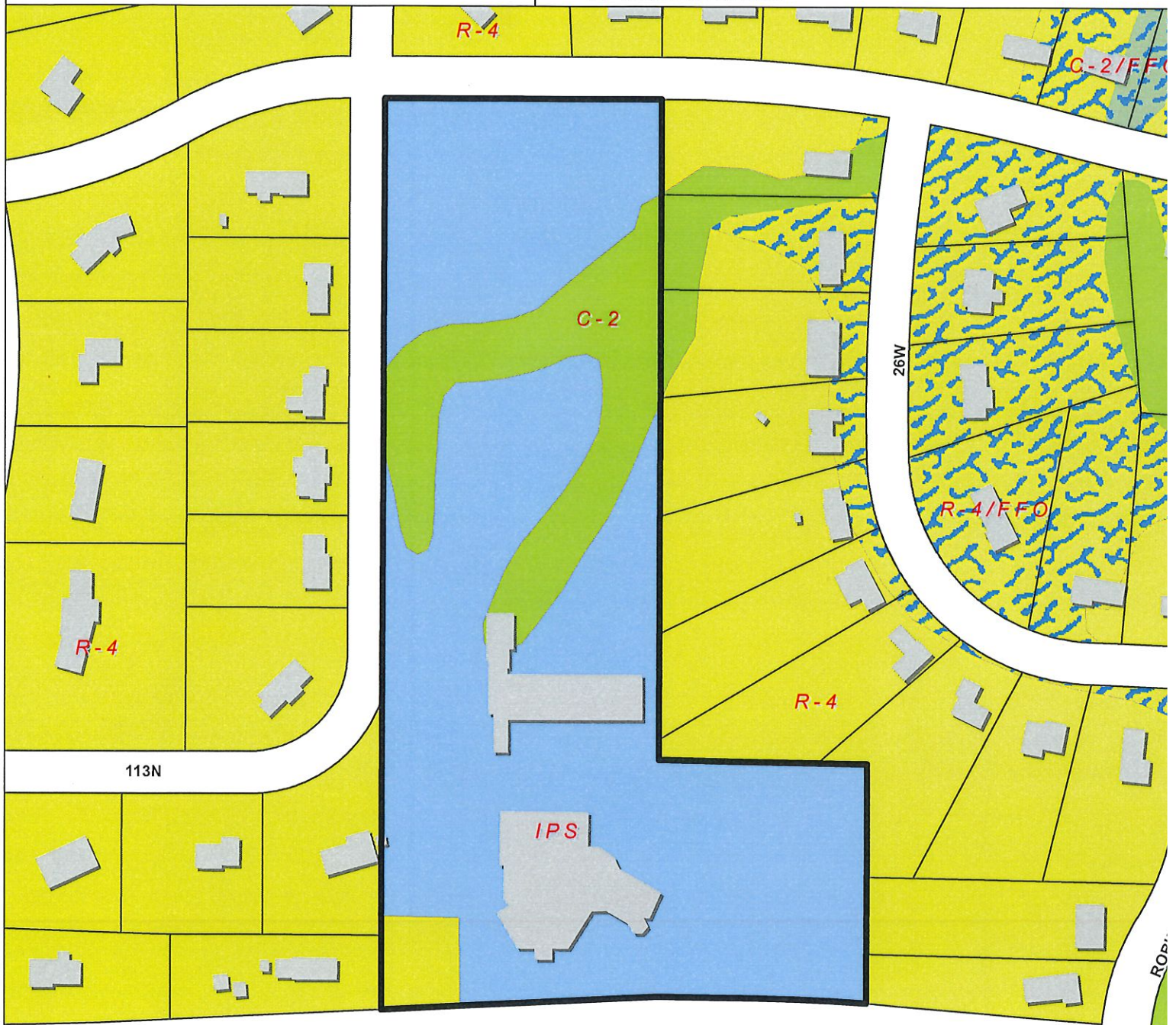
Packet_02.11.19 (PDF)

Lumen Christi Catholic Parish

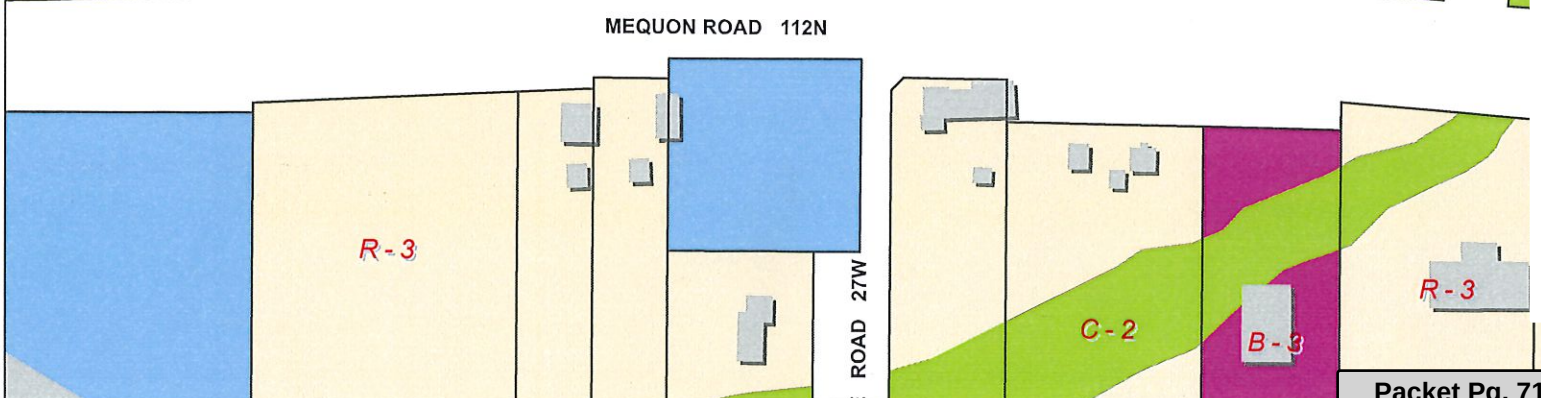
AC	Arrival Corridor
A-1	Agricultural Preserve
A-2	General Agricultural
B-1	Neighborhood Business
B-2	Community Business
B-3	Office & Service Business
B-4	Business Park
B-5	Light Industrial
B-6	Rural Industrial
B-7	Rural Business
C-1	Shoreland/Wetland Conservancy
C-2	General Conservancy
CGO	Central Growth 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

3.c.a



Attachment: Packet_02.11.19 (3882 : Plunkett Raysich Architects, LLP for Lumen Christi Catholic Parish)





December 19, 2018

City of Mequon Planning Commission
11333 N. Cedarburg Road
Mequon, WI 53092-1930

Re: Lumen Christi Congregation, 2750 W. Mequon Road

Dear Planning Commission,

Please accept this letter as Lumen Christi Congregation's "Business Operation Plan" in support of its application to the Planning Commission for review per the Application Checklist attached. This includes, but is not limited to footprint, existing buildings, parking and setbacks. We would like to be considered for the agenda on February 11, 2019.

Lumen Christi Congregation is a Catholic Parish consisting of approximately 2,400 member families. The Parish will be remodeling our existing church building with a proposed start date of April 2019. These plans are pending the City of Mequon approval, and then The Archdiocese of Milwaukee approval to be requested in March of 2019. Complete plans for the entire project are being submitted with this application.

We trust this letter is sufficient to support the application. Please let us know if any further information is needed.

Sincerely,

Rev. Daniel J. Sanders
Pastor

2750 West Mequon Road
Mequon, Wisconsin 53092
262-242-7967
www.lumenchristiparish.org

Attachment: Packet_02.11.19 (3882 : Plunkett Raysich Architects, LLP for Lumen Christi Catholic Parish)

JSD Professional Services
Engineers • Surveyors • Planners

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MILWAUKEE REGIONAL CITY
1000 N. MILWAUKEE BLVD. SUITE 1
MILWAUKEE, WISCONSIN 53188
TEL: 414.969.1000 FAX: 414.969.1001
WWW.JSDENGINEERING.COM

DESIGNED BY: JSD
DRAWN BY: JSD
CHECKED BY: JSD
APPROVED BY: JSD

PROJECT: LUMEN CHRISTI CATHOLIC CHURCH
ADDITION AND RENOVATION

PROJECT LOCATION:
CITY OF MEQUON
OSHAKE COUNTY, WI

JSD PROJECT NO.:
SCALE/DATATYPE:

ALTHOUGH EVERY EFFORT HAS BEEN
MADE TO PREPARE THESE PLANS AND
SPECIFICATIONS ACCURATELY, THE CONTRACTOR
AND SUBCONTRACTORS MUST CHECK
FOR ALL AND DISCREPANCIES OF THEIR
OWN AND BE RESPONSIBLE FOR THE SAME.

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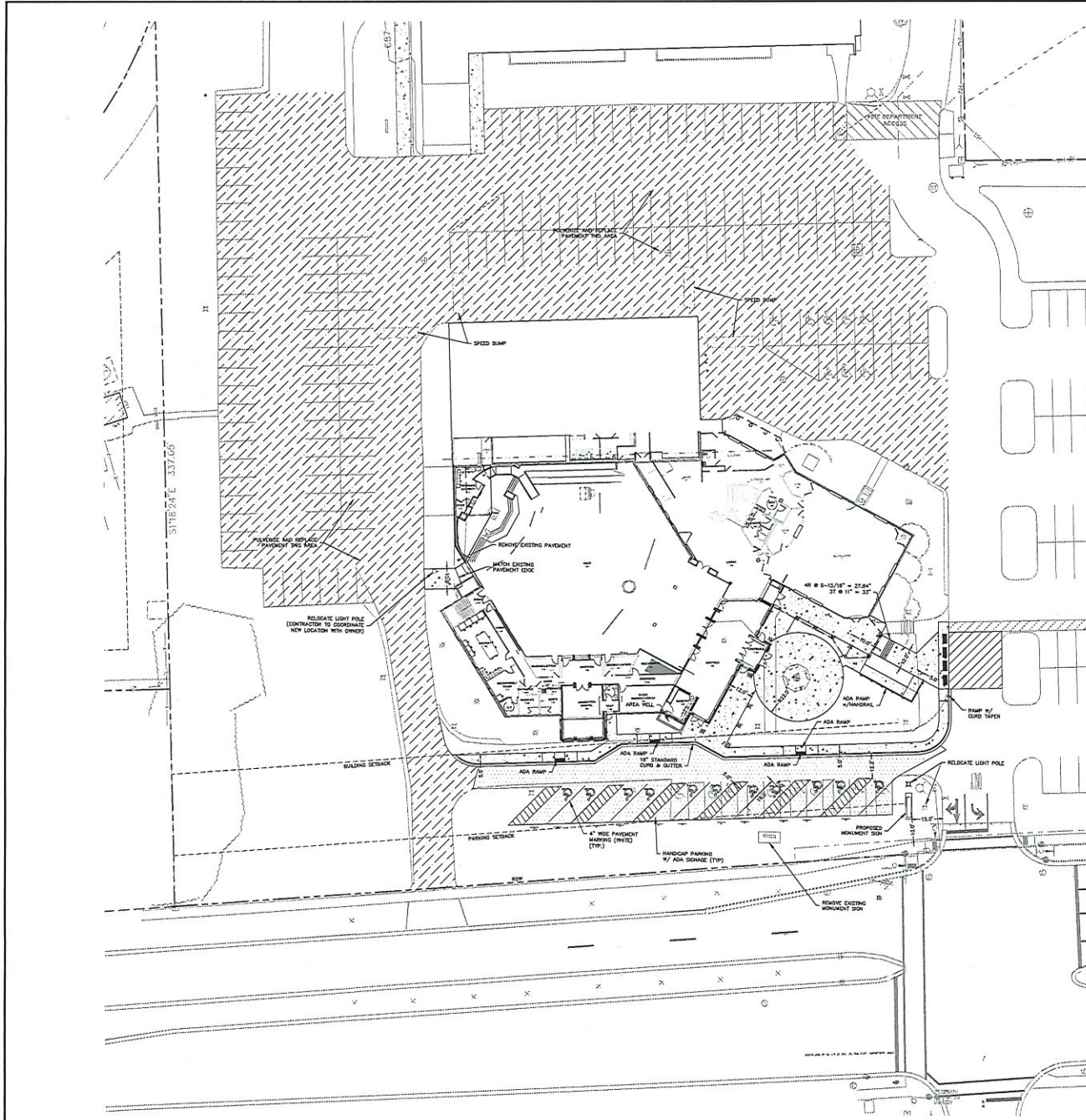
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PAVING NOTES

1. GENERAL

- 1.1. ALL PAVING SHALL CONFORM TO "STATE OF WISCONSIN STANDARD SPECIFICATIONS FOR HIGHWAY & STRUCTURE CONSTRUCTION, LATEST EDITION, APPLICABLE CITY OF MEQUON ORDINANCES, AND THE GEOLOGICAL ENGINEERING SERVICES REPORT PREPARED BY PROFESSIONAL SERVICES ENGINEERS, INC. AND DATED APRIL 21, 2015.
- 1.2. ALL PAVING DIMENSIONS ARE TO FACE OF CURB UNLESS SPECIFIED OTHERWISE.
- 1.3. SURFACE PREPARATION - NOTIFY CONTRACTOR OF UNSATISFACTORY CONDITIONS. DO NOT BEGIN PAVING TYPICAL UNITS UNTIL SUFFICIENT SURFACING HAS BEEN COMPLETED AND ARE READY TO RECEIVE PAVING.

2. PAVING STRUCTURE

- 1. LIGHT DUTY ASPHALT PAVEMENT
 - 8" CHIPPED AGGREGATE BASE COURSE (1-1/4" BONE DAGED BASE)
 - 3-1/2" ASPHALT CONCRETE TYPE C3
- 2. CONCRETE SIDEWALK
 - 6" CHIPPED AGGREGATE BASE COURSE
 - 8" CONCRETE

3. ASPHALT CONCRETE BASE SPECIFICATIONS

- 3.1. COATES AND STANDARDS - THE PLACING, CONSTRUCTION AND COMPOSITION OF THE ASPHALTIC BASE COURSE AND ASPHALT CONCRETE SURFACE COURSE SHALL BE IN ACCORDANCE WITH THE REQUIREMENTS OF SECTIONS 403, 403.403, 403.403 AND 403 OF THE STATE OF WISCONSIN STANDARD SPECIFICATIONS FOR HIGHWAY & STRUCTURE CONSTRUCTION, LATEST EDITION, APPLICABLE CITY OF MEQUON ORDINANCES, AND THE GEOLOGICAL ENGINEERING SERVICES REPORT PREPARED BY PROFESSIONAL SERVICES ENGINEERS, INC. AND DATED APRIL 21, 2015.
- 3.2. WINDSOR LAYERING - APPLY EACH COURSE WHEN AMBIENT TEMPERATURE IS ABOVE 50° F (10° C) AND WHEN TEMPERATURE HAS NOT BEEN BELOW 50° F (10° C) FOR 12 HOURS IMMEDIATELY PRIOR TO APPLICATION. DO NOT APPLY WHEN BASE IS NOT ON GRADIENT EXCESS OF 10% (10% MAX). CONTRACT ASPHALT CONCRETE SURFACE COURSE WHEN AMBIENT TEMPERATURE IS ABOVE 40° F (4° C) AND WHEN BASE IS DRY AND WIND RAINFALL IS NOT RAINY. BASE COURSE MAY BE PLACED WHEN AIR TEMPERATURE IS ABOVE 30° F (1° C).
- 3.3. CURB CONSTRUCTION - ERECTION AND WINDING REQUIRED LINES AND ELEVATIONS FOR EACH COURSE DURING CONSTRUCTION.
- 3.4. CHIPPED AGGREGATE BASE COURSE - THE TOP LAYER OF BASE COURSE SHALL CONFORM TO SECTIONS 403 AND 403.403, STATE HIGHWAY SPECIFICATIONS.
- 3.5. BINDER COURSE AGGREGATE - THE AGGREGATE FOR THE BINDER COURSE SHALL CONFORM TO SECTIONS 403 AND 403.403, STATE HIGHWAY SPECIFICATIONS.
- 3.6. SURFACE COURSE AGGREGATE - THE AGGREGATE FOR THE SURFACE COURSE SHALL CONFORM TO SECTIONS 403 AND 403.403, STATE HIGHWAY SPECIFICATIONS.
- 3.7. ASPHALTIC MATERIALS - THE ASPHALTIC MATERIALS SHALL CONFORM TO SECTIONS 403 AND 403.403, STATE HIGHWAY SPECIFICATIONS.
- 3.8. CONSTRUCTION DETAILS - ERECTION AND WINDING REQUIRED LINES AND ELEVATIONS FOR EACH COURSE DURING CONSTRUCTION.
- 3.9. CONCRETE PAVING SHALL BE IN ACCORDANCE WITH THE REQUIREMENTS OF SECTIONS 413 AND 413 OF THE STATE HIGHWAY SPECIFICATIONS.
- 3.10. CONCRETE PAVEMENT SHALL BE REINFORCED WITH REINFORCING BARS (OR EQUAL) REINFORCING.
- 3.11. CURB COMPOUND SHALL CONFORM TO SECTION 413 OF THE STATE HIGHWAY SPECIFICATIONS.

LEGEND

- PROPOSED CATCH BASIN
- PROPOSED STORM MANHOLE
- INLET PROTECTION
- PROPOSED STORM MANHOLE
- SILT FENCE (SEE DETAIL)
- PROPOSED STORM SLOPE
- PROPOSED 1" CONTOUR
- PROPOSED 5' CONTOUR
- CONSTRUCTION ENTRANCE
- CLASS I, TYPE A EROSION MAT
- CLASS II, TYPE B EROSION MAT
- DITCH CHECK (STRAIN BALES)

ALTHOUGH EVERY EFFORT HAS BEEN
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PLUNKETT RAYSICH
ARCHITECTS, LLP

PROJECT:

LUMEN CHRISTI
CATHOLIC CHURCH
ADDITION AND
RENOVATION

PROJECT LOCATION:

CITY OF MEQUON
OZAUKEE COUNTY, WI

JSD PROJECT NO.:

SEAL/SIGNATURE:

ALTHOUGH EVERY EFFORT HAS BEEN MADE IN PREPARING THESE PLANS AND CHECKING THEM FOR ACCURACY, THE CONTRACTOR AND SUBCONTRACTORS MUST CHECK ALL DETAIL AND DIMENSIONS OF THEIR TRADE AND BE RESPONSIBLE FOR THE SAME.

DESIGN:	TAG	12-03-18
DRAWN:	TAG	12-03-18
APPROVED:		

PLAN MODIFICATIONS:	
ADDED PAV'T AT WEST STAIR TOWER	12-04-18
FINAL DD DRAWINGS	12-17-18
SHIFTED WALK & DRIVEWAY SOUTH	01-10-19
90% CONSTRUCTION DOCUMENTS	02-04-19

DIGGERSHOTLINE

Toll Free (800) 242-8511

Milwaukee Area (414) 259-1181

Hearing Impaired TDD (800) 542-2289

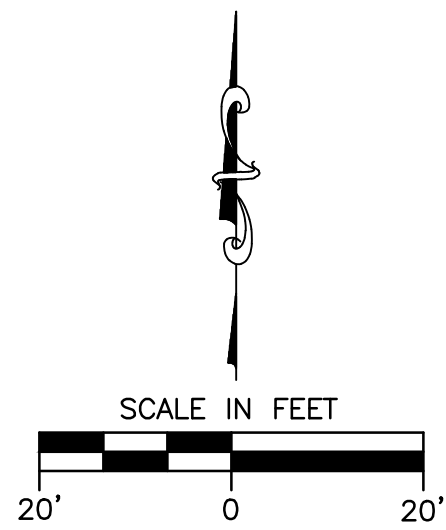
www.DiggersHotline.com

SHEET TITLE:

SITE PLAN

SHEET NUMBER:

C100



PAVING NOTES

1. GENERAL

- ALL PAVING SHALL CONFORM TO "STATE OF WISCONSIN STANDARD SPECIFICATIONS FOR HIGHWAY & STRUCTURE CONSTRUCTION, LATEST EDITION, APPLICABLE CITY OF MEQUON ORDINANCES, AND THE GEOTECHNICAL ENGINEERING SERVICES REPORT PREPARED BY PROFESSIONAL SERVICES INDUSTRIES, INC. AND DATED APRIL 21, 2015.
- ALL PAVING DIMENSIONS ARE TO FACE OF CURB UNLESS SPECIFIED OTHERWISE.
- SURFACE PREPARATION - NOTIFY CONTRACTOR OF UNSATISFACTORY CONDITIONS. DO NOT BEGIN PAVING WORK UNTIL DEFICIENT SUBBASE AREAS HAVE BEEN CORRECTED AND ARE READY TO RECEIVE PAVING.

