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Department of Community Development
Taped and Televised

**PLANNING COMMISSION
Regular Meeting
Monday, February 13, 2017
7:00 PM
Christine Nuernberg Hall**

Agenda

1) Call to Order, Roll Call

- a) Approval of Minutes
- b) Planning Commission - Regular Meeting - Jan 11, 2017 7:00 PM

2) Consent Agenda

- a) St. John Properties for CrossFit Lozen. The applicant is seeking conditional use grant approval for a fitness center for the property located at 10520 N. Baehr Road.
- b) Alexandra Buchanan. The applicant is seeking setback waiver approval to allow for an addition on a single family residential home for the property located at 10662 N. Wauwatosa Road.
- c) Chaput Land Surveys, llc for Paul Ellsworth. The applicant is seeking 2 lot certified survey map approval for the properties located at 12543 and 12447 N. Farmdale Road.

3) Public Hearing

- 1) Michael Best & Friedrich LLP for Outpost Natural Foods Cooperative. The applicant is seeking conditional use grant approval to allow for additional delivery hours for the property located at 7590 W. Mequon Road (Outpost Natural Foods).
- 2) MSI General for Riteway Bus LLC. The applicant is seeking conditional use grant, building and site plan amendment and landscape plan approval to operate a transportation terminal (Riteway Bus transportation service) for the property located at 6926 W. Donges Bay Road.

4) Regular Business

- a) NWIH LLC DBA Dairy Queen. The applicant is seeking sign waiver approval for new logo signs for the property located at 10996 N. Port Washington Road (Dairy Queen).

5) Announcements

6) Adjourn

Dated: _____ /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
Wednesday, January 11, 2017
7:00 PM
Christine Nuernberg Hall

Minutes

1) Call to Order, Roll Call

Present:

Chairman Dan Abendroth
Alderman Robert Strzelczyk
Commissioner James Schaefer
Commissioner John Mason
Commissioner Rebecca Schaefer
Commissioner Stephanie Hawley

a) Approval of Minutes

RESULT:	APPROVED BY ROLL CALL VOTE [UNANIMOUS]
MOVER:	Robert Strzelczyk, Alderman
SECONDER:	James Schaefer, Commissioner
AYES:	Abendroth, Strzelczyk, Mason, Schaefer, Schaefer, Hawley
ABSENT:	Choren, Parrish, Stoker, Lemke
EXCUSED:	Adams

b) PLANNING COMMISSION MEETING MINUTES

2) Public Hearing

1) **Michael Best & Friedrich LLP, for Outpost Natural Foods Cooperative.** The applicant requested the item be removed from the agenda. It will be added to the next available meeting.

3) Regular Business

a) **WE Energies.** The applicant is seeking specimen tree removal approval to remove 16 trees for the above listed properties for the installation of a high pressure gas main.

Asst. Dir. Zader stated that last year WE Energies was before the Planning Commission as part of the initial phase of the underground gas main. This time there are a total of 16 trees that will be impacted by the installation of the underground main. The City Forester did visit the sites and he does recommend removal of the trees. There is one change to his report regarding the total inches of trees to be replaced. The total should be 228.75. Staff supports the recommendation to remove the trees.

Minutes Acceptance: Minutes of Jan 11, 2017 7:00 PM (Call to Order, Roll Call)

The applicant, Pat Adams; representative from WE Energies, stated that this is a follow up to completion from when they were before the Planning Commission in May 2016. These 16 trees are the remaining trees that will need to be removed in Mequon.

Commissioner Becky Schaefer clarified whether the trees are located on residential properties and not only on Wayside Nursery and she asked for assurance that the residents have been notified.

Asst. Dir. Zader explained that there are a few trees that straddle the property line of a 10 acre parcel next to Wayside. The trees are located in the easement of that property. The resident is aware that this is taking place.

Mayor Abendroth stated that Wayside is supportive of the removal of these trees. He also stated that in rerouting this gas line to this location, WE Energies worked cooperatively with the city to choose this route specifically because it saved many more valuable trees in the Mequon Nature Preserve.

Action:

Ald. Strzelczyk made a motion to approve subject to the conditions in the staff report.

Commissioner Mason seconded the motion.

Voice vote was called; vote passed (6-0)

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Robert Strzelczyk, Alderman
SECONDER:	John Mason, Commissioner
AYES:	Abendroth, Strzelczyk, Mason, Schaefer, Schaefer, Hawley
ABSENT:	Choren, Parrish, Stoker, Lemke
EXCUSED:	Adams

b) CelluSite, LLC. The applicant is seeking building and site plan approval for a cell tower located at 6131 W. Chapel Hill Road.

Action:

Commissioner Becky Schaefer made a motion to remove this item from the table.

Ald. Strzelczyk seconded the motion.

Voice vote was called; vote passed (6-0)

Asst. Dir. Zader stated that this request for a cell tower at 6131 W. Chapel Hill was tabled from last month's meeting due to the request from the Planning Commissioners to hear an opinion from the City Attorney. Asst. Dir. Zader stated that the City Attorney is present in the audience tonight and available for any questions the Commissioners may have.

On a related manner, on November 16, 2016 the City passed an ordinance to change the offset for non-residential structures. The Common Council adopted an ordinance on 01.12.17 that states either the setback or the 1:1 height ratio; whichever one is greater, would be applicable to non-residential structures that abut residential properties. In this case, with the cell tower being 195 feet in height, it would require a 195 feet setback, which this request does not comply with.

The applicant did supply an updated plan late on Friday that shows the compound at a 25 foot setback. They do still show a PVC fence; which if there is a recommendation made tonight, the fence needs to be

replaced using a brick or masonry enclosure. The landscaping also should surround the entire perimeter of the enclosure. The east side of their plan does not show any trees.

Asst. Dir. Zader stated that based on the recommendation of the City Attorney, staff recommends denial based on the ordinance that was adopted at the Common Council meeting on 01.12.17.

Dennis and Jane Hockerman - 6024 W. Chapel Hill - opposed and do not wish to speak.

Jim Ott, State Representative from the 23rd Assembly District; which includes the Chapel Hill area, stated that he was not aware of the December Planning Commission meeting because he does not live close enough to be notified but he did hear about the issue from the constituents in his district. Once he heard how upset the neighboring residents were about the proposed cell tower, he contacted T-Mobile and spoke to two of their representatives. One was a legislative liaison for T-Mobile based in Chicago. He related to them that in terms of customer relations; that this proposed cell tower was causing a lot of people in the area to be very upset about the plans to put the tower in neighbor's backyard. He heard back from T-Mobile and was told that they were having difficulties with the City of Mequon in negotiating a new contract with the Fromm Food Company for the position on the Fromm Food tower. They suggested that if they could get help in negotiating a better deal, similar to what they had, that they wouldn't be at such a financial disability. City Administrator, Will Jones, confirmed to State Rep. Ott that the City of Mequon has nothing to do with the tower; the City does not own the tower and does not take part in any negotiations.

A T-Mobile representative; who signed the affidavit presented in the December Planning Commission packet, communicated to State Rep. Ott that they would be at a \$725,000 disadvantage over the next 30 years if T-Mobile could not get the same deal they had with Fromm Foods and that is why they need to build a new tower.

The applicant, Derek McGrew representative from Parallel Infrastructure and T-Mobile along with his attorney Michael Long was present. Mr. McGrew stated that the only reason that the staff recommendations were not completed is due to a misinterpretation of the recommendations. The word enclosure was interpreted to mean the equipment and that building was changed to brick. He stated that they agree to the fence enclosure being brick as well.

Ald. Strzelczyk stated that he struggles with this issue. He thanked State Rep. Ott for his diligence on this issue. In regards to the spirit of the law, he does not feel that a cell tower is appropriate in a platted neighborhood. He also feels that the setback has not been met and that a commercial use is not allowed in a residential neighborhood. He reached out to the owner of Fromm Foods and learned that he had not been contacted by the applicant. He does not feel that diligent effort for colocation was made as stated by the applicant. He feels that the numbers seem arbitrary and he does not agree that a financial hardship would be incurred over the next 30 years. He feels that there are many other options for colocation nearby: MATC, the County tower and the Fromm Food tower. Ald. Strzelczyk stated that he feels that the applicant is taking advantage of how the law reads. The neighbors were not considered in this situation. He offered the applicant to reach out to him to be put in contact with the owner of Fromm Food to have a conversation. He is not supportive of approving this request.

Mr. McGrew stated that Fromm Foods would have been contacted prior to him getting involved 1 and ½ years ago. He firmly stated that T-Mobile did contact Fromm Foods. With respect to the financial hardship, he explained that it is a simple mathematical equation comparing the two leases over 30 years including the maintenance on a water tank and including the escalator; which is different on the water tank than it would be on this tower.

He also stated that he supplied signed and stamped real estate appraisals to Asst. Dir. Zader that state that there are no detrimental effects to placing cell towers near homes in residential neighborhoods. He stated that it is proven that there are no negative financial efforts to neighboring homes.

Ald. Strzelczyk stated that he strongly disagrees with these statements.

Commissioner Becky Schaefer stated that she agrees with Ald. Strzelczyk. She stated that she feels that there is deception from the applicant given the information from State Rep. Ott. She stated that she feels the first priority would be to contact Fromm Foods and determine if that tower is still an option.

State Rep. Ott clarified that he was told on Sunday from a T-Mobile rep that the difference between the current contract with Fromm Food and the new contract for the proposed tower is \$1,000/month. T-Mobile also stated that they prefer to keep their location on Fromm Food tower if a deal could be reached.

Commissioner Becky Schaefer stated that it is difficult to approve this request with the information communicated from State Rep. Ott as well as the issues raised by Ald. Strzelczyk; setback and use.

Mr. Long, attorney for the applicant, stated that there are vested rights from when the application was made and not from when it was approved by the City. He feels that the zoning standards that should apply should be the requirements that were in place back in November of 2016 when the application was made and not the new standards that were adopted last night.

Mr. Long stated that in conversations with the City Attorney it was communicated to him that the City has done its due diligence and the new standards apply to the cell tower. He suggested that a middle ground could be reached. He explained that they could provide a letter to the City that the tower is able to be designed to collapse into itself in an area smaller than the applicable setback. The setback requirement would than not apply.

Mayor Abendroth stated that applies to the setback but the ordinance specifies the side yard offset. It has nothing to do with the tower being able to collapse into itself. It has to do with the height of non-residential structures that are adjacent to residential structures.

Mr. McGrew explained that Mr. Long was referring to state code 64.04040 that states that if a letter is provided that states that the tower will collapse within a smaller radius than the setback, then the setback doesn't apply. He feels that it is not legal to change the ordinance in the middle of deciding this issue. He stated that they were in compliance of the offset at the time of the application in November 2016.

Commissioner Mason asked the applicant if they are willing to go back to Fromm Food to try to negotiate a deal with them as this is the most desirable outcome for everyone.

Mr. McGrew stated that he can relay to T-Mobile that the desire is for T-Mobile to work with Fromm Food. He is not able to make that decision.

Asst. Dir. Zader explained that they applicant would need to agree to an extension from the 90-day deadline. The 90-days are up on Friday. If they do not agree then a decision needs to be made this evening.

Mr. McGrew stated that the want a decision tonight.

Action:

Ald. Strzelczyk made a motion to deny the request based on the application not being complete or accurate, the lack of effort to collocate as stated and the fact that they do not meet current offset requirements.

Commissioner Becky Schaefer seconded the motion.

City Attorney, Brian Sajdak, stated that statue that is being referenced was not part of his review. He has not done an analysis of whether it applies or not, although at first glance it does appear to apply. He stated that it is a drastic change from the state of the law. The building permit application was normally the trigger point. There is not a building permit in this case. He cautioned the Planning Commission that there may be vested rights involved that were not part of the discussion in his memo.

Mayor Abendroth state that historically the City has operated that vested rights are something that is awarded once something is acquired. Filling out an application does not warrant vested rights.

Ald. Strzelczyk added an amendment to his motion that there is a discrepancy of the financial hardship claimed by the applicant.

Commissioner Becky Schaefer accepted the amendment.

A roll call was taken; vote passed 5-0 (No: Mason)

RESULT:	RECOMMENDED [4 TO 1]
MOVER:	Robert Strzelczyk, Alderman
SECONDER:	Rebecca Schaefer, Commissioner
AYES:	Abendroth, Strzelczyk, Schaefer, Hawley
NAYS:	Mason
ABSENT:	Choren, Parrish, Stoker, Schaefer, Lemke
EXCUSED:	Adams

c) Mallery & Zimmerman for Forward Dental. The applicant is seeking exceptions to the Town Center Window Area Obstructions per section 58-301(1)(2)(c) for the property located at 6048 W. Mequon Road (Forward Dental).

Asst. Dir. Zader stated that this was before the Planning Commission last year with a building and site plan amendment request to put up blinds in Forward Dental in the Town Center. The Planning Commission denied that request. Since then, city staff and the Common Council have worked on an ordinance pathway to allow for some guidelines for window coverings. It also provided an exception if those requirements are not being met. The applicant has the same request today to use the window blinds at limited times, but in order to mitigate the impact of those blinds, the applicant has been working with staff to come up with some design alternatives. Renderings were shown of the Forward Dental space with awnings on the west, south and north elevations. The awnings have been increased to 60 inches in depth; this is the primary difference between what is shown in the packet. They are also showing a decorative band with some lettering and some stripping. Staff is supportive of the awnings. The only issue is that there are too many instances of the name being presented. Staff would like to eliminate the middle two bays and suggested that they could add their logo other places. Staff will continue to work with the applicant on a final design, but staff does recommend approval.

The applicant, Peter Young from Forward Dental, was present and appreciates the time staff has put into finding a resolution.

Commissioner Mason thanked the staff and applicant for working together to find a solution. He commented that he is glad that Forward Dental is part of the community and he is supportive of this request.

Commissioner Jim Schaefer feels that they have reached a good compromise and he likes how it looks. He does agree that there are too many name signs.

Mr. Young agreed with that and stated that they will flush out details with staff.

Action:

Mayor Abendroth made a motion to approve subject to staff comments.

Ald. Strzelczyk seconded the motion.

Ald. Strzelczyk thanked Forward Dental for taking the time to work with himself and staff.

Voice vote was taken; vote passed 6-0.

RESULT:	APPROVED [6 TO 0]
MOVER:	Dan Abendroth, Chairman
SECONDER:	Robert Strzelczyk, Alderman
AYES:	Abendroth, Strzelczyk, Mason, Schaefer, Schaefer, Hawley
ABSENT:	Choren, Parrish, Stoker, Lemke
EXCUSED:	Adams

d) Dermond Property Investments. The applicant is seeking specimen tree removal approval to remove 13 trees to allow for a 3-story, 33 unit multiple family residential development located at 11130 N. Buntrock Avenue.

Clair Miller Krause - 8824 W. Highland Road - opposed, does not wish to speak.

Asst. Dir. Zader stated that this project has been in front of the Planning Commission several times. The ordinance was passed in 2015. At the time there were 2 specimen trees that were approved by the Planning Commission to be removed. The building location was changed a few times in efforts to save some of the trees. All the approvals have been granted and they are beginning to dig and in the process of applying for their building permit when it was discovered that some of the trees that were identified on the plan were not in the exact location they were thought to be. There were four trees previously tagged by the City Forester that are located in the building pad not shown on the approved plan. There are a total of 13 trees that the applicant wishes to have removed. The City Forester looked at the site and determined that if the building pad does not get moved, that those trees would not survive. The trees are in good shape and the City Forester does not recommend removal unless the Planning Commission feels that the building pad should stay in that location. It is unfortunate that the trees need to be removed; Staff feels that due to having been through all the procedures and processes; including a development agreement that includes some TIF incentive financing, that this is a valuable project and staff supports the request to remove the trees. Staff has a concern about the north elevation now being exposed, until the brewery site gets developed. The applicant did provide a landscaping plan but Staff does not feel that it is significant enough to make up for the lack of screening due to the removal of the trees. It is noted in the staff report to revisit the north elevation to look at material changes; possibly adding some additional brick. The

applicant has communicated that instead of changing building materials, they would prefer to spend the money on larger landscaping than what is currently proposed. Larger trees are desired there although there is limited space to plant there.

The applicant was represented by Nora Pecor from Dermond Property Investment, Joe from Graef and Jim Peterson from Catalyst Construction.

Mayor Abendroth asked the applicant if they have considered any alternatives to taking down the trees; moving the building or changing the size of the building.

Ms. Pecor answered that they have considered those options but their site is very tight and the project works financially with the proposed 33 units. If they change the size they would lose the number of units. They have spent a lot of time getting the project to work and they do not feel that any other options are viable for them. They are committed to planting new trees and they will spend the money needed to make sure the trees are mature enough and they will work with the city to ensure that the staff is supportive of what will be planted there. She stressed that they would like to move forward at this point.

There was discussion about the possibility of moving the building or adding an extra story on top. The applicant communicated that adding an extra story is quite expensive.

Mayor Abendroth stated that the tree ordinance states that request for tree removal shall be submitted prior to preliminary plat or land division approval shall be granted. This request should have been made before the approvals were granted and this violates the tree ordinance. City staff, the City Forester and the Planning Commission has the right to request alternative options from the applicant. It is understood that there is not much flexibility on this site. This can be waived and considered a hardship or unreasonable difficulty. By not increasing the building size or increasing the density; is an issue because it violates the tree preservation ordinance. He asked if there is a way to find a compromise to these issues.

Asst. Dir, Zader stated that the Planning Commission has the authority to support the hardship definition; which is subjective. The argument can be made that there is a functional utility in terms of the size of a lot and that by reducing the overall development area of a lot there is undue hardship.

He added that staff is also uncomfortable that the trees need to be removed after making such efforts to save them, but given that the project is so far along in the process it makes sense to do so for this specific project. He added that given the spirit and intent of the process, these trees were originally planted as screening and are not old growth forest with the primary intent of the specimen tree ordinance in terms of preservation.

Ald. Strzelczyk asked for confirmation that the City Forester did not recommend the removal of the trees.

City Forester, Mike Gies, stated that he went line by line of the tree preservation ordinance guidelines and he does not feel that there is a hardship presented. There were major mistakes made. If the building is allowed to remain where it is, there is no chance for the trees there to survive. There is already silt fence put through the roots of these trees that would normally not be allowed from the beginning of the process. He marked the trees in November and at that time there was no proposal to remove any of the trees. He marked them to make sure they stayed preserved during the initial removal phase. He wrote his report based on the ordinance.

Ald. Strzelczyk stated that he feels that this is a great project but he is hesitant. It is a very high density on a very small lot. He feels that a lot of the decisions made by the Planning Commission were based on a well screened area by the property line to the north. This is a TIF incentive property with a density higher

than the city would normally be comfortable; although Town Center does allow higher density. He feels that to remove the screening at this point is a struggle, he would like alternate options, but he does want the project to move forward.

Mayor Abendroth asked Mr. Gies about the applicant replacing the trees there and what could be expected.

Mr. Gies answered that there are limitations on what can be planted there due to the small space. A small variety of Evergreen could be used there. If approved, he will work with the landscaper to provide some texture there. The trees there are in very good shape. He stated that even if the building was shrunk by 10 feet that would probably still not be enough space to save the trees. Most of the trees there are in the 14 - 16 DBH range and would have lived another 20-25 years if nothing had been done to them.

Commissioner Jim Schaefer stated that he is not happy that materials on the north side of the building were previously approved because of the screening provided by the trees that were on the north elevation and now those trees are going to be removed but additional materials are not going to be added to the building. He does not want to approve taking the trees down and he feels that the applicant needs to find another solution.

Asst. Dir. Zader stated that staff is comfortable with the idea but he feels that the applicant does not want to table this approval as they are ready to dig and remove the trees prior to the next Planning Commission meeting.

Ms. Pecor stated that she is agreeable to most of the requested revised plans but they do want a footings and foundation permit granted to start work on the rest of the building. She is willing to pay the \$13,400 to the tree fund. They will revisit the north elevations but they are not able to do all brick; as it is too expensive. The proposed trees will grow to 20-30 feet tall. They too want their residents to see trees and not brick.

Mayor Abendroth stated that the north elevation does not need to be all brick. The Planning Commission felt that it was too plain but the trees were there which help add to the façade. He stated that a really good landscape plan needs to be brought back before the Planning Commission for approval.

Action:

Mayor Abendroth made a motion to approve the item with the \$13,400 paid to the tree fund, applicant needs to return with a landscape plan and revised north elevation.

Commissioner Mason seconded the motion.

A roll vote was called, vote passed 6-0

RESULT:	APPROVED [6 TO 0]
MOVER:	Dan Abendroth, Chairman
SECONDER:	John Mason, Commissioner
AYES:	Abendroth, Strzelczyk, Mason, Schaefer, Schaefer, Hawley
ABSENT:	Choren, Parrish, Lemke, Stoker
EXCUSED:	Adams
NOT PRESENT:	

4) Announcements

5) Adjourn

Action:

Ald. Strzelczyk made a motion to adjourn.
Commissioner Hawley seconded the motion.
A voice vote was taken; vote passed 6-0

Meeting adjourned at 8:23 pm.



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Office of Community Development

TO: Planning Commission
FROM: JAC ZADER, ASSISTANT DIRECTOR COMMUNITY DEVELOPMENT
DATE: February 13, 2017
SUBJECT: St. John Properties for CrossFit Lozen. The applicant is seeking conditional use grant approval for a fitness center for the property located at 10520 N. Baehr Road.

Applicant:	Alexis Machuga
Status of Applicant:	Agent
Requested:	Conditional Use Grant
Proposed Use:	Health Club
Existing Zoning:	B-5 (Industrial)
Land Use Plan:	Industrial
Location:	10520 N. Baehr Road
Tax Key:	#14-026-10-005.00
District:	#4

Background:

The applicant requests a conditional use grant to operate Crossfit Lozen, a health club facility, located at 10520 N. Baehr Road. The applicant is proposing to lease 5,000 square feet of the existing multi-tenant building (see attached floor plan). No exterior modifications to the building are proposed at this time.

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

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

The proposed use should not endanger the surrounding area; all of the activities will take place within the building and will be monitored by certified trainers.

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

The Land Use Plan designates the site as Industrial and is zoned B-5, Light Industrial. All adjacent properties are zoned B-5 as well. A health club can be considered compatible with the Land Use Plan designation and expected industrial uses in the area. Often facilities such as these, or similar uses such as health clubs, are found in business park settings. In the past, the Planning Commission has approved other similar uses (Splash, Give Me Strength, Askren Wrestling Academy, Athletic Performance) located in industrial areas.

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

The proposed activities of the health club fit the character of the surrounding area. The hours of operation at the site will be between 5:15 A.M. to 8:00 P.M. Monday thru Friday and 7:00 A.M. to 11:00 A.M. on Saturday. Planning staff believes the proposed use and activities should be harmonious with the surrounding uses.

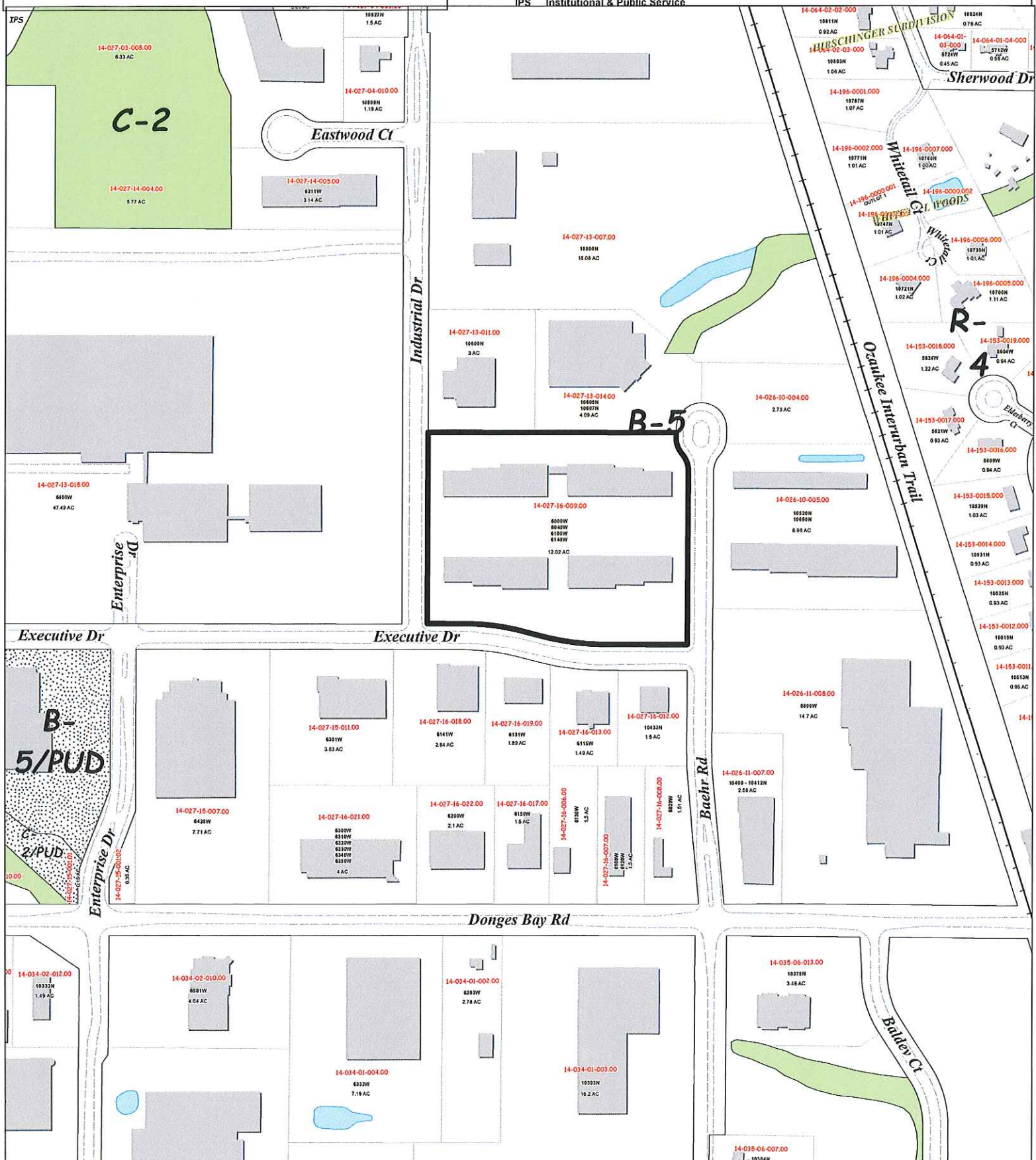
Staff Recommendation:

Staff recommends approval of the conditional use grant based on the following condition(s):

- . Staff review and approval of final floor plans.

Attachments:

Packet (PDF)



Business Plan

Hannah Landgraf

Alexis Machuga

Nina Puch

CrossFit Lozen

I. General Company Description

Mission Statement

To build a strong, healthy, and active individual within our community.

CrossFit Lozen will be a crossfit specialty gym that will offer crossfit classes, personal training, kids specific classes, group training for athletes, nutritional services, and corporate wellness. CrossFit Lozen will pride itself on its sense of community, morally and ethically sound staff, and also its passion for a healthy lifestyle for each member. Within one year of being open, our goal is to be the #1 crossfit gym in Ozaukee County. Being the #1 crossfit gym in Ozaukee County will include being able to provide the highest quality coaching, cleanliness of our facility, lowest rate of member loss, high star reviews on social media, and community service.

CrossFit Lozen has been approved to be a limited liability corporation as of November 22, 2016; the crossfit affiliate application was approved on December 13th, 2016.

Crossfit itself has become popular throughout Ozaukee County, and the country, as a means of working out. As of 2016, crossfit has a total of 13,000 affiliate gyms in more than 120 countries, according to CNBC; in 2005, there were a total of 13. Three of those 13,000 crossfit gyms – CrossFit Unbroken, Moro Performance, & CrossFit IF – are within Ozaukee County, but each are very different types of affiliate gyms. CrossFit Unbroken focuses more on personal training than your average affiliate gym and Moro Performance offers well-rounded crossfit classes and has top of the line equipment. Moro Performance lacks a sense of community within their gym and CrossFit Unbroken focuses more on strength and conditioning/personal training than crossfit. CrossFit IF is the only gym that is run by a female in Ozaukee County and began in 2005 as Inspiring Fitness. CrossFit IF is located on the north side of Port Washington and also has a cap on the number of members.

CrossFit Lozen will be very community based and will spend an ample amount of time focusing on crossfit itself. Our programming will be one of our strengths; spending time programming a full month in advance. We want our members to stay healthy and continue to progress without overtraining.

CrossFit Lozen will pride itself on its services and the quality of those services. We will reflect our membership pricing on the high quality classes, the cleanliness and condition of the facility and personal training that our members will receive. CrossFit Lozen will be a gym that will be open to all ages and genders, although, we predict that a majority of our members will be women from ages 20-35. The average crossfit gym has a split 50%-50% population of men and women, according to a study done by Rally Fitness.

With the dramatic growth in popularity, crossfit has become more like a way of life for many individuals. Many success stories through crossfit don't include qualifying for the CrossFit Games, but include weight

loss, shedding medications members take, climbing out of depression, or finally feeling part of something. As previously stated, in 2005 there was only a total of 13 crossfit gyms across the U.S.; 11 years later there is over 13,000. The crossfit community is constantly growing, constantly evolving, and constantly reaching new heights. Wisconsin will see a new side of crossfit as Madison will be the host for the highly popular CrossFit games for the next three years. At the 2016 CrossFit Games there was an attendance from over 60,000 people and it's expected to have an increase to that number in 2017. Bringing the CrossFit Games to Wisconsin will give affiliate gyms across the state the opportunity to open its doors to people from across the globe.

With the popularity of crossfit on the rise, that means that each affiliate gym must be able to stand out from one another. There are a few different advantages that CrossFit Lozen has that its competitors don't. To begin, an all women coaching staff will draw in a high population of women and girls of all ages. Many women feel intimidated entering a gym with an all male coaching staff so we will provide members with a sense of comfort. Next, each of our coaches have played sports at the college level. Lexi and Nina both played hockey for Concordia University, and Hannah played basketball and soccer for Lakeland University. Having collegiate athletic experience will give CrossFit Lozen the advantage of targeting high school athletes who are looking to continue their athletics post high school graduation. Another strength that CrossFit Lozen has to offer is each one of our coaches and investors actually participates in crossfit itself. There are local crossfit gyms whose owners don't participate in crossfit which can give members the wrong impression. As coaches it is important for us to understand what our members are experiencing. The final strength that CrossFit will offer is its constant drive to succeed and to see our member succeed. Their success will be the reason they keep coming back and that will keep CrossFit Lozen at the top.

CrossFit Lozen will be a LLC because its flexibility and its favorable tax savings. It will also give our business credibility with potential customers, employees, and partners.

II. Products and Services

CrossFit Lozen will be equipped with state of the art training equipment that will ensure a safe environment for our members. With that training equipment, coaches will be providing safe, effective, and efficient crossfit classes. Specifically, these classes will entail constantly varied functional movements performed at high intensities. Each class will be an hour long, and within that hour members will get a warm up, strength training, and a high intense finishing workout.

Advantages of our facility begin with the open floor plan itself. This space will allow us to instruct CrossFit workouts in the most advantageous way. Also every coach on our staff will be able to perform, understand and safely coach all movements seen in CrossFit. CrossFit Lozen will be offering a wide variety of class times throughout the day, along with open gym hours to meet all of our members needs. Members at

CrossFit Lozen will have access to not only indoor but outdoor training space as well being only yards from the Interurban Trail. Understandably not every person that enters the door will be familiar with CrossFit. To ensure safety and efficiency in all classes CrossFit Lozen will offer foundation classes to instruct and introduce new members to all movements performed in CrossFit.

CrossFit Lozen will offer a variety of memberships. Our standard membership will include unlimited CrossFit classes and access to open gym offered at \$140.00 a month. College students and high school students will be offered a discounted membership for \$70.00 a month for unlimited CrossFit classes and access to open gym. A couple membership will be discounted to \$240.00 a month and offer the standard membership access. Family packages will start with a base of three members for \$300.00 and \$60.00 for each additional member. Drop-in fees will be a standard rate of \$20.00, which gives a person access to one CrossFit class or partake in open gym on their own. Lastly, punch cards will be available to purchase for \$100.00, this gives a person access to ten (10) CrossFit classes within one year from the purchase date. A safety waiver of liability will be signed by every member upon the time of their registration at CrossFit Lozen either as a member or guest.

III. Marketing Plan

Marketing will be used by CrossFit Lozen in various ways to ensure success. Networking will be a major key. A one page flyer with a summary of CrossFit Lozen will be assembled of our services and facility will be emailed/mailed to people we know in the area. A website will be created with a brief background of the owners, staff, and facility with access to the daily schedule as well as up to date information and events of what is happening at CrossFit Lozen. Also, CrossFit Lozen will have its own social media account on Facebook, Twitter and Instagram as well - a link to CrossFit Lozens website will be on each account. According to The University of Michigan News center, 71% of our target area, adults, use Facebook compared to other social media pages

(<http://ns.umich.edu/new/releases/22605-facebook-still-has-most-users-but-other-social-media-sites-grow>).

Therefore, CrossFit Lozen will be paying Facebook for the first three months among opening to promote the page. CrossFit Lozen also intends to reach out to the Ozaukee News graphic to touch basis with a local reporter to inform the public about the up and coming business as well as what CrossFit is itself. At CrossFit Lozen the members come first and will be taken care of, which in turn will result in word of mouth referrals to their friends and family. Apparel will be sold to members and drop-in guests which will be worn outside the gym, thus promoting CrossFit Lozen wherever the person may be who is wearing the apparel. In order to keep a good relationship with each member CrossFit Lozen will send monthly

e-newsletters with any updates, changes, or upcoming events to keep everyone on the same page and up-to-date. In order to market to college and high school students, flyers will be posted at local colleges and high schools, the closest being Concordia University of Wisconsin with a total enrolment of 8,161 student as of 2015 and Homestead High School whom has an enrollment of 1282 students as of 2015.

(<https://www.cuw.edu/about/numbers/facts.html>).

These flyers will be approved by student life and administration, and will be posted on event boards around the campuses to ensure maximum exposure to thousands of students on a daily basis.

Economics

Facts about your industry:

- CrossFit Lozen's market will include all Ozaukee County residence, Germantown, the north shore, and visiting people in the area.
- There is a high demand for CrossFit in the area due to its up and coming popularity, people in need to lose weight, and people looking for the community aspect while working out.
- The CrossFit 2016 open had 324,307 participants from 175 countries, this competition is held every year in which athletes can partake in through their local gym.
- The growth of CrossFit Lozen is inevitable, "CrossFit, Inc. is the fastest growing community of fitness services businesses of all time. Starting with 13 affiliates in 2005, they now have approximately 12,000 affiliates in 2015."
(<https://openforum.hbs.org/challenge/understand-digital-transformation-of-business/business-model/crossfit-the-fastest-growing-affiliate-company-of-all-time>)
- Barriers of entry into this market:
 - Prior to opening, a one time bulk purchase of equipment will need to be made, inflated slightly to approximately \$30,000.
 - Working capital: day-to-day operations until CrossFit Lozen become consistently profitable, payroll for staff, private loan payments, cleaning supplies, apparel, utilities, rent.
 - Annual CrossFit affiliation fees
 - Consumer acceptance and brand recognition
 - Training and skills
- CrossFit Lozen plans on overcoming barriers by constantly receiving member feedback and getting an understanding of how we can constantly improve. It is vital that we are open to constant growth as business owners and coaches. Coaches will be urged to receive new certifications and education so we can constantly separate ourselves from our competitors. Coaches and management also will pride themselves on organization, ethics, eagerness to meet members requests and concerns, and the drive for constant success. CrossFit Lozen has taken the time to create a very accurate profit/loss projection, and has also taken the time to do research involved with creating a successful business.

Features

Features: CrossFit classes, personal training, athletic team training, nutrition services, corporate wellness and apparel.

Customers

Demographic profile/ Target Groups:

- 25-35
- Female/Male
- Location: Ozaukee County
- Middle Class
- Overweight individuals, anyone looking to get more functional to athletic individuals.

Competition

Two most important competitors :

(A) CrossFit Unbroken: W69N5289 Columbia Rd. Cedarburg, WI 53012

(B) CrossFit Inspiring Fitness: 1214 County Rd. A Port Washington, WI

- Both will compete with us for customers, services offered, and rates.

Table 1: Competitive Analysis

FACTOR	Me	Strength	Weakness	Competitor A	Competitor B	Importance to Customer
Products		x				2
Price		x		cheaper	cheaper	2
Quality		x				1
Selection	newer		x	< classes		2
Service		x				2
Reliability		x				1
Stability		x		Unstable	Stable	2

Expertise	Starting business		x			3
Company Reputation	Starting business		x			3
Location	Hard to see from roads		x	Good	Far north	3
Appearance		x				2
Sales Method						3
Credit Policies						3
Advertising						3
Image		x				2

1=Very important, 5=Not important

In comparison to our competitors CrossFit Lozen matches up pretty well. Although we do have weaknesses our strengths out-weigh them. CrossFit Lozen is newer however the location will out-weight that. Also CrossFit Lozen has less expertise in the sense that as coaches we are younger and have less experience but our reputation as individuals is better. Our quality of classes is better as well as more opportunities within our facility due to the layout.

Promotion

CrossFit Lozen will take care of their members therefore word of mouth will be heavily relied upon. We will be offering a “special” to the first 20 members who join CrossFit Lozen - they will receive a free nutrition consultation with their membership. The use of social media sites will also play a crucial role with offering promotions, and engaging with the local businesses and the community to create relationships.

Promotional Budget

Money will only be spent on promotional advertising if necessary and all other means of free advertising are exhausted.

Pricing

Our pricing is based upon competitors and what members are getting for their monthly membership. We are starting prices slightly lower than competition to build a clientel. Also, package options are offered to promote more than one person in a family to join. Prices will be increased over time if the margin demands so.

Proposed Location

A proposed location is currently being pursued at 10520 N Bachr Road Mequon, WI 53092, suite J . This location is almost directly in the middle of all clientele being sought out. Also, this building has access to ample parking which local competitors do not. This location also offers a very member friendly environment due to its cleanliness, space, and accessibility.

Sales Forecast

Best Guess- Monthly Income \$15,040.00

Worst Case- Monthly Income \$8,525.00

IV. Operational Plan

CrossFit Lozen will open approximately 15 minutes prior to its first class of the day and close 15 minutes after the last class.

Location

- 5,000 sq. ft
- Warehouse/office space
- handicap accessible

Cost:

Rent- \$3850/ mo

Utilities: Approx. \$450.00/mo

Taxes: \$5,000.04/ yr

Insurance: Approx. \$1200/ yr

Hours of Operation:

Monday-Friday: 5:15 am - 8:00 pm

Saturday: 7:00 am - 11:00 am

Legal Environment

Describe the following:

- CrossFit affiliate approval
- Informed consent and assumption of risk waiver
- Zoning must be approved through the City of Mcquon
- Insurance coverage is through a CrossFit RRG - pending

Personnel

- Skilled Labor
- 3 employees
- Experienced staff
- Two full-time, one part-time
- Nina: accounting, Hannah and Lexi: programming and coaching
- Schedules will be written two (2) weeks in advance

Inventory

- CrossFit Lozen apparel, recovery drinks, protein supplements.

V. Management and Organization

Lexi and Hannah will be in charge of day to day management of CrossFit Lozen. Both have experience with prior management of CrossFit gyms due to prior employment. Examples of day to day management and organization are: opening and closing the facility, cleaning, taking out garbage, running classes, checking e-mails, returning phone calls, engaging with members and potential members, and processing finances and memberships on Zenplanner.

Professional and Advisory Support

List the following:

- Attorney : Daniel S. Galligan
- Accountant : Nina Puch
- Insurance agent : Pending
- Banker : US Bank

VI. Startup Expenses and Capitalization

CrossFit Lozen's startup expenses are approximately \$45,000. Our biggest expense will be the purchase of all equipment needed. Approximate cost of equipment has come to \$29,000. Equipment expenses include barbells, bumper plates, rowers, a rig, kettlebells, gymnastic rings, medicine balls, assault bikes, plyometric boxes, GHD machines, ab mats, resistance bands, and jump ropes. The approximate startup expenses include one (1) month of rent, one (1) month of utilities, insurance, and marketing expenses.

We have developed a shareholders agreement through our lawyer that is available upon request. This document includes %'s of income that is paid back to our sole investor.

VII. Financial Plan

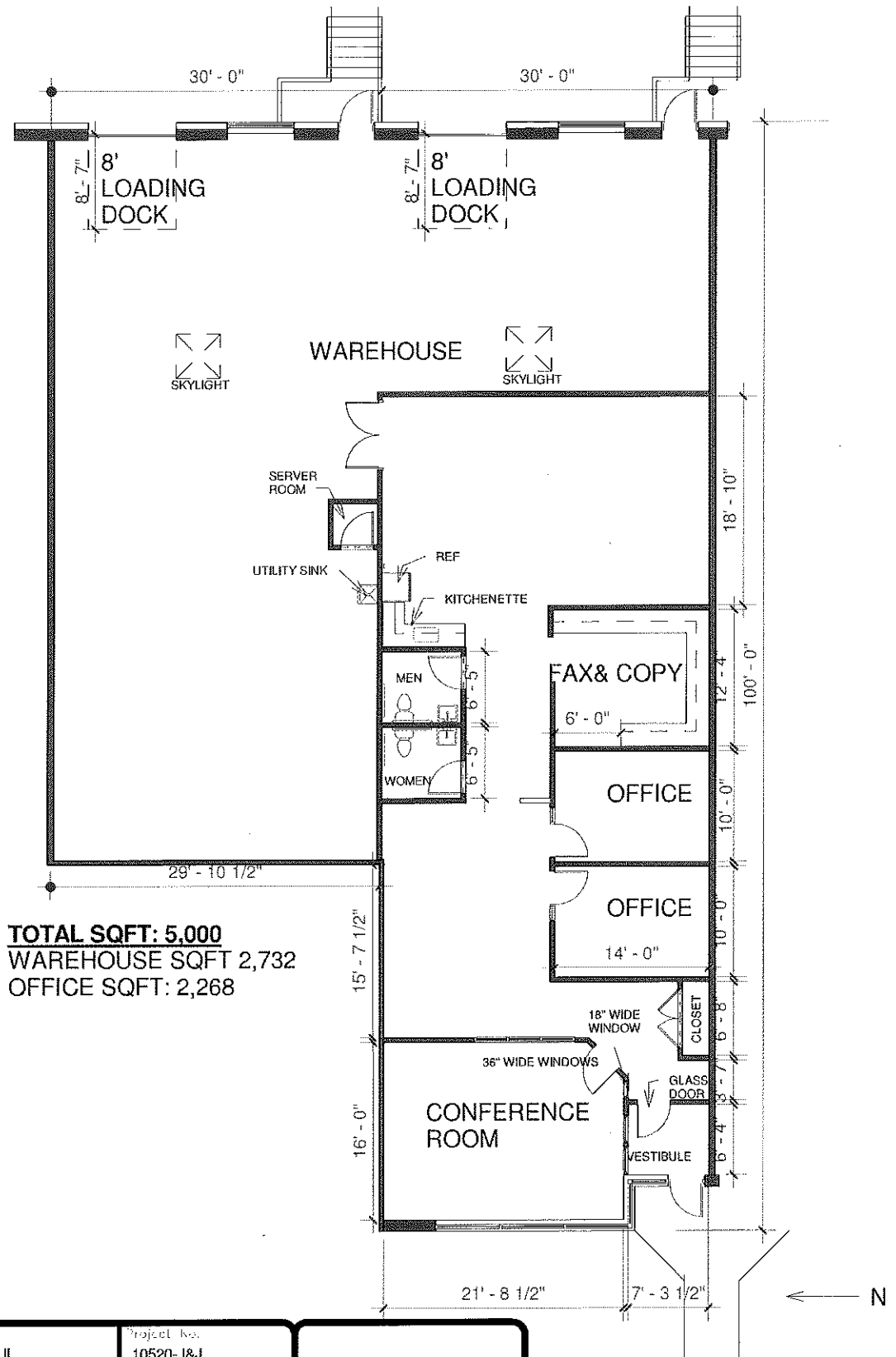
Our profit/loss document is available upon request. It is broken down into a 12-month projection.

Projected Cash Flow

CrossFit Lozen will have an income every month due to monthly memberships that are paid in advance. Our highest percent of income will come from our memberships. It is crucial that we keep an updated cash flow to prevent financial concerns. Payments for memberships are due prior to members participating in classes, personal training, or nutrition services.

Break-Even Analysis

With our projected startup cost of \$45,000, our business will need to make approximately \$3,750/month to cover the costs of the initial startup. That would require CrossFit Lozen to have 27 members holding a \$140/month standard membership.



MEQUON RESEARCH CENTER II
10520 N. BAEHR ROAD

Project No.
10520-18J

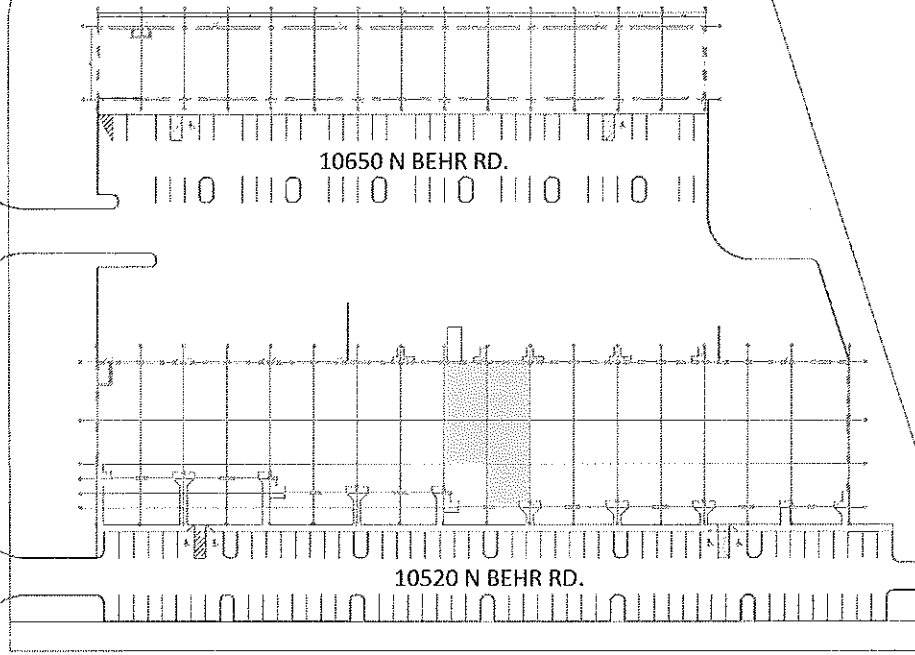
Date
2/16/2016

Scale
1 : 150

PROPOSED FLOOR PLAN



N BEHR ROAD



MEQUON RESEARCH CENTER II
10520 N. BAEHR ROAD

PROPOSED FLOOR PLAN

Project No.
10520- I&J

Date
2/16/2016

Scale
1: 150



CONDITIONAL USE GRANT

Articles of Agreement made and entered into this 13th day of February, 2017 by and between _____ owners of the property located at 10520 N. Baehr Road and the City of Mequon Planning Commission.

Before the Planning Commission of the City of Mequon, Ozaukee County, Wisconsin, in regard to the premise located in Section 27, Range 21 East, in Township 9 North, Ozaukee County, State of Wisconsin, further described as follows:

RETURN TO:

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

PARCEL NO.:

LEGAL DESCRIPTION

Exhibit A-1

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

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

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

GRANTED by action of the Planning Commission of the City of Mequon this 13th day of February 2017.

Christine Nuernberg, Mayor, Planning Commission Chairperson

Acknowledgment:

STATE OF WISCONSIN))SS
OZAUKEE COUNTY)
Personally came before me, this ____ day of _____, 2017, the above named _____,
Mayor, to me known to be the person who executed the foregoing instrument and acknowledged the same.

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

Planning Commission Secretary

Acknowledgment:

STATE OF WISCONSIN))SS
OZAUKEE COUNTY)
Personally came before me, this ____ day of _____, 2017, the
above named _____, Planning Commission Secretary, to me known to be
the person who executed the foregoing instrument and acknowledged the same.

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

Attachment: Packet (2104 : St. John Properties for CrossFit Lozen)

Conditional Use Grant

The **CONDITIONS** of this Grant are:

1. This grant shall become effective upon the execution and recording by the owners and operators of the Premises of an acceptance hereof in such form as to constitute an effective covenant running with the land.
2. This grant shall expire and become void unless, pursuant to the building and zoning codes of the City, the approved use is commenced or the building permit is obtained within twelve (12) months of the date of Planning Commission approval noted above, or actual construction is commenced within twelve (12) months of the date on which the building permit was issued.
3. This grant is subject to amendment and termination in accordance with the provisions of the Zoning Code of this municipality.
4. Construction and operation of the use granted shall be in strict conformity to the approved site, building, and operations plans filed in connection with the Petition for this Grant, and annexed hereto.
5. Any of the conditions of this Grant which would normally be the responsibility of tenants of the Premises shall be made a part of their lease by the Owner, which lease shall contain provisions for posting of the pertinent conditions to notify employees thereof.
6. This grant shall automatically be null and void if this use is discontinued for a period of twelve (12) months.
7. The City of Mequon shall be held harmless from any claims or losses to the City or its residents including reasonable attorney fees arising from or related to use of the facilities.
8. **Conditions on the Operations:**
 - a. Hours of operation:
 - Monday through Friday: 5:15 A.M. to 8:00 P.M.
 - Saturday: 7:00 A.M. to 11:00 A.M.
 - b. Performance standards relating to parking, noise, vibration, odor, smoke, dust, and light: As per City ordinance and as further designated under letter (e.) below.
 - c. Water supply requirements:
Private Well
 - d. Provisions for sewage disposal:
Public sanitary sewers.
 - e. Other:
 - If the conditional use shall become hazardous, harmful, noxious, offensive or a nuisance to the surrounding neighborhood, or if material problems shall arise with respect to noise, traffic circulation, ingress and egress, parking, unenclosed storage, lighting, maintenance, or any other condition which shall materially threaten health or safety or to become a nuisance condition, the Grantee shall correct or improve such condition, and toward that end, the Planning Commission, after public hearing, may alter, amend or add reasonable additional Conditional User Grant conditions in order to ameliorate such effects, or in the case of violation of the Conditional Use Permit, may revoke the Conditional Use Grant.
 - If, despite efforts to prescribe conditions which render the conditional use harmonious in the surrounding neighborhood, problems shall arise with respect to noise, traffic circulation, ingress and egress, parking, unenclosed storage, lighting, maintenance, or any other condition which shall materially threaten the peace and enjoyment of neighboring properties, or shall become hazardous, harmful, noxious, offensive or a nuisance to the surrounding neighborhood, or shall threaten health or safety, the Grantee shall correct or improve such condition, and toward that end, the Planning Commission, after public hearing, may alter, amend or add reasonable additional Conditional User Grant conditions in order to ameliorate such effects, and in the case of violation of the Conditional Use Permit, may revoke the Conditional Use Grant.
9. **Conditions of the structures:**
 - a. Site Plan: N/A
 - b. Landscaping Plan: N/A
 - c. Elevations: N/A
 - d. Sign: As on file with Community Development Department, City of Mequon
 - e. Floor Plan: As on file with Community Development Department, City of Mequon
 - f. Exterior lighting of the site and building: N/A
 - g. Fence / Wall / Dumpster plan details: N/A
 - h. The building shall comply with the building code.

Conditional Use Grant

10. **Conditions on the site:**

- a. Street access (number, location, design): N/A
- b. Off-Street Parking (location and design including screening thereof): N/A
- c. Outside storage of materials, products or refuse (location and screening thereof): None
- d. Parking, exterior lighting of the site, location design and power: Any changes subject to Planning Commission approval.
- e. Other:

- a. Street access (number, location, design): N/A
- b. Off-Street Parking (location and design including screening thereof): N/A
- c. Outside storage of materials, products or refuse (location and screening thereof): None
- d. Parking, exterior lighting of the site, location design and power: Any changes subject to Planning Commission approval.
- e. Other:

Owner

Acknowledgment:

STATE OF WISCONSIN)
)SS

OZAUKEE COUNTY)

Personally came before me, this _____ day of _____, 2017, the above named _____, Owner, to me known to be the person who executed the foregoing instrument and acknowledged the same.

Notary Public, Ozaukee County, Wisconsin

Receipt of a true Copy of this instrument
on behalf of the petitioner acknowledged
the _____ day of _____, 2017

Attachment: Packet (2104 : St. John Properties for CrossFit Lozen)



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

www.ci.mequon.wi.us

Office of Community Development

TO: Planning Commission
FROM: JAC ZADER, ASSISTANT DIRECTOR COMMUNITY DEVELOPMENT
DATE: February 13, 2017
SUBJECT: Alexandra Buchanan. The applicant is seeking setback waiver approval to allow for an addition on a single family residential home for the property located at 10662 N. Wauwatosa Road.

Applicant:	Alexandra Buchanan
Status of Applicant:	Property Owner
Requested:	Setback Waiver
Existing Zoning:	R-4 (Suburban Residential)
Existing Land Use Plan:	Residential 1 Acre
Lot size:	9 acres
Location:	10662 N. Wauwatosa Road
Tax Key:	#14-027-10-006.00
District:	#4

Background:

The applicant is seeking approval to construct an 800 square foot addition to a dwelling located at 10662 N Wauwatosa Road. The existing dwelling and the proposed addition are non-conforming to the front yard setback. The proposed addition will not encroach any further into the front setback than the existing structure. The proposed addition is located on the east side of the existing dwelling (see site plan). The addition includes a living room and laundry room.

The applicant has standing to apply for this request through Planning Commission without seeking a variance due to an ordinance change in 2003 related to existing structures which are non-conforming to the required front yard setback. The ordinance is intended to provide greater flexibility in allowing more reasonable expansion of non-conforming structures.

Setback Exception:

According to the code, additions to existing buildings which lack the required setback may be allowed if the following is met:

- . The addition is setback at a distance at least equal to the existing building setback,
- . 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,
- . The Planning Commission further determines that the addition will be harmonious with neighborhood properties.

In this case, the property is located in the R-4 district along a Wauwatosa Road, which requires a setback of 100 feet. The proposed addition is shown to be located 53 feet from the Wauwatosa

Road right of way. Because the proposed addition is located outside of the ultimate right-of-way, it should not impede any public improvements nor create a public safety issue.

The proposed addition will not create a negative visual impact along the public road, due to the fact it is located to the rear of the existing structure. The addition is intended to blend in with the existing structure by using similar materials (please see attached elevations). The project will require approval by the Architectural Review Board.

Staff Recommendation:

Planning staff recommends **approval** of the building addition within the required front yard setback based on the following condition(s):

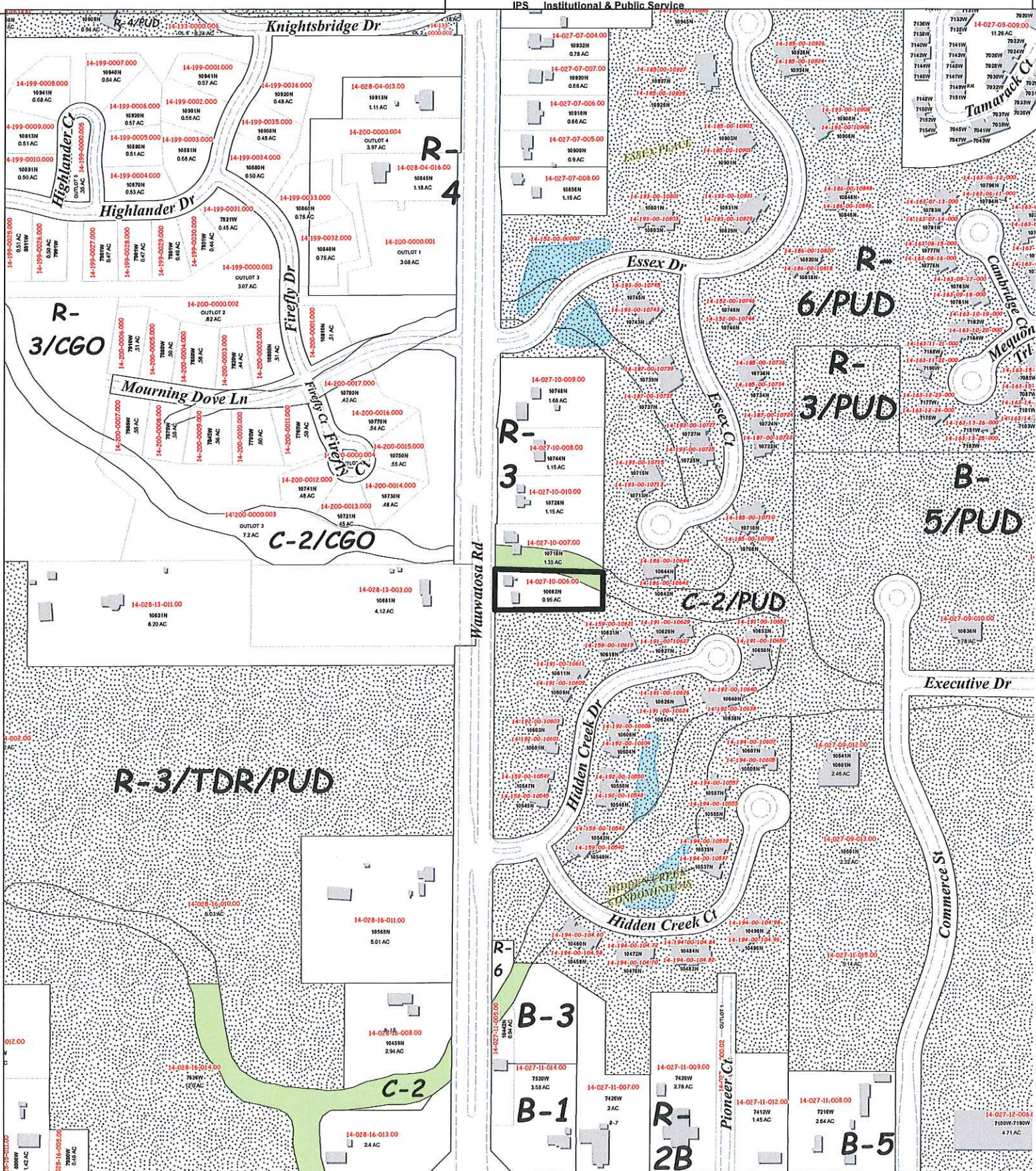
- . Staff approval of final site, floor and elevation plans.
- . Architectural Review Board approval of the addition.

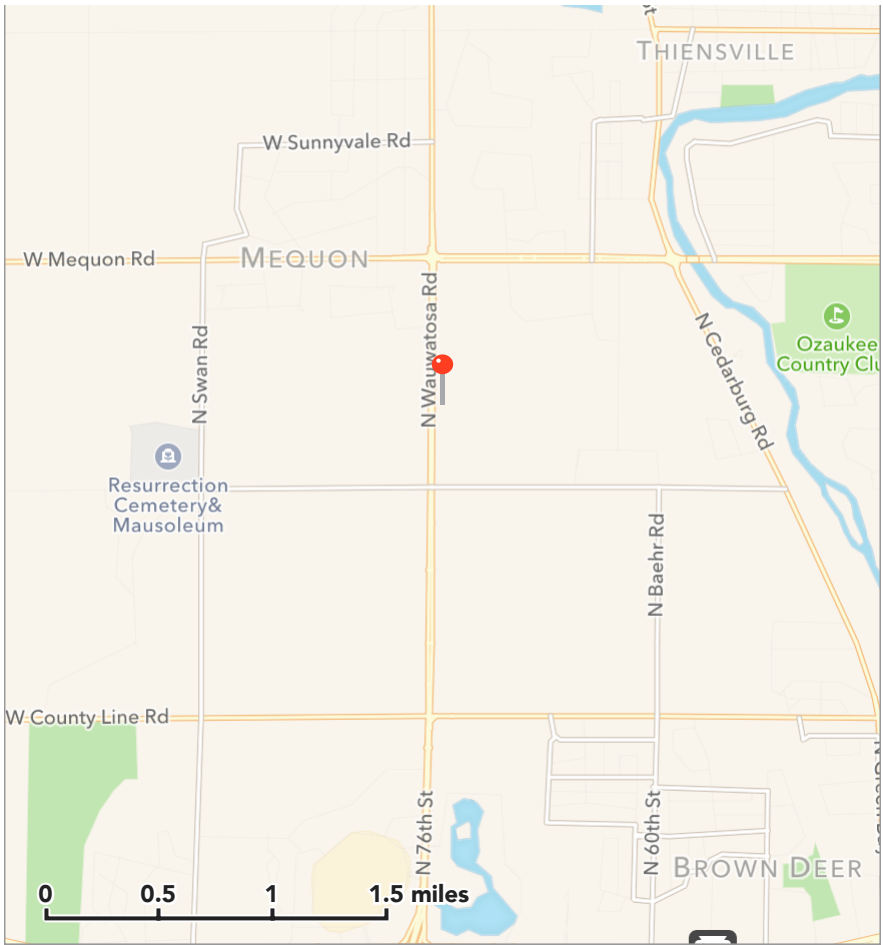
Attachments:

Packet (PDF)

Item 3 - Alexandra Buchanan

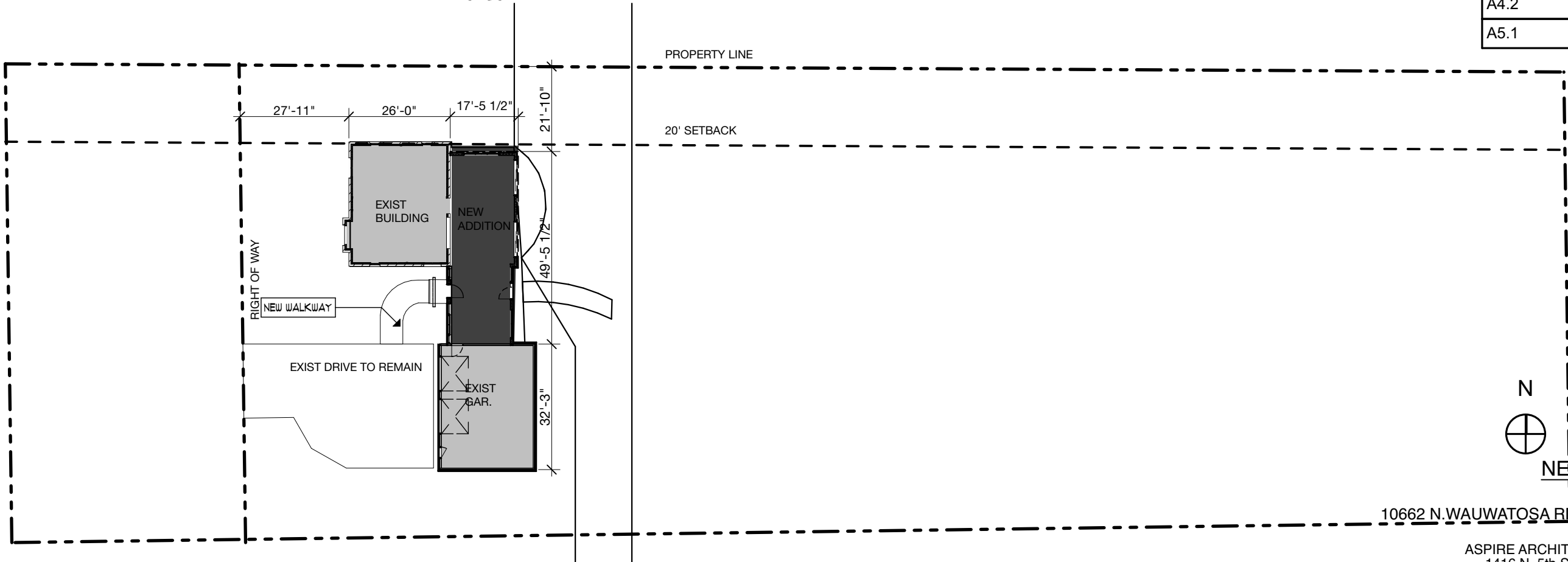
B-1	Neighborhood Business	P-1	Park & Recreation
B-2	Community Business	R-1	Single-Family Residential (5 Ac. Min.)
B-3	Office & Service Business	R-1B	Single-Family Residential (2.5 Ac. Min.)
B-4	Business Park	R-2	Single-Family Residential (2.0 Ac. Min.)
B-5	Light Industrial	R-2B	Single-Family Residential (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		





NEW ADDITION FOR **ALI BUCHANAN**
10662 N.WAUWATOSA RD
MEQUON, WI. 53097

SHEET INDEX	
ID	Name
A1.1	SITE PLAN
A1.2	DEMOLITION PLANS
A1.3	FOUNDATION PLAN
A1.4	FIRST FLOOR PLAN
A1.5	ROOF PLAN
A1.6	ENLARGED PLANS
A1.7	ENLARGED BATHROOM PLAN
A2.1	EAST ELEVATION
A2.2	ELEVATIONS
A3.1	BUILDING SECTIONS
A3.2	BUILDING SECTION
A3.3	WALL SECTION
A4.1	INTERIOR ELEVATIONS
A4.2	Interior Elevations
A5.1	SCHEDULES