2. PAVEMENT STRUCTURE

- LIGHT DUTY ASPHALT PAVEMENT
 - 8" CRUSHED AGGREGATE BASE COURSE (1-1/4" DENSE GRADED BASE)
 - 3-1/2" ASPHALTIC CONCRETE TYPE E.3
- CONCRETE SIDEWALK
 - 6" CRUSHED AGGREGATE BASE COURSE
 - 5" CONCRETE

3. ASPHALTIC CONCRETE PAVING SPECIFICATIONS

- CODES AND STANDARDS - THE PLACING, CONSTRUCTION AND COMPOSITION OF THE ASPHALTIC BASE COURSE AND ASPHALTIC CONCRETE SURFACE COURSE SHALL BE IN ACCORDANCE WITH THE REQUIREMENTS OF SECTIONS 450, 455, 460 AND 465 OF THE STATE OF WISCONSIN STANDARD SPECIFICATIONS FOR HIGHWAY AND STRUCTURE CONSTRUCTION, EDITION OF 2005. HEREAFTER, THIS PUBLICATION WILL BE REFERRED TO AS STATE HIGHWAY SPECIFICATIONS.
- WEATHER LIMITATIONS - APPLY TACK COATS WHEN AMBIENT TEMPERATURE IS ABOVE 50° F (10° C) AND WHEN TEMPERATURE HAS NOT BEEN BELOW 35° F (1° C) FOR 12 HOURS IMMEDIATELY PRIOR TO APPLICATION. DO NOT APPLY WHEN BASE IS WET OR CONTAINS EXCESS OF MOISTURE. CONSTRUCT ASPHALTIC CONCRETE SURFACE COURSE WHEN ATMOSPHERIC TEMPERATURE IS ABOVE 40° F (4° C) AND WHEN BASE IS DRY AND WHEN WEATHER IS NOT RAINY. BASE COURSE MAY BE PLACED WHEN AIR TEMPERATURE IS ABOVE 30° F (-1° C).
- GRADE CONTROL - ESTABLISH AND MAINTAIN REQUIRED LINES AND ELEVATIONS FOR EACH COURSE DURING CONSTRUCTION.
- CRUSHED AGGREGATE BASE COURSE - THE TOP LAYER OF BASE COURSE SHALL CONFORM TO SECTIONS 301 AND 305, STATE HIGHWAY SPECIFICATIONS.
- BINDER COURSE AGGREGATE - THE AGGREGATE FOR THE BINDER COURSE SHALL CONFORM TO SECTIONS 460 AND 315, STATE HIGHWAY SPECIFICATIONS.
- SURFACE COURSE AGGREGATE - THE AGGREGATE FOR THE SURFACE COURSE SHALL CONFORM TO SECTIONS 460 AND 465, STATE HIGHWAY SPECIFICATIONS.
- ASPHALTIC MATERIALS - THE ASPHALTIC MATERIALS SHALL CONFORM TO SECTION 455 AND 460, STATE HIGHWAY SPECIFICATIONS.

4. CONCRETE PAVING SPECIFICATIONS

- CONCRETE PAVING SHALL BE IN ACCORDANCE WITH THE REQUIREMENTS OF SECTIONS 415 AND 416 OF THE STATE HIGHWAY SPECIFICATIONS.
- CONCRETE PAVEMENT SHALL BE REINFORCED WITH NOVOMESH 950 (OR EQUAL) FIBER REINFORCEMENT.
- CURING COMPOUNDS SHALL CONFORM TO SECTION 415 OF THE STATE HIGHWAY SPECIFICATIONS.

LEGEND

- ⊕ PROPOSED CATCH BASIN
- ⊗ PROPOSED STORM MANHOLE
- INLET PROTECTION
- ⊙ PROPOSED STORM MANHOLE
- SF CONCRETE PAVEMENT
- ST PROPOSED STORM SEWER
- 671 PROPOSED 1' CONTOUR
- 670 PROPOSED 5' CONTOUR
- CONSTRUCTION ENTRANCE
- CLASS I, TYPE A EROSION MAT
- CLASS II, TYPE B EROSION MAT
- DITCH CHECK (STRAW BALES)

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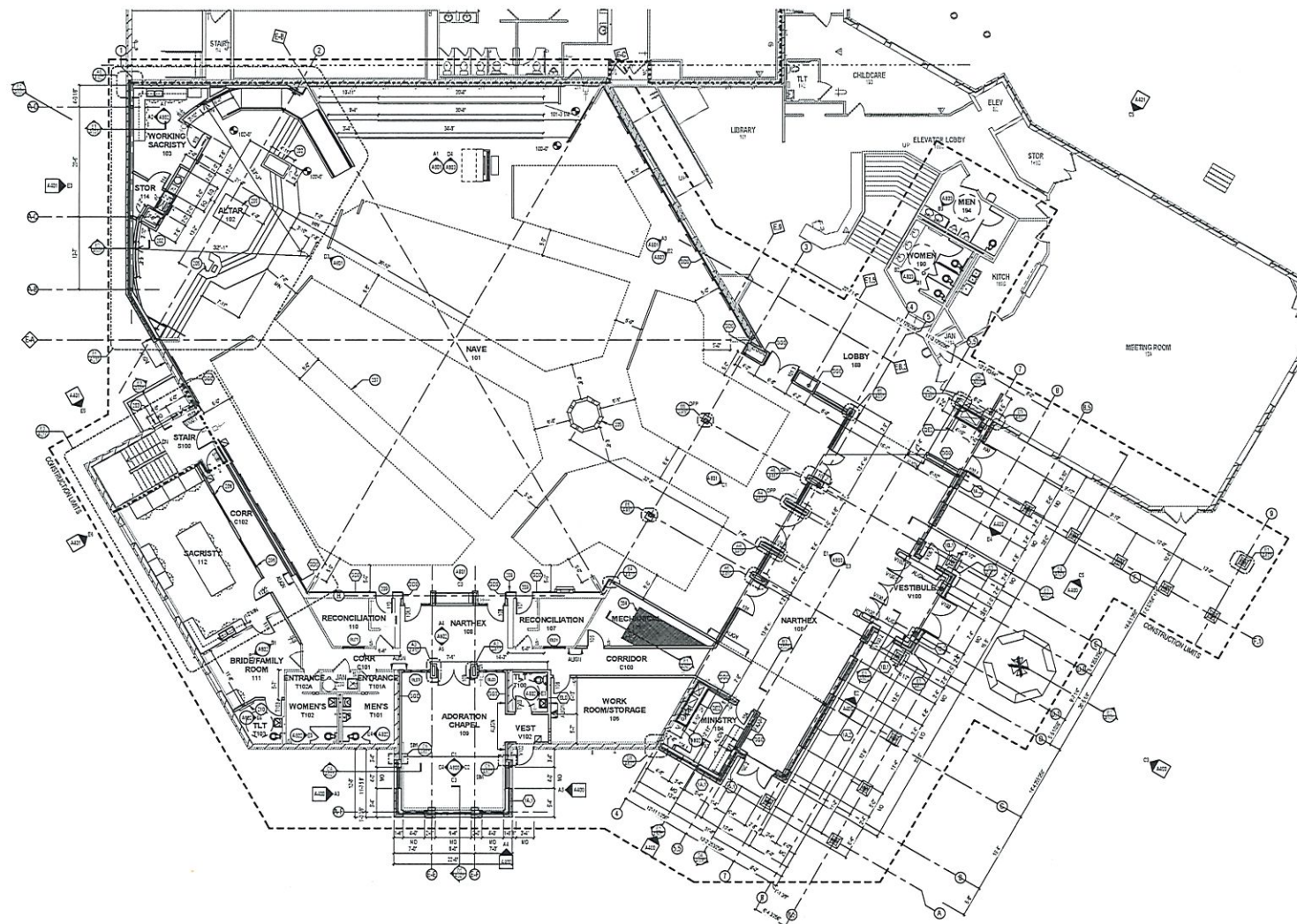
EXTERIOR WALL TYPE SCHEDULE

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WITCHES PARTITIONED: GENERAL NOTES

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FLOOR PLAN SYMBOL LEGEND		KEY PLAN SYMBOL LEGEND	
	ELECTRIC FALLS TO ROOM		ELECTRIC DOOR TO ROOM
	ELECTRIC REFERENCE		ELECTRIC DOOR
	ELECTRIC ELEVATION		DETAIL REFERENCE
	ROOM ELEVATION		EQUIPMENT
	FLOOR PLAN TITLE		ROOM TYPE
	CONSTRUCTION UNITS		FLOOR PLAN TITLE
	ONE-HALF FLAT FIRE PARTITION		FLOOR DRAIN FROM FLOOR TO DRAIN
	TWO-HOUR FLAT FIRE BARRIER		SEPARATED RISER
			AREA OF REFUGE THAT IS UNOCCUPIED

FLOOR PLAN GENERAL NOTES:

A. DIVISIONS ON FLOOR PLANS ARE BASED ON FACE OF FINISHED WALL TO FACE OF FINISHED WALL (MIDWALL).

B. VERIFY ALL CONDITIONS AND CONDITIONS AT JOB SITE. PORTIONS OF EXISTING CONSTRUCTION MAY HAVE BEEN REMOVED BY OWNER.

C. MAINTAIN CONTIGUOUS UTILITY SERVICE TO ALL SPACES IN THE BUILDING NOT AFFECTED BY THE WORK. COORDINATE WITH OWNER AND DISRUPTED SERVICES RECAPABLE TO PERFORM WORK OR TO MODIFY EXISTING PIPING, DUCTWORK OR ANY ASSOCIATED EQUIPMENT.

D.CONTRACTOR TO: VERIFY FLOOR HEIGHTS	
1	ANALYZE STRUCTURE APPARENTLY MEETS STUD PRECOR PLUMBING TO: ADJUST TO CENTER LINE OF STRUCTURE
	FLOOR PLAN DATE
101	SMILES OF SUBSEQUENT ANALYSIS
102	PRECOR EXISTING CASSETTE PRECOR
103	FLOOR DATE
104	GEOMETRIC FURNISHINGS BY OFFICE
105	PRECOR PLUMBING RECONSTRUCTION OF STATIONMENT PRECORS
106	NO. LINE OF FLOOR PLAN
107	PRECOR TO FLOOR SLAB SURFACE OF NEW FLOOR PLAN
108	EXTENDING OCCUPANT, DESIGNERS TO FLOOR OF NEW FLOOR PLAN

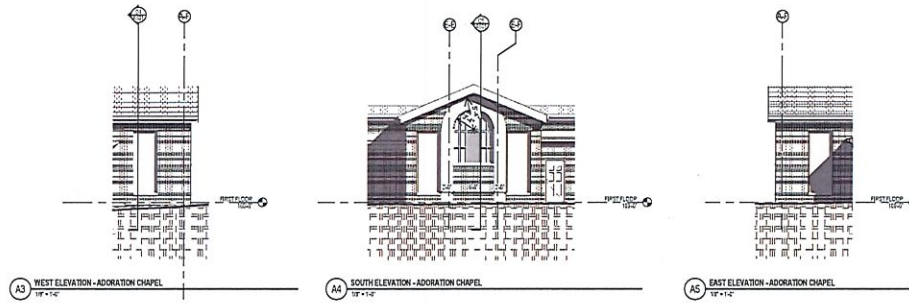
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SECTION 05120 - INTERIORS - GENERAL FINISHES		DATE	BY
A.	ALL SURF BOARD PARTITIONS SHALL BE AS SHOWN UNLESS OTHERWISE NOTED ON FLOOR PLAN.		
B.	SURF BOARD PARTITION DIVISIONS ON FLOOR PLANS SHALL BE SHOWN ON FACE OF FINISHED PARTITION TO FACE OF FINISHED PARTITION. (NORMAL)		
C.	REFER TO SPECIAL BOARD SPECIFICATION FOR LOCATION AND TYPES OF SURF BOARD MATERIAL REQUIRED.		
D.	PROVIDE TYPE PART C (PLATE) BOARD AT ALL FINISHED PARTITIONS.		
E.	ALL WALL PARTITION BOARD AT PERPENDICULAR AND PARALLEL ALL FINISHED PARTITIONS.		
F.	NOTED ON FLOOR PLAN BOARD PARTITION TO FACE OF FINISH. REFER TO PROJECTED CEILING PLAN FOR PARTITION TO FACE OF FINISH. (SEE ALSO SEE ALSO BOARDING PARTITIONED WALL AT ALL EXISTING CONSTRUCTION BOARDING BOARD (SEE EXISTING) OF ALL FINISHED PARTITION. (STRUCTURAL WALL, INTERIOR ABOVE, REFER TO DETAIL (C) 1041)		

WASCONY PARTITIONS GENERAL NOTES

- WASCONY PARTITIONS INDICATED WITH THE FOLLOWING MATCH PATTERN 
- ALL WASCONY PARTITIONS SHALL BE 8" CONCRETE BLOCK UNLESS OTHERWISE NOTED OR DIMENSIONED. REFER TO FLOOR PLAN FOR PARTITION THICKNESS.
- PROVIDE US RATED CONCRETE BLOCK AT ALL FIRE RATED PARTITIONS.
- SEAL ALL WALL PENETRATIONS AT PERIMETER AND PRESTO-PAK ALL RATED PARTITIONS.





EXTERIOR MATERIALS LEGEND

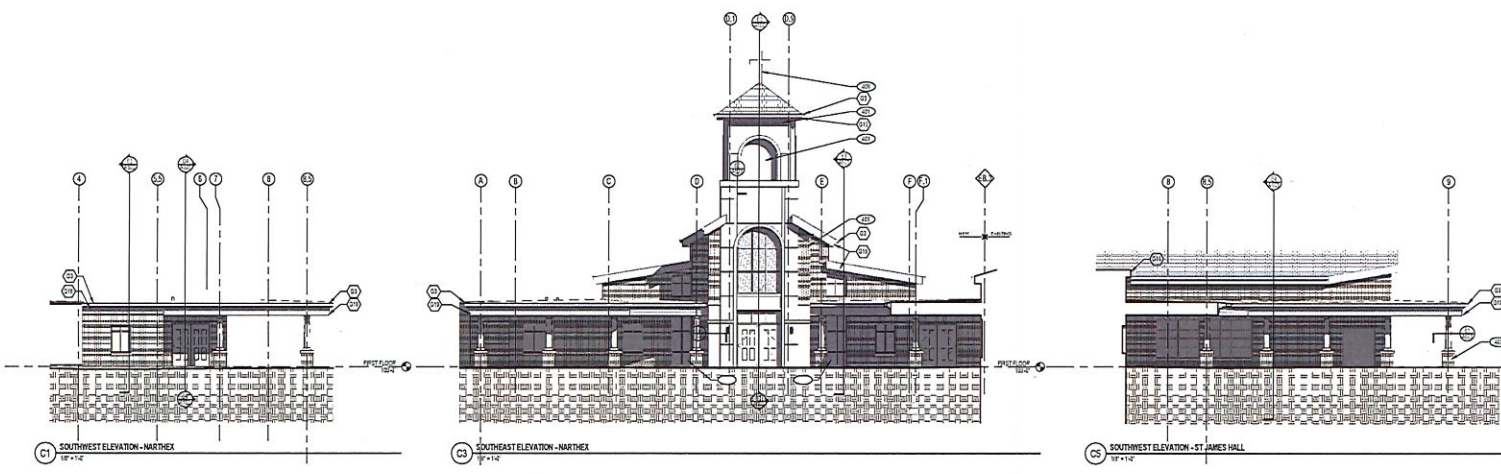
SECTION PERSPECTIVE
ELEVATION NOTE
CONSTRUCTION NOTE

EXTERIOR MATERIALS

BRICK
STONE
CONCRETE
GLASS

EXTERIOR MATERIALS GENERAL NOTES

A. PAINT ALL EXPOSED STEEL MEMBERS TO MATCH ADJACENT WOODEN COLOR.
B. PAINT ALL EXTERIOR LIGHTS TO MATCH ADJACENT WOODEN COLOR.
C. PAINT ALL EXTERIOR LIGHTS TO MATCH ADJACENT WOODEN COLOR.
D. PAINT ALL EXTERIOR LIGHTS TO MATCH ADJACENT WOODEN COLOR.
E. PAINT ALL EXTERIOR LIGHTS TO MATCH ADJACENT WOODEN COLOR.



EXTERIOR ELEVATION NOTES

1. SEE DETAIL FOR CONSTRUCTION TYPES.

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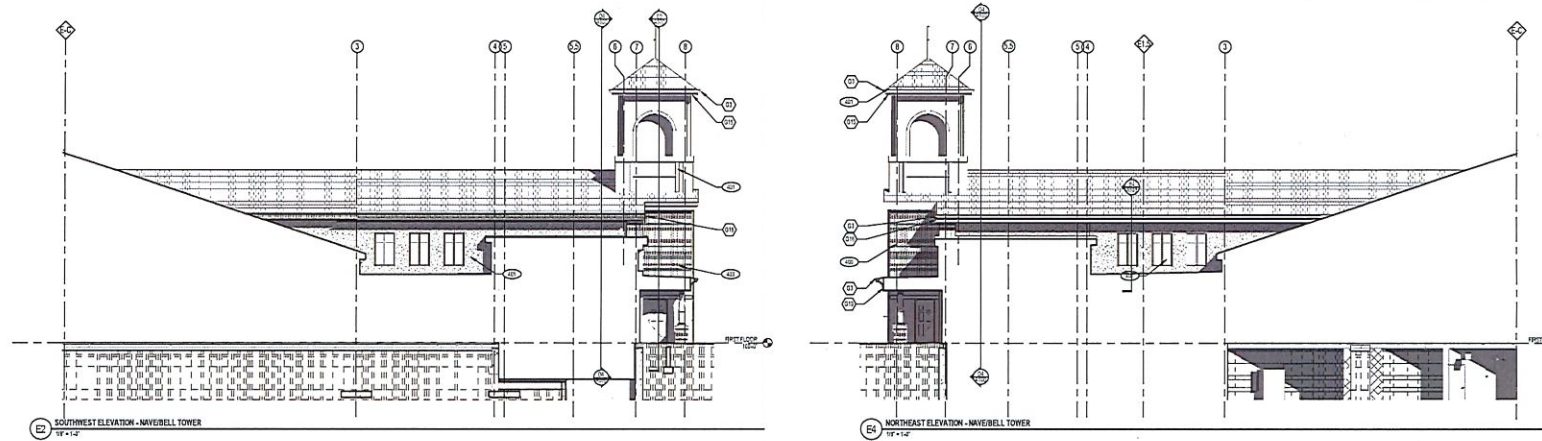
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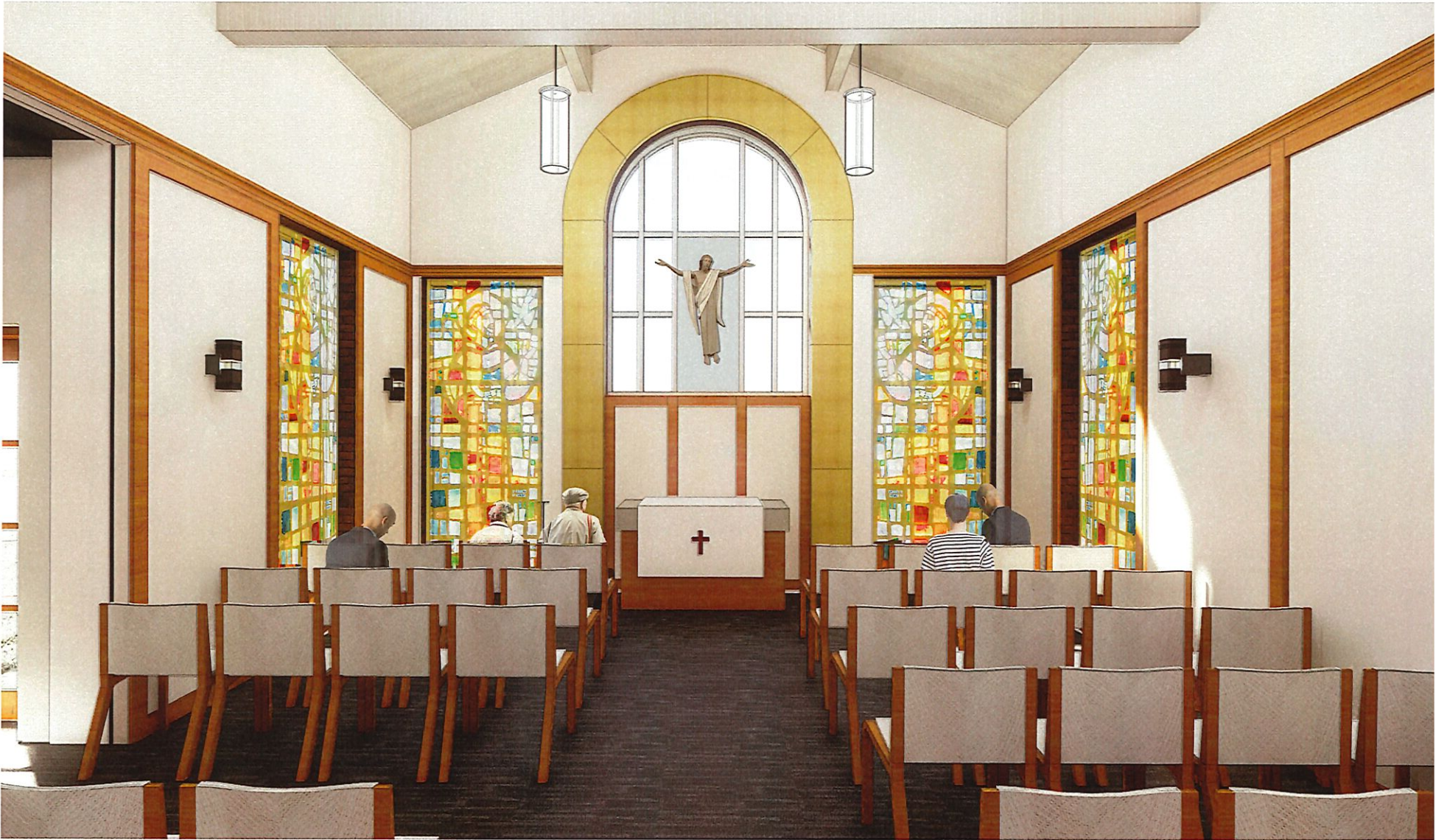






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D/F MONUMENT 50 SQ FT
(1) Req'd 1/2" = 1' - 0" Scale

CITY CODE:
10' OVERALL HEIGHT
50 SQ. FT. MAX

ILLUMINATED

TOP CABINET: (25.83 SQ FT)
ALUM. CABINET, PAINT TO MATCH RED/BROWN BRICK
"LUMEN CHRISTI CATHOLIC CHURCH" - ROUTED CLEAR PUSH THRU ACRYLIC W/ WHITE TRANSLUCENT FILM
INCLUDE 2-GANG 120V OUTLETS ON EACH SIDE OF CABINET FOR YARDWORK OR MISC. PLUG-IN ITEMS

MESSAGE CENTER: (22.32 SQ FT. W/ CLADDING = 24.17 SQ FT)
MONOCHROME AMBER LEDS/ BLACK BKGD (AVAIL IN RED)
ALUM CLADDING ON SIDES TO ENCLOSE UNITS (PAINT TO MATCH CABINET)

CROSS: *NOT INCLUDED IN SQUARE FOOTAGE CALCULATION*
FABRICATED W/ ALUM BEAMS - PAINT TO MATCH RED/BROWN BRICK
WHITE POLYCARBONATE BORDER & SIDES FULLY ILLUMINATED

BASE & FOOTING:
FABRICATED BY BERGHAMMER, STONE VENEER TO MATCH BLDG
SUPPLY FCO ALUM NUMERALS (EACH SIDE) READING, "2750" PAINTED WHITE - STUD MOUNTED



SignEffectz, Inc

SIGN / LIGHTING
www.signeffectz.com

1827 W. GLENDALE AVE. MILWAUKEE, WI 53209
PH: 414.264.5504 FX: 414.264.5564



Project:
Lumen Christi Church

Description:

Project Location:

Billing Location:

CONCEPT DEVELOPMENT

Sales Rep: JCB
Design: LAH

Date: 11/16/18

Disclaimer:

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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.