NEW ADDITION for:
ALI BUCHANAN

10662 N.WAUWATOSA RD MEQUON WI 53097

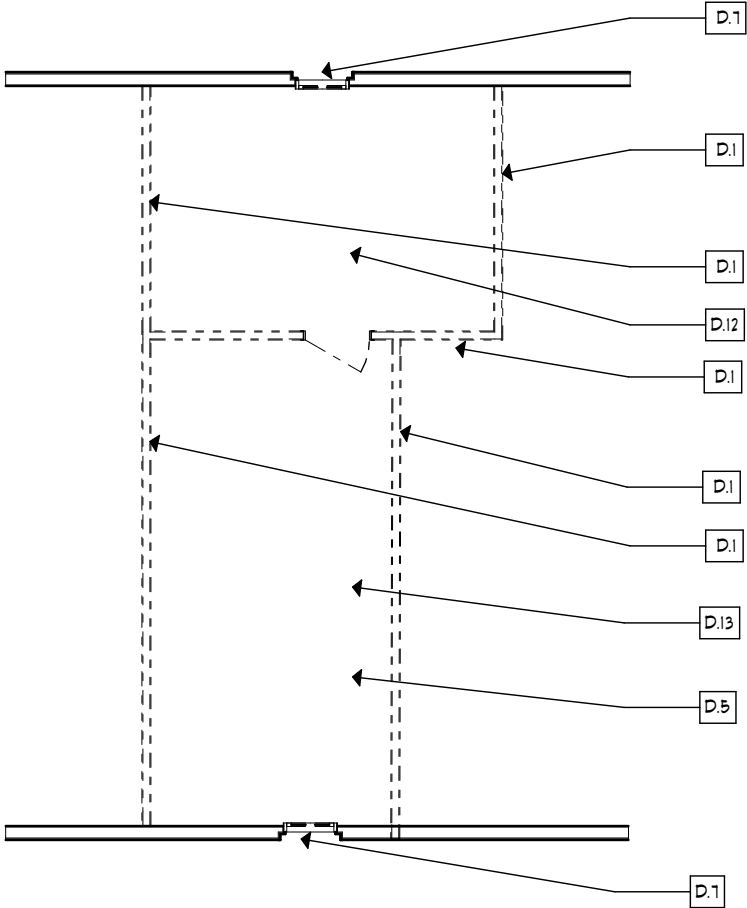
ASPIRE ARCHITECTURE & DESIGN, LLC
1416 N. 5th St. Sheboygan, WI. 53081
920-457-4884
scott@aspirearchitects.com
www.aspirearchitects.com



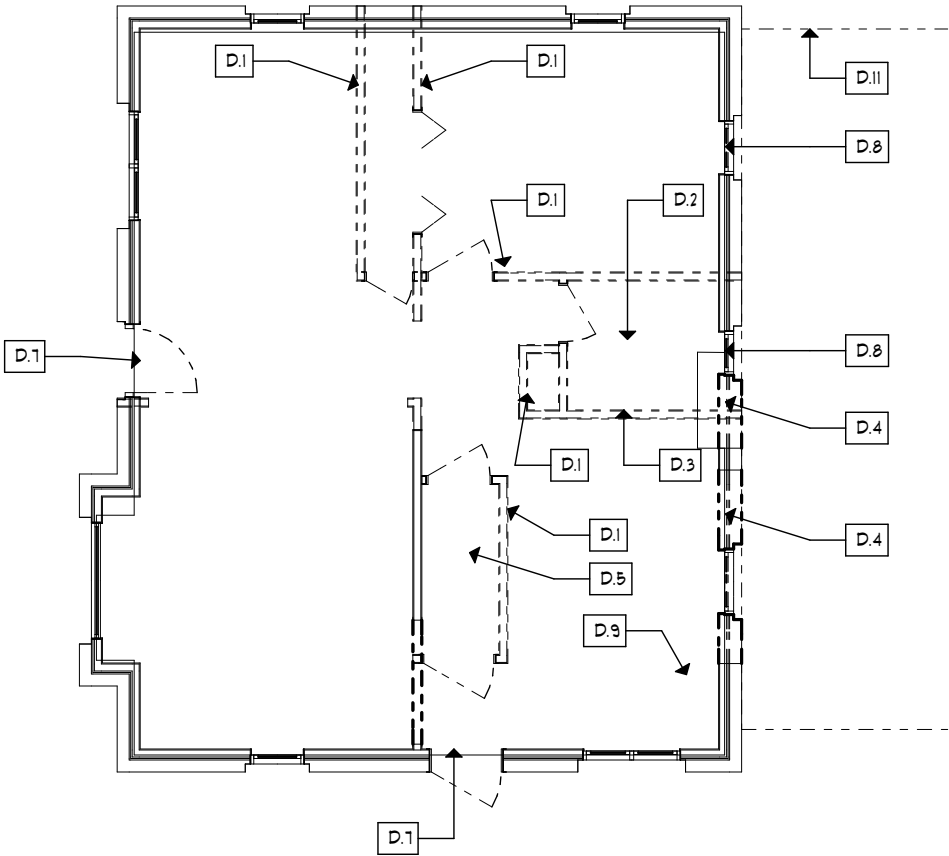
issue 12.8
rev. 12.8.1
08-032

DEMOLITION NOTES

- D.1 REMOVE EXISTING GYP. BD. WALL AS REQUIRED
- D.2 REMOVE EXISTING DOOR OR WINDOW. PREP REMAINING WALLS FOR SCHEDULED FINISHES
- D.3 PREP EXISTING WALL FOR NEW WINDOW/DOOR OPENING. SEE PLANS FOR LINTEL INFORMATION. PREP REMAINING WALLS FOR SCHEDULED FINISHES
- D.4 REMOVE EXISTING DOOR AND INFILL TO MATCH EXISTING WALL AND PREP FOR SCHEDULED FINISHES
- D.5 REMOVE EXISTING STAIRS
- D.6 REMOVE AND REPLACE EXISTING DOOR WITH NEW DOOR IN EXISTING OPENING. PREP FOR SCHEDULED FINISHES AND DOOR
- D.7 REMOVE AND REPLACE EXISTING WINDOW IN EXISTING OPENING
- D.8 REMOVE EXISTING WINDOW AND INFILL WITH SCHEDULED FINISHES OR MATCH EXISTING
- D.9 REMOVE EXISTING CABINETY
- D.10 REMOVE EXISTING FLOORING /CARPETING AND PREP FOR NEW SCHEDULED FINISHES.
- D.11 REMOVE EXISTING PATIO
- D.12 REMOVE EXISTING FLOOR JOIST/FLOOR SYSTEM
- D.13REMOVE EXISTING GYP. BD.

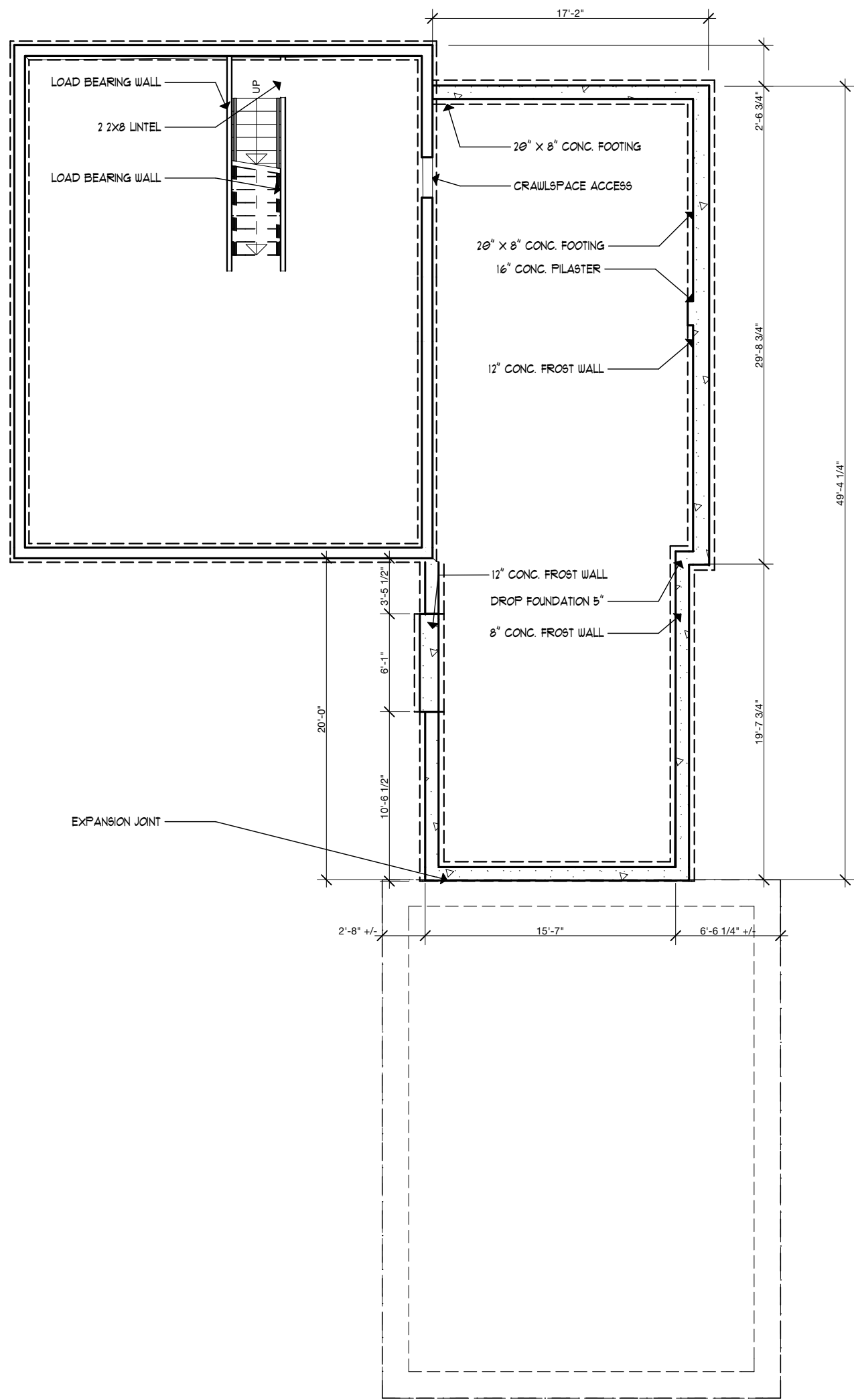


1 2nd Floor Demo Plan
SCALE: 1/8" = 1'-0"
0 4' 8' 16'



2 1st Floor Demo Plan
SCALE: 1/8" = 1'-0"
0 4' 8' 16'

Attachment: Packet (2110 : Alexandra Buchanan)



1

Foundation Plan

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

0

4'

8'

16'

CONCRETE
All detailing, fabrication and erection of reinforcing bars unless otherwise noted, must follow the ACI "Manual of Standard Practice for Detailing Reinforced Concrete Structures" (ACI 315, latest edition).

All concrete shall be stone or gravel concrete to test as required in Section 1 in Standard 6"x12" cylinders at 28 days. All concrete exposed to the weather to be air-entrained.

Reinforcing steel shall be of ASTM grade required in Section 1 with deformations complying with ASTM A305, latest edition. Deformation or other symbol rolled into bar at mill shall clearly indicate the grade of steel.

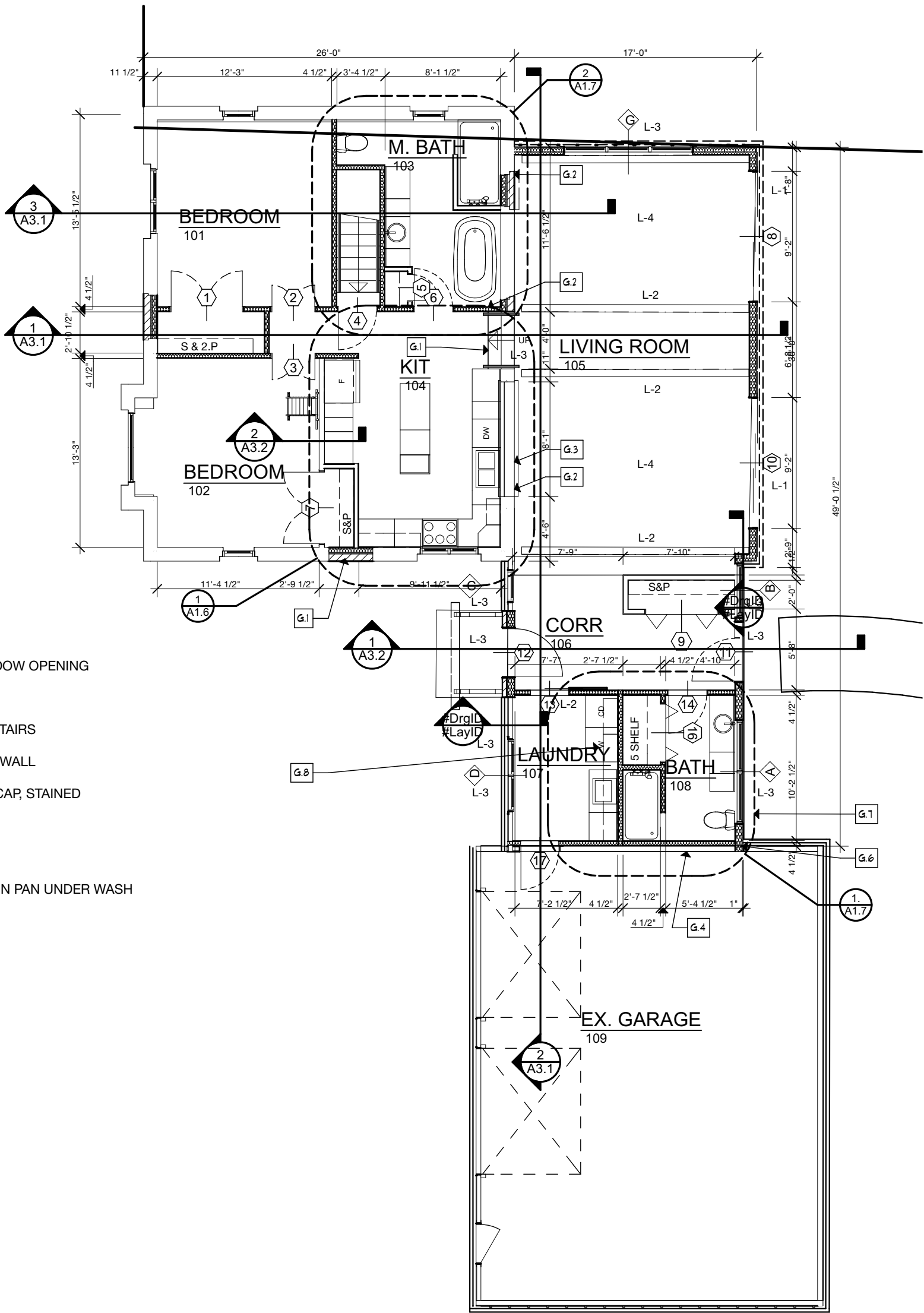
Where reinforcing is called for in a certain portion of the building, it shall be duplicated in similar portions of the building, unless otherwise shown.

Slab on grade shall have 6"x6" - #10/#10 welded wire reinforcing mesh unless otherwise indicated in Plans or in Specifications. All mesh to be lapped a minimum of 6 inches. Maximum pour is 225 sq. ft. with a maximum length of 20 ft.

Concrete reinforcing protection:
Bottom of footings 3"
Interior slabs, walls 1"
Slabs, piers, walls exposed to ground or weather 1-1/2" #5 & smaller
2" #6 & larger

In floor slabs -- a maximum control joint spacing - measured in feet, is equal to 2-1/2 times the slab thickness in inches.

Concrete compression strength shall be 4,000 psi

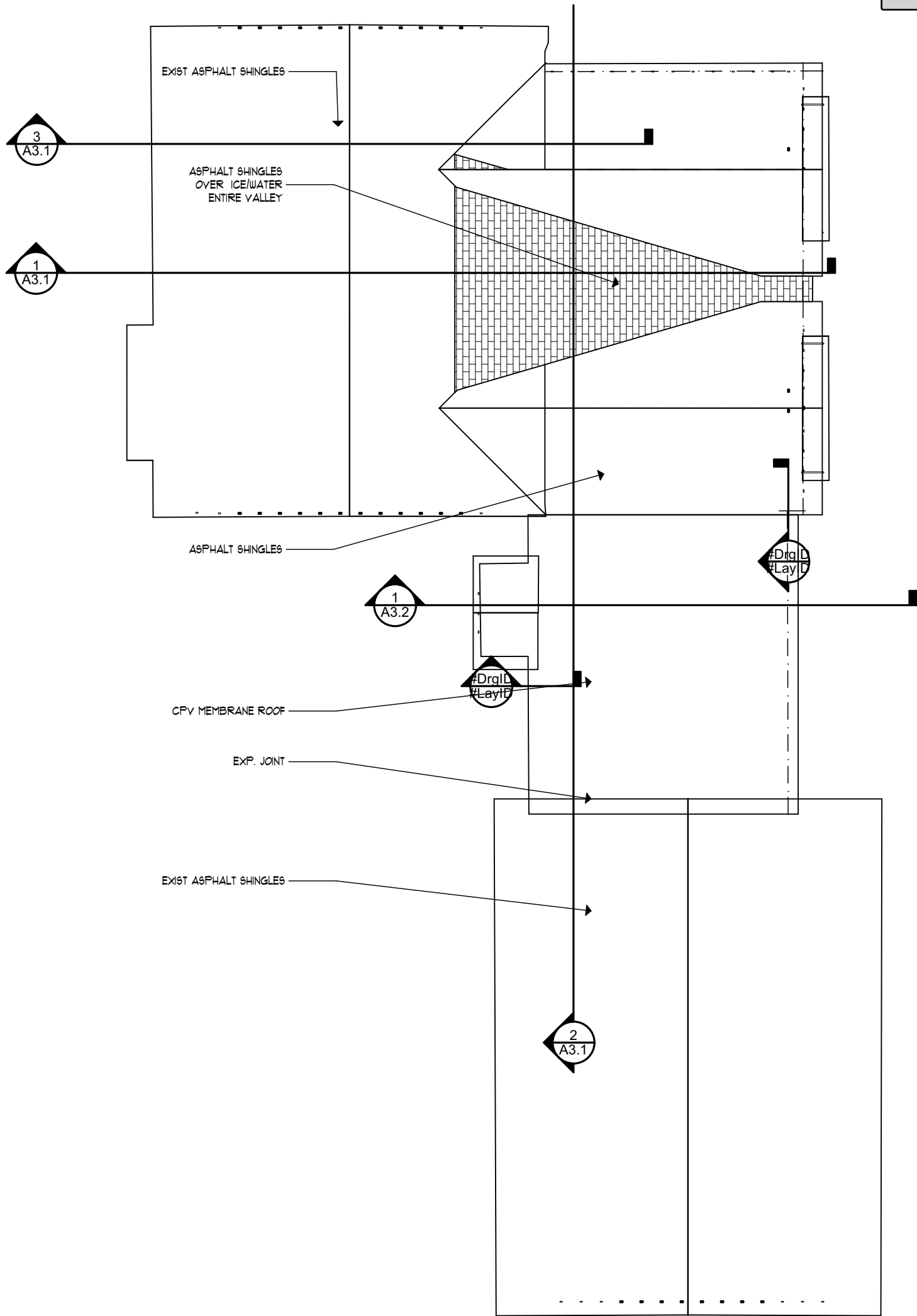


GENERAL NOTES

- G.1 INFILL EXISTING WINDOW OPENING
- G.2 DOUBLE RAFTER
- G.3 DOUBLE JOIST FOR STAIRS
- G.4 5/8" GYP. BD. 20 MIN WALL
- G.5 VEENEER PLYWOOD CAP, STAINED
- G.6 EXPANSION JOINT.
- G.7 HOSE BIBB
- G.8 INSTALL WASHER DRAIN PAN UNDER WASH MACHINE

1 1st Floor Plan
SCALE: 1/8" = 1'-0"



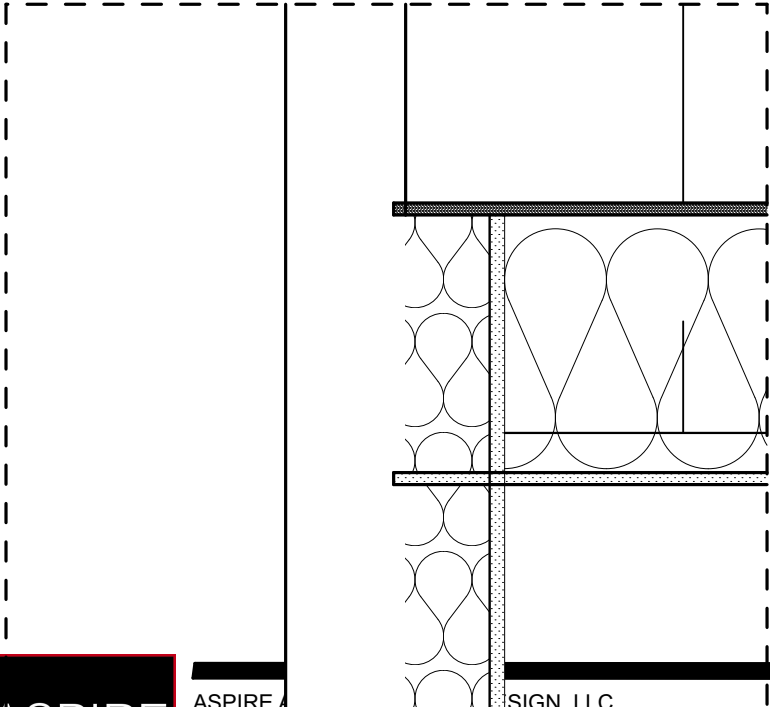


Attachment: Packet (2110 : Alexandra Buchanan)

1

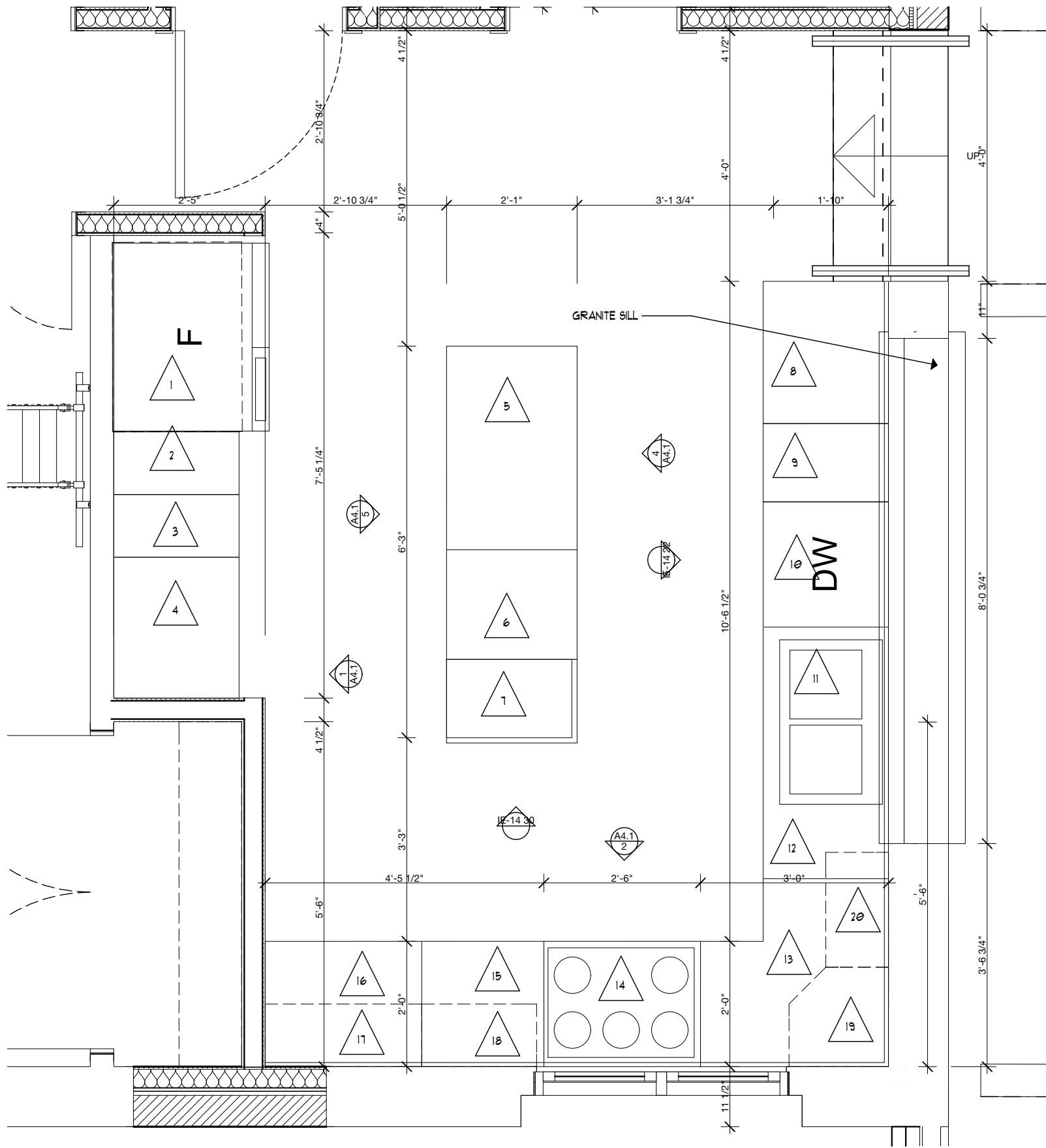
Roof Plan

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



EXPANSION JOINT DETAIL

SCALE: 1 1/2"= 1'-0" 6" 12" 18"



1 Enlarged Kitchen Plan
SCALE: 1/2" = 1'-0"
0 1' 2' 4'

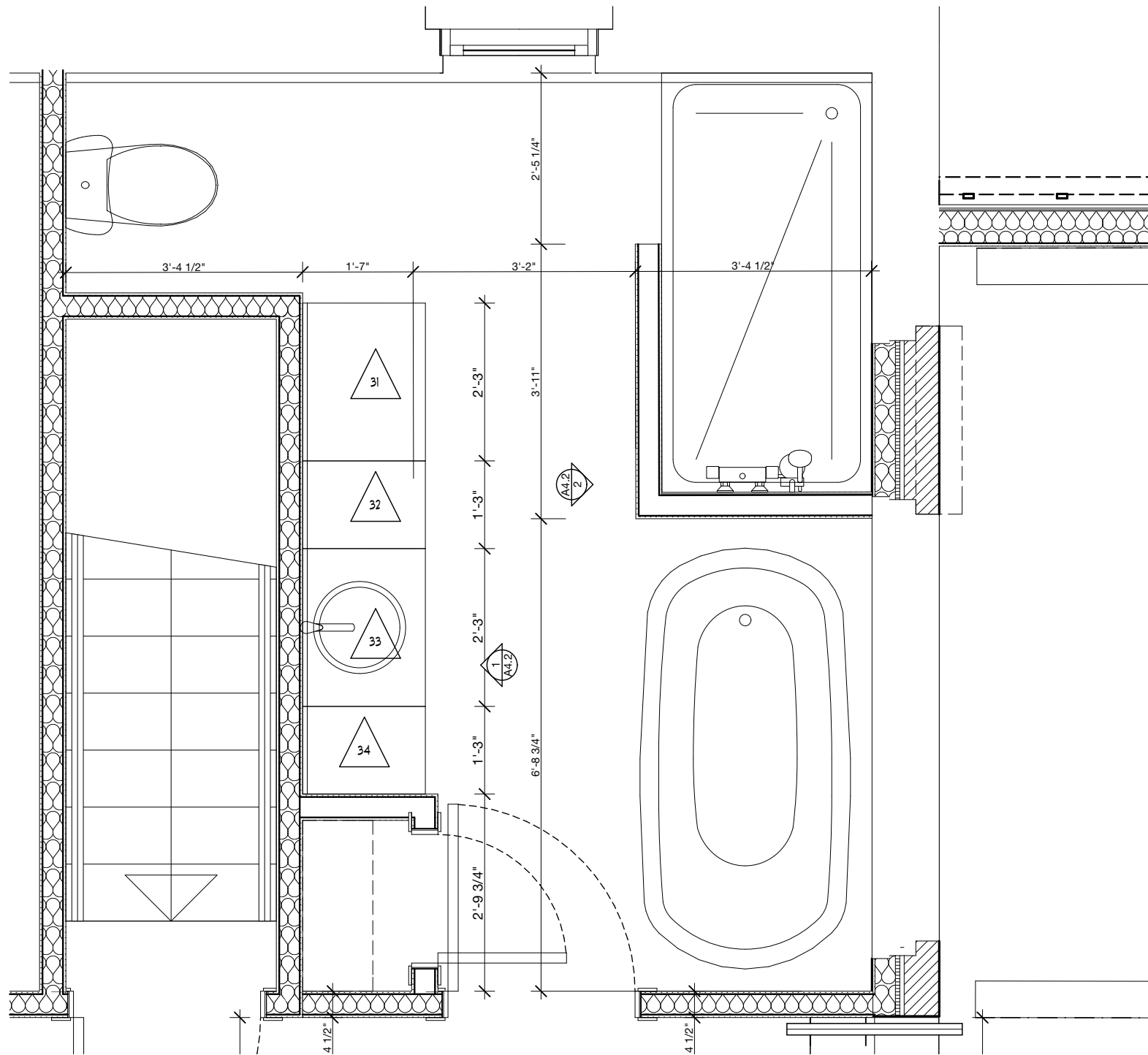
CABINET SCHEDULE				
ID	Cabinet Width	Cabinet Depth	Height	Description
1	3'-0 1/2"	2'-1"	1'-6"	WALL CABINET
2	1'-0"	2'-0"	7'-0"	TALL CABINET
3	1'-0"	2'-0"	7'-0"	TALL CABINET
4	2'-3"	2'-0"	7'-0"	TALL CABINET
5	3'-3"	2'-1"	3'-6"	ISLAND CABINET
6	1'-9"	2'-1"	3'-6"	GARBAGE BASE CABIENT
7	2'-1"	1'-4"	1'-4"	MICROWAVE CABINET
7.A	2'-0"	1'-3"	2'-2"	ISLAND CABINET
8	2'-3"	2'-0"	3'-0"	DRAWER BASE CABINET
9	1'-3"	2'-0"	3'-0"	DRAWER BASE CABINET
11	3'-0"	2'-0"	3'-0"	SINK BASE
12	0'-12"	2'-0"	3'-0"	BASE CABINET
13	3'-0"	3'-0"	3'-0"	CORNER CABIENT
14	2'-6"	2'-0"	3'-0"	Descreption
15	1'-11 1/2"	2'-0"	3'-0"	BASE CABINET
16	2'-6"	2'-0"	3'-0"	BASE CABINET
17	2'-6"	1'-0"	2'-6"	WALL CABINET
18	1'-10"	1'-0"	2'-6"	WALL CABINET
19	1'-7"	1'-7"	2'-6"	WALL CABINET
20	1'-10"	1'-0"	2'-6"	WALL CABINET
31	2'-3"	1'-9"	0'-5"	VANITY CABINET
32	1'-3"	1'-9"	3'-0"	VANITY CABINET
33	2'-3"	1'-9"	3'-0"	VANITY CABINET
34	1'-3"	1'-9"	3'-0"	VANITY CABINET
41	3'-12"	1'-9"	3'-0"	VANITY CABINET
42	1'-6"	1'-9"	3'-0"	VANITY CABINET
43	1'-3"	1'-9"	3'-0"	VANITY CABINET
CUSTOM SHELF	2'-8"	0'-8"	4'-8"	CUSTOM SHELF IN LIVING ROOM
EX	2'-0"	1'-0"	2'-6"	REINSTALL EXISTING CABINETS
EX	2'-0"	2'-0"	3'-0"	REINSTALL EXISTING CABINETS
EX	2'-6"	1'-0"	1'-3"	REINSTALL EXISTING CABINETS
EX	2'-6"	1'-0"	1'-3"	REINSTALL EXISTING CABINETS
EX	2'-12"	1'-0"	2'-6"	REINSTALL EXISTING CABINETS
EX	3'-0"	2'-0"	3'-0"	REINSTALL EXISTING CABINETS
ROLLING LADDER	2'-4"	2'-9 1/2"	12'-0"	BEDROOM

NEW ADDITION for:
ALI BUCHANAN
10662 N.WAUWATOSA RD MEQUON WI 53097

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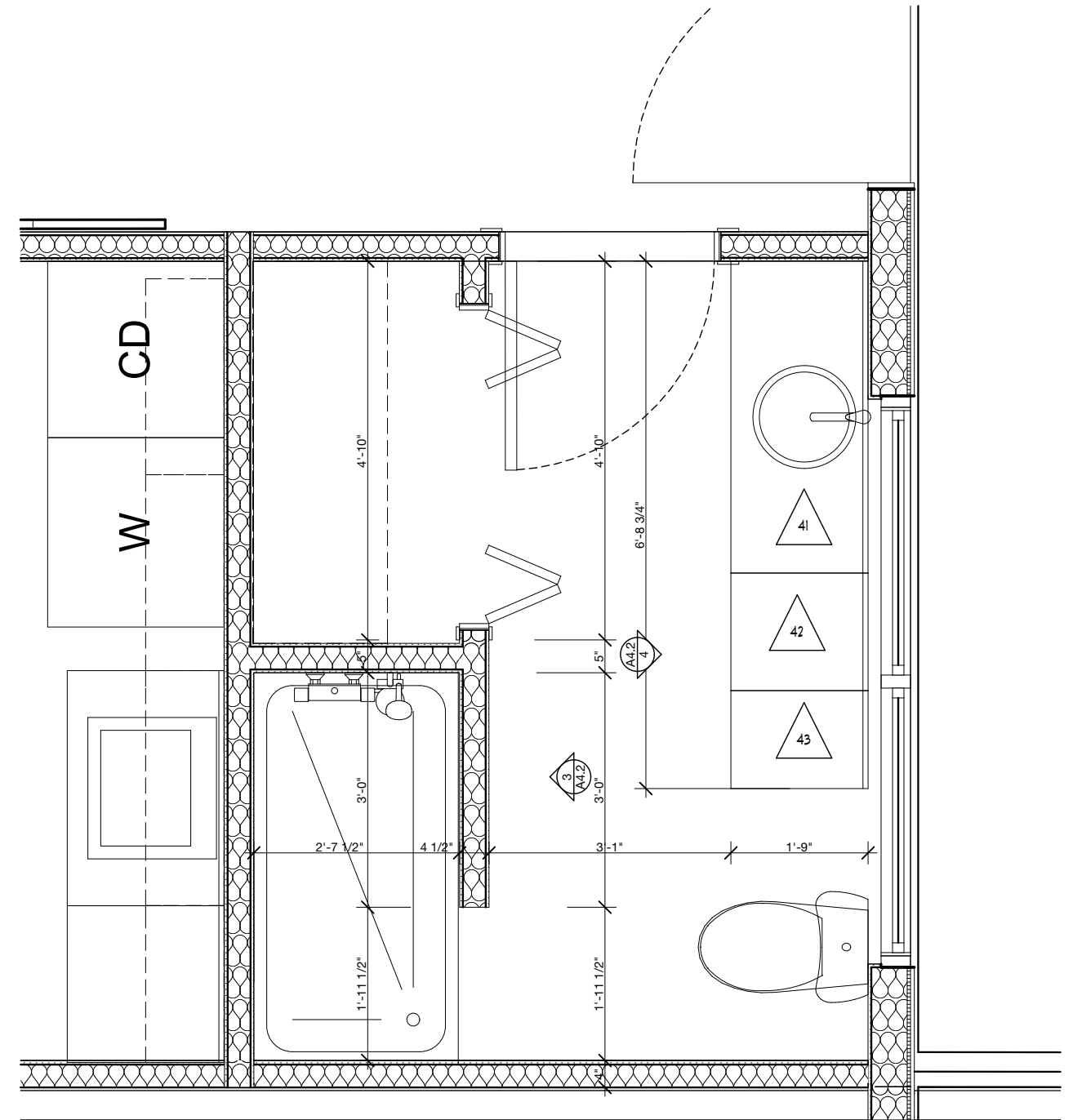
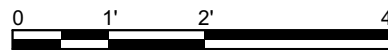


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rev. 12.8.1
08-032



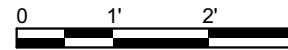
2 Enlarged Bathroom Plan

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



1 Enlarged Bathroom Plan

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



NEW ADDITION for:
ALI BUCHANAN

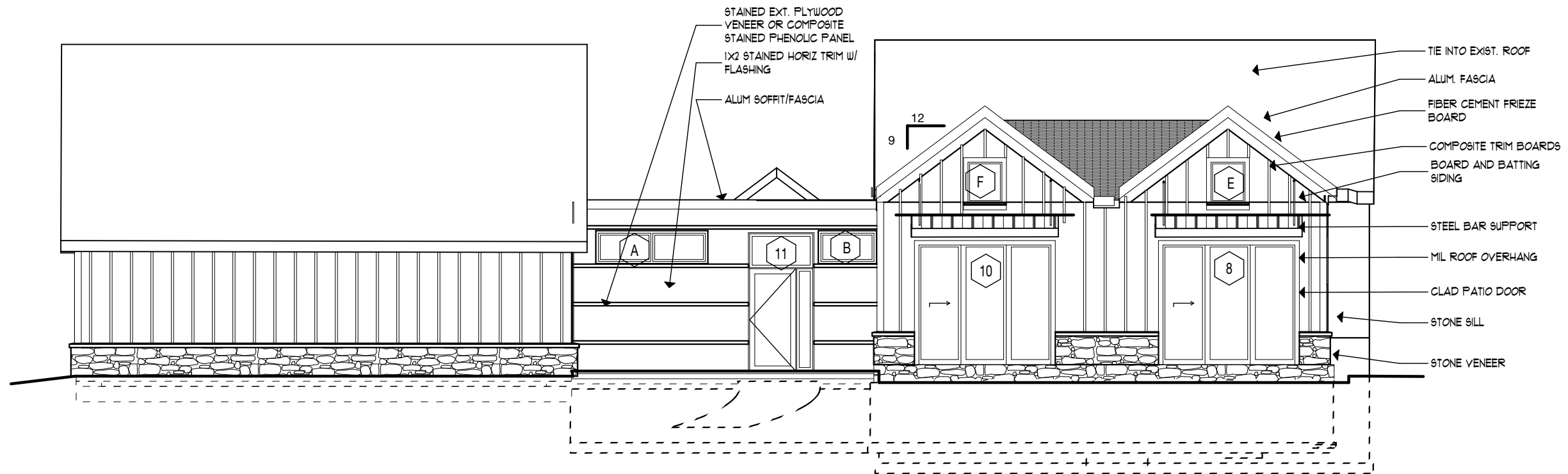
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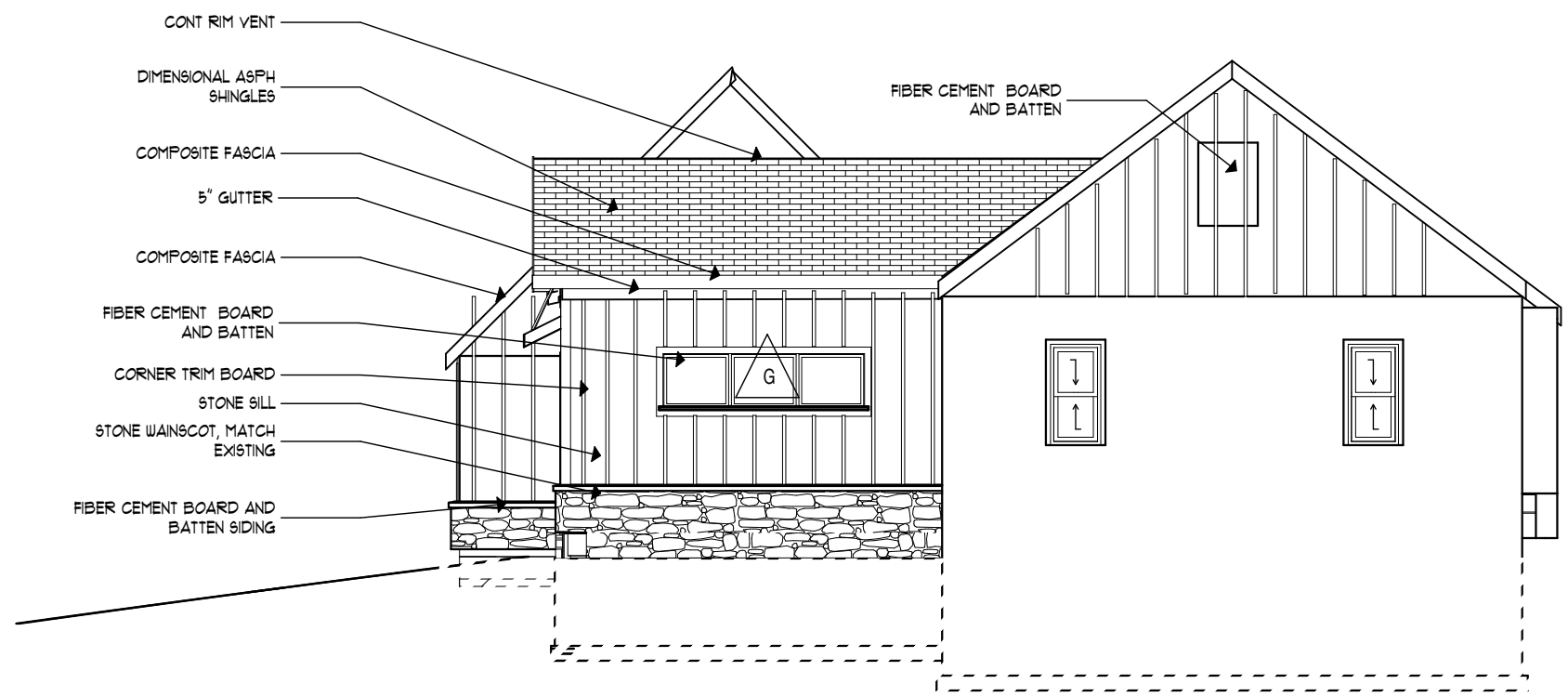
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& DESIGN

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08-032

Packet Pg. 40



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



2 North Elevation
SCALE: 1/8" = 1'-0"

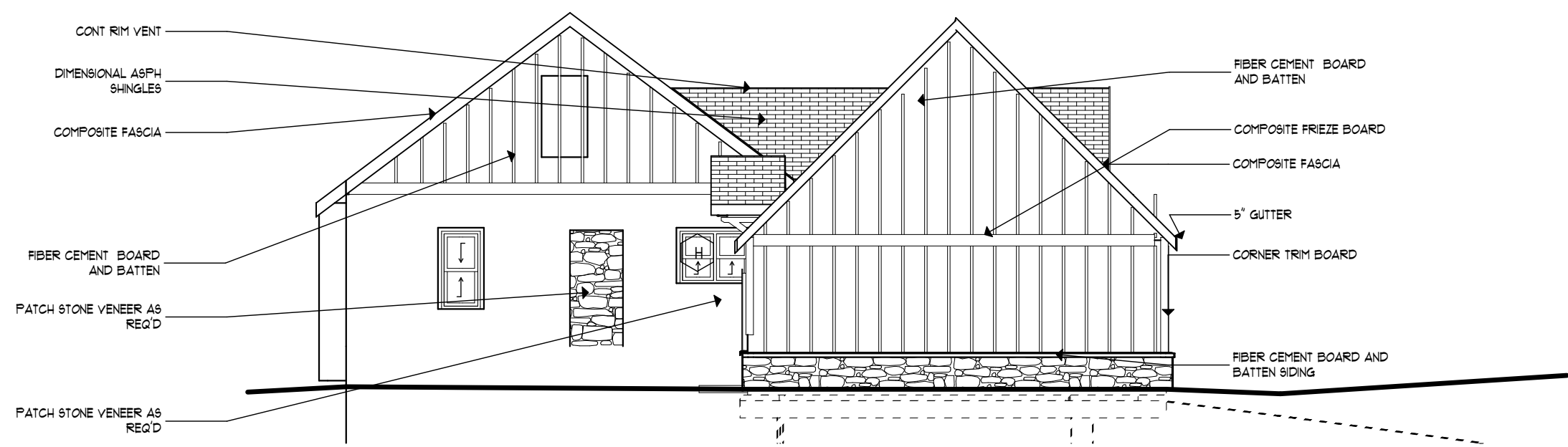
Attachment: Packet (2110 : Alexandra Buchanan)

NEW ADDITION for:
ALI BUCHANAN
1662 N. WAUWATOSA RD MEQUON WI 53097

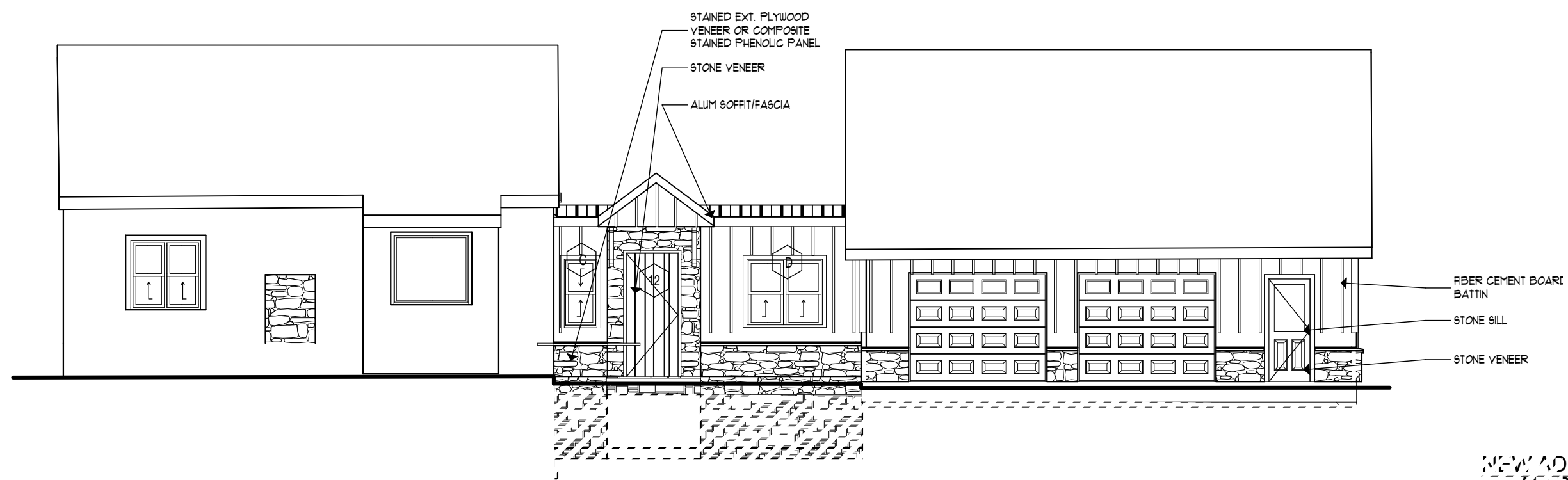
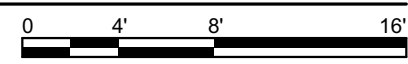
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1 South Elevation
SCALE: 1/8" = 1'-0"



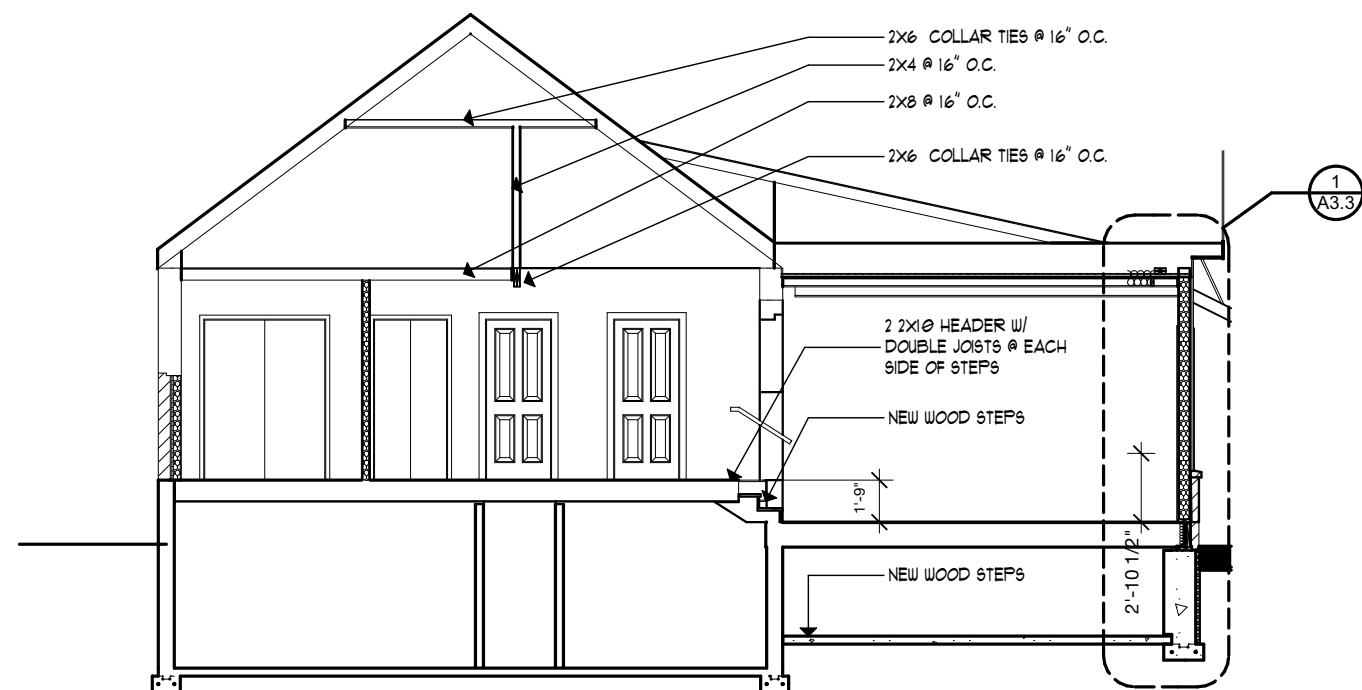
2 West Elevation
SCALE: 1/8" = 1'-0"

NEW ADDITION for:
ALEXANDRA BUCHANAN
10662 N. WAUWATOSA RD MEQUON WI 53097

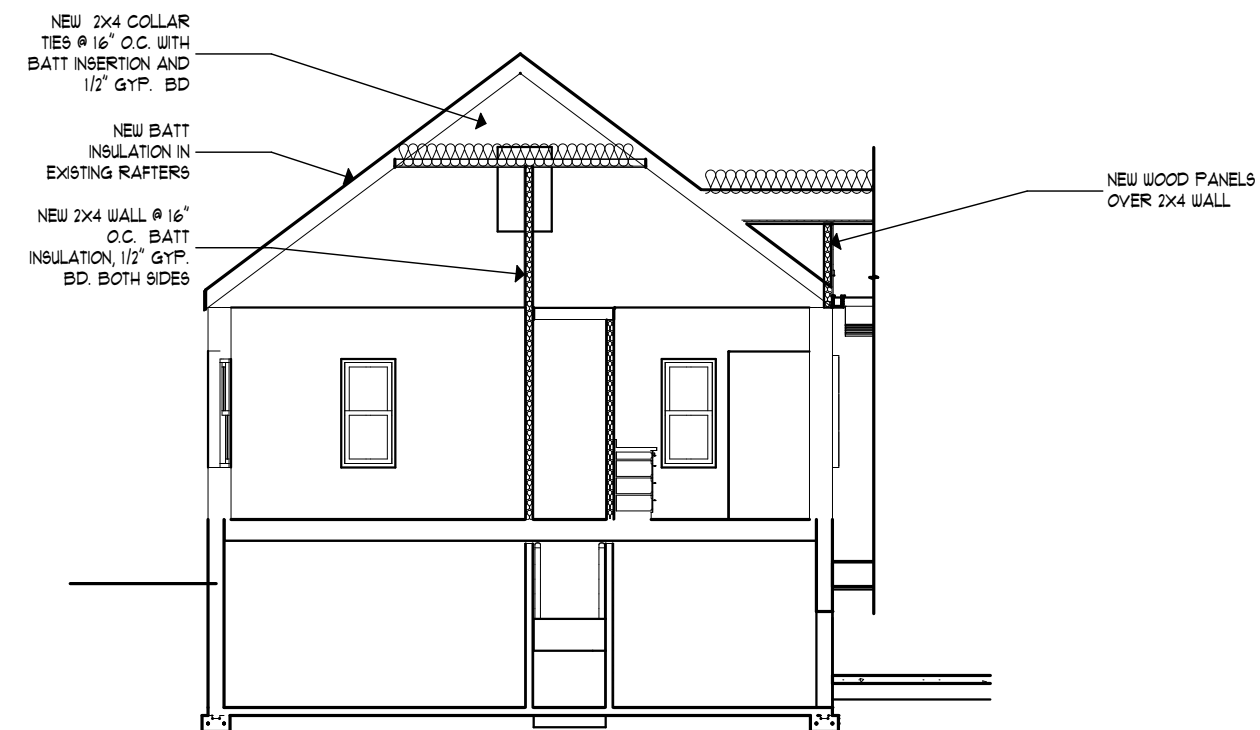
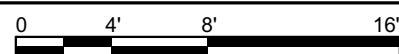
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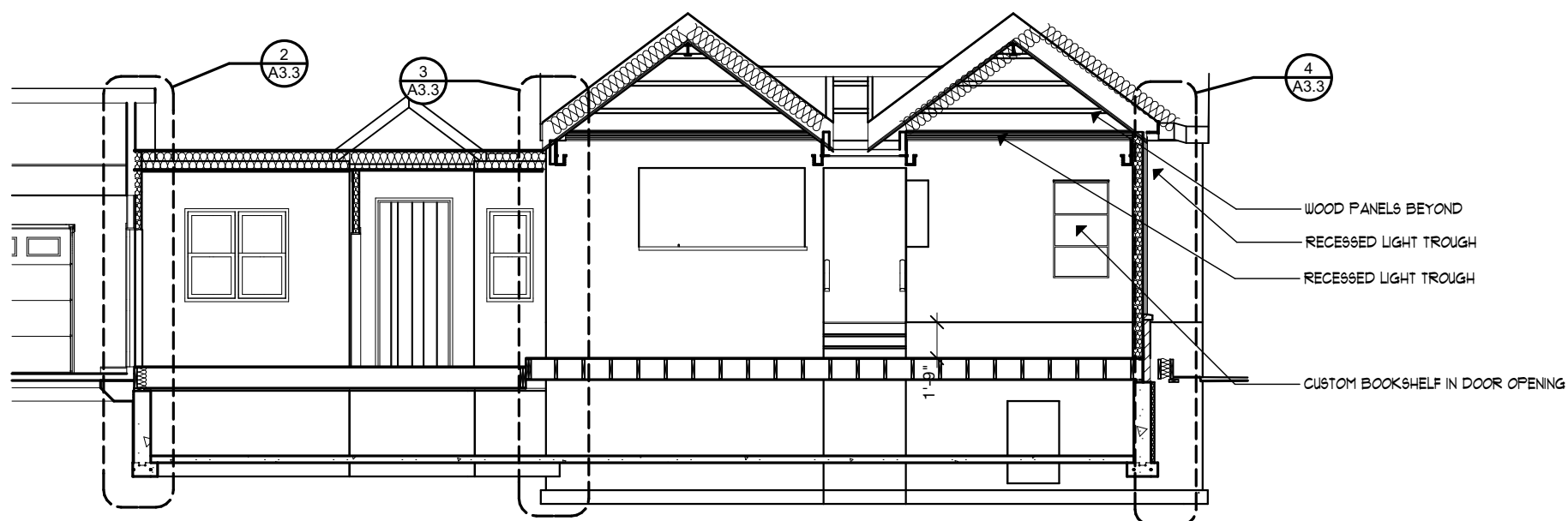
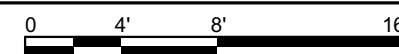
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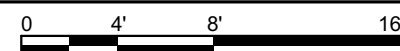
1 WALL SECTION
SCALE: 1/8" = 1'-0"



3 WALL SECTION
SCALE: 1/8" = 1'-0"



2 WALL SECTION
SCALE: 1/8" = 1'-0"



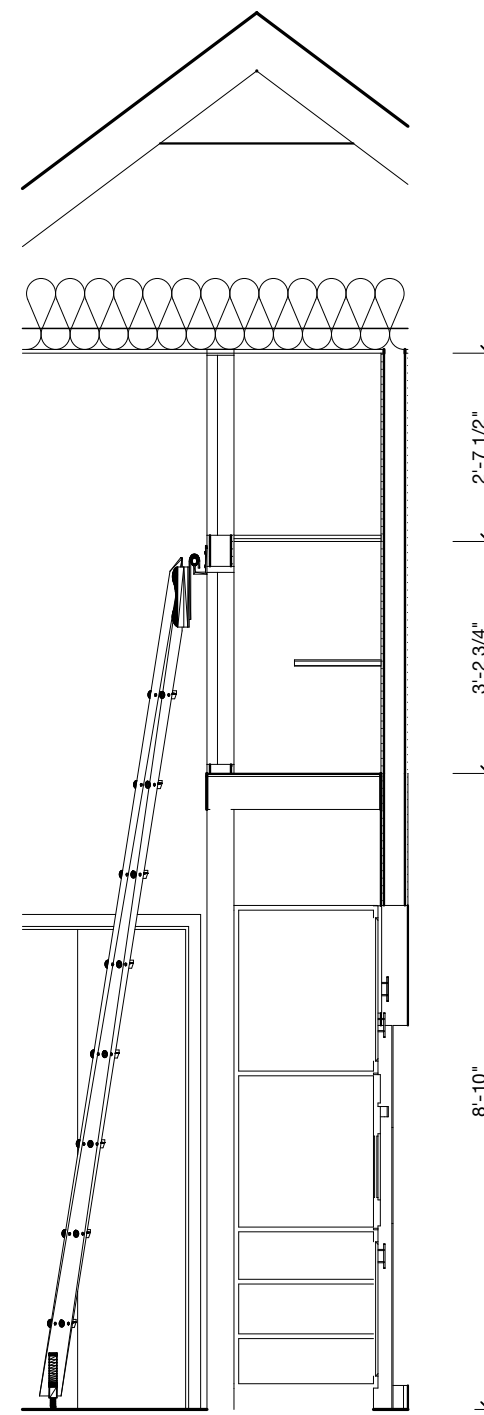
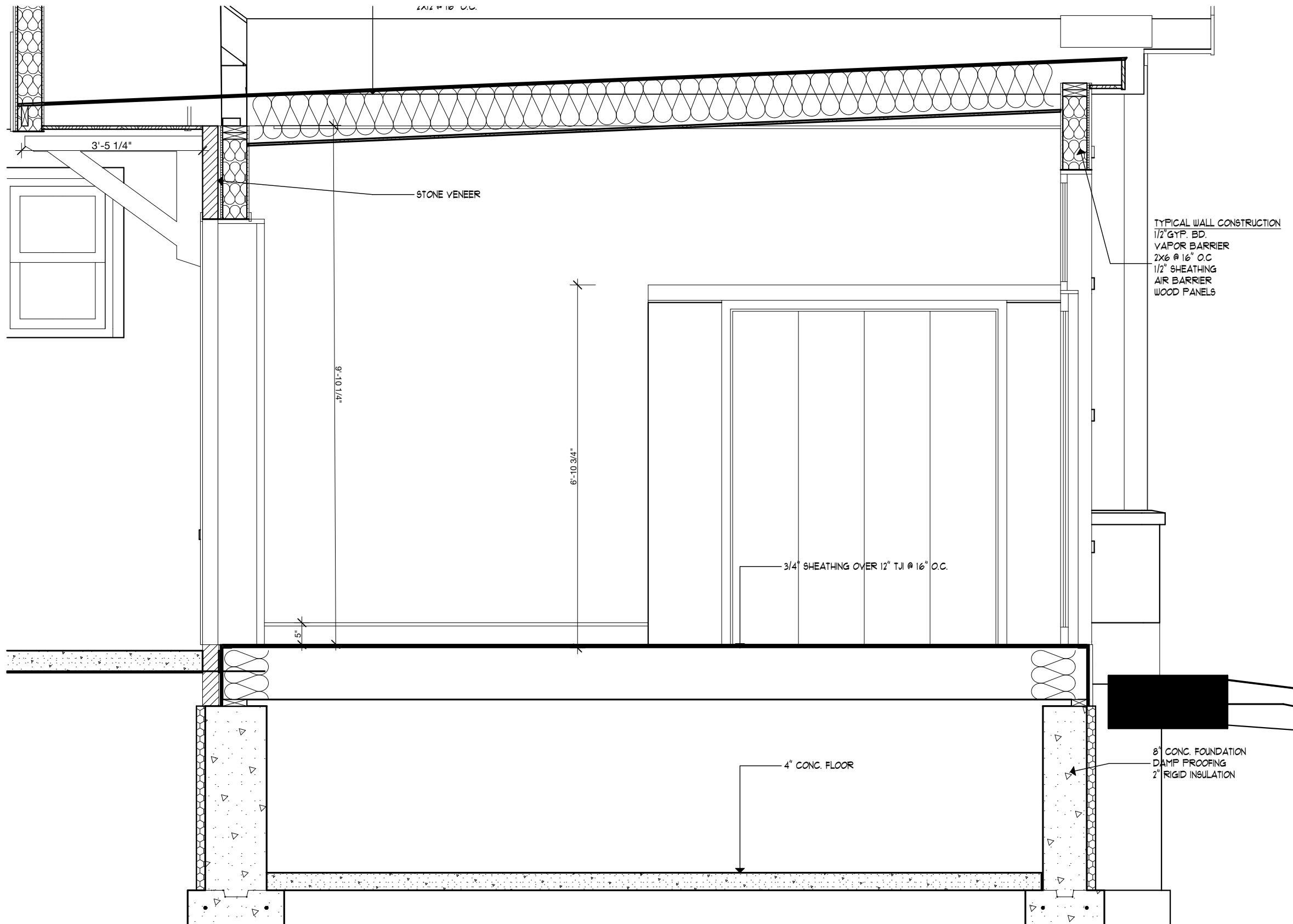
NEW ADDITION for:
ALI BUCHANAN
10662 N.WAUWATOSA RD MEQUON WI 53097

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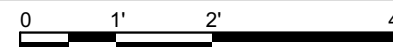


2 WALL SECTION

SCALE: 3/8" = 1'-0"