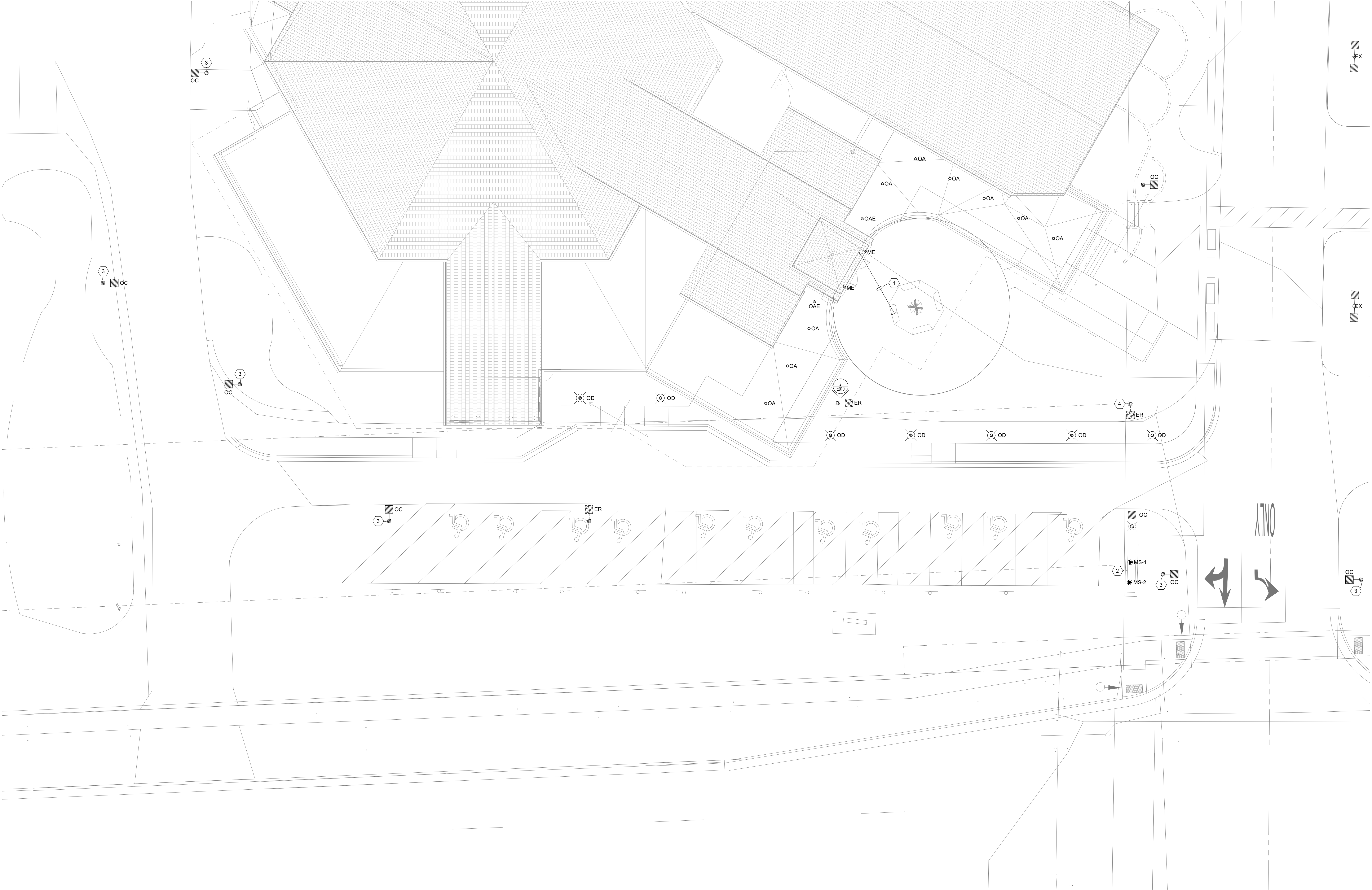
Notes:

REVISIONS:

Rev	By	Date
Rev A		
Rev B		
Rev C		
Rev D		
Rev E		
Rev F		

Original Page Size: 11" x 17"

INS - PROJ NO.	DESIGN PG	REV NO.
0	03	R0
CONCEPT PKG NO.		
00000		
ESTIMATE NO.		



LIGHT FIXTURE SCHEDULE - SITE PLAN							
NOTES: 1. ALL FIXTURES SHALL BE 4000K UNLESS OTHERWISE NOTED.							
LIGHT FIXTURE NOTES: 1. UNIT SHALL BE CONNECTED TO AN INVERTER WITH 90-MINUTE BACK-UP BATTERY POWER PER CODE. 2. REUSE EXISTING TO POLES.							
TAG	LAMP TYPE	DESCRIPTION	MAKE	CATALOG NO	MOUNT	CEILING TYPE	SEE NOTE
ME	29 WATTS / 2332 LUMENS	EXTERIOR WALL SCONCE - EMERGENCY	SPI LIGHTING	SEW11287-L29W-120-27TV-4000K	SURFACE	WALL	120
OA	18.5 WATTS / 1595 LUMENS / 4000K	6" DOWNLIGHT	GOIHAM	EVO-40/15-6AR-WD-LD-MVOLT-EZ1	RECESSED	CANOPY	120
OAE	18.5 WATTS / 1595 LUMENS / 4000K	6" DOWNLIGHT	GOIHAM	EVO-40/15-6AR-WD-LD-MVOLT-EZ1	RECESSED	CANOPY	120 1
OC	20 WATTS / 2000 LUMENS / 4000K	POLE MOUNTED LANTURN LIGHT	EVERGREEN LIGHTING	MAD4320LS	POLE	-	120 2
OD	36 WATTS / 3960 LUMENS / 4100K	BOLLARD	EVERGREEN LIGHTING	BRA-B-40-36W-AB-WF	CONC. BASE	-	120



2 EXISTING LANTERN LIGHT
E010 NOT TO SCALE

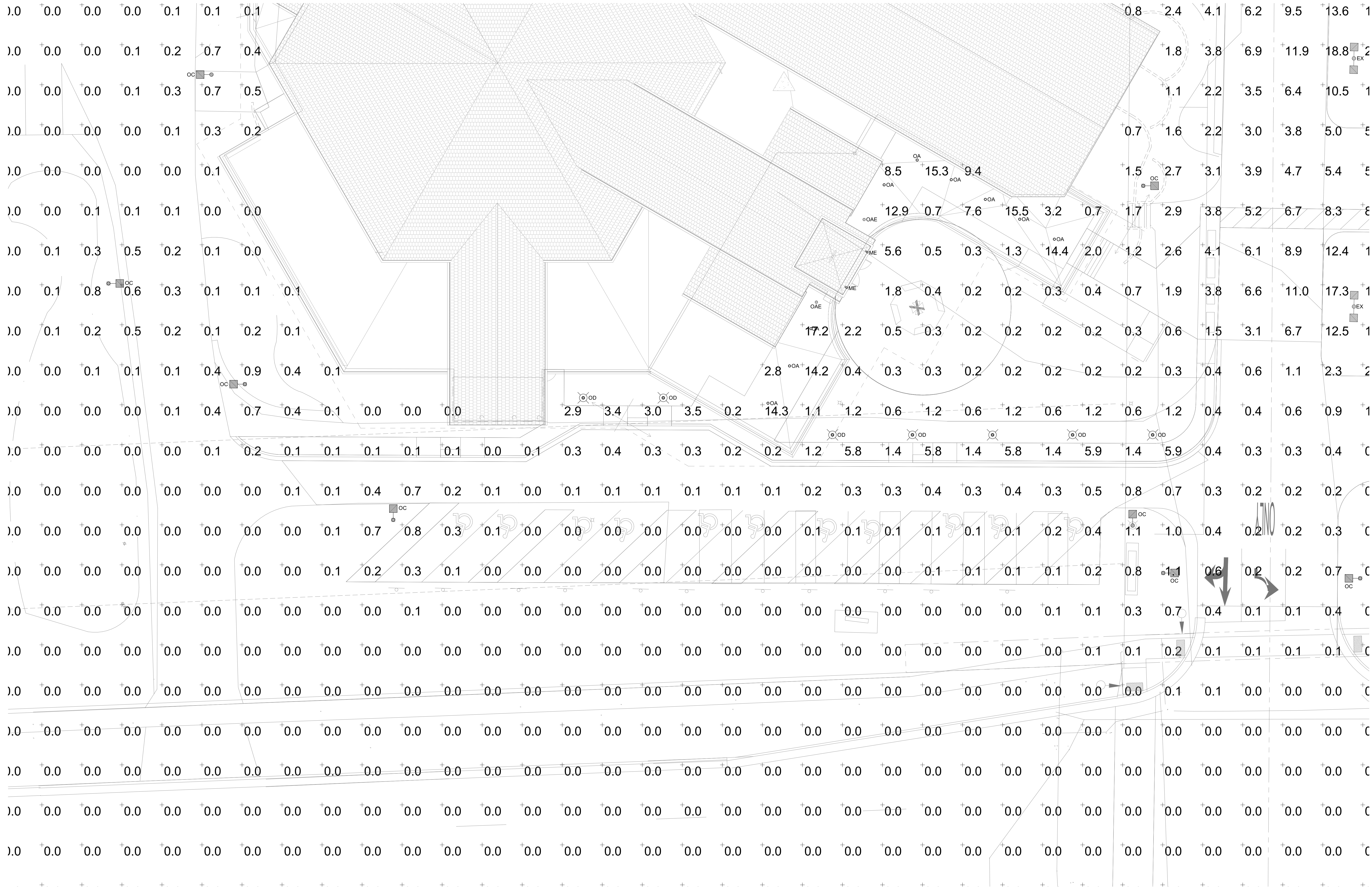
ELECTRICAL SHEET INDEX - SITE PACKAGE	
SHEET NUMBER	SHEET NAME
E010	SITE PLAN - EXTERIOR LIGHTING - PHASE 2
E011	SITE PLAN - EXTERIOR LIGHTING PHOTOMETRICS - PHASE 2
E012	LIGHT FIXTURE CUT SHEETS - TYPES ME, OC & OD
E013	LIGHT FIXTURE CUT SHEETS - TYPES OA & OAE

- KEYED NOTES:**
- 1 EXTEND 1" C. FROM EXISTING CONTACTOR ADJACENT TO PANEL KH. CAP BELOW PAVEMENT AND MARK LOCATION.
 - 2 RUN EMPTY 1" C. FOR FIBER OPTIC CABLE. TERMINATE NEAR PANEL KH.
 - 3 EXISTING LIGHT POLE. REMOVE EXISTING LANTERN AND REPLACE WITH FIXTURE TYPE OC.
 - 4 REMOVE EXISTING LIGHT POLE AND EXTEND CIRCUIT TO NEW BOLLARDS TYPE "OD".

DRAWN BY: Author 2/5/2019 4:20:39 PM

1
E011

SITE PLAN - EXTERIOR LIGHTING PHOTOMETRICS - PHASE 2
1" = 10'-0"



Statistics						
Description	Symbol	Avg	Max	Min	Max/Min	Avg/Min
SITE	+	0.8 fc	21.6 fc	0.0 fc	N/A	N/A

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DATE: 02-05-19
JOB NO: 160197-0
SHEET NO:

SITE PLAN - EXTERIOR LIGHTING PHOTOMETRICS - PHASE 2
2

Lumen Christi Catholic Parish
Parish Addition and Renovation

ATTACHMENT: PACKET 02.11.19 (3882) Plunkett Raysich Architects, LLP for Lumen Christi Catholic Parish

2019-01-15
GRUEF
One Tree Lane Corporate Center
Madison, WI 53718-4400
414.259.5070

pro
PLUNKETT RAYSICH
ARCHITECTS, LLP

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E011
Packet Pg. 86

Available Finishes

Not all finishes are available in all configurations, consult factory for details.

Anodized

AN04 Anodized	AN05 Anodized Black	
------------------	------------------------	--

Paint Colors

PT01 Super White	PT02 White	PT03 Morning Light	PT04 Warm White	PT05 Putty
PT06 Warm Beige	PT07 Light Taupe	PT08 Medium Taupe	PT09 Medium Gray	PT10 Dark Gray
PT11 Black	PT12 Dark Chocolate	PT13 Dark Gray	PT14 Light Gray	PT15 Sage
PT16 Spruce	PT17 Red	PT18 Deep Red	PT19 Blue	PT20 Dark Brown
PT21 Pearl White (Metallic)	PT22 Platinum (Metallic)	PT27 Deep Copper (Metallic)	PT28 Dark Stainless (Metallic)	PT29 Red Brass (Metallic)
PT31 Midnight Bronze (Metallic)	PT32 Dark Bronze (Metallic)	PT33 Dark Blue	PT40 Yellow	PT41 Orange
PT42 Rg Blue	PT43 Fuchsia	PT44 Green	PT45 Purple	PT46 Aluminum (Metallic)
PT47 Deep Red Bronze (Metallic)	PT48 Brass (Metallic)	PT49 Brass (Metallic)	PT51 Matte White	

☐ 3500K ² | 3400K CCT

☐ 4000K | 4000K CCT

¹ Apply .95 multiplier for delivered lumens
² Apply .97 multiplier for delivered lumens

D - COLOR ACCENTS

CA01 available to specify a Color Accent for the narrow band between end cap and extrusion.

☐ CA01 | Color Accent

See last page for finish options

E - OPTIONS

☐ F | Filing

including static LED colors

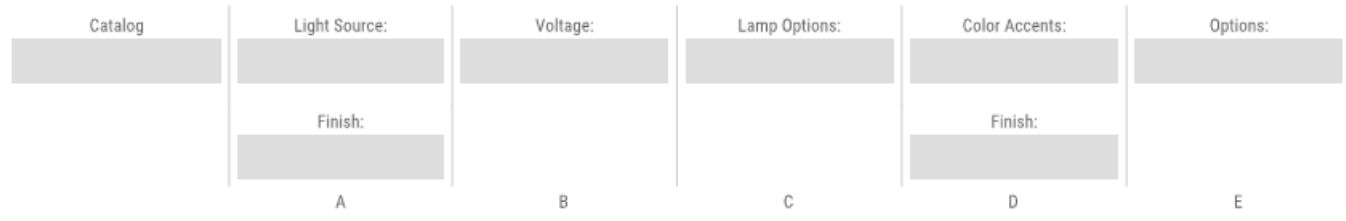
- **APPROVALS:** ETL listed to UL standards (US and Canada) for use in wet locationsIP66 rated fixture per International Electrotechnical Commission (IEC) certifies fixture as dust-tight and protected against powerful water jets

DIMENSIONS



CONFIGURATOR

Not all options are available in all configurations, consult factory for details.



A - LIGHT SOURCE *

☐ L8W | White 8W LED Light Engine | Delivered Lumens: 634

☐ L29W | White 29W LED Light Engine | Delivered Lumens: 2,332

☐ L14W | White 14W LED Light Engine | Delivered Lumens: 1,314

See last page for finish options

B - VOLTAGE

☐ 120-277V | Universal Voltage

C - LAMP OPTIONS

☐ 3000K ¹ | 3000K CCT

SPI LIGHTING

P-262,242,1420 | SPBteam@spilighting.com | Last Revised: 11/16/2018 | Design Rights Reserved | SEW11287 | 2 of 4

Tryg Exterior Wall - Elegant

SEW11287

Job Name: _____

Type: **ME**

Notes:

DESCRIPTION

Tryg, a low profile LED fixture, offers a unique design and durability suitable for any project. Its creative design acts as an efficient heat sink, maximizing output and life by allowing the LEDs to operate at an optimal temperature. Tryg is suitable for a variety of applications, and its flexible design lends itself to customization and modification.

FEATURES & BENEFITS

- All visible fasteners are flush mounted, providing a clean design
- Frosted acrylic shield enhances a space with diffused illumination
- Anodized finish provides optimal thermal effectiveness and durable corrosion protection
- Versatile design allows fixture to be mounted in any orientation
- Compliant with Americans with Disabilities Act (ADA) requirements
- Handcrafted in USA

SPECIFICATIONS

- **LIGHT SOURCE:** White LED light engine
- **LUMEN MAINTENANCE:** L70 life + 50,000+ hours
- **EFFICACY:** 82 lm/W delivered
- **CCT:** 3000K, 3500K, or 4000K
- **DRIVER:** Includes remote Class II power supply and enclosure. Black weatherproof power cord with watertight fittings. 36" lead length standard.
- **DIMMING:** 0-10V controls standard to 10%
- **CONSTRUCTION:** Extruded aluminum construction provides durable protection for internal components and is recyclable
- **FINISH:** Housing available in anodized finishes only. Mounting components painted to match.
- **MODIFICATIONS:** Consult factory for all modification requests.

SPI LIGHTING

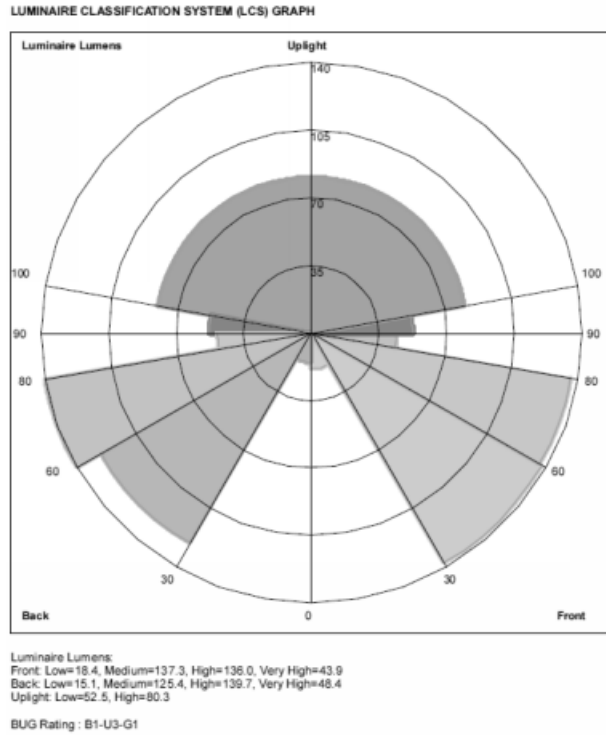
P-262,242,1420 | SPBteam@spilighting.com | Last Revised: 11/16/2018 | Design Rights Reserved | SEW11287 | 1 of 4



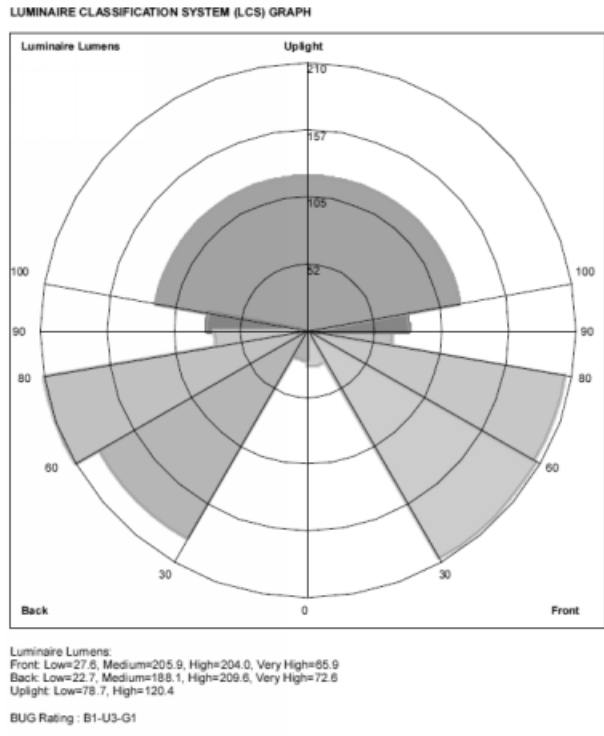
BRADFORD BOLLARD SERIES

Photometrics

BRA-B-24W



BRA-B-36W



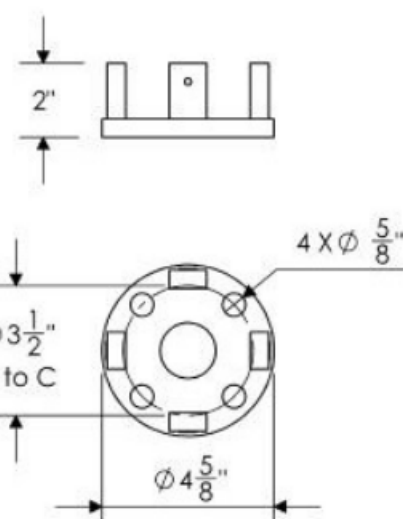
Evergreen Lighting
www.evergreenlighting.com



BRADFORD BOLLARD SERIES

Instruction Sheet

Mounting Template



Mounting

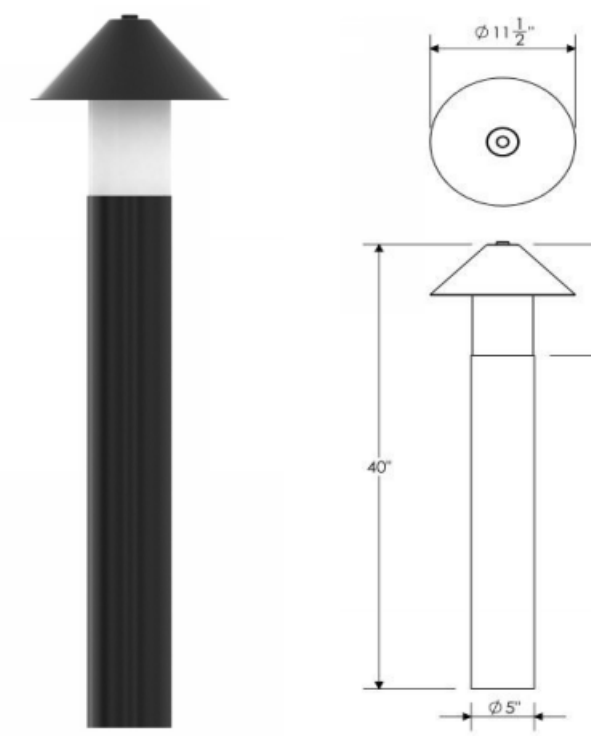
Standard anchor bolts are 3/8" X 12" X 3". Bolts, nuts, and washers shall be hot dipped galvanized steel.