1 WALL SECTION

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



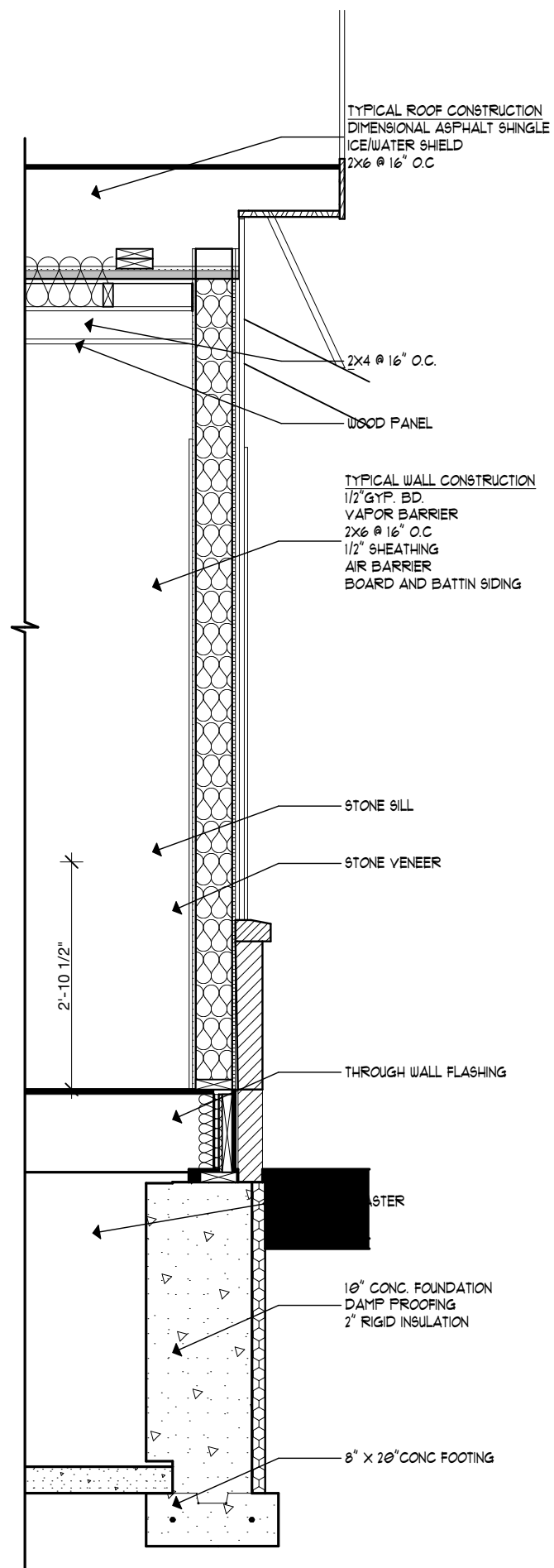
10662 N. WAUWATOSA RD MEQUON WI 53097

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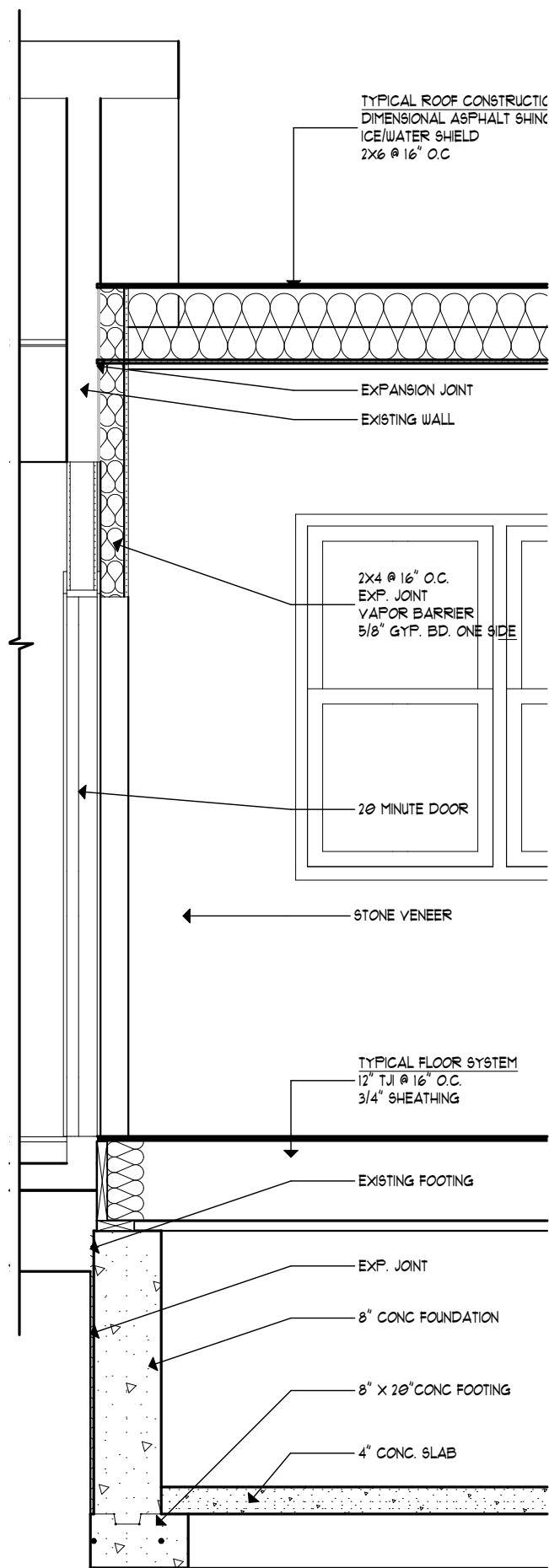
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08-032

Packet Pg. 44



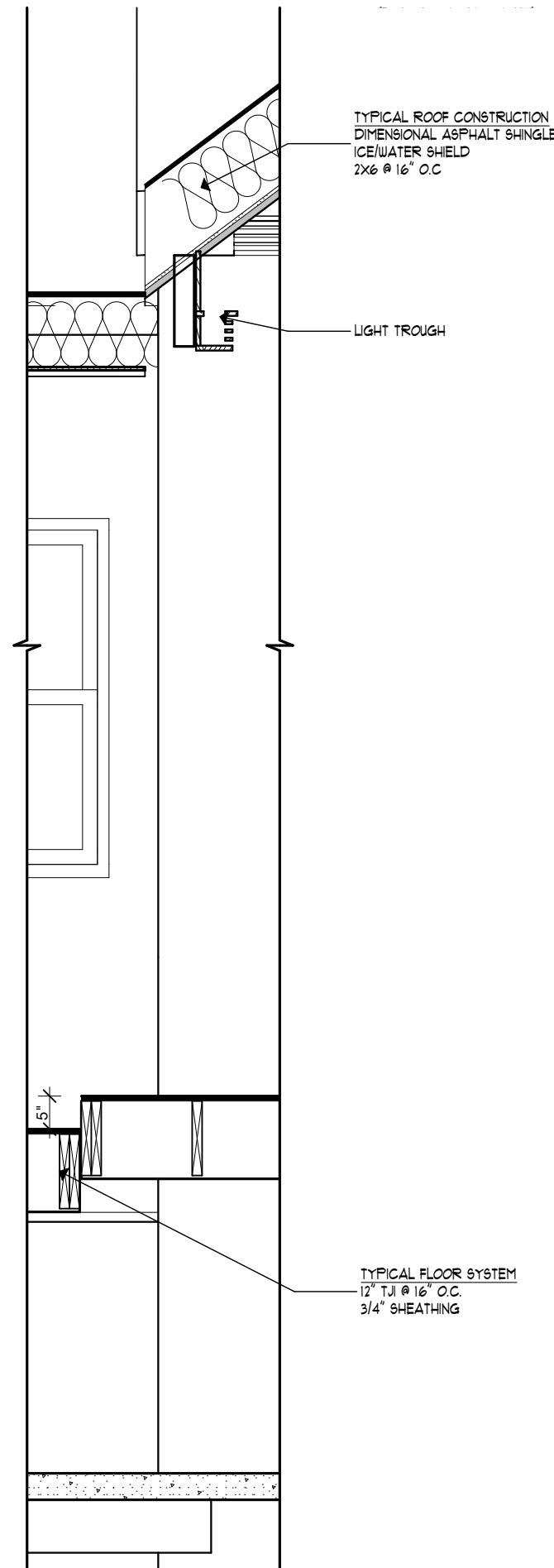
WALL SECTION

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



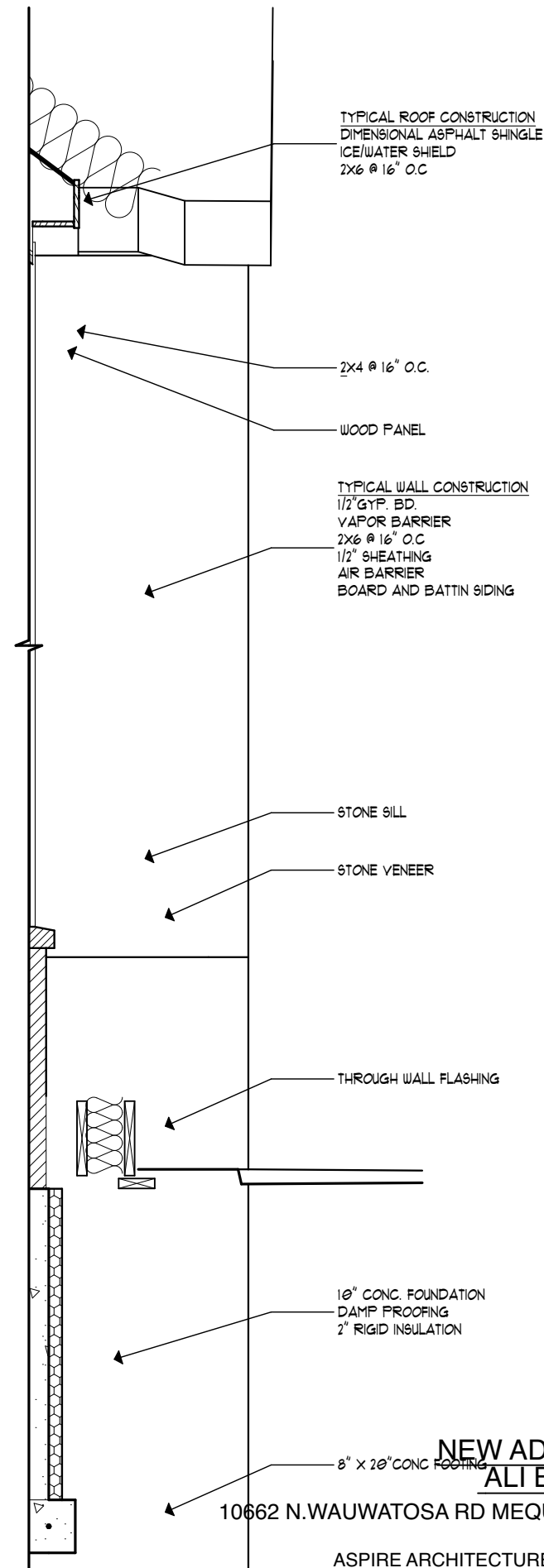
WALL SECTION

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



WALL SECTION

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



WALL SECTION

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

NEW ADDITION for:
ALI BUCHANAN

10662 N. WAUWATOSA RD MEQUON WI 53097

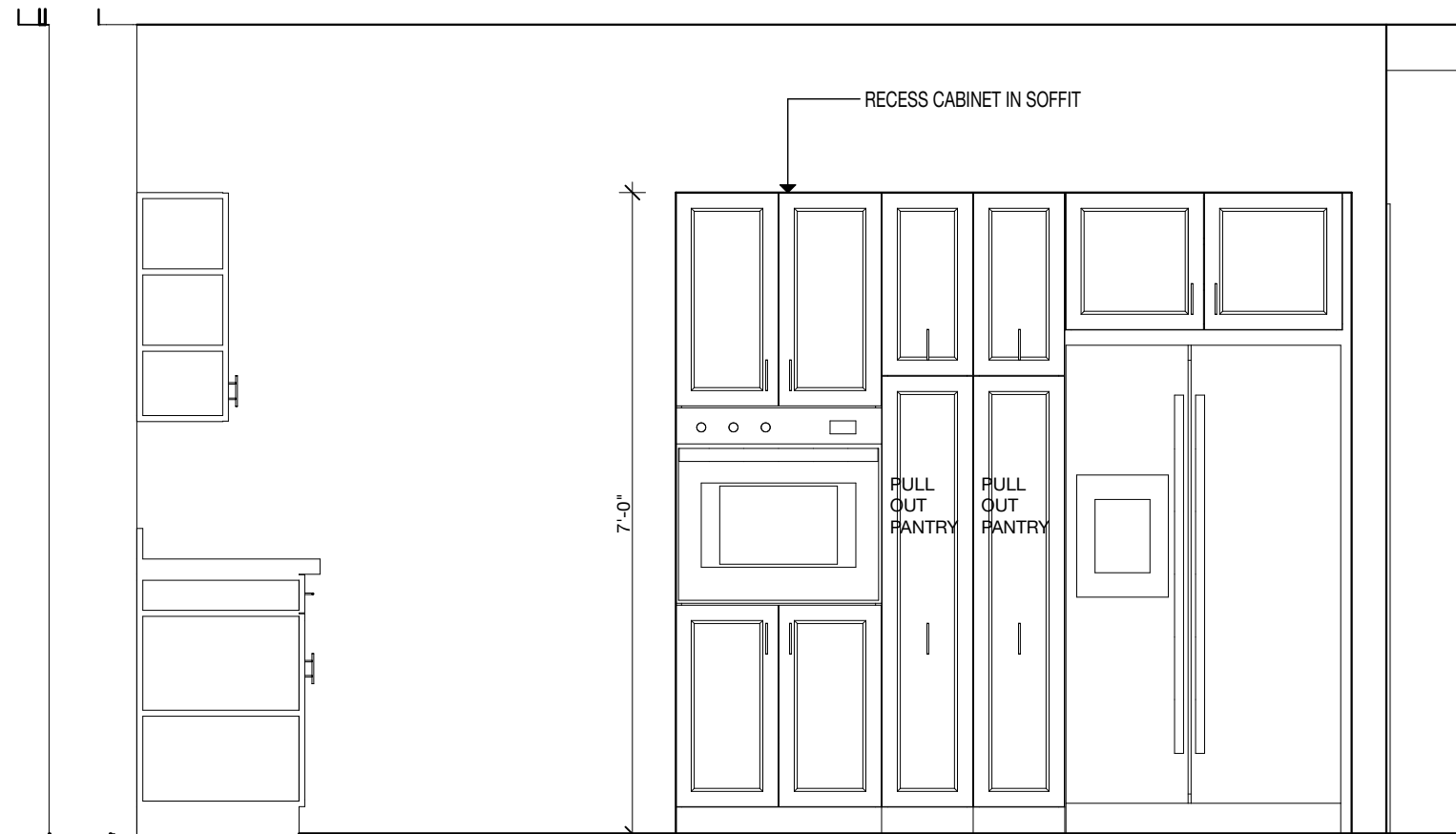
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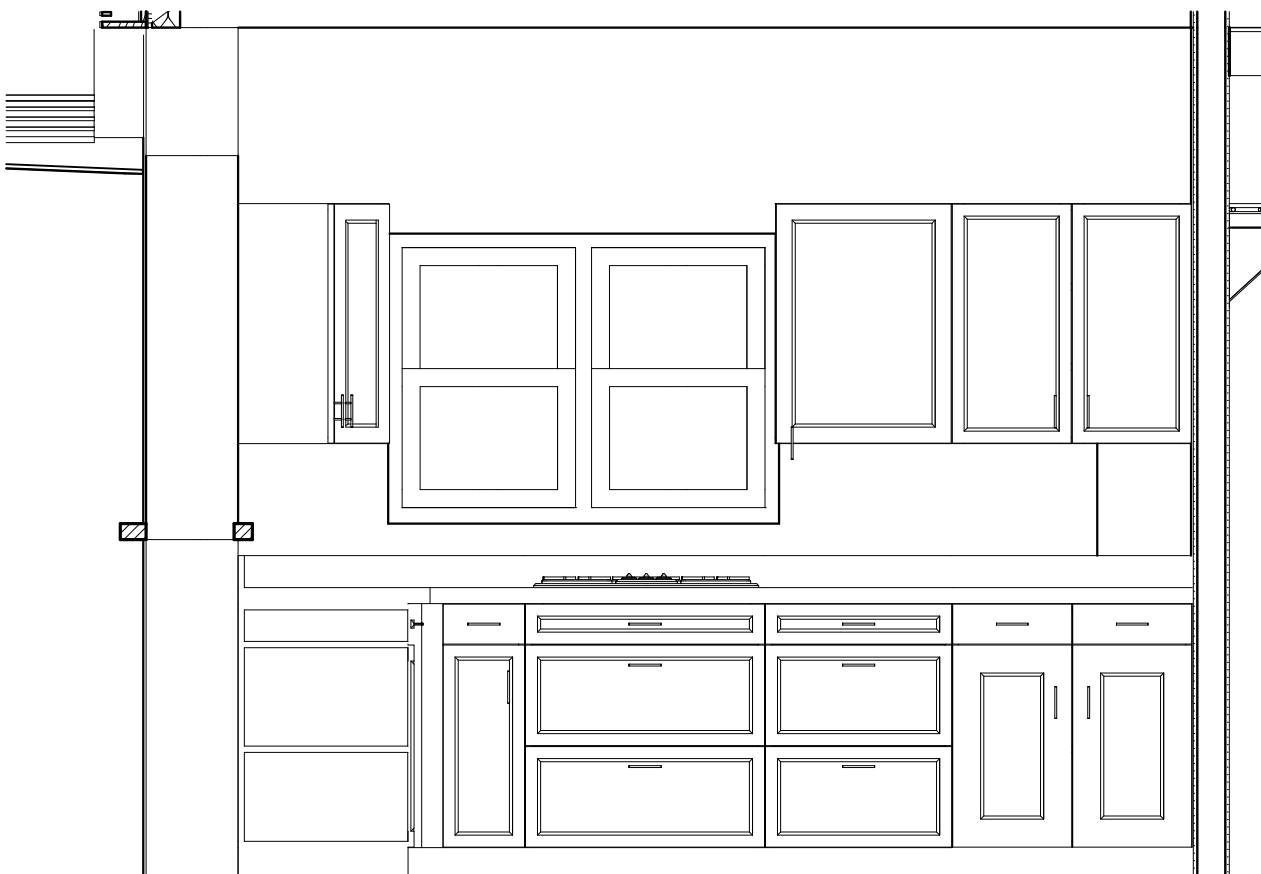
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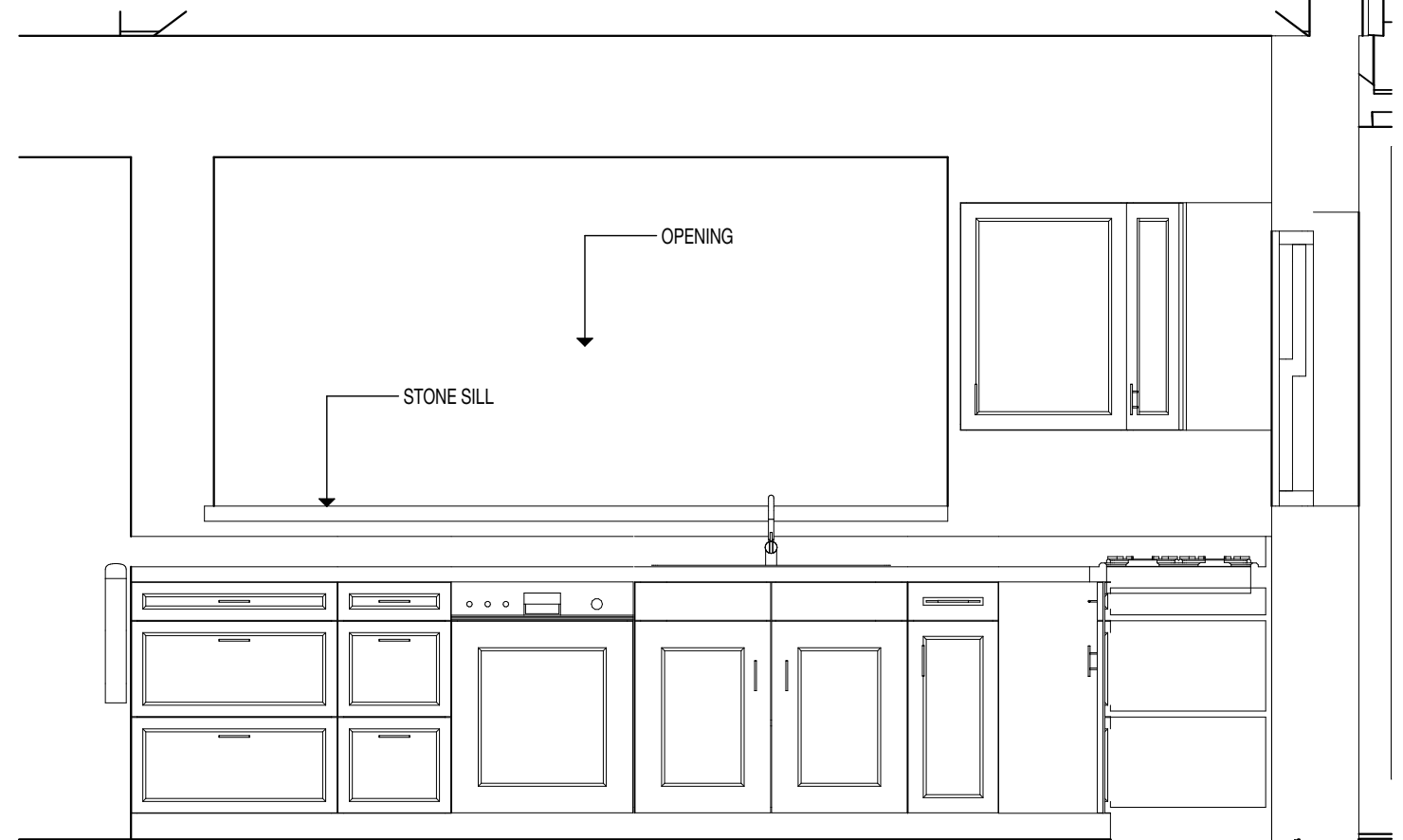
Packet Pg. 45



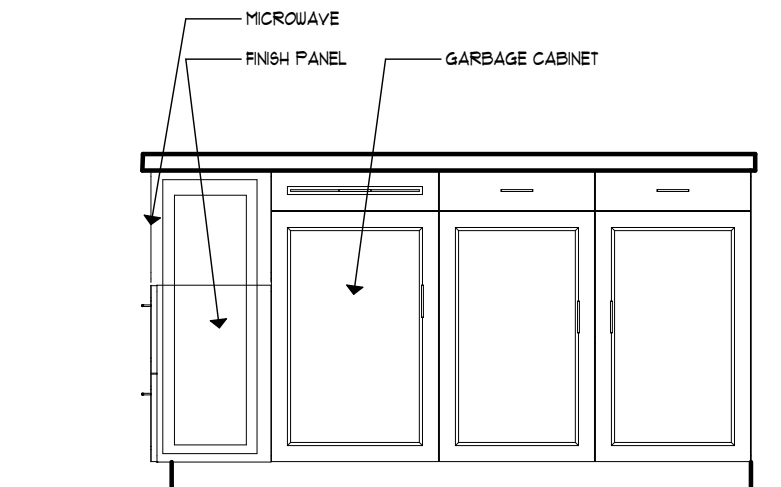
① **KITCHEN ELEVATION**
SCALE: 1/2" = 1'-0"



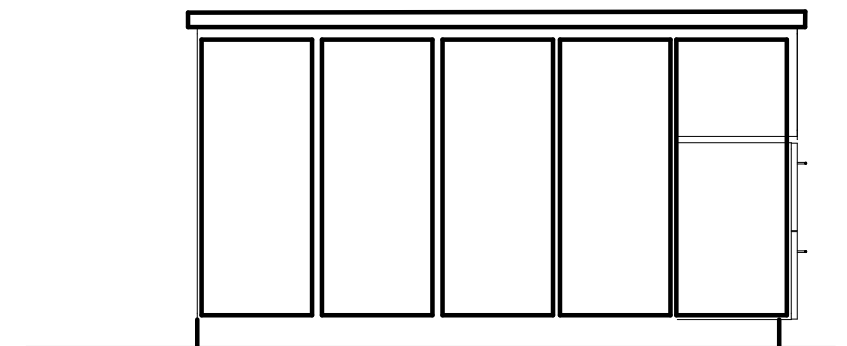
② **KITCHEN ELEVATION**
SCALE: 1/2" = 1'-0"



③ **KITCHEN ELEVATION**
SCALE: 1/2" = 1'-0"



④ **ISLAND ELEVATION**
SCALE: 1/2" = 1'-0"



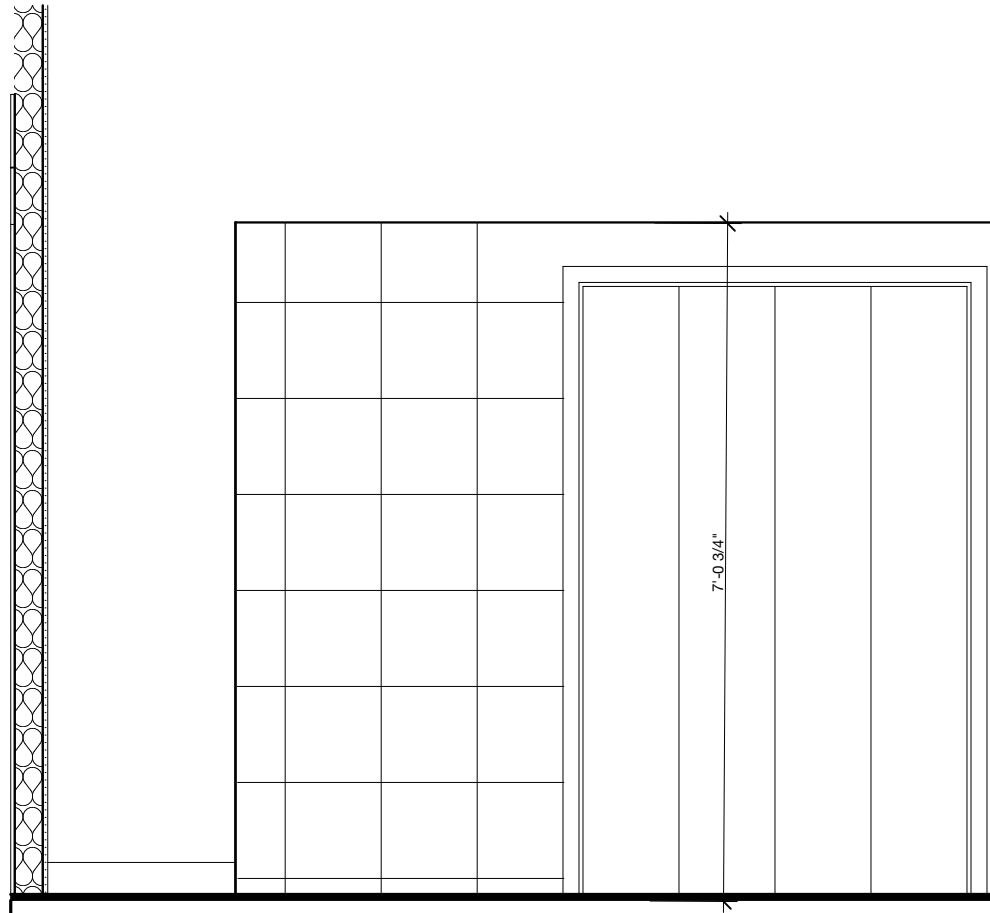
⑤ **ISLAND ELEVATION**
SCALE: 1/2" = 1'-0"

NEW ADDITION for:
ALI BUCHANAN
10662 N. WAUWATOSA RD MEQUON WI 53097

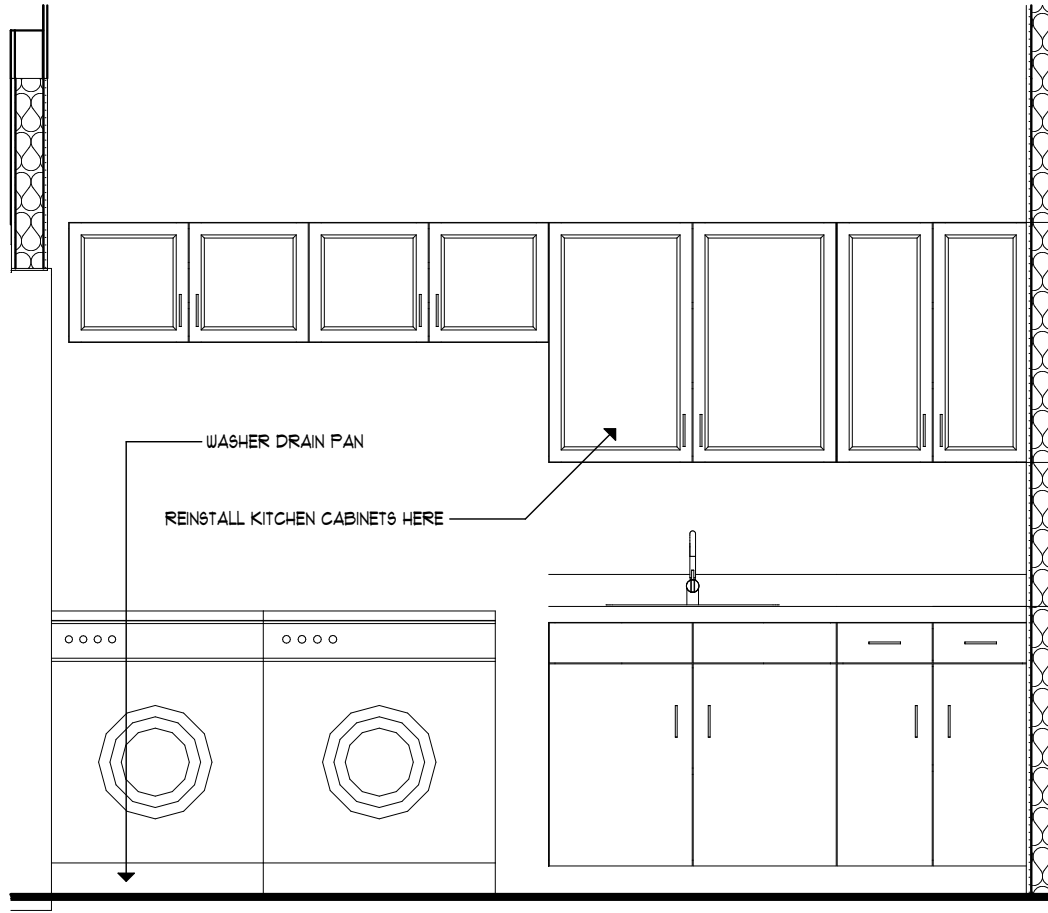
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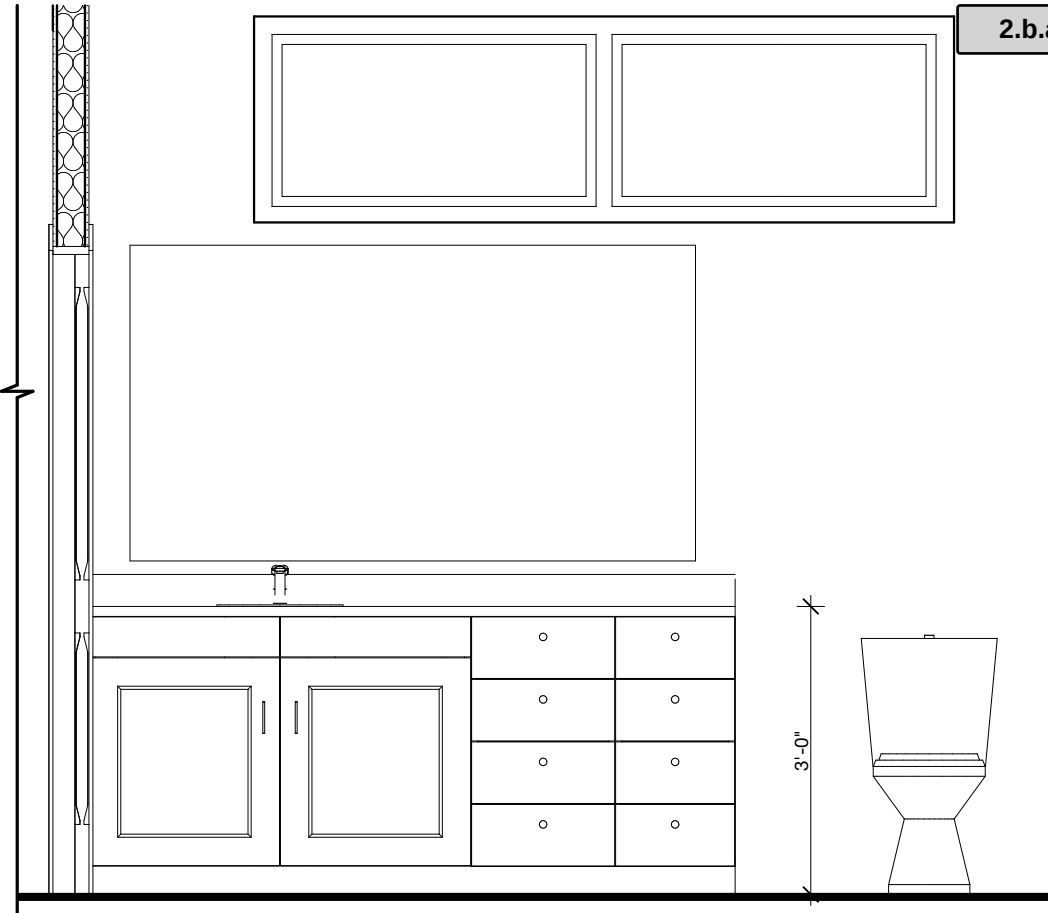
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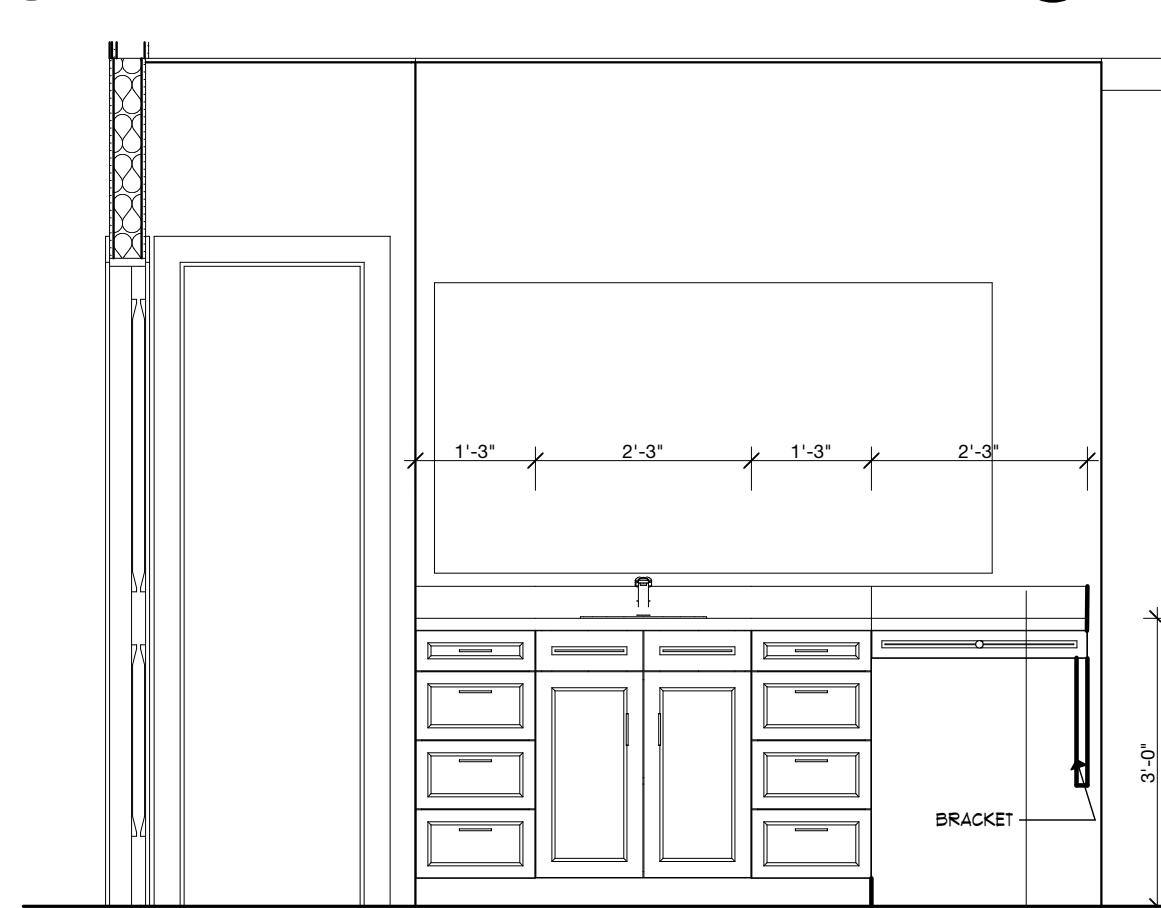
③ BATH ELEVATION
SCALE: 1/2" = 1'-0"



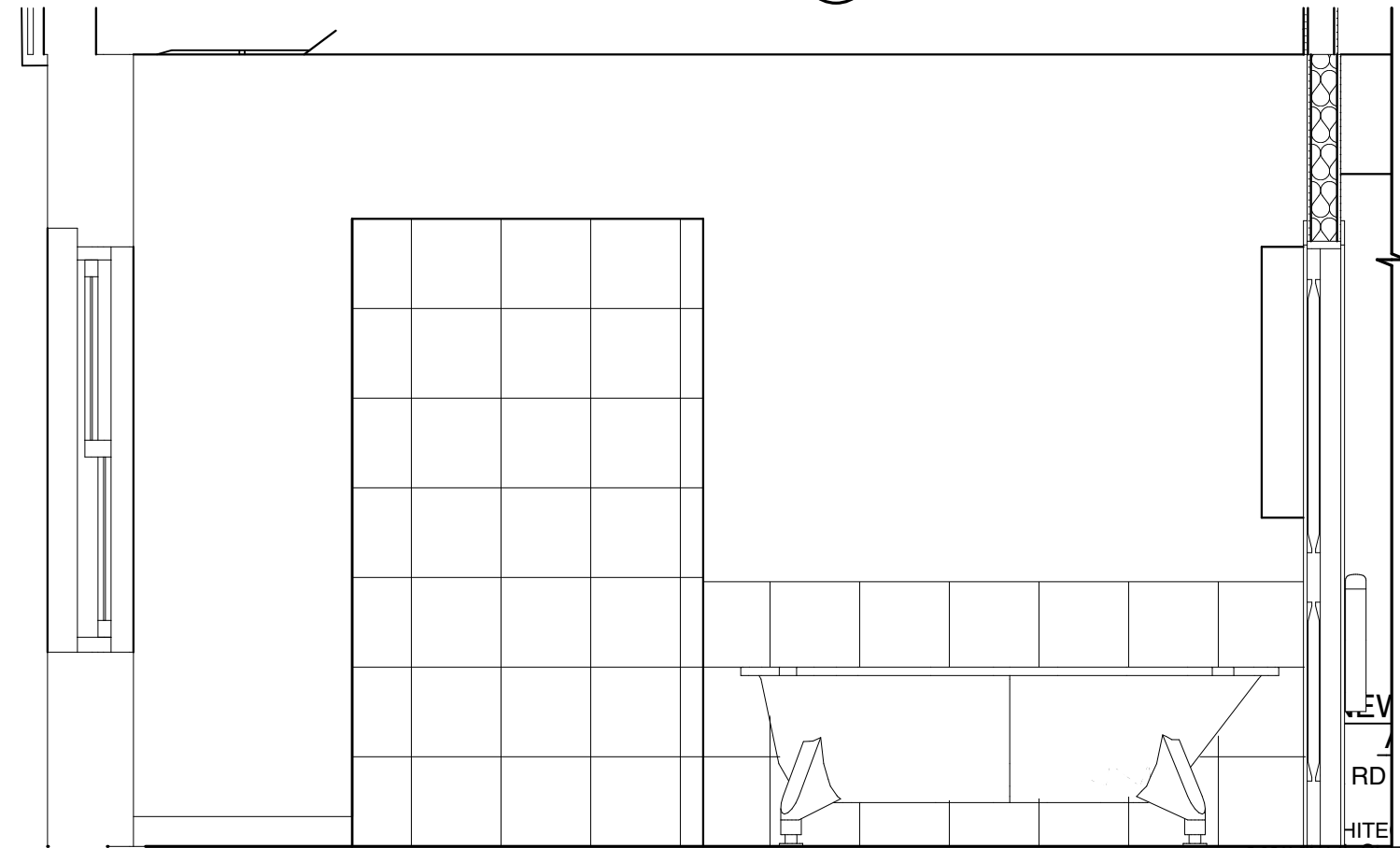
⑤ LAUNDRY ELEVATION
SCALE: 1/2" = 1'-0"



④ BATH ELEVATION
SCALE: 1/2" = 1'-0"



① MBATH ELEVATION
SCALE: 1/2" = 1'-0"



② MBATH ELEVATION
SCALE: 1/2" = 1'-0"

2.b.a

Attachment: Packet (2110 : Alexandra Buchanan)

ADDITION for:
BUCHANAN
JUNON WI 53097



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Packet Pg. 47

DOOR AND FRAME SCHEDULE												
DOOR					FRAME					FIRE...	HAR...	NOTES
MARK	SIZE		TYPE	MAT.	MATL	GLZ	DETAIL					
	W	HT					HEAD	JAMB	SILL			
1	5'-0"	6'-8"		---	---	---						
1	6'-0"	2'-6"		---	---	---						
1	6'-0"	2'-8"		---	---	---						
1	6'-0"	3'-0"		---	---	---						
2	3'-0"	6'-8"		---	---	---						
3	3'-0"	6'-8"		---	---	---						
4	2'-8"	6'-8"		---	---	---						
5	1'-10"	6'-8"		---	---	---						
5	2'-6"	6'-8"	---	---	---	---	---	---	---	---	---	---
6	2'-8"	6'-8"		---	---	---						
7	5'-0"	6'-8"		---	---	---						
8	9'-0"	8'-0"		---	---	---						
9	5'-0"	6'-8"		---	---	---						
10	9'-0"	8'-0"		---	---	---						
11	3'-0"	6'-8"		---	---	---						
12	3'-4"	8'-0"		---	---	---						

ROOM FINISH SCHEDULE										
nمبر	Room Name	Floor	Base	North Wall	South Wall	East Wall	West Wall	Ceiling	Ceiling Height	Remarks
101	BEDROOM	HW	WD	PTD GYP BD	PTD GYP BD	PTD GYP BD	PTD GYP BD	PTD GYP BD		
102	BEDROOM	HW	WD	PTD GYP BD	PTD GYP BD	PTD GYP BD	PTD GYP BD	PTD GYP BD		
103	M. BATH	TILE	WD	PTD GYP BD	PTD GYP BD	PTD GYP BD	PTD GYP BD	PTD GYP BD		
104	KIT	TILE	WD	PTD GYP BD	PTD GYP BD	PTD GYP BD	PTD GYP BD	PTD GYP BD		
105	LIVING ROOM	HW	WD	PTD GYP BD	PTD GYP BD	PTD GYP BD	PTD GYP BD	CORR. MTL		
106	CORR	TILE	WD	PTD GYP BD	PTD GYP BD	PTD GYP BD	PTD GYP BD	PTD GYP BD		
107	LAUNDRY	TILE	WD	PTD GYP BD	5/8" GYP BD	PTD GYP BD	PTD GYP BD	PTD GYP BD		
108	BATH	TILE	WD	PTD GYP BD	5/8" GYP BD	PTD GYP BD	PTD GYP BD	PTD GYP BD		
109	EX. GARAGE	EXIST	EX	5/8" GYP BD						

WINDOW SCHEDULE						
MARK	SIZE		DESCRIPTION	GLAZING	SCREENS	NOTES
	WIDTH	HEIGHT				
B	3'-6"	2'-0"	CLAD WINDOW	1" LOW E	☒	
C	2'-2 1/2"	4'-6"			☒	
D	5'-0"	4'-6"			☒	
E	2'-4"	2'-10"	CLAD WINDOW	1" LOW E	☒	
G	9'-0"	2'-6"	CLAD WINDOW	1" LOW E	☒	
A	7'-0"	2'-0"	CLAD WINDOW	1" LOW E	☒	
F	2'-4"	2'-10"	CLAD WINDOW	1" LOW E	☒	

LINTEL SCHEDULE							
NAME	TYPE	Width	Height	MATERIAL	SIZE	BEARING	NOTES
L-1	W8X10	0'-3 1/4"	0'-6"	STEEL			
L-2	W8X10	0'-3 1/4"	0'-6"	STEEL			

NOTES :

1. () DENOTES DIRECTION OR DISTANCE PER DEED.
2. ALL BEARINGS ARE REFERENCED TO GRID NORTH OF THE WISCONSIN STATE PLANE COORDINATE SYSTEM (SOUTH ZONE), WEST LINE OF THE SW. 1/4 OF SECTION 27-9-21, WHICH BEARS $S1^{\circ}07'49''E$.

LEGAL DESCRIPTION :

That part of the West One-half (1/2) of the Southwest One-quarter (1/4) of Section Twenty-seven (27), Township Nine (9) North, Range Twenty-one (21) East, in the City of Mequon, Ozaukee County, Wisconsin, bounded and described as follows: Commencing at a point in the West line 695.00 feet South of the Northwest corner thereof; thence South $88^{\circ}42'$ East on a line, 400.07 feet to a point; thence South on a line parallel to the West line of said One-quarter (1/4) Section, 115.45 feet to a point; thence South $89^{\circ}13'$ West on a line, 400.00 feet to a point in the West line of said One-quarter (1/4) Section; thence North along the West line of said One-quarter (1/4) Section, 130.00 feet to the place of beginning. Except the West Sixty feet (60') thereof conveyed to Ozaukee County for Highway by deed and recorded as Document No. 204402.

Said Parcel containing 41,354 sq. ft./0.949 acres of land, more or less.

SURVEY CERTIFICATE

I have surveyed the above described property and the above map is a true representation thereof and shows the size and location of the property, its exterior boundaries, the location and dimensions of all visible structures thereon, boundary fences, apparent easements, roadways, and visible encroachments, if any.

This survey is made for the exclusive use of the present owners of the property, and also those who purchase, mortgage, or guarantee the title thereto within one (1) year from date hereof.

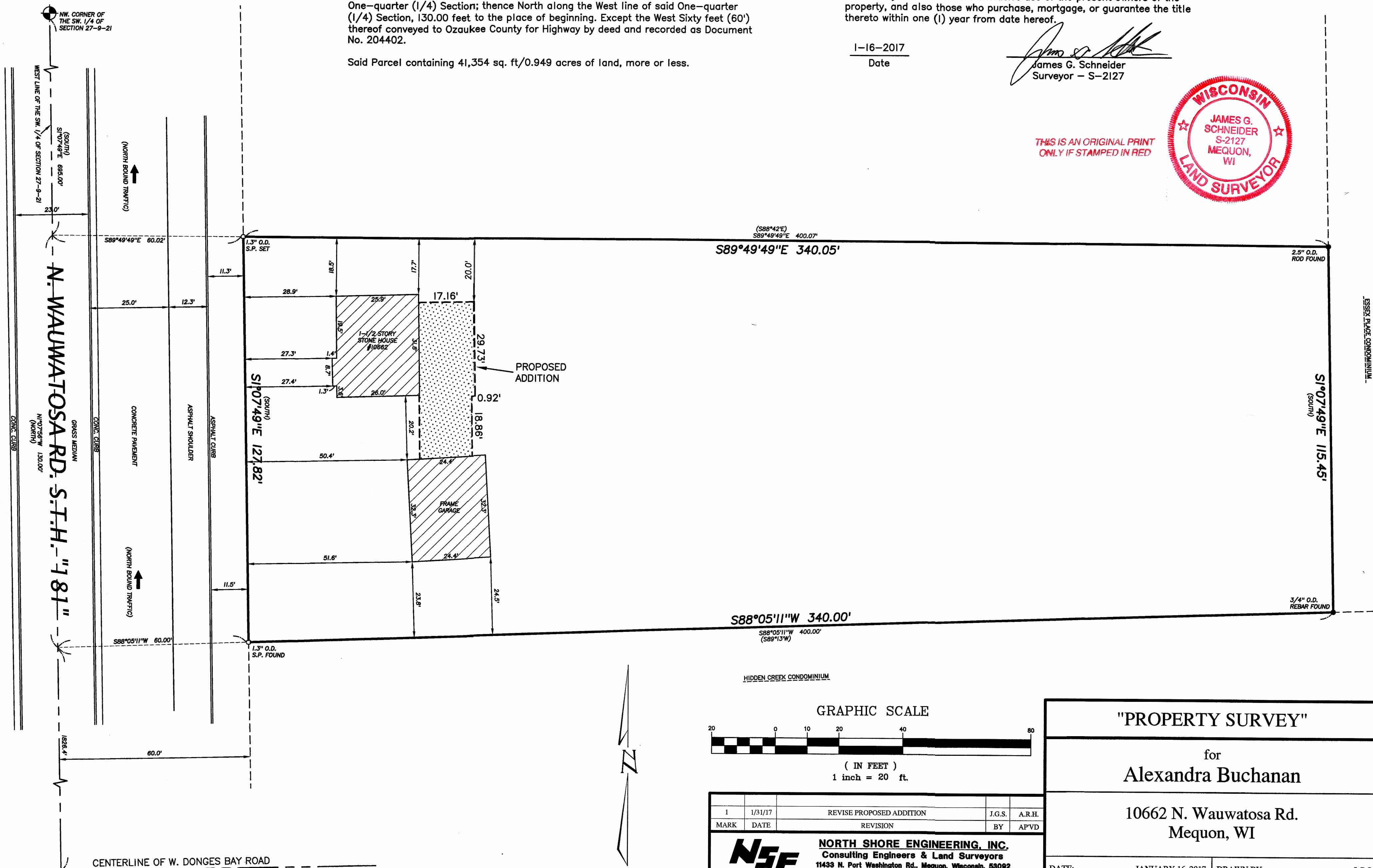
1-16-2017

Date

James G. Schneider
James G. Schneider
Surveyor - S-2127



THIS IS AN ORIGINAL PRINT
ONLY IF STAMPED IN RED



Legal Description:

That part of the West One-half (1/2) of the Southwest One-quarter (1/4) of Section Twenty-seven (27), Township Nine (9) North, Range Twenty-one (21) East, in the City of Mequon, Ozaukee County, Wisconsin, bounded and described as follows:

Commencing at a point in the West line 695.00 feet South of the Northwest corner thereof; thence South 88°42' East on a line 400.07 feet to a point; thence South on a line parallel to the West line of said One-quarter (1/4) Section 115.45 feet to a point; thence South 89°13' West on a line 400.00 feet to a point in the West line of said One-quarter (1/4) Section; thence North along the West line of said One-quarter (1/4) Section 130.00 feet to the place of beginning. Except the West Sixty feet (60') thereof conveyed to Ozaukee County for Highway by deed and recorded as Document No. 204402.



Attachment: Packet (2110 : Alexandra Buchanan)



Attachment: Packet (2110 : Alexandra Buchanan)



Attachment: Packet (2110 : Alexandra Buchanan)





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

www.ci.mequon.wi.us

Office of Community Development

TO: Planning Commission
FROM: JAC ZADER, ASSISTANT DIRECTOR COMMUNITY DEVELOPMENT
DATE: February 13, 2017
SUBJECT: Chaput Land Surveys, llc for Paul Ellsworth. The applicant is seeking 2 lot certified survey map approval for the properties located at 12543 and 12447 N. Farmdale Road.

Applicant:	Chaput Land Surverys
Status of Applicant:	Agent
Requested:	Final Land Division Approval
Existing Zoning:	R-1 (Residential 5 Acre)
Land Use Plan:	Residential 5 Acre
Lot size:	97 acres
Location:	12543 and 12447 N. Farmdale Road
Tax Key:	#14-017-07-001.00 & #14-017-08-005.00
District:	#3

Background:

The applicant is requesting Planning Commission approval for a two lot certified survey map at 12447 and 12543 N Farmdale Road. The land division changes the area of two existing lots and does not create any additional lots. Lot 1 is shown at 92 acres and Lot 2 is shown at 5 acres. There is a new single family home being constructed on Lot 1 and there is an existing home on Lot 2. Access to Lot 2 is shown from an existing 30 foot ingress/egress easement.

Land Use Plan Map and R-1 District Standards:

The proposed certified survey map (CSM) is consistent with the Land Use Plan map designation and with the R-1 district standards. The Land Use Plan designates the parcel as. Surrounding zoning and land uses are residential as well.

Engineering Report:

Kristen Lundeen, Director of Public Works/City Engineer, has reviewed the application and has the following comments:

The CSM has been checked and it closes to state statute requirements.

Staff Recommendation:

The proposed land division complies with the Zoning Code and Land Use Plan, therefore staff recommends **approval** subject to the following conditions:

1. Final staff review and approval of CSM.
2. A note shall be placed on the plans indicating that wetlands may be present and that a delineation is required prior to any further divisions of the lot.

3. The applicant shall submit an electronic file for the proposed certified survey map in a format compatible with AutoCAD 2010 dwg or dxf in Wisconsin State Plane Coordinate system, South Zone (NAD 27).

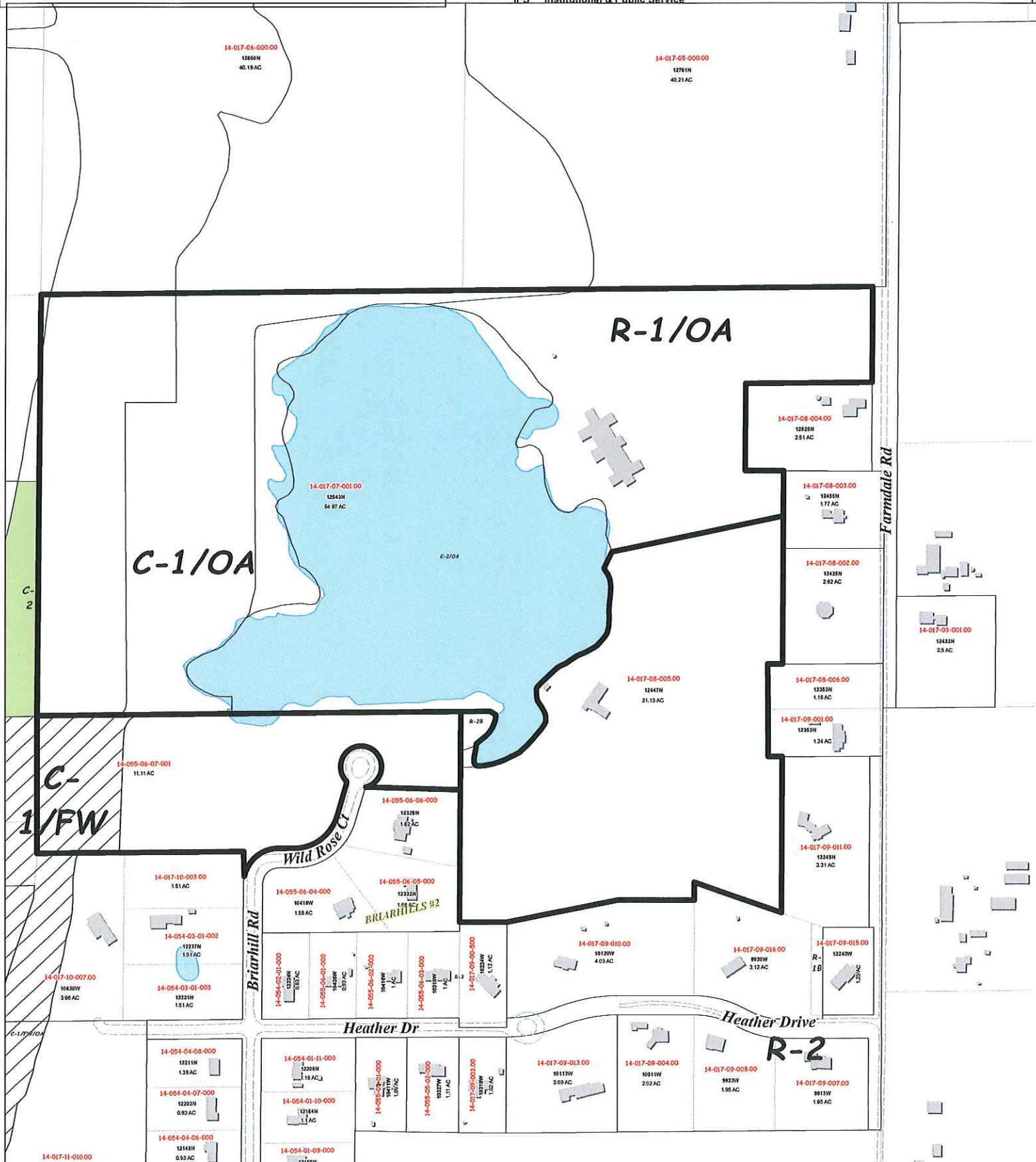
Attachments:

Packet (PDF)

Item 4 - Chaput Land Surveys

A-1 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

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



CHAPUT LAND SURVEYS LLC

January 10, 2017

Kim Tollefson
Director of Community Development
City of Mequon
11333 N. Cedarburg Rd
Mequon, WI 53092

Dear Ms. Tollefson,

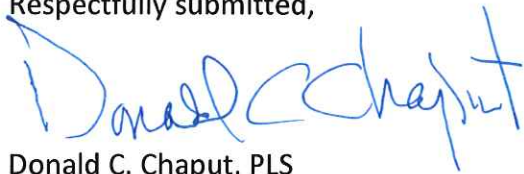
Enclosed is an application to the planning commission to place on their agenda, a Certified Survey Map for the Ellsworth property on Farmdale Road in Section 17, Town 9 North, Range 21 East. The property currently has 2 single family residences on it. The purpose of the CSM is to divide the property into 2 lots, each with an existing single family home.

Lot 1 is 5 acres in area and 300 feet in width to meet minimum zoning requirements. Lot 1 has access by a 30 foot ingress/egress easement per Document No. 345009 of which was recorded in the Ozaukee County Register of Deeds in 1983. The remainder of the property, Lot 2, encompasses the house under construction and the pond. Lot 2 has frontage on Farmdale Rd.

Given that the single family homes are existing conditions and no new development will occur, wetlands are shown based on Ozaukee County GIS Data. No soil borings and soil percolation tests were necessary as both homes are served by existing on-site septic systems.

Thank you for your consideration. Please notify this office of any technical review comments that are required for approval of this Certified Survey Map.

Respectfully submitted,



Donald C. Chaput, PLS

CERTIFIED SURVEY MAP NO. _____

A division of all of Certified Survey Maps No. 637 and 2192, Lot 1 of Certified Survey Map No. 1386, Lot 1 and 2 in Certified Survey Map No. 1874, Lot 7, Block 6 in Briarhills No. 2 and lands all in the Southwest 1/4 and Southeast 1/4 of the Northwest 1/4 and in the Northwest 1/4 and Northeast 1/4 of the Southwest 1/4 in Section 17, Town 9 North Range 21 East, in the City of Mequon, Ozaukee County, Wisconsin.

VICINITY MAP

NW 1/4 & SW 1/4
SEC. 17, T9N, R21E.
WEST HIGHLAND ROAD

Subdivider: Paul R. Ellsworth III
and Patricia F. Ellsworth

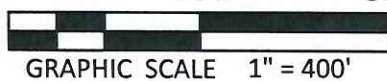
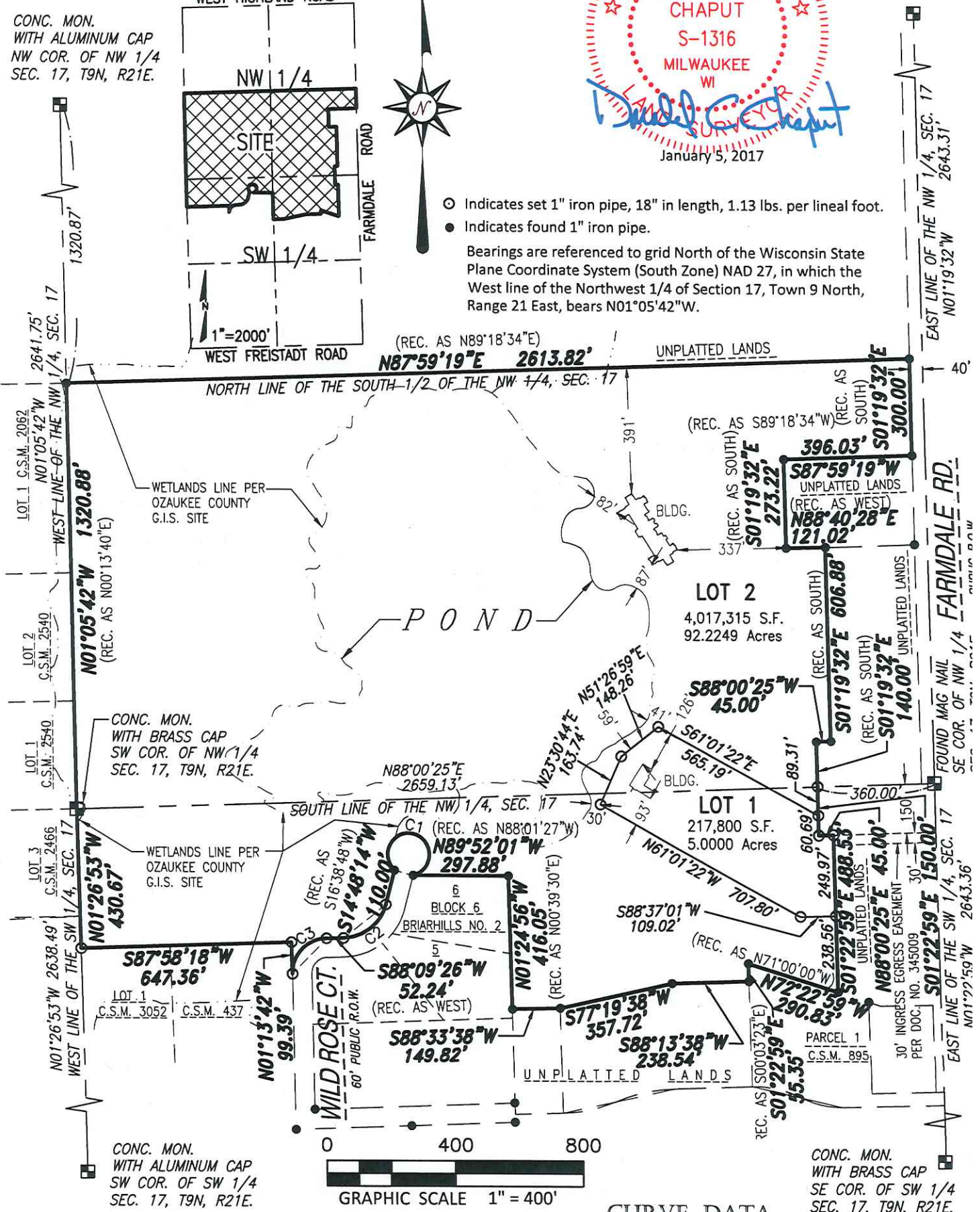
CONC. MON.
WITH BRASS CAP
NE COR. OF NW 1/4
SEC. 17, T9N, R21E.

CONC. MON.
WITH ALUMINUM CAP
NW COR. OF NW 1/4
SEC. 17, T9N, R21E.



- Indicates set 1" iron pipe, 18" in length, 1.13 lbs. per lineal foot.
- Indicates found 1" iron pipe.

Bearings are referenced to grid North of the Wisconsin State Plane Coordinate System (South Zone) NAD 27, in which the West line of the Northwest 1/4 of Section 17, Town 9 North, Range 21 East, bears N01°05'42"W.



CURVE DATA

CURVE	ARC	RADIUS	CH. BEARING	CHORD	DELTA	TAN. BEARING	TAN. BEARING
C1	346.04'	65.00'	N75°11'46"W	60.00'	305°01'38"	N77°19'03"E	S47°42'35"E
C2	181.04'	141.41'	S51°28'50"W	168.93'	73°21'12"	S14°48'14"W	S88°09'26"W
C3	171.25'	110.00'	S43°33'26"W	154.47'	89°12'00"	S88°09'26"W	S01°02'34"E

CHAPUT LAND SURVEYS LLC

234 W. FLORIDA STREET
MILWAUKEE, WI 53204
414-224-8068
www.chaputlandsurveys.com

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

Drawing No. 1430-grb
SHEET 1 OF 3 SHEETS

Packet Pg. 59

Attachment: Packet (2108 : Chaput Land Surveyors, llc for Paul Ellsworth)

CERTIFIED SURVEY MAP NO. _____

A division of all of Certified Survey Maps No. 637 and 2192, Lot 1 of Certified Survey Map No. 1386, Lot 1 and 2 in Certified Survey Map No. 1874, Lot 7, Block 6 in Briarhills No. 2 and lands all in the Southwest 1/4 and Southeast 1/4 of the Northwest 1/4 and in the Northwest 1/4 and Northeast 1/4 of the Southwest 1/4 in Section 17, Town 9 North, Range 21 East, in the City of Mequon, Ozaukee County, Wisconsin.