Warranty: Evergreen Lighting warrants Bolland LED products sold by Evergreen Lighting to be free from defects in material and workmanship for a period of One year for metal parts, a period of five 5 years for exterior housing powdercoat finish, a period of five 5 years for LED Light Engines and, a period of five 5 years for LED power components (driver), from the date of sale of such goods to the buyer as specified in Evergreen Lighting shipment documents for each product.

Evergreen Lighting
www.evergreenlighting.com



BRADFORD BOLLARD SERIES



DIMENSIONS: 40"H X 1 1/2"W

ORDERING INFORMATION

Sample Number: BRA-B-40-36W-AB-WF

Series	Style	Size	Lamp	Finish	Standard Lens	Options
BRA	Bolland	40"	36W	Textured Bronze (TBK) Textured Black (TBK) Semi Gloss Black (GBK) Matte Black (MBK) Textured Rust (TR) Matte White (MTW) Textured White (TW) Gloss White (GW) Medium Grey (MG) Brushed Aluminum (BA) Solid Metallic Nickel (MN) Textured Verde Patina (TVP) Satin Brass (SB) Copper Vein (CV) Gold Vein (GV) Silver Vein (SV) Chrome (CH)	White Frosted (WF) Clear Frosted (CFAT) LED 500K - 13W to 24W OCC Sensors Photo Cell Control	

DELIVERED LUMENS PER WATT

2700K = 80
3000K = 90
3500K = 100
4100K = 110
5000K = 120

Evergreen Lighting
www.evergreenlighting.com

Catalog #	Type
Project	OD LED BOLLARD
Comments	
Prepared By	

SPECIFICATIONS

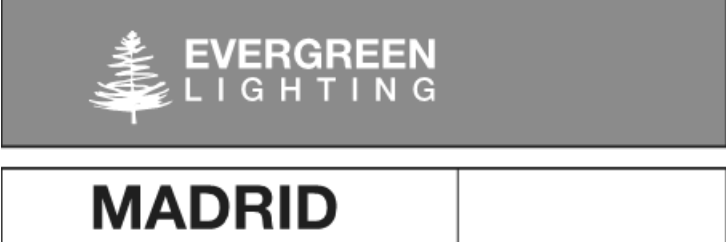
Material
All parts are durable Aluminum Extruded
Tube with .060 Span aluminum Roof with supports fabricated for maximum strength.

Lens
Standard White Frosted Premium Acrylic or Clear Frosted Premium Acrylic

LED
Alta #AL-R-1-W Series mounted onto an Aluminum MPCB Round Pack Board configured to the proper wattage.

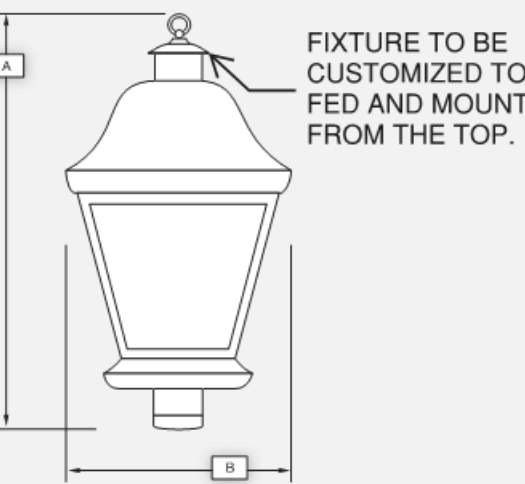
Driver
0-10V Dimming Driver for 120/277 volt, Constant Current, metal case, 5 year warranty

Label
ETL Listed for US and Canada for Wet Location



Catalog #	Type
Project	OC
Description	Date

POST MOUNT



Standard Features

Material
Paintless sheet, Standard Powdercoat Finish, White Acrylic Lens: .125 thickness, ETL Wet Location.

Installation
N/A

Options*

Contact Evergreen Lighting for complete photometrics.

LED Features

Alta LED #AL-R-1-W-30LED array to be mounted onto an Aluminum MPCB Board configured to the proper wattage. The LED arrays will be centered within the Lens area and mounted on a white aluminum reflective plate.

Driver
Specific Drivers will be matched with each different LED array configuration/wattage. Standard Driver Features:
• Constant Current
• 120/277 multi-voltage power supplies
• Kelvin - 2700K, 3000K, 3500K, 4100K, 5000K

Fluorescent Features

Ballast
IC programmed electronic high power factor ballast, multi-voltage 120V/277V. Lamps not included.

Finishes
Ballast
Architectural Bronze (AB) Textured Gold (TG)
Textured Bronze (TBK) Metallic Nickel (MN)
Matte Black (MBK) Textured Verde Patina (TVP)
Semi Gloss Black (GBK) Satin Brass (SB)
Textured Black (TBK) Copper Vein (CV)
Textured Rust (TR) Gold Vein (GV)
Matte White (MTW) Silver Vein (SV)
Textured White (TW) Chrome (CH)
Gloss White (GW) Oil Rubbed Bronze (ORB)
Metallic Grey (MG)

Options*

Emergency (EMR)
Photocell (PC)
Lamp Sources
Size Modifications
Vandal Proof Enclosure (VPE)

Special Lens
Incandescent



Evergreen Lighting
1379 Ridgeway Street, Pomona, CA 91768
Ph: 909-865-5599 Fax: 909-865-5539
www.evergreenlighting.com

*Consult Factory

Lumen Christi Catholic Parish
Parish Addition and Renovation

REVISIONS:

DATE: 02-05-1

JOB NO: 160197-0

SHEET NO:

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E012
Packet Pg. 87

LIGHT DIVIDE / IT SUBJECTS / TYPES ME / OC / ON

Attachment: Packet 02.11.19 (3882 - Plunkett Raysch Architects, LLP for Lumen Christi Catholic Parish)

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2019-01-16-00

GRUEF

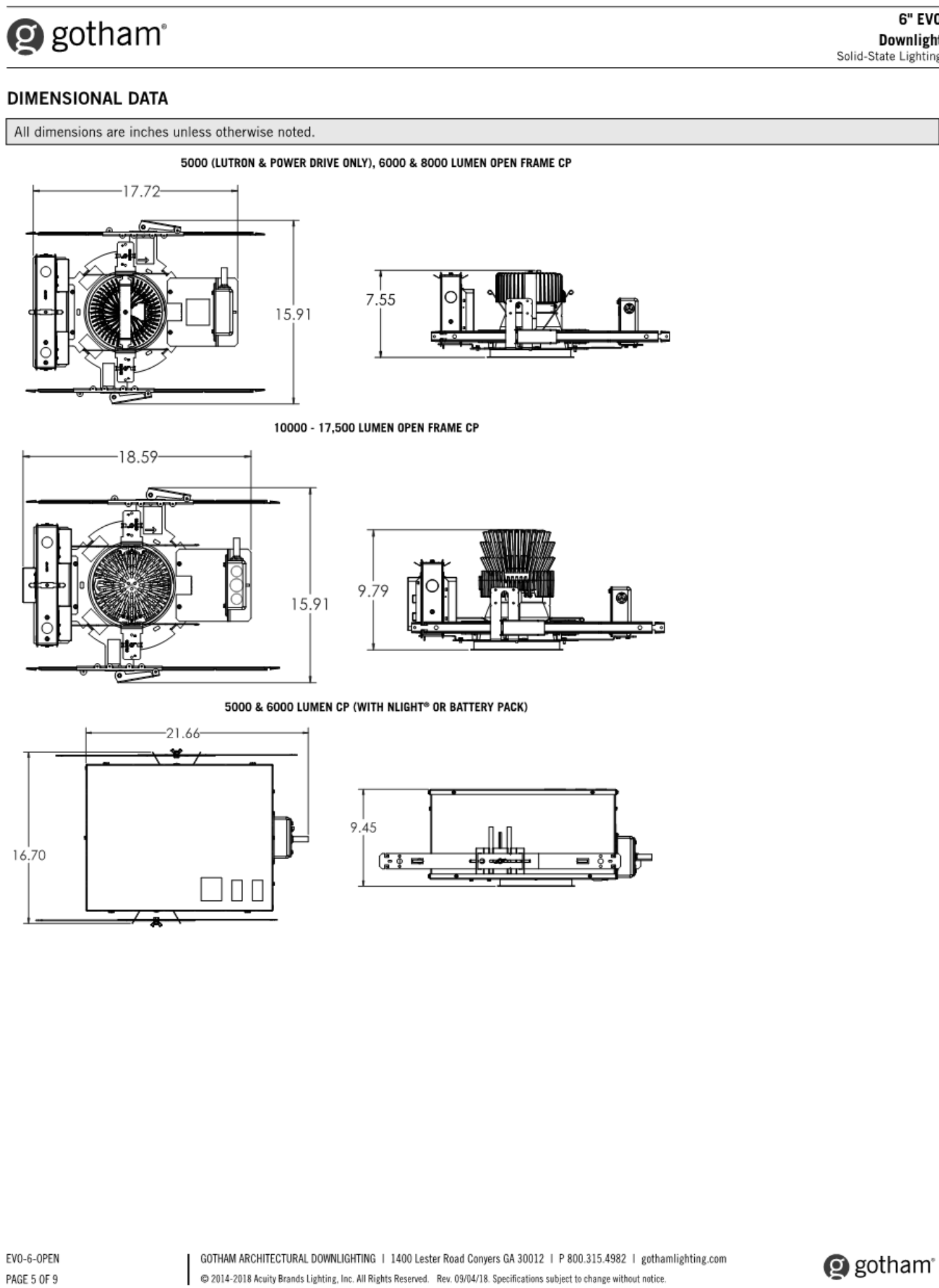
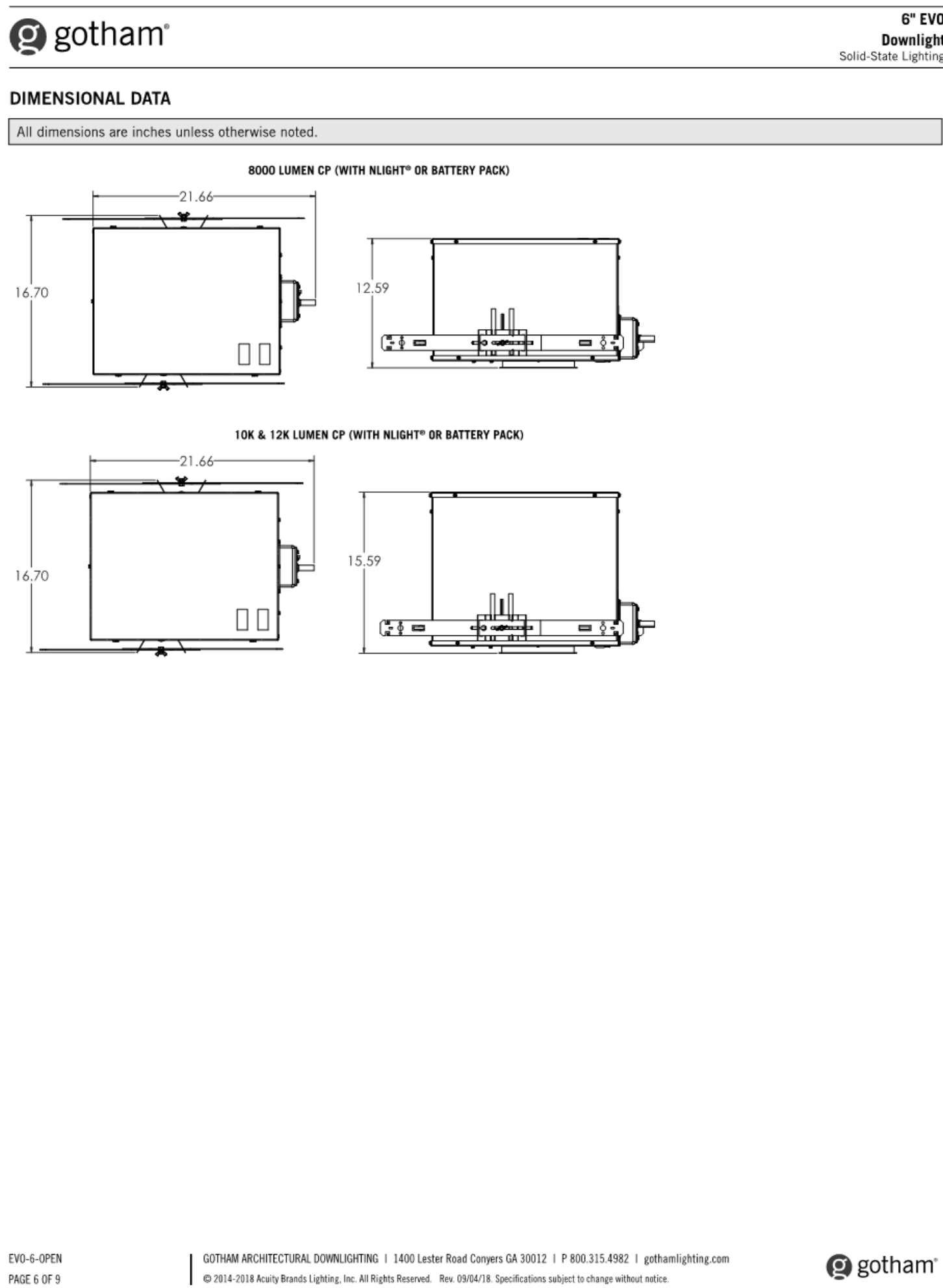
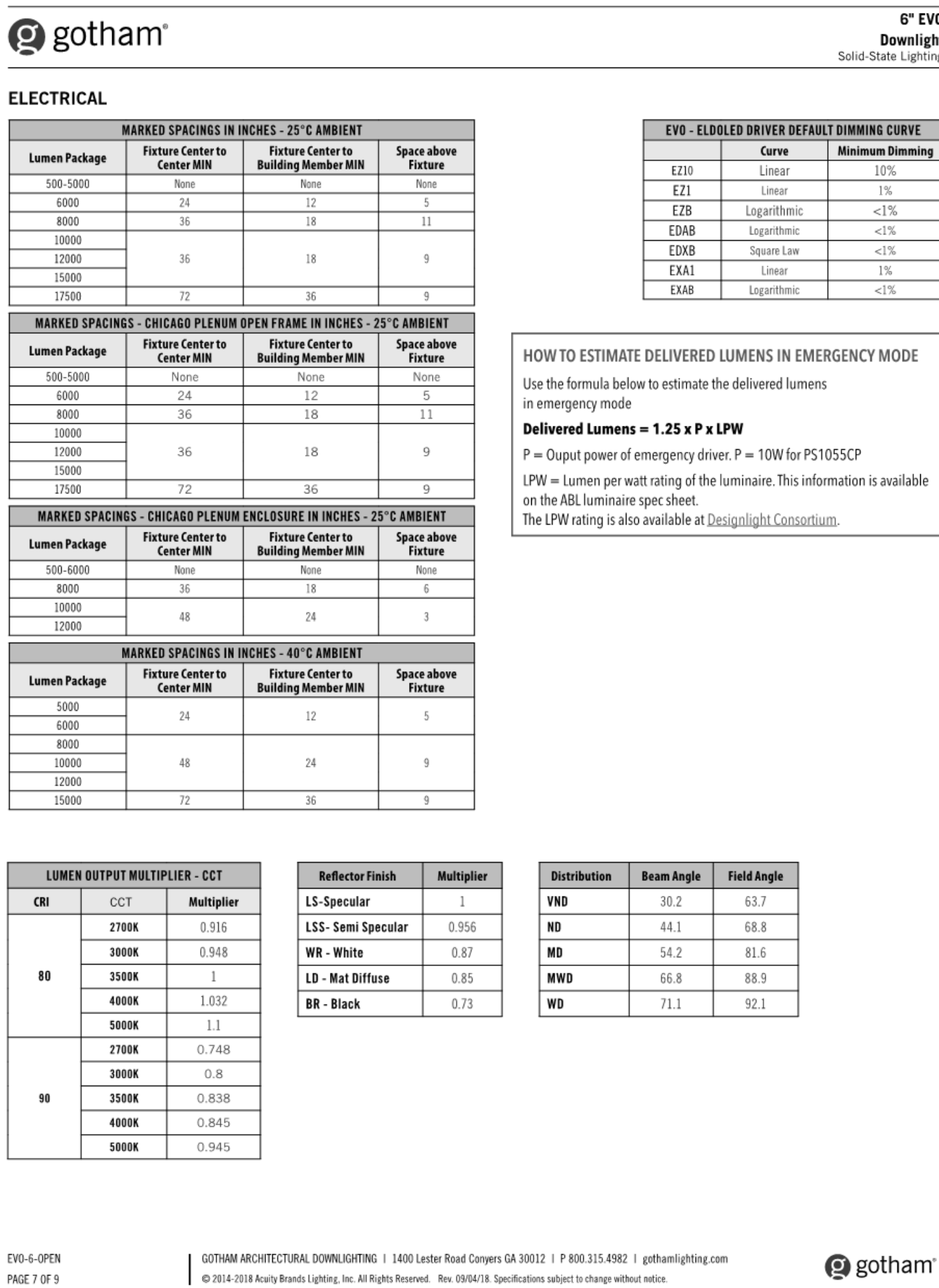
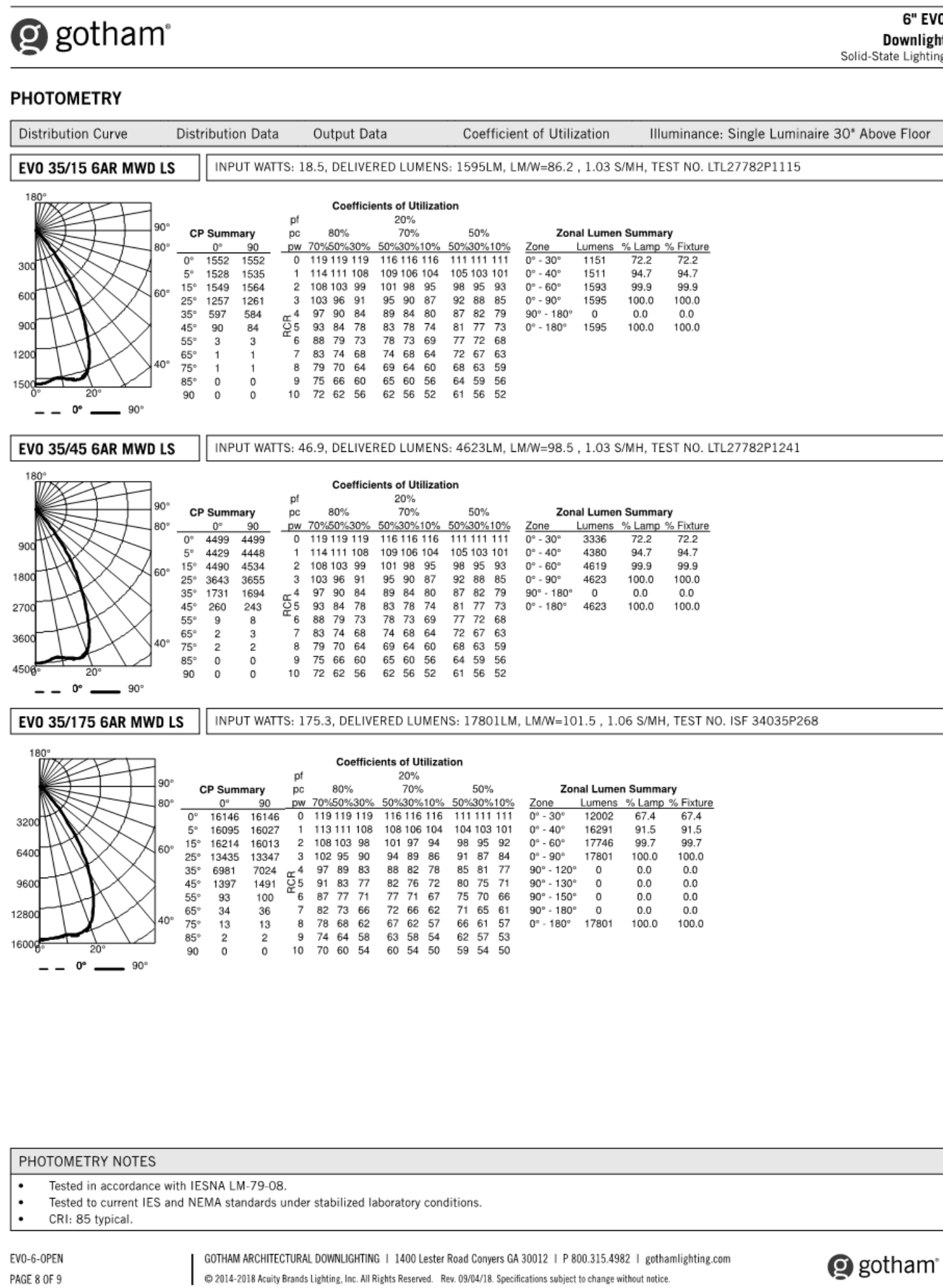
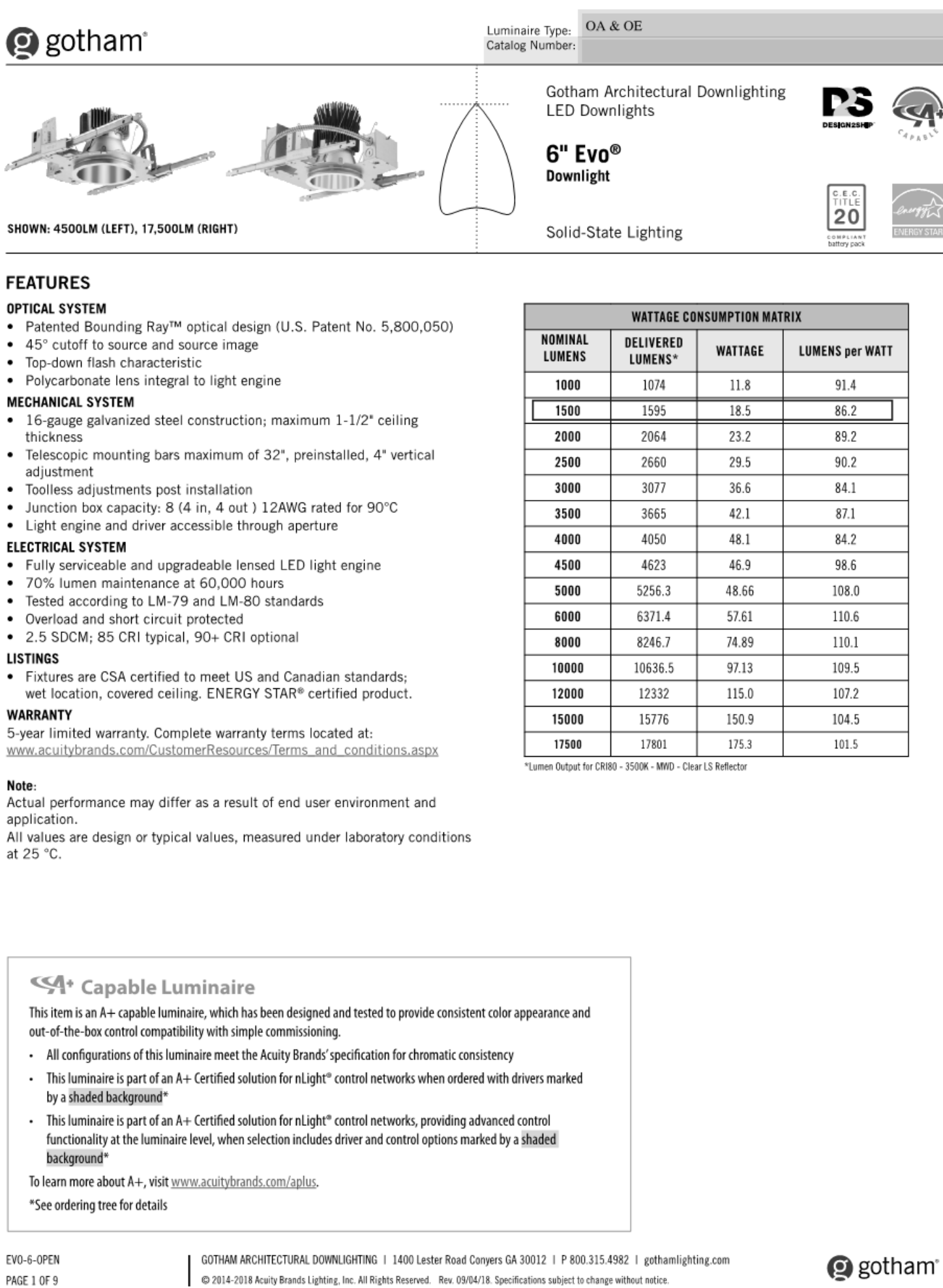
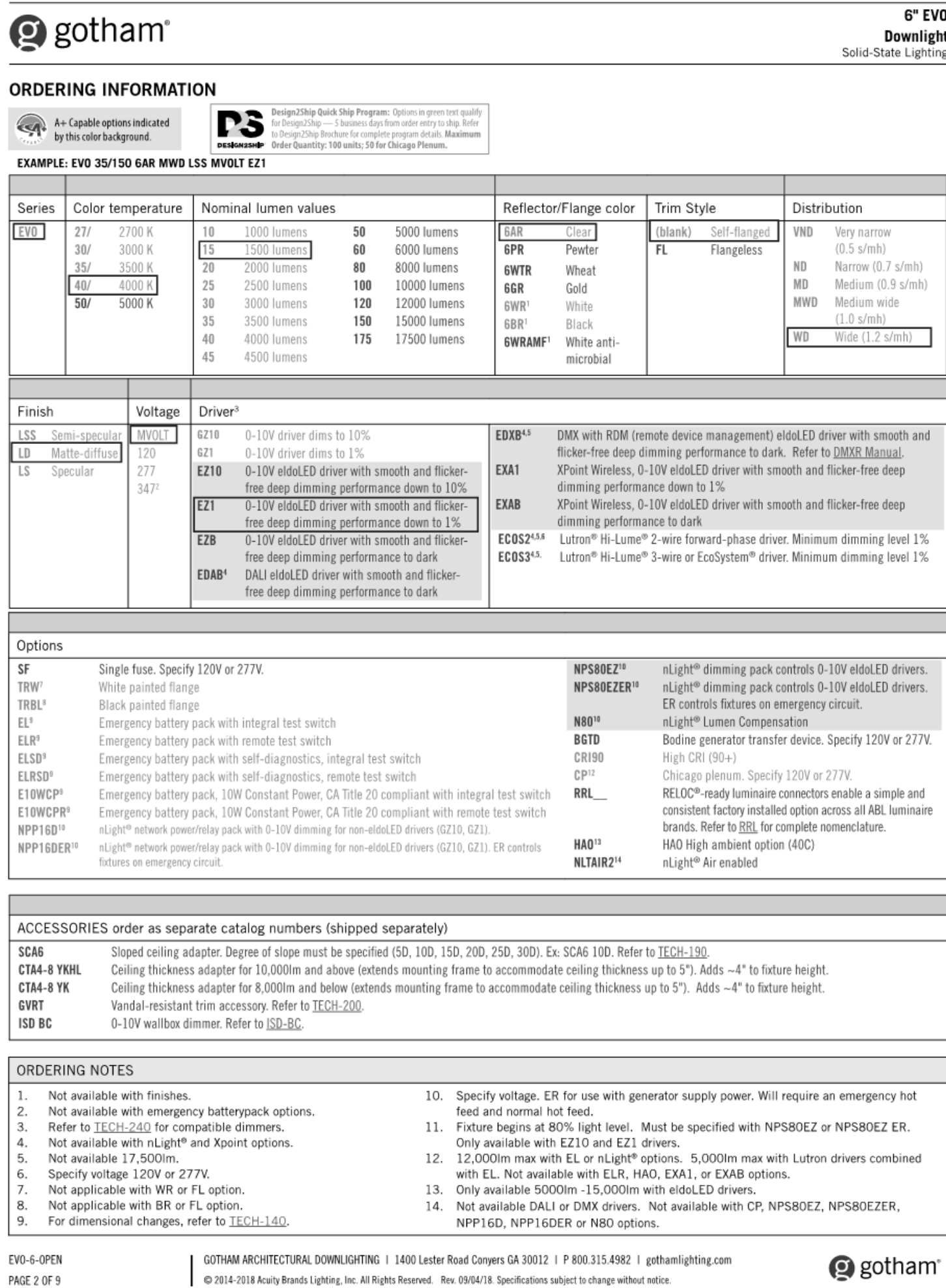
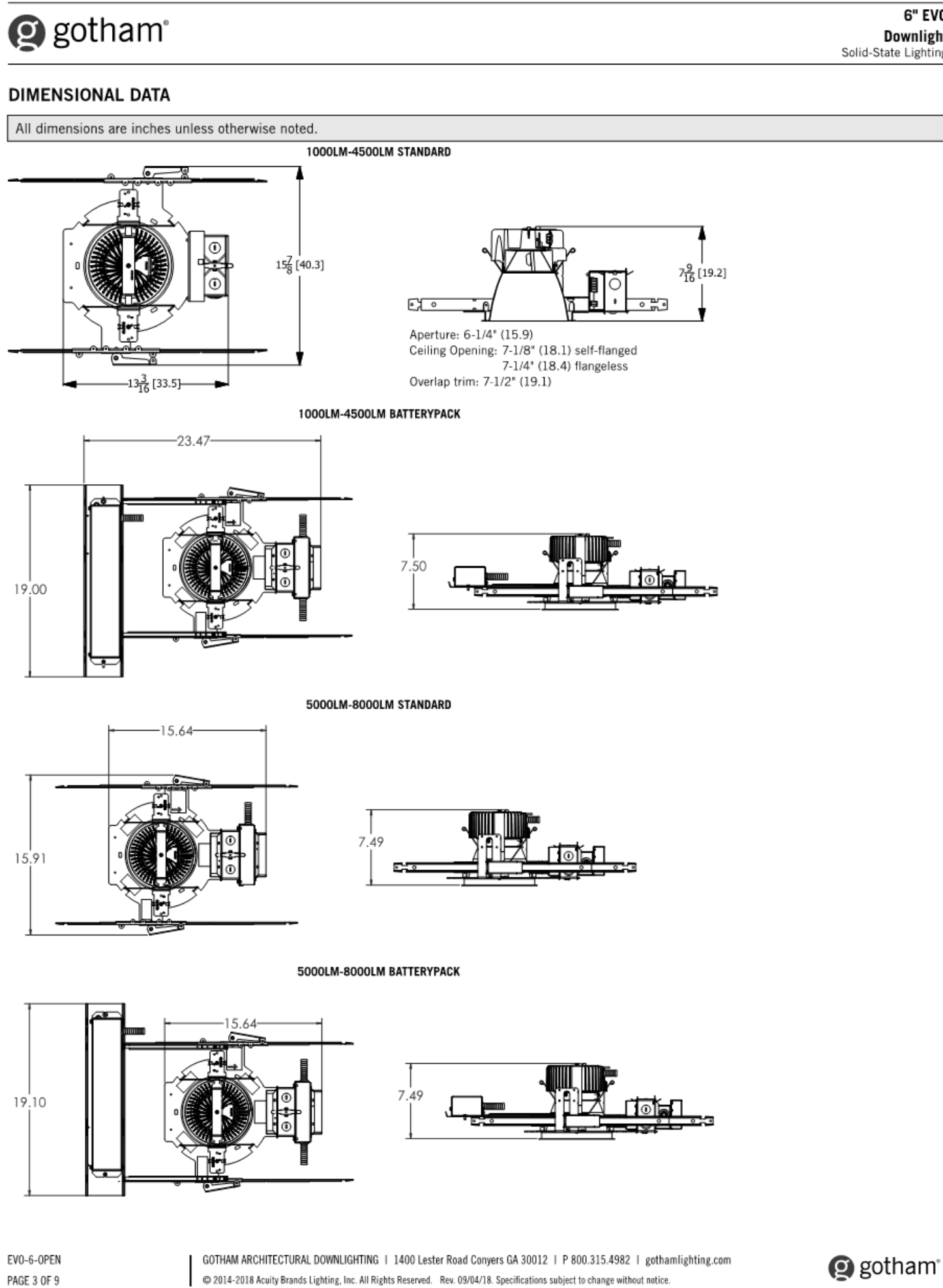
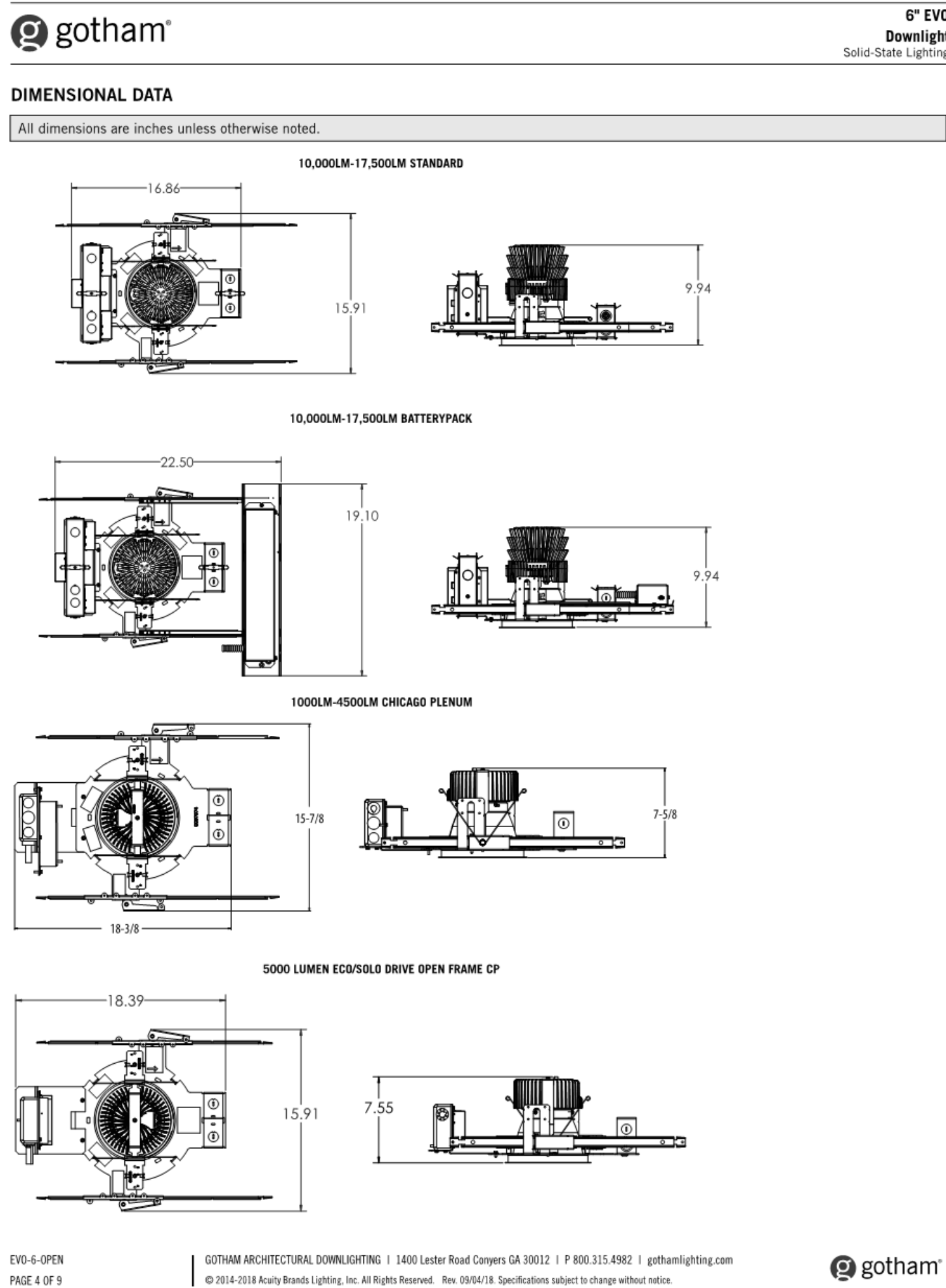
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Mequon, WI 53092-1930
Phone: 262-236-2902
Fax: 262-242-9655