SURVEYOR'S CERTIFICATE

STATE OF WISCONSIN }
:SS
MILWAUKEE COUNTY }

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

THAT I have surveyed, divided and mapped a division of all of Certified Survey Maps No. 637 and 2192, Lot 1 of Certified Survey Map No. 1386, Lot 1 and 2 in Certified Survey Map No. 1874, Lot 7, Block 6 in Briarhills No. 2 and lands all in the Southwest 1/4 and Southeast 1/4 of the Northwest 1/4 and in the Northwest 1/4 and Northeast 1/4 of the Southwest 1/4 in Section 17, Town 9 North, Range 21 East, in the City of Mequon, Ozaukee County, Wisconsin, which is bounded and described as follows:

BEGINNING at the Southwest corner of the Northwest 1/4 of Section 17; thence North 01°05'42" West along the West line of said Northwest 1/4 a distance of 1320.88 feet to a point on the North line of the South 1/2 of the Northwest 1/4; thence North 87°59'19" East along said North line 2613.82 feet to a point on the West line of Farmdale Road; thence South 01°19'32" East along said West line 300.00 feet to a point; thence South 87°59'19" West 396.03 feet to a point; thence South 01°19'32" East and parallel to said East line 273.22 feet to a point; thence North 88°40'28" East 121.02 feet to a point; thence South 01°19'32" East and parallel to said East line 606.88 feet to a point; thence South 88°00'25" West 45.00 feet to a point; thence South 01°19'32" East and parallel to said East line 140.00 feet to a point; thence South 01°22'59" East and parallel to said East line of the Southwest 1/4 of Section 28 a distance of 150.00 feet to a point; thence North 88°00'25" East 45.00 feet to a point; thence South 01°22'59" East and parallel to said East line 488.53 feet to a point on the North line of Parcel 1 in Certified Survey Map No. 895; thence North 72°22'59" West along said North line 290.83 feet to a point on the West line of said Parcel; thence South 01°22'59" East along said West line 55.35 feet to a point; thence South 88°13'38" West 238.54 feet to a point; thence South 77°19'38" West 357.72 feet to a point; thence South 88°33'38" West 149.82 feet to a point on the West line of Lot 5, Block 7 in Briarhills No. 2; thence North 01°24'56" West along the West line of Lots 5 and 6 in said Briarhills No. 2 a distance of 416.05 feet to a point on the North line of said Lot 6; thence North 89°52'01" West along said North Line 297.88 feet to a point on the East line of Wild Rose Court, thence Northwesterly 346.04 feet along said East line and arc of a curve, whose center lies to the West, whose radius is 65.00 feet and whose chord bears North 75°11'46" West 60.00 feet to a point on the West line of Wild Rose Court; thence South 14°48'14" West along said West line 110.00 feet to a point; thence Southwesterly 181.04 feet along said West line and arc of a curve, whose center lies to the Northwest, whose radius is 141.41 feet and whose chord bears South 51°28'50" West 168.93 feet to a point; thence South 88°09'26" West along said West line 52.24 feet to a point; thence Southwesterly 171.25 feet along said West line and arc of a curve, whose center lies to the Southeast, whose radius is 110.00 feet and whose chord bears South 43°33'26" West 154.47 feet to a point on the East line of Certified Survey Map No. 437; thence North 01°13'42" West along said East line 99.39 feet to a point on the North line of said map; thence South 87°58'18" West along said North line and North line of Lot 1 in Certified Survey Map No. 3052 a distance of 647.36 feet to a point on the West line of the Southwest 1/4 of Section 17; thence North 01°26'53" West along said West line 430.67 feet to the point of beginning.

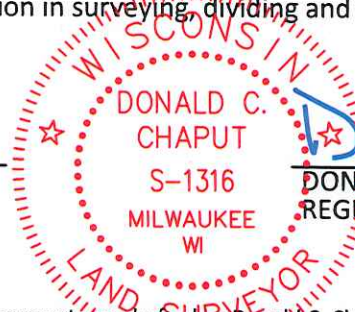
Said lands contain 4,235,115 square feet, or 97.2249 acres.

THAT I have made the survey, land division and map by the direction of Paul R. Ellsworth III and Patricia F. Ellsworth, owners.

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

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

January 5, 2017
DATE




DONALD C. CHAPUT
REGISTERED LAND SURVEYOR S-1316

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

Drawing No. 1430-grb
SHEET 2 OF 3 SHEETS

Packet Pg. 60

Attachment: Packet (2108 : Chaput Land Surveyors, llc for Paul Ellsworth)

CERTIFIED SURVEY MAP NO. _____

A division of all of Certified Survey Maps No. 637 and 2192, Lot 1 of Certified Survey Map No. 1386, Lot 1 and 2 in Certified Survey Map No. 1874, Lot 7, Block 6 in Briarhills No. 2 and lands all in the Southwest 1/4 and Southeast 1/4 of the Northwest 1/4 and in the Northwest 1/4 and Northeast 1/4 of the Southwest 1/4 in Section 17, Town 9 North, Range 21 East, in the City of Mequon, Ozaukee County, Wisconsin.

OWNER'S CERTIFICATE

Paul R. Ellsworth III and Patricia F. Ellsworth, as owners, hereby certify that we caused the land described on this Certified Survey Map to be surveyed, divided and mapped as represented on this map in accordance with the requirements of the City of Mequon.

Paul R. Ellsworth III and Patricia F. Ellsworth, as owners, do further certify that this map is required by S.236.20 or 236.12 to be submitted to the following for approval or objection: City of Mequon.

Date

Paul R. Ellsworth III

Date

Patricia F. Ellsworth

STATE OF WISCONSIN}
:SS
COUNTY}

Personally came before me this ____ day of _____, 2017, the above named Paul R. Ellsworth III and Patricia F. Ellsworth, to me known as the person who executed the foregoing instrument and acknowledged the same.

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

CITY OF MEQUON PLAN COMMISSION APPROVAL

APPROVED by the City of Mequon Planning Commission this ____ day of _____, 2017

Dan Abendroth, Chairperson

CITY OF MEQUON COMMON COUNCIL APPROVAL

APPROVED by the City of Mequon Common Council this ____ day of _____, 2017

Dan Abendroth, Mayor

Caroline Fochs, City Clerk



January 5, 2017

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

Drawing No. 1430-grb
SHEET 3 OF 3 SHEETS

Packet Pg. 61

Attachment: Packet (2108 : Chaput Land Surveyors, LLC for Paul Ellsworth)

TO: Planning Commission

FROM: JAC ZADER, ASSISTANT DIRECTOR COMMUNITY DEVELOPMENT

DATE: February 13, 2017

SUBJECT: Michael Best & Friedrich LLP for Outpost Natural Foods Cooperative. The applicant is seeking conditional use grant approval to allow for additional delivery hours for the property located at 7590 W. Mequon Road (Outpost Natural Foods).

Applicant:	Michael Best & Friedrich, LLP
Status of Applicant:	Agent
Requested:	Conditional Use Grant Amendment
Existing Use:	Grocery Store
Existing Zoning:	B-1 (Neighborhood Commercial)
Land Use Plan:	Neighborhood Commercial
Lot size:	1.75 acres
Location:	7590 W. Mequon Road
Tax Key:	#14-022-11-013.00
District:	#3

Background:

The applicant is seeking a conditional use amendment to expand delivery hours at Outpost Natural Foods at 7590 W Mequon Road. The use of a grocery store is permitted in the B-1 zoning district. Since the initial proposal requested waivers to the open space ratio and the building setback, a conditional use grant was required. The City Attorney has provided a memo that gives guidance to the Commission on the procedure to follow when amending the Conditional Use Grant. The current requirements limit Saturday deliveries from 7 AM to 12 PM and prohibit deliveries on Sunday. The applicant is requesting to extend Saturday deliveries until 2 PM and allow one delivery on Sunday. The Sunday delivery would be done with either a box truck or van.

Neighborhood Correspondence:

Staff has received correspondence from a number of residents in the Heron Pond Condominium Association (see attached). Some of the feedback identifies potential violations to the approved Conditional Use Grant requirements. Staff understands that the association and representatives from Outpost have had several discussions with regard to the violations with the intent of working the issues out without involving the City. Until this recent application, staff was unaware of any violations occurring at the site. If documented violations continue to persist, actions by the City could include municipal citations or revocation of the Conditional Use Grant.

Conditional Use Grant Findings:

According to Section 3.05(1)(b) of the Zoning Code, the following findings shall be considered

when analyzing a conditional use grant application:

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

The request for two additional hours on Saturday and one delivery on Sunday is consistent with other businesses in the area. The grocery store is located at the intersection of two state highways which handle a significant volume of traffic. The additional trips to the site will be negligible in relation to the current traffic volume. Staff feels that the changes to the hours of operation should not endanger the public health, safety or general welfare of the immediate area.

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

The site is surrounded to the north and east by the Heron Pond Condominium development. As part of the original approval, the applicant provided \$5,000 towards landscaping that was planted on the Heron Pond property. Recently, the fence along the north property line was extended 30 feet to the east to help screen the development from the neighboring side by side condos. The applicant is aware of complaints regarding noise and is willing to replace the loading dock with a quitter hydraulic lift. The lift would be installed prior to July 1, 2017. Staff understands the concern of expanding the hours of delivery by the neighboring property owners and has worked with Outpost to limit deliveries as much as possible without impacting their operations. The request to expand the hours of delivery on Saturday from noon until 2:00PM is consistent with other similar type uses in Mequon including Piggly Wiggly, Sendiks and Metro Market. While some of these other uses are not adjacent to residential properties it is important to keep in mind that groceries stores are permitted in the B-1 and if not for the waivers requested, the City would have no ability to regulate use operations. Staff feels the limited request for one delivery on Sunday with a smaller box truck or van is a reasonable solution to meeting the needs of the business while taking into consideration the impact on the adjacent residential neighbors.

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

The properties adjacent to the parcel requesting the rezoning have Land Use designations that include Neighborhood Commercial, Residential Plex, Single Family 1-1.5 Acre and Town Center. The use of a grocery store is permitted in the B-1 zoning and the change in delivery hours does not impact the compatibility of the use with the surrounding area. Other uses in the area including Mama Mia's, The Finial and the BP Service Station have hours of operation similar or at greater lengths than the Outpost request.

Staff Recommendation:

Staff recommends approval of the conditional use amendment based on the following:

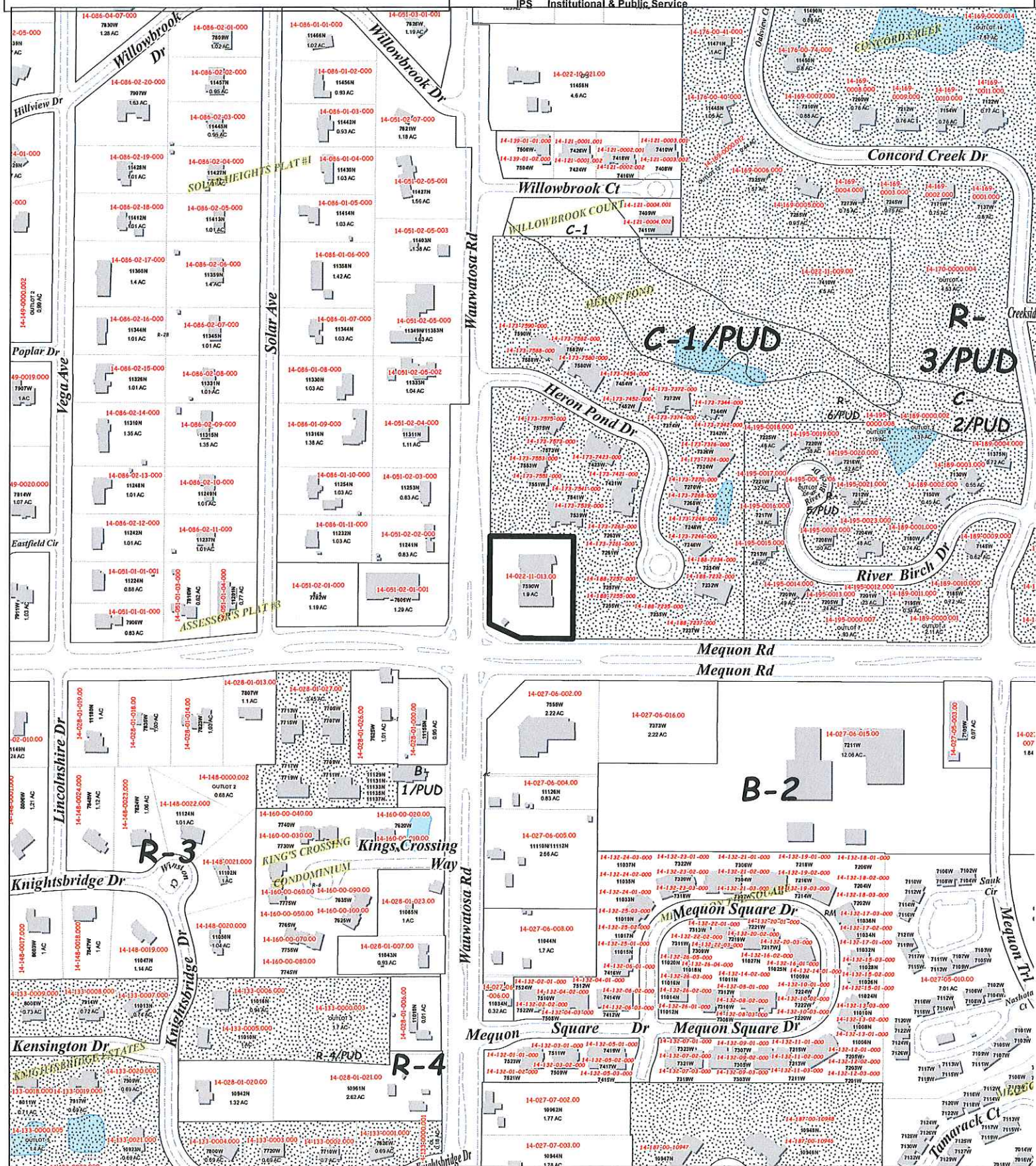
1. Hours of operation shall be as follows:
 - Store hours: Monday thru Sunday 7 a.m. to 9 p.m.
 - Deliveries: Monday thru Friday 7 a.m. to 2 p.m.
Saturday 7 a.m. to 2 p.m.
Sunday 10 a.m. to 2 p.m.
2. Sunday deliveries shall be limited to 1 per day and shall only be made with a 37 foot box truck or 15 foot van.
3. The hydraulic lift shall be installed no later than July 1, 2017.

Attachments:
Packet (PDF)

Item 5 - Outpost Foods

A-1 General Agriculture
 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

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



M E M O R A N D U M

To: Planning Commission
 From: Brian C. Sajdak, City Attorney
 Date: February 8, 2017
 Re: Outpost Conditional Use Amendment

I have been asked to offer an opinion as to the appropriateness of amending the conditions of an existing conditional use grant when the owner asks for an amendment. Before addressing that question, it is important to review the standards for conditional use grants. Under § 58-87(a), a conditional use may be allowed in a zoning district by the planning commission with “such conditions as deemed appropriate.” Subsection (b) provides further guidance to the planning commission as it relates to the basis for any conditional use approval:

Basis for approval. The planning commission shall base their determination on the potential effect of such use on the health, general welfare, safety and economic impact of the city and the immediate neighborhood. Specific consideration shall be given to the proposed conditional use grant's effect on the movement of traffic, environment, area aesthetics, city services and precedent of future development.

When approving a conditional use, there are certain standard requirements that should be met. Section 58-89(a) provides that the proposed site plan for the conditional use:

[S]hall be in sufficient detail to enable the planning commission to evaluate the suitability of architectural and landscape treatment; the proper siting of the building or buildings on the lot; generation of vehicular traffic and provision for parking and circulation needs; drainage and sewage disposal; exterior lighting; control devices where necessary to eliminate noise, dust, odor, smoke or other objectionable operating conditions; and the general compatibility of the proposed use with the area in which it is located.

Thus, conditional uses are “flexibility devices, which are designed to cope with situations where a particular use, although not inherently inconsistent with the use classification of a particular zone, may well create special problems and hazards if allowed to develop and locate as a matter of right in particular zone.” State ex rel. Skelly Oil Co. v. City of Delafield, 58 Wis. 2d 695, 701, 207 N.W.2d 585, 587 (1973). In short, when granting a conditional use, it is appropriate to add

such conditions deemed necessary to ensure that the use is compatible with the neighborhood in which it is located.

As it relates to amending a conditional use grant, § 58-88(f)(3)(c) & (e) specifies that, after a public hearing, a conditional use grant may be amended “[w]here there is a substantial change in the nature, character, extent or intensity of the use which causes it to be no longer compatible or less compatible with surrounding area, or . . . [f]or similar cause based upon consideration for the public welfare.” Accordingly, it is appropriate to amend a conditional use grant where the character of the use changes in a manner that makes it no longer compatible with the surrounding uses. A request to amend a condition to allow something not previously allowed would seem to qualify. However, where there is a request to amend a condition previously imposed, the only changes that should be made are those changes that would further ensure the compatibility of the use in light of the proposed change. The request does not offer the planning commission carte blanche to reopen all conditions or even to impose new ones that are unrelated to ensuring that compatibility.

Lastly, an amendment to a conditional use grant involves the exercise of discretion by the planning commission. As a reminder:

A proper exercise of discretion contemplates a reasoning process based on the facts of record and a conclusion based on a logical rationale founded upon proper legal standards. [The courts] are hesitant to interfere with such discretionary determinations.

Discretion, though, is not synonymous with decision making. A municipality misuses its discretion when it makes an arbitrary decision, one that is unreasonable or without a rational basis. Arbitrary action is the result of an unconsidered, willful or irrational choice, and not the result of the sifting and winnowing process. A flagrant misuse of discretion has been characterized as capricious, meaning a whimsical, unreasoning departure from established norms or standards; it describes action which is mercurial, unstable, inconstant, or fickle.

Oneida Seven Generations Corp. v. City of Green Bay, 2014 WI App 45, ¶¶ 20-21, 353 Wis. 2d 553, 846 N.W.2d 33, aff'd, 2015 WI 50, ¶¶ 20-21, 362 Wis. 2d 290, 865 N.W.2d 162

(Unpublished)(Internal citations omitted). When making the decision to grant (or amend) a conditional use grant, the decision — including the decision to impose any conditions — should be based upon the record before the planning commission. Conditions should be supported by the evidence and not simply imposed because it will make an objector happy.

Attachment to Amended Application of Outpost Natural Foods
For Amendment to CUP

Outpost is enjoying a lot of success at its Mequon store, especially with the sale of food made in its central kitchen, which needs to be delivered daily to keep it fresh. Apparently, the citizens of Mequon like having a healthy meal option to bring home.

The CUP for the Mequon store contained some limitations on the hours of truck delivery to the store, some of which, especially the Saturday hours, are more limited than any other grocer in the City. Outpost is finding the need to request a small expansion of those hours, in order to accommodate customer needs.

Outpost is requesting that the delivery hours be extended on Saturdays from 12-2, and that Sunday delivery hours of 10-2 be added. Outpost is willing to limit the Sunday deliveries to one delivery per day, of its own truck, not that of outside vendors, in that time window. The Sunday deliveries would either be made with Outpost's own refrigerated box truck, which is no more than 37 feet long, or a van no more than 15 feet long. A copy of a picture or drawing of each, with dimensions, is on the attached sheet. No semi deliveries would be allowed on Sundays.

Outpost submitted an application for the CUP Amendment in November. In an effort to work with the neighbors to address their concerns, Outpost has made, and is willing to commit to the following:

- Outpost extended the fence separating the loading dock and the neighbors to the north, to limit noise, the view of the loading dock, and to prevent the occasional item of paper or plastic blowing from the loading dock. This extension was 30 feet. Remember that Outpost had already planted arborvitae bushes on the neighbor's side of the fence as part of the original CUP, to make it more visually appealing.

- Outpost is willing to install a hydraulic lift on its loading dock, to reduce the noise of the loading dock operation during delivery hours. It will take some time to order and install the new equipment.

We hope the City appreciates that Outpost is spending more than \$10,000 to make improvements to be a good neighbor, and to respond to the concerns of the neighbors.

Therefore the request for CUP Amendment is to add the following to the official CUP:

Truck delivery times on Saturdays are increased to add the hours of 12-2 pm. Truck deliveries on Sundays are permitted, between the hours of 10 and 2, for one delivery by Outpost's refrigerated box truck of no more than 37 feet in length, or a van of no more than 15 feet in length, and no semi trucks. The Site plan is amended to approve the extension of the fence shown on the attached revised site plan. Outpost shall install a quieter hydraulic lift on its loading dock, before July 1, 2017.

Attachments: Revised Site Plan showing location of fence extension and new landscaping.
Picture or drawing of Outpost refrigerated box truck and van.

Re: Outpost's request to amend the Conditional Use Grant to allow for extended delivery hours

Dear Ms. Tollefson, Mr. Zader and Planning Commission members,

Having lived through the construction and now the operation of the grocery store, we wish to state our **STRONG OPPOSITION** to Outpost's request to amend the Conditional Use Grant to add additional delivery hours, for a variety of reasons.

We are long time Mequon homeowners/tax payers (over 30 years). We purchased our condo at 7539 W. Heron Pond Drive (adjacent to Outpost) in May of 2012, approximately 6 months prior to Outpost's proposal to build. We chose our condo over 2 other beautiful Heron Pond condos primarily because it was secluded, with a farm house adjacent to the South, and it had a screened in porch, which the others didn't. Perfect for 3 seasons of daytime enjoyment! Our only concern was the corner lot, which housed a cement company. Before submitting our offer to purchase and spending a small fortune, we did our research. We checked the tax rolls for the land adjacent to the South (all zoned residential) and we contacted the then City Administrator to inquire about possible future development at the corner of Mequon and Wauwatosa Roads. We were told that if anything went in, it would be something unobtrusive, such as a small "boutique" office building. Based on that information, we purchased our condo. To say we were blindsided by Outpost's development would be an understatement.

We'd like to make it clear that we feel Outpost is a quality store that provides a good service to our regional community. We want Outpost to thrive, but not at further expense to our quality of life and our Heron Pond community. We believe that Pam Mehnert, the General Manager of Outpost, genuinely wants to be a good neighbor. We've communicated with Pam about a variety of issues, including violations to the original CUG (deliveries outside of approved times, employees parking in the restricted area before and after approved times) as well as nuisances such as trash blowing in our yard on a regular basis, employees smoking on Heron Pond land (we've had to dispose of the cigarette butts), etc. **A log containing samples of these issues, as well as notes from a meeting with Pam on May 24, 2016 are attached.** Pam has tried to correct the problems and we appreciate her efforts. For instance, when we presented Pam with evidence of a chronic trash problem, she came up with a plan to extend the fence to block out the debris, which has been about 80% effective.

Thus far, property rights have been heavily weighted in Outpost's favor, causing undue hardship and stress to us. We shouldn't have to keep our windows closed to block out loud noises, offensive odors, etc. and we shouldn't have to "police" Outpost. Someone onsite needs to do that and to abide by the terms of the original CUG. We've already lost the ability to entertain in and enjoy our screened in porch (the main reason we chose this condo!) during 40 prime time hours per week. Now they are asking us to lose more. That's just wrong.

Re property values: A Heron Pond condo sold in June of 2016 at approx. \$103,000 UNDER the fair market value shown on the Mequon assessor's page. We believe a primary reason was because the property backs up to Wauwatosa Road. However, the selling realtor informed us that the Outpost development was absolutely a contributing factor. This has had a domino effect on at least one other property in Heron Pond. I asked if our property value had decreased because of Outpost and she answered in the affirmative.

PROPERTY VALUES ARE A HUGE CONCERN. According to City Code 58-87 (c) (2). "The Planning Commission may deny the conditional use grant request if it concludes, based upon the information submitted, that the proposed use and/or development would likely substantially injure the value of adjoining or abutting property". It already has and will only get worse with more truck traffic.

Prior to Outpost's approval, we met with their representatives on numerous occasions to express our concerns and needs. Our main concerns were NOISE, schedule of truck deliveries, volume of deliveries and proper screening. During our discussions with Outpost, we received the assurance that deliveries would end at noon on Saturday and there would be NO Sunday deliveries, giving us just 1.5 days per week to fully enjoy the home we thought we had purchased before Outpost was proposed. These terms were agreed to by the Planning Commission and by Outpost. Was the assurance by Outpost just a temporary one that they didn't intend to honor going forward? **Outpost could have walked away from the deal if they felt the CUG would be too restrictive.**

Outpost's Plan of Operation, which was presented to and approved by the Planning Commission, called for 12-18 daily deliveries, with 4 additional deliveries on Saturday (**64 to 94 deliveries per week**). We thought that was excessive and stated that both to Outpost and to the Planning Commission. At least one member of the Planning Commission questioned Outpost about volume of deliveries, but they said this is what they needed and it was approved. **Outpost informed us in December of 2015 that they average about 200 deliveries per week, which is more than 3 times the low end and 2 times the high end of what was agreed upon.** Unfortunately, the City informed us that volume of deliveries wasn't included in the CUG because it would be too hard for the City to monitor and enforce. Residing directly behind the loading dock, **NOISE IS A MAJOR ISSUE FOR US**, not just from the approx. 40 daily truck deliveries, but also from the dumpsters and the grease trap truck that has operated directly behind our condos as early as 4:46am. However, **the CUG does address noise issues and anything that becomes "harmful, noxious, offensive or a nuisance to the surrounding neighborhood" as a reason to require Outpost to correct or improve the harmful effects to the neighborhood.** See item 9.e. of the Conditional Use Grant, recorded on June 24, 2013, as Document No. 0988479 (partial copy attached).

We're confused by Outpost's request to amend the CUG to add additional delivery hours. Before the application was submitted, we were informed by Outpost that they were looking for "that single Outpost delivery" on Saturday and Sunday. Why is their proposal for Saturday so open ended if all they need is ONE delivery? When Cathy met with Pam in May of 2016, Pam said that violations to the Saturday delivery hours by Outpost trucks would cease because the Mequon store would be first on the delivery schedule. Now, they say they can't leave the Bay View kitchen until noon. If the products aren't ready before noon, perhaps Outpost could start their production earlier to meet the terms of the original CUG. Re Sunday, it's not at all unusual to buy a product that was packaged the previous day. It's still going to sell. Also, If the trucks can't leave the store until noon, why do they need Sunday hours beginning at 10am? It doesn't make sense. We're receiving mixed messages.

If this amendment is approved as is, Outpost will have the ability to schedule any number of truck deliveries, using any type of truck (including semis) during the proposed times on Saturdays. In that case, we and future owners would have no recourse, as is the case from not including the approved volume of truck deliveries in the original CUG. If we feel we need to sell and if our property values are adversely affected, this could have a negative impact on the property values of everyone in Heron Pond.

WE URGE THE PLANNING COMMISSION TO REJECT/TABLE THIS REQUEST UNTIL OUTPOST CAN SHOW A CONSISTENT WILLINGNESS TO ADHERE TO THE TERMS OF THE ORIGINAL CUG AND TO MITIGATE THE NOISE AND ODOR ISSUES (NOTE: A hydraulic lift does not appear to be the answer). TO APPROVE IT WOULD ONLY MAKE A BAD SITUATION WORSE.

We will be appearing before the Planning Commission on February 13th and would be happy to discuss our concerns with any interested members of the Planning Commission prior to the meeting. Our home phone number is 262-242-0966.

Thank you for your thoughtful consideration to the concerns and quality of life needs of longtime Mequon residents.

Sincerely,

Tom and Cathy Czaja

OUTPOST LOG			
Date	Time	Day	Issue
5/10/2014	1:30 PM	Sat	Outpost truck making a delivery at the loading dock. Deliveries are only permitted between 7 AM - Noon on Saturday
6/14/2014	6:00 AM	Sat	Carol Butzke reported being awakened at 6am by a vehicle arriving with a loud muffler, doors slamming and horn beeping. By 7:15am the restricted employee spots were filled. Carol also reported vehicles parked well before 9am on 6/15 and 6/16. Parking allowed 9am to 7pm
10/10/2014	3:40 P.M.	Fri	Tom heard a back up alarm and observed a Conway Freight semi-trailer backing into the loading dock and unloading at the Outpost loading dock. Deliveries are prohibited after 2 PM on weekdays.
5/16/2015	6:25 AM	Sat	Carol Butzke reported being awakened by a large truck making a delivery, including sound of back up alarm.
5/23/2015	~ Noon	Sat	Outpost grilled food for employees on raised stoop at the NE corner of building. Billowing smoke forced Carol and Dick inside and forced them to close windows and doors.
10/30/2015	3:14 PM	Sat	Greco Brothers truck unloading at loading dock on Saturday. Delivery hours are 7 AM - Noon on Saturdays. Photo taken.
11/16/2015	6:49 AM	Fri	Carol Butzke reported a delivery by a semi truck.
12/5/2015	1:30 PM	Sat	Outpost truck unloading at loading dock. Delivery hours are 7 A - Noon on Saturdays. Manager Tom Knuepel was helping
12/7/2015	8:40 P.M.	Mon	Blue Honda (268TZA) parked on North side of Outpost in restricted employee parking area (NP 7 PM - 9 AM)
12/10/2015	9:30 AM	Thu	Tom & Carol noticed 5 trucks at the Outpost loading dock. 1 semi was unloading and 2 semis and 2 box trucks were in que on the East side of the store
12/11/2015	9:30 AM	Fri	Carol Butzke observed a semi unloading on the North side of the store behind their condo

1 of 6

Resident Feedback

3.1.a

12/19/2015	1:05 PM	Sat	Outpost truck unloading on service drive at the SE corner of the building South of the loading dock. Delivery hours are 7 A - Noon on Saturdays. Photo taken
2/25/2016	4:15 P.M.	Thu	Cathy heard a loud rumbling sound and observed a semi truck entering along the North drive. Could not see if a delivery was made, but the noise was offensive.
3/9/2016	9:40 A.M.	Wed	Cathy reported an overpowering odor from the North side of Outpost. Probably the grease trap truck.
4/9/2016	1:25 PM	Sat	Outpost truck made a delivery at 1:25 P.M. Delivery hours are 7 AM - Noon on Saturdays. Photo taken.
4/16/2016	7:35 P.M.	Sat	2 cars parked on the North side. Still there at 8:00pm. Dark grey Focus, Plate 211-VWW AND light tan or grey Volvo Plate 214-WEF
4/19/2016	4:40 P.M.	Tues	Bright gold/yellow semi parked in East area (no parking zone). E Estes U600708
4/29/2016	7:55 PM	Fri	Dark Gray Toyota Camry, 793LGB/WI, parked on North side of building in restricted employee parking area (NP 7 PM - 9 AM). Cathy checked and vehicle still there at 8:35 P.M. Photo taken
4/30/2016	1:25 PM	Sat	Outpost truck unloading on service drive at the S E corner of the building South of the loading dock. Delivery hours are 7 A - Noon on Saturdays. Photos taken.
5/3/2016	4:20 P.M.	Wed	Kitchen window open. Heard a LOUD clanging noise. 5 minutes later, still heard the noise as well as a whooshing sound. Saw a large truck (probably a semi) on the East side of Outpost.
5/6/2016	3:19 PM	Fri	Tom was outside gardening on East side of condo and heard clanking noises coming from East side of Outpost. White van making delivery on the East side of the building. Not parked in loading dock. Deliveries are allowed 7 AM - 2 PM. Photo taken
5/7/2016	1:00 PM	Sat	Stainless steel food containers placed at end of loading dock. At 1:30 P.M. containers picked up by Outpost truck and delivery made. Photo taken
5/7/2016	1:10 PM	Sat	Holiday Rambler motor home, plate # 183904/WI/MH, parked in no parking zone East of the building along the East curb near the NE corner of the property. Photo taken.

Attachment: Packet (2102 : Michael Best & Friedrich LLP for Outpost Natural Foods Cooperative)

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5/7/2016	1:10 PM	Sat	Outpost truck parked at service drive at SE corner of the building. Driver walked up to stainless steel food containers at loading dock and started loading onto truck. Tom Czaja asked driver if he was aware that he cannot make deliveries after noon on Saturday and the driver replied yes. He then stated: "What am I supposed to do, leave it on the truck?" Delivery hours are 7 A - Noon on Saturdays. Photo Taken.
5/8/2016	9:10 P.M.	Sun	Dark grey Focus, Plate No. 211VWW parked on the North side of Outpost in the restricted employee area.
5/9/2016	8:50 P.M.	Mon	Orange/red Ford Escape, Plate number 548KFV parked on the North side of Outpost in the restricted employee area on the North side of the building (Per CUP NP 7PM - 9 AM)
5/11/2016	7:30 P.M.	Wed	3 vehicles parked in the restricted employee area. Grey camry 793-LGB, rust colored Escape 548-KFV, black RAV 4, plate 579-YSS
5/13/2016	2:30 P.M.	Fri	Two Jennaro Brothers white trucks making a delivery. One parked in the no parking zone (behind a black pick up truck, also in the no parking zone), unloading from the back. The other Jennaro truck was behind and around the bend, closer to our condo. 4:15pm, black pick up and one Jennaro truck still in the no parking zone.
5/14/2016	1:16 PM	Sat	Heard a loud clanging/rumbling noise and later observed a white Outpost truck parked in the back, raising the back portion of the truck making a delivery. Also observed a red vehicle parked in the no parking zone, 178-TWJ.
5/14/2016	7:30 P.M.	Sat	3 vehicles parked in the restricted employee area on the North side of Outpost, Grey Subaru 511-YTA, white vehicle D87-83W, Red 548-KFV. Red vehicle still parked in the no parking zone on the East, license No. 178-TWJ
5/23/2016	8:05 P.M.	Mon	Drove by at 8:05pm and observed 3 vehicles parked in the restricted employee area. Dark grey, rust and white??