www.ci.mequon.wi.us

Department of Community Development

TO: Planning Commission
FROM: JAC ZADER, ASSISTANT DIRECTOR COMMUNITY DEVELOPMENT
DATE: February 11, 2019
SUBJECT: Shaffer Development for Spur 16. The applicant is seeking master sign plan approval for the Spur 16 mixed use project located at 6100-6300 W. Mequon Road.

Applicant:	Shaffer Development LLC
Status of Applicant:	Master Sign Plan
Existing Zoning:	Town Center (TC) PUD (Planned Unit Development) C-2 (Conservancy)
Existing Land Use Plan:	Town Center Critical Environmental
Lot size:	6100-6300 W. Mequon Road
Tax Key:	#14-1050-02-010.00
District:	#2

Background: The applicant is requesting master sign plan approval for the Spur 16 development at 6100-6300 W Mequon Road. The sign plan includes a freestanding sign, wall signs and site directional signage. As the Commissioners may recall, the signs for the St. Paul Fish Company were approved on October 8, 2018.

Master Sign Plan:

The master sign plan includes a monument sign, wall signage for the two commercial buildings as well as ground mounted signage located within the site. The sign plan does require several waivers to the requirements of the sign code.

Freestanding Sign:

The freestanding sign is shown to be 18 feet in height and 90 square feet in area. This exceeds the Town Center requirements of 6 feet in height and 50 square feet in area. In discussions with the applicant it was agreed that a vertical freestanding sign would be appropriate for the development to complement the existing smokestack on the St. Paul Fish Company building. In addition, the location of the sign is lower than the grade of Mequon Road by approximately three feet so a taller sign in relation to the code is justified. The sign height is primarily driven by the desire of the applicant to identify all 10 tenants of the building on the sign. It is worth noting that there is no other signage identifying any of the tenants of the market. Staff recommends the height should be reduced to approximately 15 feet in height which would scale better when compared to the existing Public Market building. This could be accomplished in several ways including reducing the height of the panels, reducing the gaps between the panels and/or reducing the Spur 16 portion of the sign.

Public Market:

The signage for the Public Market includes two wall signs on the south elevation and one on the west elevation. Since the building is on a corner, the development is allowed two signs. The Public Market sign on the south elevation is similar to what was shown at the time of building and site plan approval. The sign is approximately 120 square feet which is double the size of an allowable sign. Staff believes the sign is at an appropriate scale and fits nicely with the architecture of the building. The Spur 16 sign is 35 square feet and is located on the decorative screen wall. The sign does a nice job breaking up the massing of the screen wall and compliments the design of the building. The Public Market sign on the east elevation identifies the entrance off the parking lot. The sign is 28 square feet which complies with the code. While staff is supportive of the sign, the applicant is missing an opportunity of having a larger roof top sign on this elevation similar to the sign on the south elevation.

Wellness Building:

The plan shows two wall signs for each of the two tenants in the building. The wall signs are located on the east and south elevation. The code allows one sign per tenant unless the building is located on a corner. Having the additional sign will allow each tenant to have a sign facing Mequon Road and the interior parking lot. All of the signs are under the 30 square foot requirement. Staff is supportive of the proposed signage as presented in the sign plan. In the past, the city has approved additional signage in the Town Center that provides visibility along the public road as well as the interior parking lot.

Directional Signage:

The plan shows three directional signs for the commercial portion of the site and three for the residential area. The commercial signs are five feet in height and six square feet in area. Staff is supportive of the sign located at the rear of the parking lot which will help guide vehicles who enter the site from Buntrock Ave. Staff does not support the two signs the are located at the entrance to the parking lot to the rear of the Public Market. When entering the site from Mequon Road, there is ample signage on the Wellness Building, St. Paul Fish restaurant and the Public Market to guide patrons to their destination. In addition, the signage is out of context with the pedestrian orientated nature of the development and something more applicable in a suburban environment. There is also a question on the exact location of the signage. As shown the signs are located in the vision triangle of the driveway entrance. Relocating them further off the street may have impacts to the landscaping and fencing which still have not received final approval.

The signs identifying entrances to the residential buildings are designed to emulate a traditional street sign. Staff is supportive of these signs but does recommend the signs should be no taller than nine feet to the top of the sign.

There is a street sign located in the city right of way along Buntrock Avenue. Since the sign is located in the city right of way it shall conform to the requirements set forth by the Director of Public Works. As with the residential directional signs, staff recommends a maximum height of nine feet.

Staff Recommendation:

Staff recommends approval of the master sign plan based on the following conditions:

1. Staff review and approval of final sign plan.
2. The directional street and apartment signs shall be no higher than nine feet to the top of the sign.
3. The street sign located in the city ROW shall be approved by the Director of Public Works.
4. The monument sign shall not exceed 15 feet in height.
5. The future parking signs shall not exceed 5 feet in height.

6. The directional signage along the n/s street shall be removed.
7. Removal of the non-compliant banners on the Public Market and St. Paul Fish buildings.

Attachments:

Packet_02.11.9 (PDF)

Spur 16

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

3.d.a

Buntrock Av

R-4

C-2

B-3/PUD

Ozaukee Interurban Trail

IPS

TC/PUD

TC

Mequon Rd

Meauon Rd

Attachment: Packet_02.11.9 (3883 : Shaffer Development for Spur 16)



Spur 16 Master Sign Plan
Mequon Public Market, Marquee Sign, Wellness Building and Wayfinding

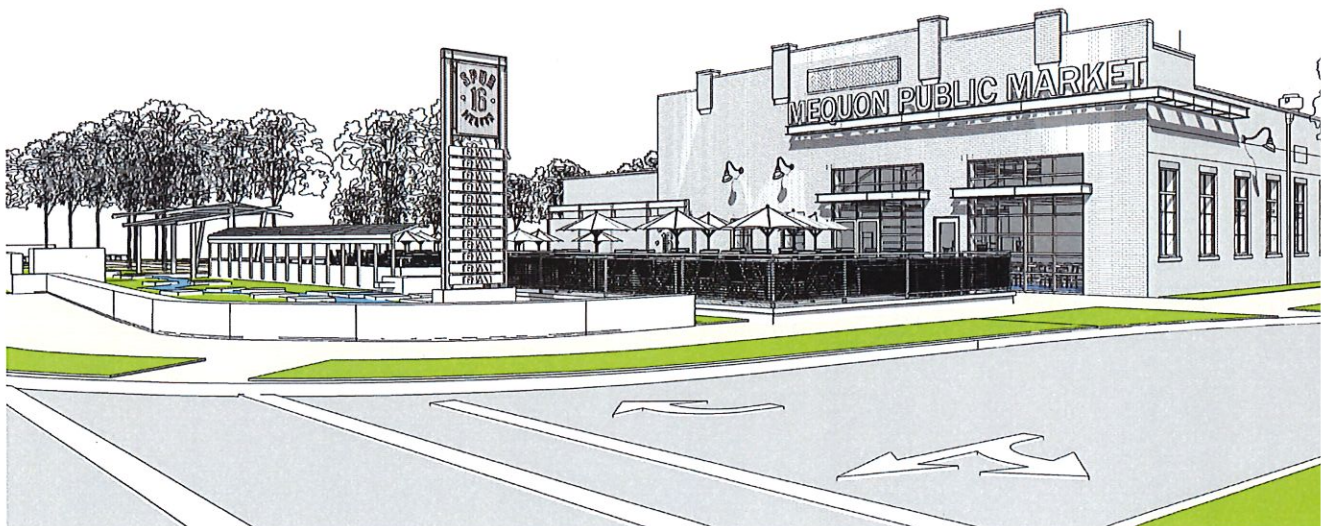
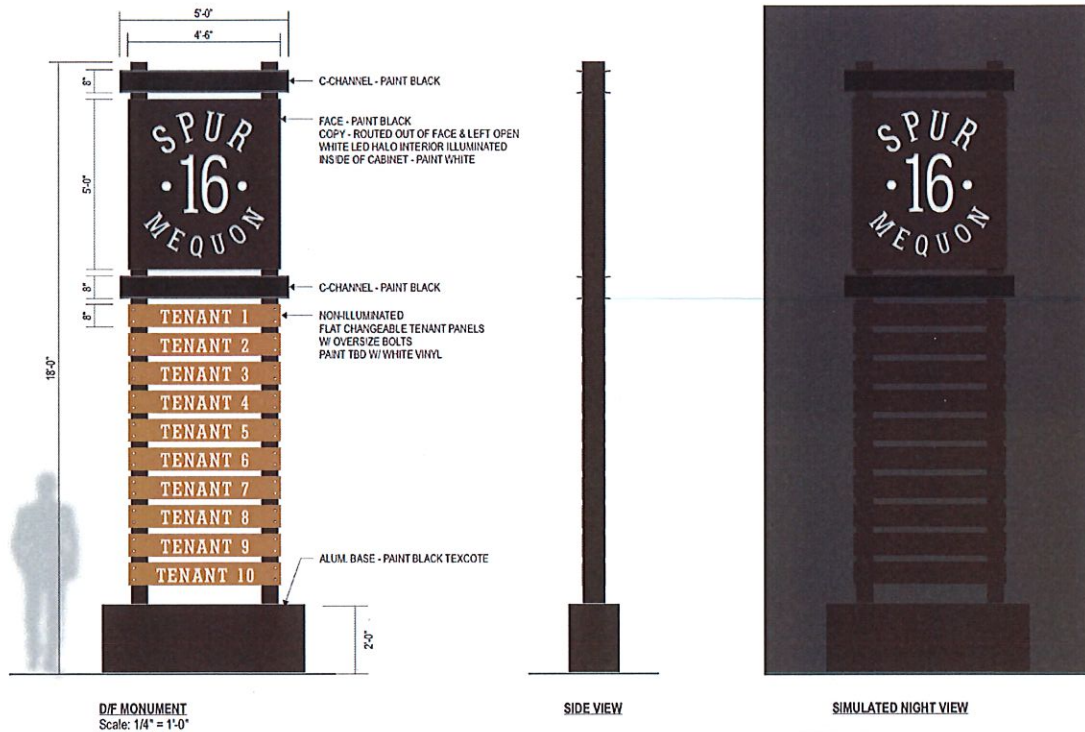
Mequon Public Market

The Mequon Public Market signage significantly shapes the character of the development. We have patterned our market signage to reflect the iconic Public Market signs of Seattle, Boston, Granville and Milwaukee Public Markets (images below). The Mequon Public Market signage will be placed on the south side of the Market building facing Mequon Road. Appropriately sized for the 10,000SF building, the 32" channel, open face letters will house red tub LED lights and will be mounted to an aluminum canopy system. On the west side of the Market building, at the Main entrance, there will be 16" channel, open face letters with red tube LED lighting above the front doors, mimicking the larger front facing signage. On the south west corner of the Market building will be a Spur16 Mequon non-lit dimensional letters mounted to exterior wall "SPUR 16 MEQUON" 18' letters. See attached plans.



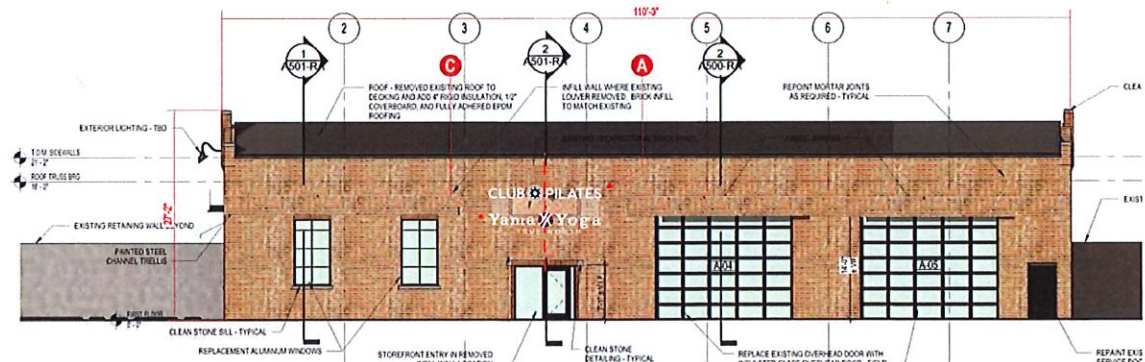
Monument Sign

The entrance to the development and the relationship between a site and its surrounding can shape and define the story of the project. Spur 16 is rooted in the history of this land that we have developed. Our commitment to preserving and revitalizing the three historic buildings that remain are vital part of our development. This monument reflects the iconic smoke stack in shape while serving as a gateway to the Spur16 entrance. Set in the entrance ravine, this sign's base is approx. 6ft below street level. Each of the 10 tenants within the Public Market will have their sign represented here. The individual tenant signs will all be the same color but will feature each tenant's logo. The Spur 16 logo will be illuminated in the evening and the tenant's portion will be lit with a ground spot light.



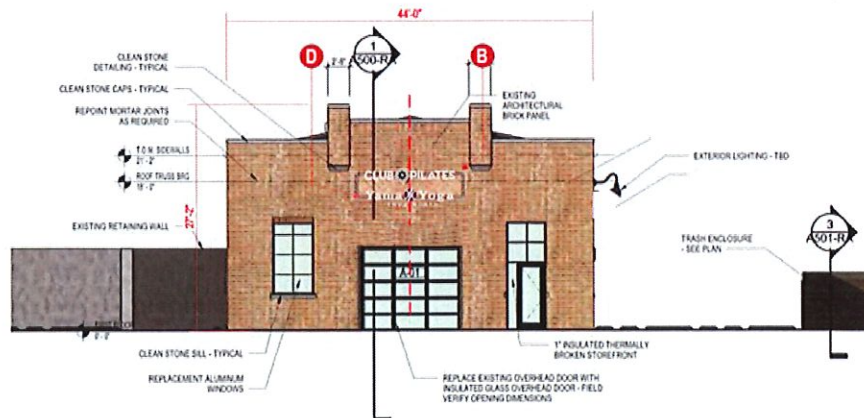
Wellness Building

The Wellness building is located on the south west side of the Spur 16 property. This building will house two tenants; Yama Yoga and Mequon Club Pilates. Both tenants will share a common entrance as well as a common reception area. The main entrance to the wellness building is located at the on the east side of this building. From a public drive by "signage" perspective both tenants would like to have one sign located on the south side of the building facing Mequon Rd. It is also necessary that once clients are in the parking lot that we have signage for both tenants on the east side of the building, indicating their location within the Wellness building. When clients are in the parking lot, they cannot see the south side of this building and it is imperative that clients understand that both Mequon Club Pilates and Yama Yoga are located within this building. For this reason, we are asking for a waiver to allow signage on both the south and the east side of the building. Both signs will comply with the limit of 30SF in size. These will be non-illuminated 1/4" flat cutout aluminum letters mounted flush. Signage will be lit with goose neck lamps mounted to the building. Yama Yoga signage is a total of 19.6y SF total per sign and Mequon Club Pilates is a total of 26.88SF per sign.



2 EAST ELEVATION

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

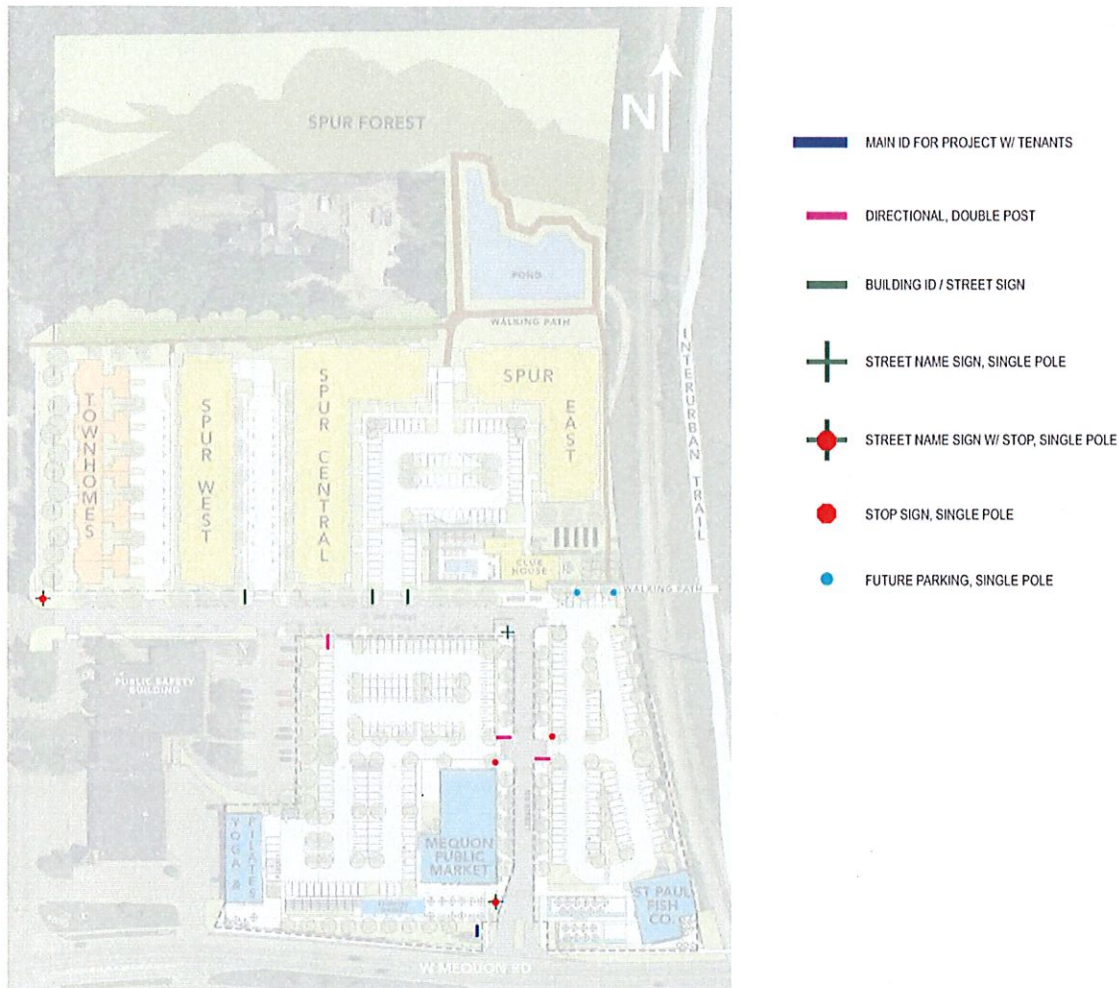


1 SOUTH ELEVATION

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

Wayfinding

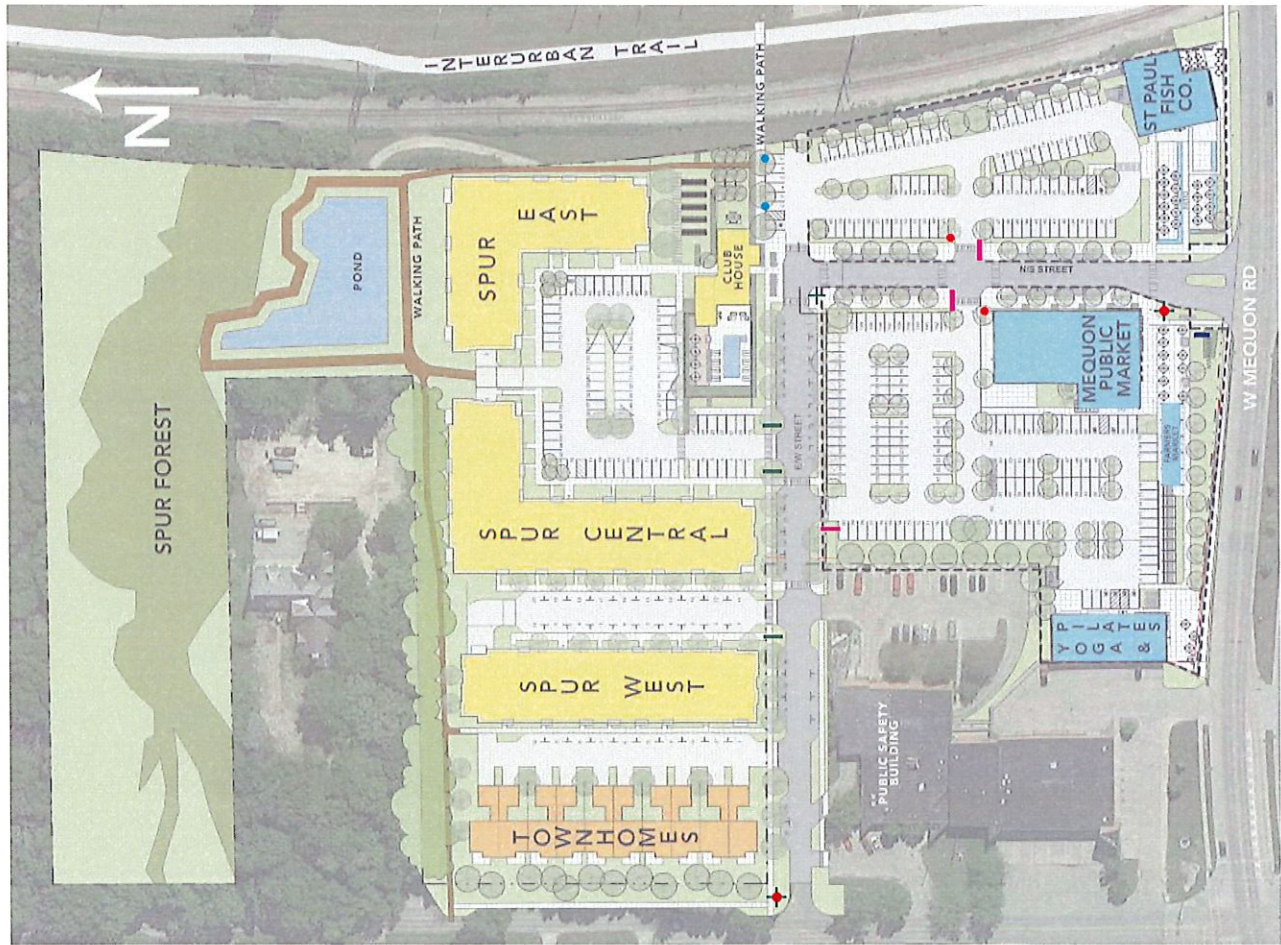
In the attached deck you will find a site plan that indicates the location of all signage and wayfinding. We will have a total of six (6) directional double posts, one (1) street name sign single poll, two (2) Street name sign with Stop, single post, two (2) stop signs single pole, one (1) Main ID, Clubhouse, one (1) Marquee sign (indicated as Main ID for Project w/ Tenants & Gear) and two (2) future tenant parking single poll. See attached for renderings of all signage.



Specific Waiver Request

We request that the Planning Commission provide a waiver for the following

1. Mequon Public Market
 - a. signage on south side of building exceeds the 30SF limitation
 - b. add additional signage for main entry on west side of building
2. Marquee Sign
 - a. Signage is 12' higher than 6' city limit BUT this sign is set in a ravine that is approx. 6ft deep giving the appearance of being within city limits
3. Wellness Building
 - a. Requesting to have both tenant's signage on south side of building and east side of building.



Project:
Client Name

Description:

Spur 16 Mequon

Project Location:
Mequon, WI

Billing Location:

CONCEPT DEVELOPMENT

Sales Rep: MD
Design: LAH
Date: 11/06/18

Disclaimer:

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Notes

REVISIONS:

Rev A	UPDATE IN SIGNITY/TYPELOG	By LAH	Date: 01/07/19
Rev B	LOCATION ADJUSTMENTS	By LAH	Date: 02/23/19
Rev C		By	Date
Rev D		By	Date
Rev E		By	Date
Rev F		By	Date

Original Page Size: 11" x 17"

0	DESIGN PG	01	R2
SITE PLAN		REV NO.	
CONCEPT PG NO.			
000000	ESTIMATE NO.		

MAIN ID FOR PROJECT W/ TENANTS



DIRECTIONAL, DOUBLE POST



BUILDING ID / STREET SIGN



STREET NAME SIGN, SINGLE POLE



STREET NAME SIGN W/ STOP, SINGLE POLE

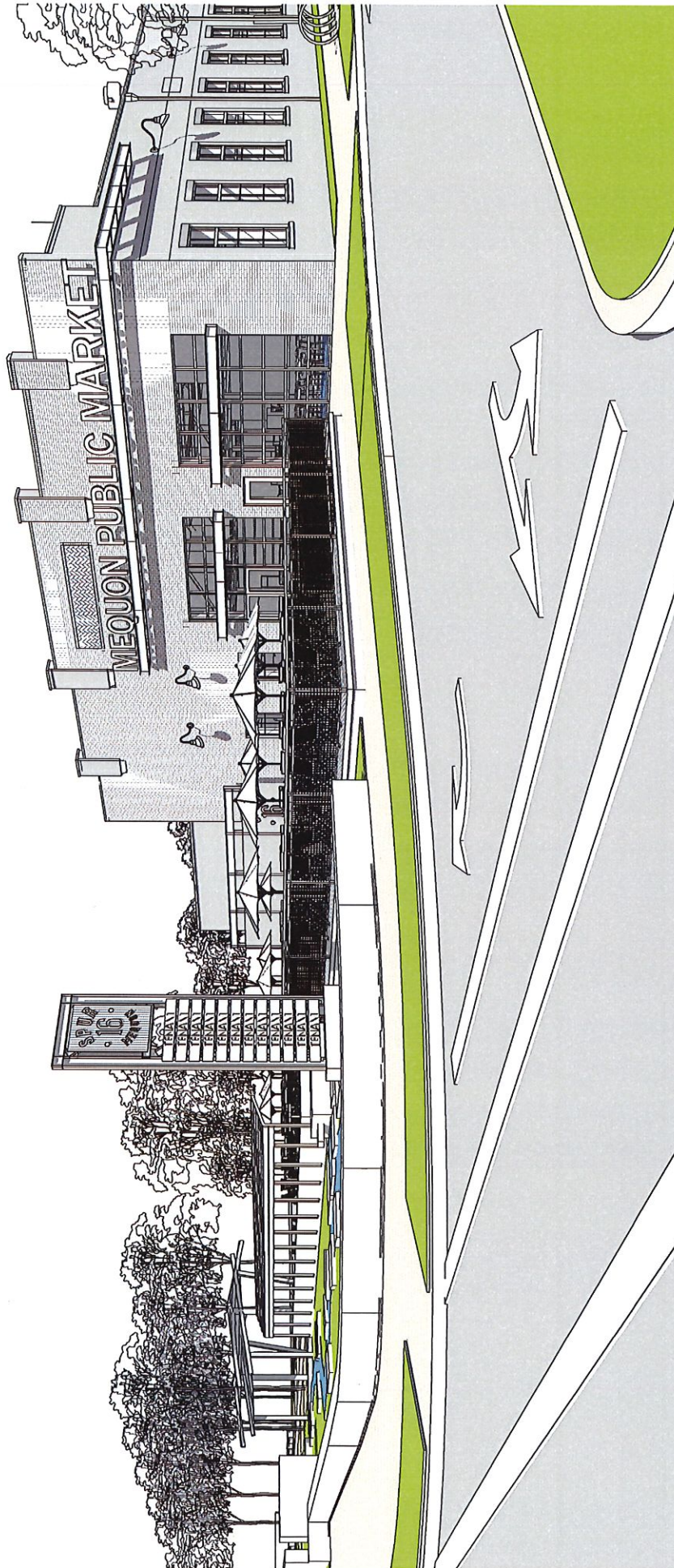


STOP SIGN, SINGLE POLE



FUTURE PARKING, SINGLE POLE





Mequon Town Center II

SIGNAGE B

SCALE:

Engberg Anderson
Project No. 152499.01

**Engberg
Anderson
ARCHITECTS**
AUIKEE | MADISON | TUSCON
CAGO



Project:
Client Name

Description:
Spur 16 Mequon

Project Location:
Mequon, WI

Billing Location:

CONCEPT DEVELOPMENT

Sales Rep: MD Date: 11/06/18
Design: LAH

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Notes

REVISIONS:

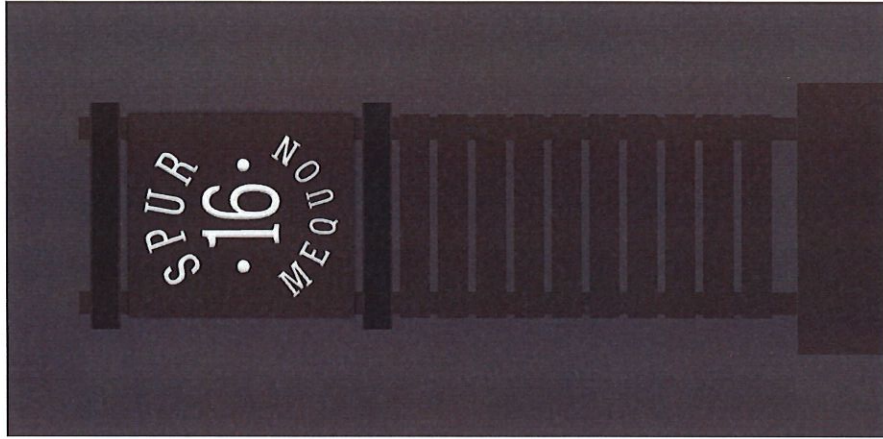
Rev A	Initial Design	By: LAH	Date: 11/06/18
Rev B	Changes to Design	By: LAH	Date: 11/06/18
Rev C	Changes to Design	By: LAH	Date: 11/06/18
Rev D	Changes to Design	By: LAH	Date: 11/06/18
Rev E	Changes to Design	By: LAH	Date: 11/06/18
Rev F	Changes to Design	By: LAH	Date: 11/06/18

Original Page Size: 11" x 17"

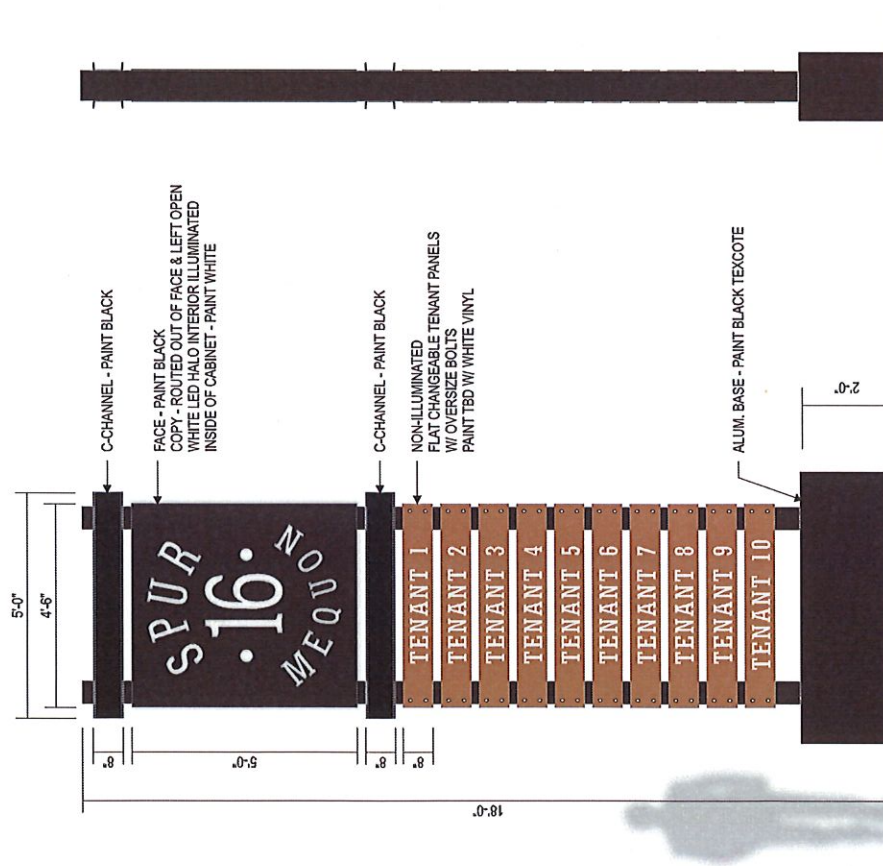
0 01 R2
DESIGN PG REV NO.

MONUMENT
CONCEPT PG NO.

00000
ESTIMATE NO.



SIMULATED NIGHT VIEW



SIDE VIEW

D/F MONUMENT
Scale: 1/4" = 1'-0"



Project:
Client Name

Description:

Spur 16 Mequon

Project Location:

Mequon, WI

Billing Location:

CONCEPT DEVELOPMENT

Sales Rep: MD

Design: LAH

Date: 11/06/18

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Notes

REVISIONS:

Rev	By	Date	Rev	By	Date
Rev A	LAH	11/06/18	Rev D	LAH	11/06/18
Rev B	LAH	11/06/18	Rev E	LAH	11/06/18
Rev C	LAH	11/06/18	Rev F	LAH	11/06/18

Original Page Size: 11" x 17"

0 01 R1

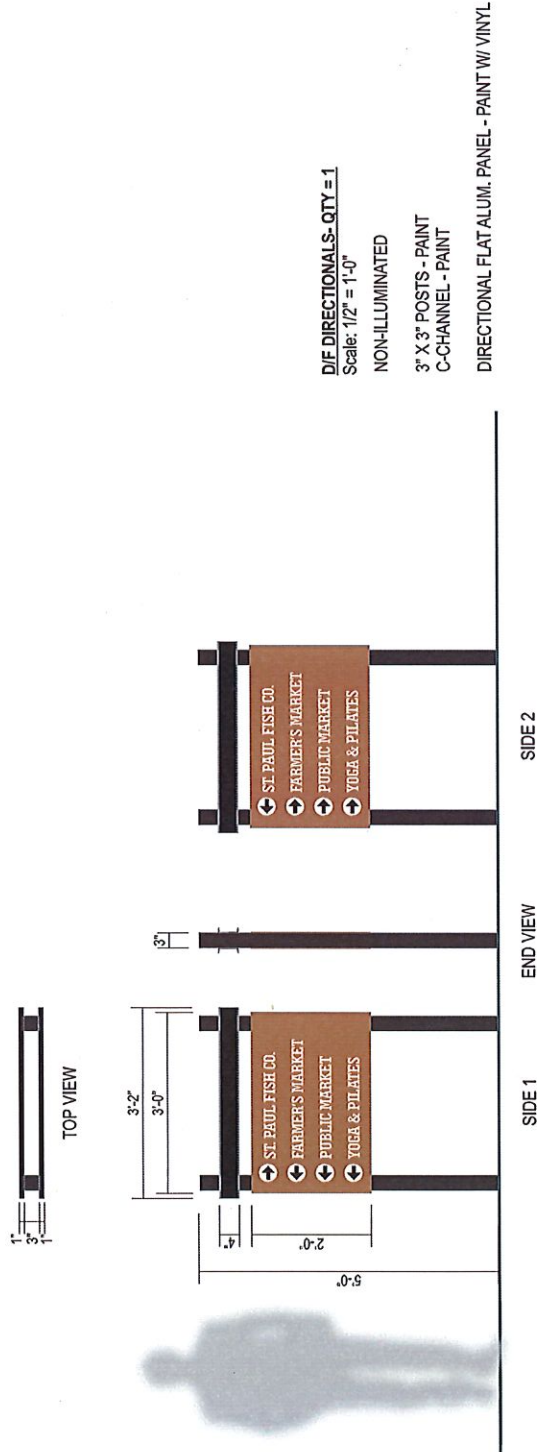
INS - PROJ NO. DESIGN PG. REV NO.

DIRECTIONALS

CONCEPT PAGE NO.

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ESTIMATE NO.



D/F DIRECTIONALS- QTY = 1

Scale: 1/2" = 1'-0"

NON-ILLUMINATED

3" X 3" POSTS - PAINT

C-CHANNEL - PAINT

DIRECTIONAL FLAT ALUM. PANEL - PAINT W/ VINYL



Project:
Client Name

Description:
Spur 16 Mequon

Project Location:
Mequon, WI

Billing Location:

CONCEPT DEVELOPMENT

Sales Rep: MD **Date:** 11/05/18
Designer: LAH

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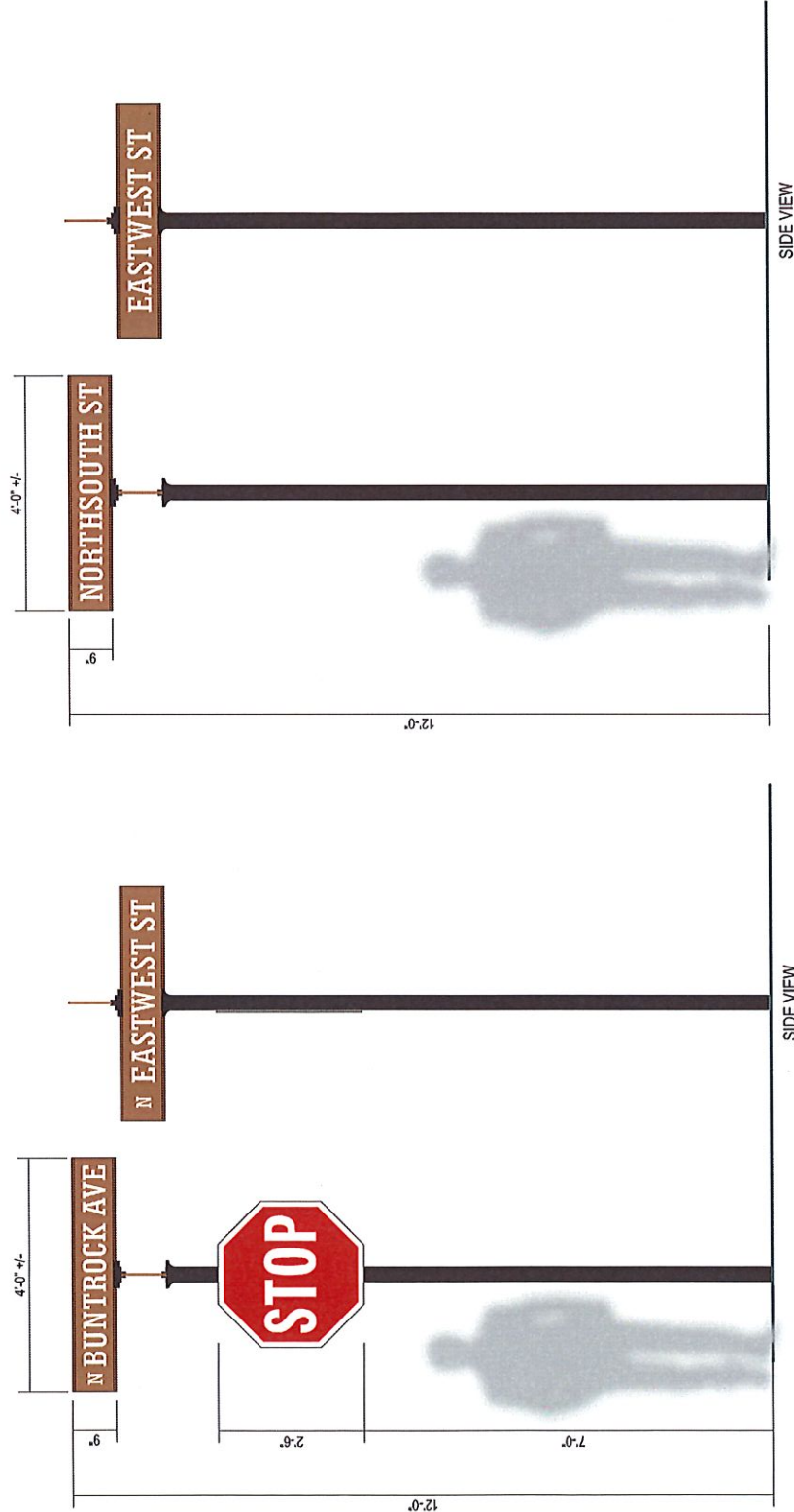
Notes

REVISIONS:

Rev	By	Date
Rev A		
Rev B		
Rev C		
Rev D		
Rev E		
Rev F		

Original Page Size: 11" x 17"

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REGULATORY			
CONCEPT FIG. NO.			
00000			
ESTIMATE NO.			



2 STREET SIGN - QTY = 1
Scale: 1/2" = 1'-0"

NON-ILLUMINATED

3" ROUND POLE - BLACK
.080 REFLECTIVE STREET NAMES (NAMES & COLORS TBD.)

STANDARD REFLECTIVE STOP SIGN
STRAP MOUNT TO POLE

2 STREET SIGN W/ STOP SIGN - QTY = 2
Scale: 1/2" = 1'-0"

NON-ILLUMINATED

3" ROUND POLE - BLACK
.080 REFLECTIVE STREET NAMES (NAMES & COLORS TBD.)

STANDARD REFLECTIVE STOP SIGN
STRAP MOUNT TO POLE



Project:
Client Name

Description:
Spur 16 Mequon

Project Location:
Mequon, WI

Billing Location:

CONCEPT DEVELOPMENT

Sales Rep: MD Date: 11/06/18
Designer: LAH

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Notes

REVISIONS:

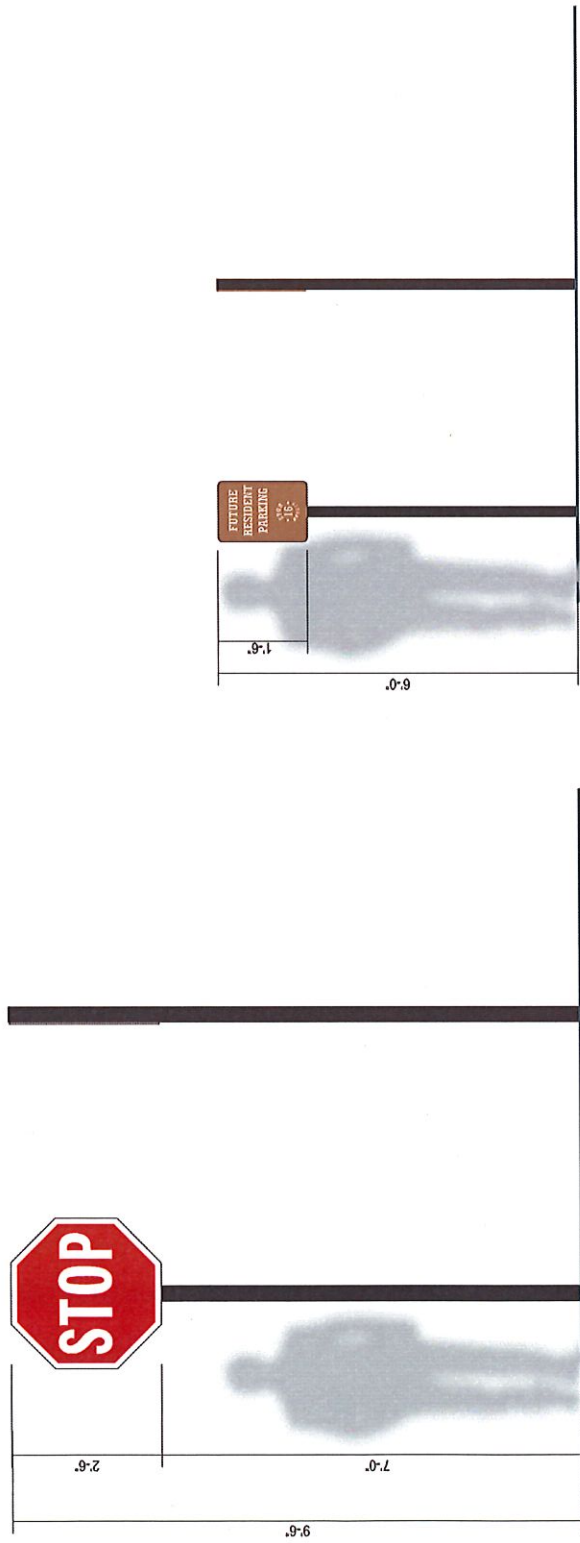
Rev	By	Date
Rev A		
Rev B		
Rev C		
Rev D		
Rev E		
Rev F		

Original Page Size: 11" x 17"

0 02 R0
DESIGN PG REV NO.

REGULATORY
CONCEPT FIG NO.

00000
ESTIMATE NO.



SIDE VIEW

S/I/F STOP SIGN - QTY = 2
Scale: 1/2" = 1'-0"
NON-ILLUMINATED
3" ROUND POLE - BLACK
STANDARD REFLECTIVE STOP SIGN
STRAP MOUNT TO POLE

SIDE VIEW

S/I/F FUTURE RESIDENT SIGNS - QTY = 2
Scale: 1/2" = 1'-0"
NON-ILLUMINATED
2" ROUND POLE - BLACK
FLAT ALUM. PANEL W/ VINYL



Project: Spur 16 Mequon
Description:
Project Location: Mequon, WI
Billing Location:

CONCEPT DEVELOPMENT
Sales Rep: MD
Date: 11/08/18
Design: LAH

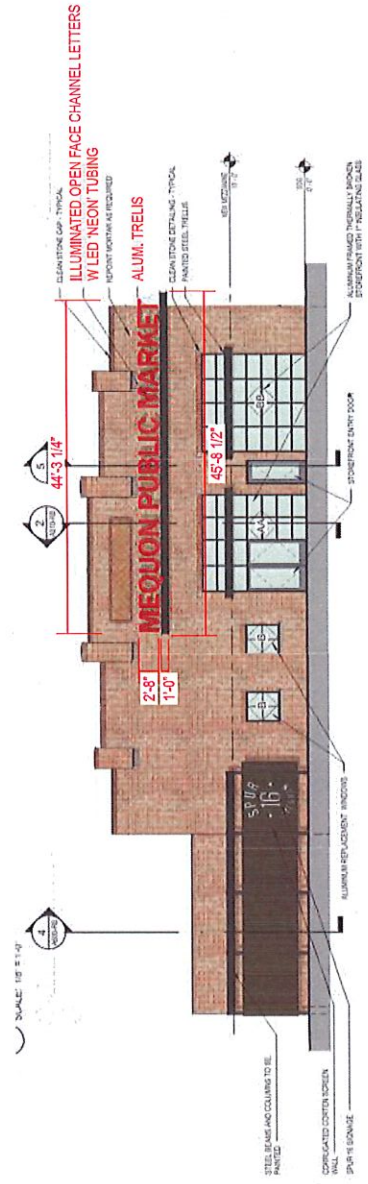
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REVISIONS:

Rev A	South elevation drawing	By LAH	Date 11/08/18
Rev B	Additional details and show letters layout	By LAH	Date 01/11/19
Rev C	Remove bracket on	By LAH	Date 01/11/19
Rev D		By	Date
Rev E		By	Date
Rev F		By	Date

Original Page Size: 11" x 17"
0 **01** **R3**
DESIGN PG. REV NO.
MAIN LETTERS
CONCEPT PNG NO.
00000
ESTIMATE NO.



1 SOUTH ELEVATION

SOUTH ELEVATION
Scale: 1/16" = 1'-0"

44'-3 1/4"

MEQUON PUBLIC MARKET

SIDE VIEW

OPEN-FACE CHANNEL LETTERS
Scale: 1/4" = 1'-0"
ILLUMINATED

FACES: NONE
OPEN CHANNEL LETTERS - PAINT INSIDES, OUTSIDES AND RETURNS - RED
LED FAUX NEON TUBING - RED
MOUNT FLUSH TO ALUM. TRELLIS ON BUILDING



Project: Spur 16 Mequon
Description:
Project Location: Mequon, WI
Billing Location:

CONCEPT DEVELOPMENT
Sales Rep: MD
Design: LAH
Date: 11/05/18

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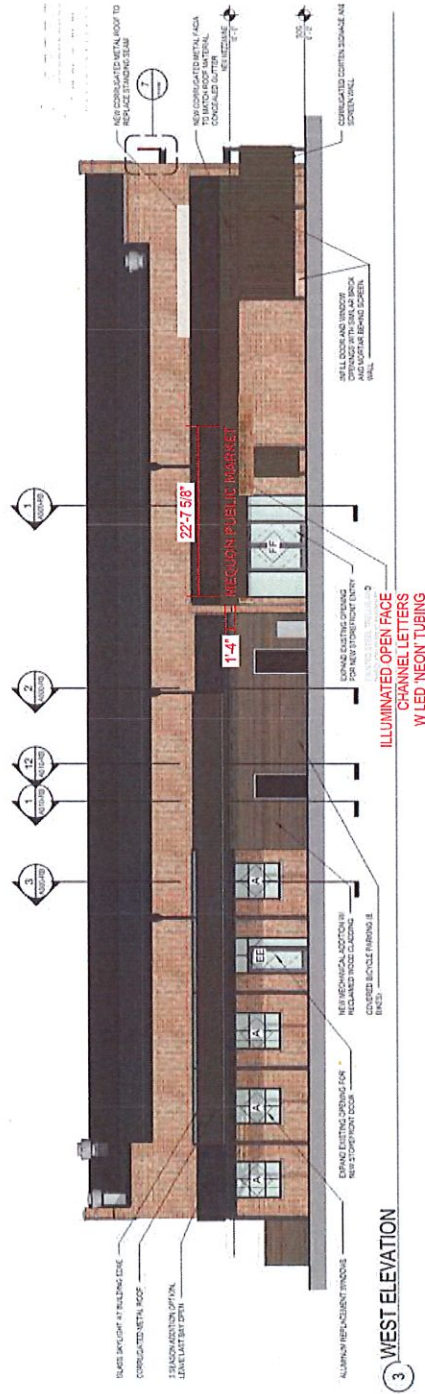
Notes

REVISIONS:

Rev A	Sign design document	By JAH	Date 11/05/18
Rev B	Sign design document and photo of sign	By JAH	Date 11/05/18
Rev C	Sign design document	By JAH	Date 11/05/18
Rev D	Sign design document	By JAH	Date 11/05/18
Rev E	Sign design document	By JAH	Date 11/05/18
Rev F	Sign design document	By JAH	Date 11/05/18

Original Page Size: 11" x 17"

0	INS - PROJ NO.	02	DESIGN PG	R3	REV NO.
MAIN LETTERS					
CONCEPT PAGE NO.					
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ESTIMATE NO.					



3 WEST ELEVATION

WEST ELEVATION
Scale: 1/16" = 1'-0"

22'-7 5/8"

MEQUON PUBLIC MARKET



SIDE VIEW

OPEN-FACE CHANNEL LETTERS

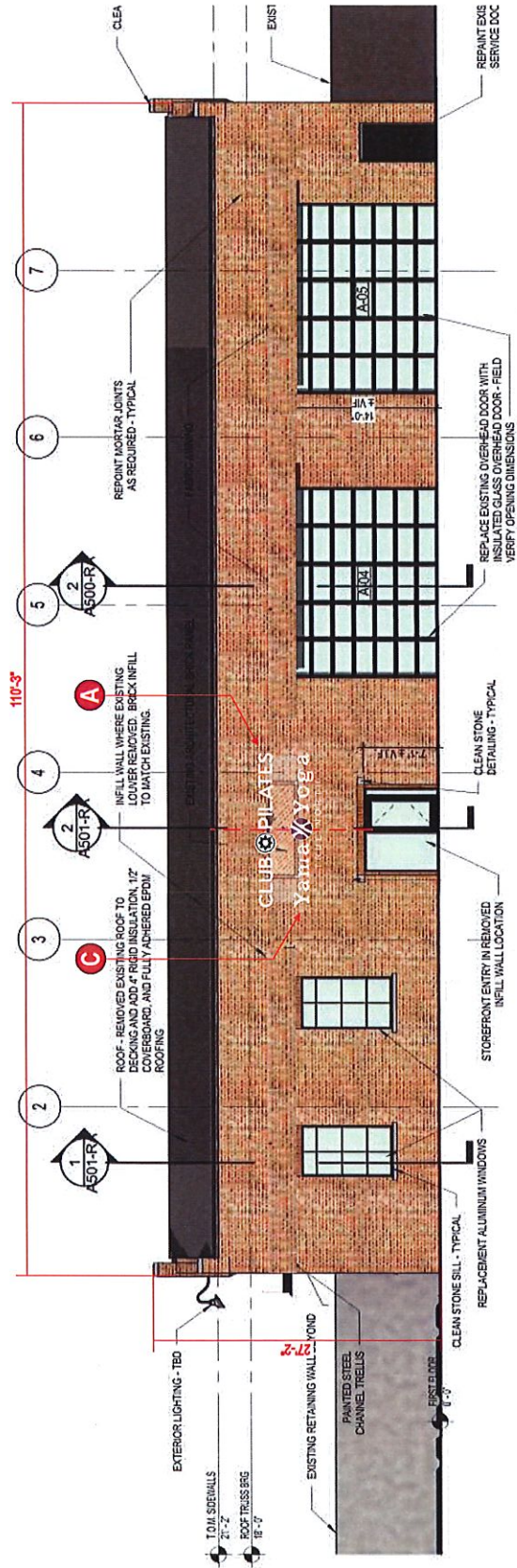
Scale: 3/8" = 1'-0"
ILLUMINATED

FACES: NONE

OPEN CHANNEL LETTERS - PAINT INSIDES, OUTSIDES AND RETURNS - RED

LED FAUX NEON TUBING - RED

MOUNT FLUSH TO BUILDING



EAST ELEVATION

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

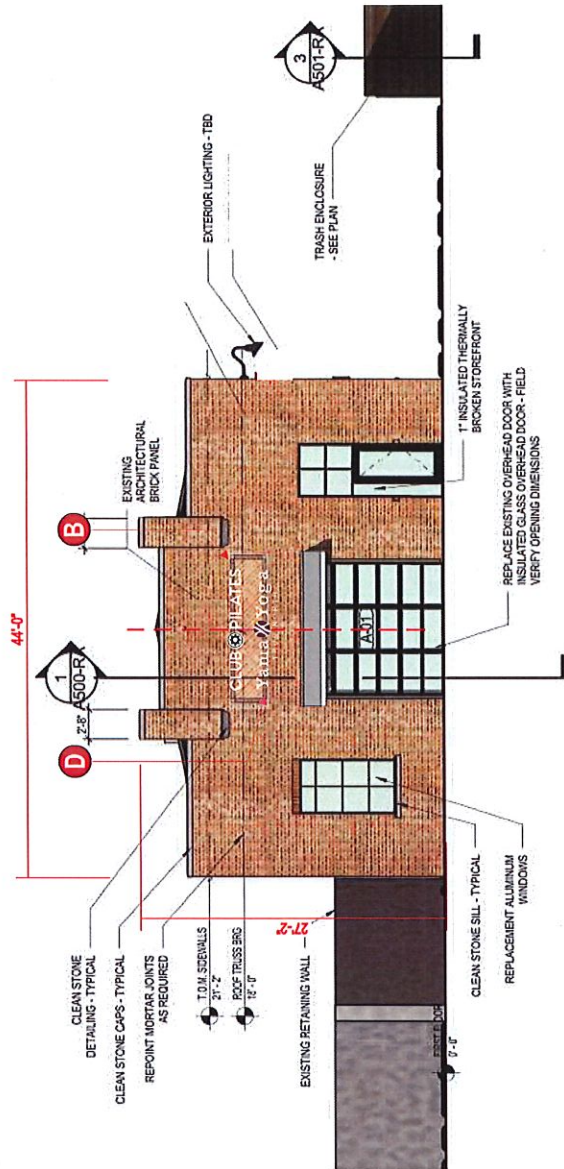
OPTION 2

REVISIONS:

Rev A	Initial selection placement	By LAM	Date 11-06-18
Rev B	Plating time, size, alignment	By LAM	Date 11-14-18
Rev C	Options	By LAM	Date 01-25-19
Rev D	Analysis in marked boxes clear	By LAM	Date 01-28-19
Rev E		By _____	Date _____
Rev F		By _____	Date _____

Original Page Size: 11" x 17"

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INS - PROJ NO.	DESIGN PG	REV NO.
TENANT		
CONCEPT PKG NO.		
00000		
ESTIMATE NO.		



SOUTH ELEVATION

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

OPTION 2

REVISIONS:		By JAH	Date 11/06/18
Rev A	Scout location placement	By JAH	Date 11/06/18
Rev B	Ballotals shroud size adjustment	By JAH	Date 01/25/19
Rev C	Correction	By JAH	Date 01/25/19
Rev D	Aluminum in attached boost chute	By JAH	Date 01/25/19
Rev E		By _____	Date _____
Rev F		By _____	Date _____

Original Page Size: 11" x 17"

0	INS - PROJ NO.	04	DESIGN PG	R4	REV NO.
TENANT					
CONCEPT PKG NO.					
00000					
ESTIMATE NO.					



Project:
Client Name

Description:
Spur 16 Mequon

Project Location:
Mequon, WI

Billing Location:

CONCEPT DEVELOPMENT

Sales Rep: MD Date: 11/06/18
Design: LAH

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REQUIREMENTS OF ARTICLE 100 OF THE SIG AND/OR OTHER APPLICABLE
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SIGN.

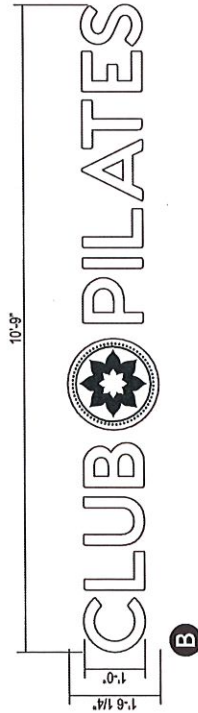
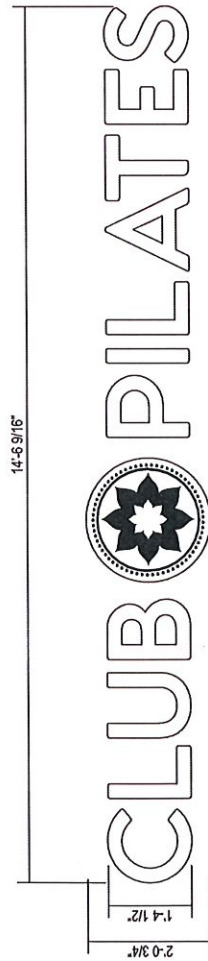
Notes

REVISIONS:

Rev A	20th description document	By: LAH	Date: 11-06-18
Rev B	20th description document	By: LAH	Date: 11-06-18
Rev C	20th description document	By: LAH	Date: 11-06-18
Rev D	20th description document	By: LAH	Date: 11-06-18
Rev E	20th description document	By: LAH	Date: 11-06-18
Rev F	20th description document	By: LAH	Date: 11-06-18

Original Page Size: 11" x 17"

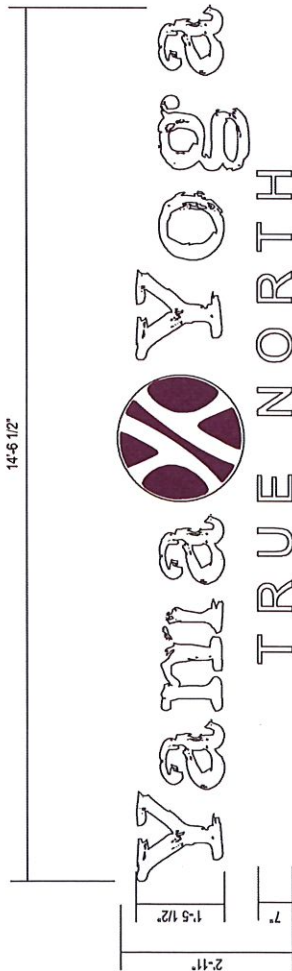
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DESIGN NO.	DESIGN NO.	REV NO.
TENANT		
CONCEPT PAGE NO.		
00000		
ESTIMATE NO.		



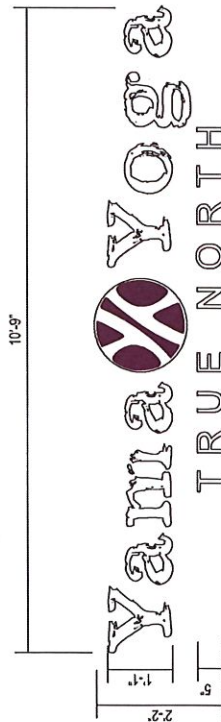
A B NON-LIT LETTERS - QTY = 2 (1 OF EACH)
Scale: 1/2" = 1'-0"

YAMA YOGA: (2 SETS) 19.67 SQ. FT. PER SET
1/4" FLAT CUT OUT ALUM. LETTERS
MOUNT FLUSH

CLUB PILATES: (2 SETS) 26.88 SQ. FT. PER SET
1/4" FLAT CUT OUT ALUM. LETTERS
MOUNT FLUSH



C



D

C D NON-LIT LETTERS - QTY = 2 (1 OF EACH)
Scale: 1/2" = 1'-0"

YAMA YOGA: (2 SETS) 19.67 SQ. FT. PER SET
1/4" FLAT CUT OUT ALUM. LETTERS
MOUNT FLUSH

CLUB PILATES: (2 SETS) 26.88 SQ. FT. PER SET
1/4" FLAT CUT OUT ALUM. LETTERS
MOUNT FLUSH

NOTE:
ARTWORK REQUIRED
PRIOR TO PRODUCTION

SignEffectz, Inc.
SIGN / LIGHTING
www.signeffectz.com
1377 W. GLINDALE AVE. MILWAUKEE, WI 53209
PH: 414-264-5504 FX: 414-264-5504



Project:
Client Name

Description:
Spur 16 Mequon

Project Location:
Mequon, WI

Billing Location:

CONCEPT DEVELOPMENT

Sales Rep: MD Date: 11/06/18
Design: LAH

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Notes

REVISIONS:

Rev A	Initial design submitted	By LAH	Date 11-06-18
Rev B	Design revised, size adjustment	By LAH	Date 11-14-18
Rev C	Design revised	By LAH	Date 11-20-18
Rev D	Adjusted to include double letter	By LAH	Date 11-20-18
Rev E		By	Date
Rev F		By	Date

Original Page Size: 11" x 17"

0 08 R4
INS - PROJ NO. DESIGN PG. REV NO.

TENANT
CONCEPT PROJ NO.

00000
ESTIMATE NO.



Project:
Client Name

Description:
Spur 16 Mequon

Project Location:
Mequon, WI

Billing Location:

CONCEPT DEVELOPMENT

Sales Rep: MD Date: 01/17/19
Design: LAH

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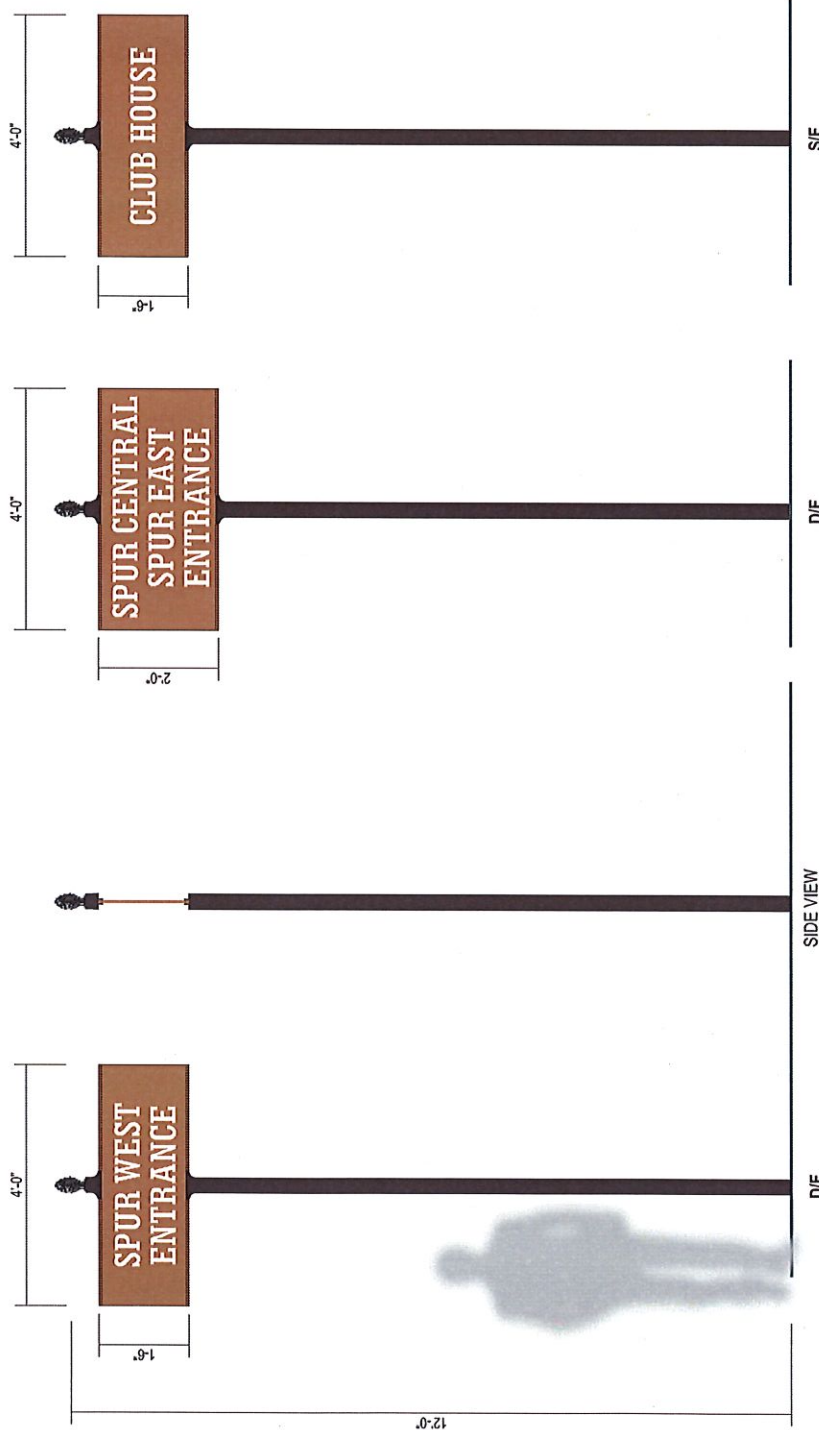
Notes

REVISIONS:

Rev	By	Date
Rev A		
Rev B		
Rev C		
Rev D		
Rev E		
Rev F		

Original Page Size: 11" x 17"

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INS - PROJ NO.	DESIGN PG	REV NO.
BUILDING ID		
CONCEPT PAGE NO.		
00000		
ESTIMATE NO.		



D/E & S/F BUILDING ID SIGN - QTY = 2

Scale: 1/2" = 1'-0"

NON-ILLUMINATED

3" ROUND POLE - BLACK
W/ STANDARD FINIAL ON TOP - TBD
.080 REFLECTIVE COPY

TO: Planning Commission
FROM: KIM TOLLEFSON, DIRECTOR OF COMMUNITY DEVELOPMENT
DATE: February 11, 2019
SUBJECT: Planning Commission Determination of Unclassified Use

To: Planning Commission
From: Kim Tollefson, Director of Community Development
Date: February 11, 2019
Subject: Planning Commission Determination of Unclassified Use

Background

The Community Development Department received an application for a Business Occupancy Permit by Legacy Pool and Hot Tubs, LLC on January 30, 2019. The occupancy permit is requested for the property located 6619 W. Mequon Road and located in the Town Center neighborhood with the zoning classification of Arrival Corridor (AC). Planning staff is unable to approve the requested occupancy permit because the use does not comply with the expressed list of retail and services uses in the AC district (see attached list). Because the applicant challenged staff's interpretation, the question was forwarded to the City Attorney for interpretation in accordance with Sec. 58-172, *Unclassified uses* as indicated below:

Sec. 58-172. - Unclassified uses.

These uses are not specifically listed and shall be considered to be prohibited except as may be otherwise specifically provided hereinafter. In case of questions as to the classification of use, the question shall be submitted to the planning commission or city attorney for determination.

The City Attorney agrees with Planning staff's interpretation. As allowed in Sec. 58-172 above, an interpretation is now being requested of the Planning Commission. When considering the interpretation of the code, the following applies:

Sec. 58-5. - Interpretation.

In their interpretation and application, the provisions of this chapter shall be held to the minimum requirements and shall be liberally construed in favor of the city and shall not be deemed a limitation or repeal of any other power granted by the state statutes.

Where a proposed use has attributes of more than one use classification it shall be classified as that use classification which it most closely reflects as determined by the department of community development.

When determining whether a proposed use is deemed permitted or conditional, the department of community development may rely on use definitions listed in [section 58-8](#)

or categories established in the NAICS (National American Industry Classification System).

Analysis

As indicated above, a pool and hot tub supplies store is not expressly listed within the Table 58-302-1 Uses in the Arrival Corridor District. The applicant requested staff interpret this use under Home Furnishings & Accessories. Staff interprets Home Furnishings & Accessories to include furniture, interior design services, wall art, and decorative accessories such as table accents, clocks, trays, linens and tableware. These items are generally movable decorations and reflect personal choice or taste.

Because Sec. 58-5 allows staff to rely on categories established in the NAICS, provided below is a listing of uses under 442 Furniture and Home Furnishings Stores within the NAICS.

- Household furniture
- Outdoor furniture
- Home electronics
- Appliances
- Floor coverings such as rugs, floor tile
- Bath shops
- Kitchenware stores
- Window Treatments
- Glassware stores

In addition, according to the Cambridge English Dictionary the meaning of **home furnishings** is: products used for decorating the home, such as furniture, carpets. US Legal cites the following definition: Household furnishings are personal property and include, among others, such items as furniture, appliances, rugs, cooking utensils, and art objects.

In comparison, the NAICS cites Swimming Pool Supply Stores and Hot tub stores under the category of *Miscellaneous Store Retailers* along with:

- Auction houses
- Cemetery memorials
- Fireworks shops
- Candle stores
- Trophy shops
- Flower shops
- Collectors' Items shop
- Home security stores
- Art supply stores

In summary staff does not find it appropriate to interpret pool and hot tub supplies stores under the use of Home Furnishings & Accessories. Should the Planning Commission agree with staff and the City Attorney's opinion, the Commission can deliberate on whether a text amendment is of interest to accommodate any of the uses listed under Miscellaneous Store Retailers.

Staff Recommendation

Planning staff recommends the Planning Commission accept the interpretation that Pool and Hot Tub Supplies is not classified as Home Furnishings & Accessories and is an unclassified use that is currently prohibited in the AC zoning district.

Attachments:

Table 58 Chart(DOCX)

Table 58-302-1 Uses in the Arrival Corridor District		
Use	Arrival Corridor	Specific Development Standards
Office & Clinic:		
Office	P	
Medical clinics	P	
Financial institutions	P	✓
Institutional & Public Uses:		
Public parks	P	
Public administrative offices and service buildings	P	
Religious institutions	P	
Public or private schools	C	
Private lodges and clubs	C	
Performing arts school and studios		
Public parking facilities, non-accessory	C	✓
Residential Uses:		
Home occupations	P	
Artist's live/work units	P	✓
Bed and breakfast	C	✓
Multiple-family dwellings, eight units per one acre	P	✓
Multiple-family dwellings, nine units to 16* ¹	PUD	✓
Planned residential development	PUD	✓
Retail & Services:		
Stationary stores	P	
Antiques, collectibles, gift or florists	P	✓
Toy, hobby or game store	P	
Luggage and leather goods store	P	
Art supply, artistic studios or galleries	P	
Camera and photography supply store	P	
Music and musical instrument store	P	
Apparel and accessories/repair	P	
Video stores	P	
Bookstores and newsstands	P	
Home furnishings and accessories 4,000 sq. ft. or less	P	

Table 58-302-1 Uses in the Arrival Corridor District

Use	Arrival Corridor	Specific Development Standards
Bicycle repair and sales	P	
Computer and software store	P	
Electronic goods store	P	
Furniture store	C	
Hardware store	C	
Garden store	C	
Drug store/pharmacy	C	✓
Planned commercial development	PUD	✓
Interior design services	P	
Graphic design	P	
Paint/wallpaper stores	P	
Optical/vision center	P	
Dry cleaning and tailors	P	
Child daycare facilities and preschools	P	✓
Veterinary clinic	P	✓
Pet supply store, grooming, daycare	C	✓
Photocopying, film development, printing and publishing, packaging store	P	
Salon and spa	P	
Fitness center	C	
Indoor recreation and amusement facilities	C	
Theatres, live performances only	C	
Farmers market	P	✓
Confectionary (chocolate, ice cream, candy) 2,000 sq. ft.	P	
Specialty food stores	P	
Tobacco, cigar or nicotine product/e-cigarette shop 2,000 square feet or less	P	
Beer, wine or liquor store	P	
Grocery store	C	
Convenience store w/o gas	C	
Gas stations	C	✓
Gas stations with car wash	C	✓

Table 58-302-1 Uses in the Arrival Corridor District

Use	Arrival Corridor	Specific Development Standards
Food & Beverage:		
Catering services	P	
Bakeries, retail	P	
Coffee shop	P	✓
Delicatessen	P	✓
Fast food restaurant, if part of a mixed-use building	P	✓
Sit-down restaurants	P	✓
Nightclubs	C	✓