Resident Feedback

3.1.a

6/25/2016	7:25 AM	Sat	Carol Butzke reported a grease trap truck pumping grease from a trap on the North side of Outpost. Noise was very loud and the odor was very offensive. Forced her off the porch.
9/15/2016	6:30 AM	Fri	Cathy heard the grease trap truck pumping grease. Parked on the North side of Outpost.
11/5/2016	6:47 AM	Sat	Per Carol Butzke a box truck was on the North side of Outpost. Delivery hours are 7 AM - 2 PM on Saturdays
11/29/2016	5:45 A.M.	Tue	Carol Butzke reports hearing the back up alarm from the Grease Trap truck on a regular basis at 5:45 A.M.
12/12/2016	4:46 AM	Mon	Carol Butzke reported she was awakened by the backup alarm from the Grease Trap truck which was on the North Side of Outpost. She also reported that there is an obnoxious odor when the grease traps are emptied and the noise is very loud.
12/17/2016	1:40 PM	Sat	Tom Czaja saw an Outpost box truck stop at the front door of Outpost. Cathy Czaja then noticed the truck at the loading dock. Delivery hours are 7 A - Noon on Saturdays. It snowed the night before. The roads were clear by early morning. Outpost said there was a weather delay in Bay View.
12/22/2016	7:40 PM	Thu	7:40pm Cathy drove past Outpost on way to Sendik's and saw a grey vehicle in restricted employee stall. Approx. 10 vehicles in lot. Returned home at 9pm and vehicle was still there. Grey Acura, license number 532PDA. CUP prohibits parking between 7PM and 9 AM. *Observed large black ford parked on the east side to the North of sign saying no parking. License #BGA5599 *Tom heard vehicle with loud muffler leaving Outpost along north at approx. 8:50pm
12/30/2016	7:45 P.M.	Fri	White Jetta, Russ Darrow Temporary Plate D87 83W, parked in restricted employee stall on North side of Outpost building. Parking is not allowed from 7 PM - 9 AM. There were approximately 15 vehicles in the parking lot.
12/30/2016	9:05 PM	Fri	Tom Czaja heard a vehicle with a loud muffler leave the rear of Outpost. <i>Regular occurrence</i>

between 8:30 + 9:10 p.m.

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Attachment: Packet (2102 : Michael Best & Friedrich LLP for Outpost Natural Foods Cooperative)

12/31/2016	1:42 P.M.	Sat	Outpost truck parked in parking lot at SW corner of the building (front door). Employees were unloading stainless steel food containers and bringing into the front door. Delivery hours are 7 A - Noon on Saturdays. Photos taken.
1/7/2017	1:24 PM	Sat	1/7/17 1:24 PM - Tom Czaja observed a white male walk out of the Outpost loading dock door, walk to the sidewalk adjoining Mequon Road, walk East and sat on the Heron Pond fence South of 7455 W. Heron Pond Dr. and smoked a cigarette. 10 Minutes later Tom found a Camel cigarette butt on Heron Pond property in the same area. In the past, Tom had talked to Pam Mehnert from Outpost about employees using this area for smoking and leaving debris. Pam stated she would instruct the employees to stay off of Heron Pond property and not to use this area as a smoking area. Photo taken.
1/21/2017	7:45 P.M.	Sat	Cathy observed a white mid size car in the restricted employee parking area (NP 7 PM - 9 AM per CUP) on the North side of Outpost. Possibly a VW Jetta.
1/27/2017	7:42 P.M.	Fri	Cathy observed a white VW Jetta, license possibly 887-83W (license smuged) in restricted employee parking area on North side of Outpost. (NP 7 PM - 9 AM per CUP)
2/1/2017	3:25 P.M.	Wed	Cathy observed a white semi trailer truck enter along the North driveway of Outpost and park to the East of the loading dock. Truck departed approximately 20 minutes later. Deliveries are restricted from 7 AM - 2 PM on weekdays per CUP.
2/1/2017	8:15 P.M.	Wed	Cathy observed two vehicles parked in restricted employee parking area (NP 7 PM - 9 AM per CUP). #1 - Grey Volvo, license 214WEF/WI; #2 - Silver Sonata license 426YSB/WI. There were approximately 6 vehicles in the customer parking lot.

5 of 6

Resident Feedback

3.1.a

2/3/2017	1:21 P.M.	Fri	Tom & Cathy observed an Outpost employee sitting on a fence (North of sidewalk on Mequon Rd) on Heron Pond property, approximately 100 feet East of the Outpost property smoking a cigarette. When employee was finished she walked back into Outpost by a loading dock door. Tom has received complaints from Heron Pond residents that employees of Outpost are using this as a smoking area. Tom picked up 23 cigarette butts from this location).
2/3/2017	7:50 P.M.	Fri	Cathy observed a dark gray Tyota Camry, 804UGZ, parked in restricted employee parking area on North side of Outpost. (Parking is restricted from 7 PM - 9 AM) . Approximately 10 vehicles in the lot.
2/4/2017	1:25 P.M.	Sat	Tom observed an Outpost truck making a delivery at the front door to Outpost. Delivery times on Saturday are 7 AM - 12 Noon.
			Note: Litter/debris from Outpost consistently found on Heron Pond property.

Attachment: Packet (2102 : Michael Best & Friedrich LLP for Outpost Natural Foods Cooperative)

6 of 6

Met with Pam Mehnert from Outpost on 5/24/16 to discuss issues. Gave Pam a copy of the following.

Delivery violations (those observed in April and May, 2016)

4/9/16 (Sat) 1:25pm. Outpost truck delivery.

4/19/16 4:40pm Bright gold/yellow semi, parked in the East area (no parking zone). E Estes U600708.

4/30/16 (Saturday): 1:25pm Outpost delivery truck unloading items.

5/3/16 4:20pm Kitchen window open. Heard a LOUD clanging noise. 5 minutes later, still heard the noise as well as a whooshing sound. Saw a large truck (probably a semi) on the East side of Outpost.

5/6/16 approximately 3:30. Tom was gardening on the East side of the condo when he heard a loud clanging noise. He saw a white van making a delivery on the East side of Outpost, not at the loading dock.

5/7/16 (Saturday) 1:10pm. Heard rumbling sound from Outpost. Outpost delivery truck unloading at the Southeast corner of the building. Worker was moving the stainless steel food containers from the Northeast part of the property to the Outpost truck. Tom asked the delivery man if he knew he wasn't supposed to be delivering at this time and he answered in the affirmative, but then asked "what am I supposed to do, leave it on the truck?" We didn't attempt to stop the worker from unloading the items. ALSO, Motor home (Holiday Rambler, plate #183904) parked along the East in the no parking zone, in close proximity to our condo.

5/13/16 (Fri) 2:30pm Two Jennaro Brothers white trucks making a delivery. One parked in the no parking zone (behind a black pick up truck, also in the no parking zone), unloading from the back. The other Jennaro truck was behind and around the bend, closer to our condo. 4:15pm, black pick up and one Jennaro truck still in the no parking zone.

5/14/16 (Sat) 1:15pm Heard a loud clanging/rumbling noise and later observed a white Outpost truck parked in the back, raising the back portion of the truck. Also observed a red vehicle parked in the no parking zone, 178-TWJ.

Reflected in Log

Attachment: Packet (2102 : Michael Best & Friedrich LLP for Outpost Natural Foods Cooperative)

Parking violations (those observed in April and May, 2016)

4/16/16 7:35pm, saw 2 cars parked on the North side. Still there at 8:00pm. Dark grey Focus, Plate 211-VWW AND light tan or grey Volvo Plate 214-WEF

4/29/16 7:55pm until at least 8:35pm. Dark grey Toyota Camry, license No. 793-LGB parked in the restricted employee parking spots on the North

Sister home from VT

5/8/16 9:10pm Dark grey Focus, Plate No. 211VWW parked on the North side of Outpost in the restricted employee area.

5/9/16 8:50pm Orange/red Escape, Plate No. 548-KFV parked on the North side of Outpost in the restricted employee area on the North.

5/11/16 7:30pm 3 vehicles parked in the restricted employee area. Grey camry 793-LGB, rust colored Escape 548-KFV, black RAV 4, plate 579-YSS

5/14/16 7:30pm 3 vehicles parked in the restricted employee area on the North side of Outpost, Grey Subaru 511-YTA, white vehicle D87-83W, Red 548-KFV. Red vehicle still parked in the no parking zone on the East, license No. 178-TWJ

5/23/16 Drove by at 8:05pm and observed 3 vehicles parked in the restricted employee area. Dark grey, rust and white??

Reflected in Log

Attachment: Packet (2102 : Michael Best & Friedrich LLP for Outpost Natural Foods Cooperative)

DEBRIS: Getting better since our December 2015 communication. The following week, we found numerous items (plastic pieces, plastic organic food bags, box tops, etc.). Since then, relatively okay. Week of May 16th, 2016 found plastic pieces and box tops in our back yard on consecutive days. Debris has accumulated in the back garden, side garden and the side window well.

Area is fairly open between where the fence ends on the East, with easy access to Heron Pond, especially when the deciduous tree isn't in bloom.

Shoppers came thru late last fall.

Suggested solution: Add fencing and/or trees in the Northeast area behind our condo.

TREES: Looks like there are dead or dying trees behind Dick and Carol's home. Need to check and replace where needed.

Have never seen Outpost people watering any of the trees. Could have happened, but haven't observed.

* Why weren't the trees that were promised from the original land moved to HP land? First offered to employees, then to MNP, then to us, IF we paid to move them.

EMPLOYEE PARKING VIOLATIONS: This is a regular occurrence (see list). At least 90% of the time we drive by after 7pm, cars are parked in the restricted area. Because of the open gap at the NE corner of the Outpost property, headlights shine directly into the new condo, which is presently unoccupied. Tom hears the cars starting (someone has a loud muffler), typically between 8 and 9PM.

ALSO, Vehicles are usually parked in the no parking zone on the East side of Outpost.

DELIVERIES OUTSIDE OF PERMITTED TIMES: (See list) Plan of Operation called for 64 to 94 weekly deliveries. Pam's email from December, 2015, stated an average of 200 weekly deliveries. We have basically 1.5 days per week to enjoy being outside without hearing the whooshing/squealing of tires, clanging sounds, men talking loudly and the god awful back up alarms. Please, at the very least, could we enjoy some peace and quiet during off delivery hours?

Very rarely open back windows due to truck delivery sounds.

Sometimes overpowering food odors, mostly on Saturday mornings?

Loud clanging sound when employees are opening and closing dumpsters late at night.

8 0 8 6 5 0 7
Tx:4066613

0988479

RONALD A. VOIGT
OZAUKEE COUNTY
REGISTER OF DEEDS
RECORDED ON
06/24/2013 11:11 AM
REC FEE: 30.00
PAGES: 10
EXEMPT #:

CONDITIONAL USE GRANT

Articles of Agreement made and entered into this 11th day of February, 2013 by and between Outpost Natural Foods Cooperative owners of the property located at 7590 W Mequon Road and the City of Mequon Planning Commission.

Before the Planning Commission of the City of Mequon, Ozaukee County, Wisconsin, in regard to the premise located in Section 22 Range 21 East, in Township 9 North, Ozaukee County, State of Wisconsin, further described as follows:

LEGAL DESCRIPTION

Exhibit A-1

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

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

Now, therefore, IT IS GRANTED, subject to compliance with the terms and conditions hereinafter stated that the Premises may be used for the purpose of grocery store with code waivers

GRANTED by action of the Planning Commission of the City of Mequon this 11th day of February 2013.

Dan Abendroth, Mayor, Planning Commission Chairperson

Acknowledgment:

STATE OF WISCONSIN)

)SS

OZAUKEE COUNTY)

Personally came before me, this 14th day of June, 2013, the above named Mayor, to me known to be the person who executed the foregoing instrument and acknowledged the same.

Laura Behrens
Notary Public, Ozaukee County, Wisconsin
My Commission (expires) 11/30/2014

Kim Tellefson
Planning Commission Secretary

Acknowledgment:

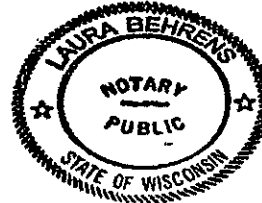
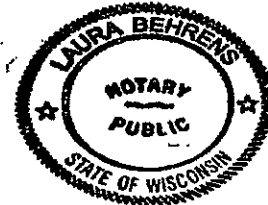
STATE OF WISCONSIN)

)SS

OZAUKEE COUNTY)

Personally came before me, this 14th day of June, 2013, the above named Kim Tellefson Planning Commission Secretary, to me known to be the person who executed the foregoing instrument and acknowledged the same.

Laura Behrens
Notary Public, Ozaukee County, Wisconsin
My Commission (expires) 11/30/2014



Attachment: Packet (2102 : Michael Best & Friedrich LLP for Outpost Natural Foods Cooperative)

Conditional Use Grant

The CONDITIONS of this Grant are:

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

9. Conditions on the Operations:

- a. Hours of operation: Store hours- Monday thru Sunday 7 a.m. to 9 p.m.
Deliveries - Monday thru Friday 7 a.m. to 2 p.m. Saturday 7 a.m. to Noon
- ~~b. Performance standards relating to parking, noise, vibration, odor, smoke, dust, and light: As per City ordinance and as further designated under letter (e.) below.~~
- c. Water supply requirements:
City Water
- d. Provisions for sewage disposal:
City Sewer
- e. Other:

" If the conditional use shall become hazardous, harmful, noxious, offensive or a nuisance to the surrounding neighborhood, or if material problems shall arise with respect to noise, traffic circulation, ingress and egress, parking, unenclosed storage, lighting, maintenance, or any other condition which shall materially threaten health or safety or to become a nuisance condition, the Grantee shall correct or improve such condition, and toward that end, the Planning Commission, after public hearing, may alter, amend or add reasonable additional Conditional User Grant conditions in order to ameliorate such effects, or in the case of violation of the Conditional Use Permit, may revoke the Conditional Use Grant.

" If, despite efforts to prescribe conditions which render the conditional use harmonious in the surrounding neighborhood, problems shall arise with respect to noise, traffic circulation, ingress and egress, parking, unenclosed storage, lighting, maintenance, or any other condition which shall materially threaten the peace and enjoyment of neighboring properties, or shall become hazardous, harmful, noxious, offensive or a nuisance to the surrounding neighborhood, or shall threaten health or safety, the Grantee shall correct or improve such condition, and toward that end, the Planning Commission, after public hearing, may alter, amend or add reasonable additional Conditional User Grant conditions in order to ameliorate such effects, and in the case of violation of the Conditional Use Permit, may revoke the Conditional Use Grant.

10. Conditions of the structures:

- a. Site Plan: As per attached Exhibit A
- b. Landscaping Plan: As per attached Exhibit B.
- c. Elevations: As per attached Exhibit C.
- d. Sign: As on file with Community Development Department, City of Mequon
- e. Floor Plan: As on file with Community Development Department, City of Mequon
- f. Exterior lighting of the site and building: As per Exhibit A
- g. Fence / Wall / Dumpster plan details: As per Exhibit A
- h. The building shall comply with the building code.

Conditional Use Grant

11. Conditions on the site:

- a. Street access (number, location, design): As per attached Exhibit A.
- b. Off-Street Parking (location and design including screening thereof): As per attached Exhibit A.
- c. Outside storage of materials, products or refuse (location and screening thereof): As per attached Exhibit A.
- d. Parking, exterior lighting of the site, location design and power: Exhibit D

e. Other:

- 1. Common Council approval of the rezoning and land use plan amendment.
- 2. Common Council approval of the Certified Survey Map.
- 3. There shall be no windows on the north elevation or the north portion of the east elevation.
- 4. Submittal of an updated plan for the outdoor pavilion for review and approval by staff.
- 5. The parking lot lighting shall not exceed a 2 foot-candle average.
- 6. The landscaping plan shall be updated based on the comments made by city landscape consultant for review and approval by staff.
- * 7. Hours of operation shall be as follows:
 - ☐ Store hours- Monday thru Sunday 7 a.m. to 9 p.m.
 - ☐ Deliveries - Monday thru Friday 7 a.m. to 2 p.m. Saturday 7 a.m. to Noon
- 8. Staff review and approval of site, elevation, lighting, dumpster, building and landscaping plans.
- 9. The healthy large pine trees on the northeast corner of our site shall remain.
- * 10. Relocate trees removed for construction to the Heron Pond property.
- 11. Landscaping along the north property line shall be installed as soon as practical after the house and garage is demolished and before the start of construction.
- * 12. The 5 employee parking spaces on the north side of the building shall only be used between the hours of 9 a.m. and 7 p.m.
- 13. The applicant shall attempt to berm along the north property line, if possible, relative to site grading and not negatively impacting the existing pine trees and storm water drainage.
- 14. Replacement of specimen trees shall be required in accordance with the tree preservation ordinance and approval by the City Forester.
- 15. The applicant, in working with the Heron Pond Condo Association, shall allocate up to \$5,000 for landscaping on the Heron Pond property, as reasonably needed, to be completed after the store opens.
- 16. A landscaping escrow equal to 125% of the improvement costs for installation of landscaping by a licensed contractor and an escrow equal to 25% of the landscape contract cost to insure that landscaping that dies within three (3) years of installation will be replaced by the applicant.
- 17. All ground-level and roof top mechanical equipment shall be well screened from public view with screening or landscaping.
- 18. Engineering Department review and approval of grading, drainage, stormwater management, erosion control and utility plans.
- 19. WisDOT and Engineering Department review and approval of access construction and locations, including any proposed modifications on Mequon Road or Wauwatosa Road.
- 20. Implementation of all of the improvements recommended by Part C3 of the Traffic Impact Analysis study.
- 21. Connection to public water main and sanitary sewer, subject to applicable fees.
- 22. The applicant shall install a water meter per City Water Utility specifications.

Dear Ms Tollefson,

As a 5 year resident of Heron Pond, I am very much concerned with the Planning Commission's handling of the Outpost's situation on several fronts. First it was clear to most of our residents that placing a retail establishment the size of Outpost in the small corner parcel was a big mistake. It should have been made clear to the developer that any variance to the CUG would not be allowed. The noise and traffic created by this store has created a significant problem for the directly adjacent homeowners as well as all the additional homeowners concerned with the possible impact on their property values.

I strongly suggest that any decision made to relax the CUG requirements is done with the consideration and approval of our residents. To not do so would be doubling down on the mistake made to allow the store years.

Thanks in advance for supporting the concern of our Mequon residents.
Sincerely,
Dave Harris
7374 Heron Pond Dr Mequon

Dear Ms. Tollefson:

My name is Bob Teplin and my wife Marian and I live and own a condo at 7573 Heron Pond Dr. in Mequon. Our home is close enough to the Outpost to be affected by the noise caused by the delivery trucks coming and going, especially in the summer when our windows are often open. The only thing louder is when a motorcycle rider decides to rev. up their engine in a jack-rabbit takeoff from a red light.

We also have experienced occasional trucks leaving Outpost to Wauwatosa Road without regard to oncoming traffic. So far no accidents have occurred but increasing deliveries will increase that possibility.

We're also concerned with the diminished value of our condo due to the added delivery noise and traffic.

I urge you not to support any change in the conditional use permit that Outpost accepted several years ago.
Robert and Marian Teplin

Kim Tollefson.

I reside at 7261 W. Heron Pond Drive and chose this location as to it's serenity and lack of distracting noise. I understand that the Out Post store on the corner of Mequon Road and 76th Street is attempting to add additional delivery hours to that which they previously agreed to originally. In the past four years we have been subjected to a volume of deliveries well beyond that which was originally projected. Additionally, the noise created by the deliveries and trash removal is unmitigated and must be dealt with.

I am strongly opposed to and additional hours being permitted, specifically deliveries on Saturdays past noon and any deliveries on Sundays.

Sincerely, Tom Doerr
Mequon property owner

Dear Ms. Tollefson,

I am a neighbor of Outpost Natural Foods. We live in Heron Pond and have been in our home since the development first opened 10 years ago in 2006, long before Outpost opened.

When Outpost approached Heron Pond about building their store next door to our homes, they stressed how they wanted their store to not change our lives or our neighborhood and how they wanted to fit in and be a good neighbor. At the time they seemed quite interested in our thoughts and concerns. They were very accommodating in changing those things in their plan that were certain to disrupt our way of life.

Before construction started, the main topic of discussion of the residents of Heron Pond, especially those who are right next to the Outpost property, was the level of noise that would be generated on a daily basis from trucks continuously delivering to the loading dock very near our neighborhood.

The original plan of operation called for a maximum of 94 deliveries per week to the store; up to 18 Monday thru Friday and 4 on Saturday (but they told us a year ago that a more accurate count would be over 200 deliveries per week). Per the original CUG the "legal" hours of delivery are 7:00AM to 2:00PM Monday thru Friday, 7:00AM to noon on Saturday, and no deliveries on Sunday.

Outpost is already greatly exceeding the promised number of weekly deliveries and now they are requesting to amend the CUG to add more delivery hours on Saturday and to add Sunday to the approved delivery schedule.

As we thought at the beginning, and now know for certain, the noise generated by Outpost is a major issue. Not just from the deliveries, but also from their dumpsters and the continuous traffic of their parking lot. Adding more delivery hours is just going to increase the issue.

If you grant the requested change to their Conditional Use Grant, for our Heron Pond neighborhood you will be making a bad situation even worse. Until the noise issue has been satisfactorily taken care of, we feel it would be a bad idea to grant this request.

Sincerely,
Bill Lind
7372 W. Heron Pond Drive
MEQUON, WI 53092

Dear Ms. Tollefson,

While my residence in Heron Pond is not directly adjacent to the Outpost store I am greatly concerned about property values and the distress of my neighbors.

As the Outpost store was nearing completion my immediate impression was that sound barriers looked very nice to meet Outpost's and Mequon's esthetic requirements, but were inadequate in two respects - they had air gaps between the boards, and they seemed to be too low on the west side and significantly too low on the east side. I would encourage The City of Mequon to require a significantly improved sound reduction by Outpost as recommended by an independent consultant agreeable to Heron Pond and Outpost.

Sincerely,
Peter Antony
7588 W. Heron Pond Dr,

To whom it may concern:

As residents of Heron Pond condominium group, we feel we must express our concerns regarding Outpost's request to amend the Conditional Use Grant to include extended time of deliveries on Saturdays and added deliveries on Sundays.

We are concerned that the recent sale of the condo at 7551 W. Heron Pond Dr. which was well under its appraisal value is an indicator of the public's perception of the impact that Outpost already has on our properties.

Even though Outpost has made an attempt to camouflage its presence, it is the elephant in the living room. Outpost has indicated that as of Dec 2015, they were averaging over 200 deliveries per week. This is well over what was initially original agreed upon total of 64-94 deliveries.

Although parking along the back lot line is prohibited, Often large trucks continue to wait there for others to deliver their loads. Their refrigeration units are running, drivers are opening the metal back hatches and sometimes trucks are running, spewing their exhaust. These noise and also odor factors are offensive. Our sun porch and most of our windows (which we enjoy open during warmer months) face the facility. Already, without added deliveries, these daily deliveries impact the enjoyment of our porch and the commons. If deliveries are extended to longer times and especially through the weekend it would make it near impossible to enjoy.

Trucks have breached the 7 am delivery start time periodically. The most frequent offender is a waste removal truck, the last noted around Dec 12th at 5:46 am. We were awakened by the irregular starting and stopping of the truck's backup signal. On a few seconds, off a few seconds; I lost count after 18 continuous interruptions. Needless to say, sleep for the night was over.

This particular truck also emits a vile, disgusting odor of grease and rotting food waste.

Also, with less diligence from Outpost, more and more customers are using the drive along the back of the building, along our joint lot line, as a means to exit the property. Employees continue to disregard the agreed upon 9am-7pm times for parking along the back of the building. The employee parking issue has been brought to the attention of Outpost. It stops for short periods and then restarts.

Light from car headlights continues to be a problem during the winter months when tree leaves have dropped. An extended section of fence along the west end of the exhibiting fence would be a great help.

We are asking the Planning Commission at this time to table Outpost's request until they mitigate these issues. However, we strongly feel that the proposal, of increasing time and frequency of deliveries, be vetoed regardless. If this request is granted, we are concerned that we will need to seek a new lower assessment to be in keeping with changes to the Conditional Use Grant, proximity to Outpost and recent home sales.

Mequon has been a quality community in which to live. We hope to see that commitment, that my husband, Dick has enjoyed here for over 35 years, continue.

Sincerely,
Carol Butzke and Dick
Scholten 7541 W. Heron
Pond Dr.
Mequon, WI

Hi Kim Tollefson,

My name is Megan Baek and I reside at 7232 West Heron Pond behind Outpost. I am writing in regards to Outpost's request to make an amendment to the Conditional Use Grant (CUG) in order to add more delivery hours. I enjoy shopping at Outpost and have been an Outpost Member since moving to Mequon. However, this new request is concerning. First, when Outpost originally went in they assured Heron Pond that they would only have 64-94 deliveries per week, yet they exponentially exceeded this with having an average of 200 deliveries per week. This has brought a major noise issue for the neighborhood and may effect our property value.

Thankfully, the CUG does address noise issues as a reason to require Outpost to ameliorate the harmful effects to the neighborhood. My request is that the Planning Commission does not approve Outpost's request until a plan of action to reduce these harmful effects has taken place. This could be in the form of some type of sound barrier behind the arbor vitae trees on Outpost's side.

If you have any questions about my request please feel free to contact me at mbaek91@gmail.com or 920-737-9614. Thank you for your time and consideration.

Kind Regards,
Megan Baek

Dear Ms. Tollefson,

We are greatly concerned about the effect the Outpost has had our property values and the problems it has caused for those neighbors directly next to it. I don't think any of us realized how much noise would be created by the many deliveries and traffic.

When the Outpost met with our development before building to discuss any concerns we might have, they assured us that they would be "good neighbors" and avoid any adverse effects on our neighborhood. Unfortunately, they have already exceeded the number of deliveries quoted in the Conditional Use Grant.

It would be unfortunate if you allowed increased delivery hours, without addressing the noise issues already present. We urge you to deny any request to add to the agreed upon hours in the Conditional Use Grant originally accepted by the Outpost.

Sincerely,

Peggy and Mike Young
7590 W Heron Pond Dr.

Date: February 7, 2017

From: Dr. David and Astrid
Mellencamp 7452 W. Heron
Pond Drive

To: City of Mequon Planning Commission
Re: Opposition to Outpost's request to amend the Conditional Use Grant

Our little condo area at West Heron Pond Drive is a very small section of Mequon with many dedicated hard working residents and retired individuals who love this area, especially its peacefulness. There are residents whose homes directly back up next to the Outpost. Regretfully, the volume of deliveries to the Outpost far exceeds what they originally proposed, making noise pollution a huge issue. Additional delivery hours are most definitely undesirable and actually inconsiderate for a number of reasons.

Not only would our condo area lose some of its real estate value, the individual's mental and physical health in the areas of greatest concern would be negatively impacted. In addition, most of us support and shop at the Outpost. We hope they will stay true to their original commitment to be considerate about the hours they have deliveries made.

We are absolutely opposed to any extension of delivery hours at the Mequon Outpost.

Sincerely,

David D. Mellencamp, MD
Astrid Mellencamp, RN, MSN

Dear Ms. Tollefson,

I did not write a note for the first meeting because I planned to attend and will attend the meeting of the 13th.

As an early owner of Heron Pond, (7344 W Heron Pond) the drawing card was quiet enjoyment and convenience. While we were aware of the certain development of the corner, we had comfort that the city would protect us from the "wrong" use of the corner. We embraced the arrival of the Outpost store but didn't understand the impact based on their initial representations.

We have concerns about the increased car traffic cutting across several lanes to get to the entrance but the hearing is about delivery trucks, back of store noise and property values. I am in the manufacturing and distribution business and know how disrupting trucking can be. I wouldn't knowingly desire to live near such a site. I'm sure there are solutions other than a lift which will attenuate the noise pollution.

Until the Outpost management commits to and completes significantly greater sound abatement for the benefit of the Heron Pond residents, we ask that you not consider any form of their request. Please recognize the noise pollution problems already caused by truck traffic and deny the changes Outpost has proposed.

Respectfully,
Bob Wagner
CEO
(414) 214-8370 Direct

Attachment: Packet (2102 : Michael Best & Friedrich LLP for Outpost Natural Foods Cooperative)

Kim Tollefson,

Mequon's Outpost request to permit additional deliveries and additional delivery days will cause many problems. In addition to a number of nuisance problems, there are three major issues. These are:

1. Noise
2. Noise
3. Noise

Currently, many more trucks are making deliveries than originally proposed by Outpost. Was Outpost sandbagging the original numbers or is Outpost that terrible as planners? Regardless, the trucks are rolling in with:

- clanging gears and revving engines as the trucks go back and forth between Drive and Reverse
- back-up alarms
- idling of gas and diesel truck engines
- truck's refrigeration condensers turning on and off
- rolling carts for loading and unloading
- cargo doors opening and slamming shut
- people shouting directions or warnings to each other
- dumpster lids tossed open and slamming shut
- loading dock din

The residents of Heron Pond bought homes in a nice, quiet section of Mequon with the expectation that Mequon governmental leadership would protect their bit of sanctuary, like the rest of the Mequon. But, at the time, the Mequon leadership thought more highly of a business enterprise than the well-being of these residents. To the leadership's credit or naivety, it believed Outpost's story about planned deliveries to the store. What a surprise when the actual number of deliveries more than doubled Outpost's original estimate.

You would like to believe that Mequon's leadership would learn from their mistakes, but here we are again. Outpost is asking for more delivery times and more delivery days IN ADDITION TO THE CURRENT EXCESS DELIVERIES OVER THE ORIGINAL ESTIMATE. And, it looks like Mequon's current leadership is about to throw the Heron Pond residents under the delivery trucks, once again.

DON'T DO IT! At a minimum, please have the Outpost install effective noise abatement hardware and implement noise abatement policies for the trucks BEFORE granting any further permissions. Before moving ahead with its petition, the Outpost should be made to prove that its current commercial noises are abated to the point that they do not reasonably disturb the peaceful nature of Heron Pond in the morning, evening, weekends and weekdays. Also, the Outpost should agree that at any time in the future, if the noise that reaches Heron Pond exceeds some predetermined reasonable level for a community like Heron Pond, that Outpost will take immediate actions to reduce the noise back to the predetermined level. As noted above, these predetermined levels will need to be different for weekends, weekdays, mornings and nights.

If the business at the Outpost is so good that it needs that many more deliveries, then it can easily afford to take noise abatement actions. If the leadership of Mequon has reasonable consideration for its residents, the leadership will not allow the Outpost to keep thundering forward without effective regulation.

Thank you for your consideration,
Aaron & Ellen Edelstein
7423 W Heron Pond Drive
Mequon, WI 53092

Highlander Partners, LLC

833 E Michigan Street, Suite 500, Milwaukee, Wisconsin 53202

February 1, 2017

Kim Tollefson via email at
ktollefson@ci.mequon.wi.us
City of Mequon
11333 N Cedarburg Road
Mequon., WI 53092

RE: Outpost Request for Additional

Delivery Kim

Highlander Partners, LLC is developing and constructing the final phase of the Heron Pond Condominium development directly behind the Outpost Natural Foods Store at the NEC of Wauwatosa Road and Mequon Road.

In as much as we view the Outpost as a nice amenity to the area, the increase of additional truck traffic has, and continues to be an issue for our customers of our new condominium units. I am seriously concerned of its effect on the remaining units under construction and the ability to maintain the market value with this increased traffic which undoubtedly will increase the noise and light pollution from the trucks. When the Outpost sought, and received original approval, we proceeded to build quality homes with the understanding that there were reasonable delivery times and amounts.

If these increased delivery times and amounts are granted to Outpost by the City of Mequon, there may be economic damages that our project could suffer in this event. We have worked diligently to create an additional \$4,000,000 in value in this final Phase of Heron Pond. We do not want to jeopardize this value nor the value of all the other quality homes in this neighborhood.

Highlander Partners, LLC hereby opposes such change request by Outpost

Natural Foods. Please feel free to contact me with any questions with regards

Thank you,
to this letter.



Michael Fard, Managing
Member Highlander Partners,
LLC
Tele +1 414.278.6806
mfardy@inlandcompanies.com

Cc: Tom and Cathy Czaja, Heron Pond Condominium Association cczaja@sbcglobal.net

Attachment: Packet (2102 : Michael Best & Friedrich LLP for Outpost Natural Foods Cooperative)

Dear Ms. Tollefson,

I write to state my strong opposition to Outpost's request to increase weekend deliveries to its Mequon location. I urge our elected officials to table this request until effective noise abatement measures are in place. Approving Outpost's request will contribute to a further decline in the property values at Heron Pond condominiums, where I reside, and diminish our quality of life through the resulting additional noise pollution.

When I first considered purchasing a condo here, moving from Ohio, I was assured that Mequon is the kind of community that would allow a commercial development at the northwest corner of Mequon and Wauwatosa only if the development did not diminish the quality of life for Heron Pond residents. When Outpost proposed to construct a store at that location, we were assured that Outpost would take every measure to keep noise at the lowest possible level and would landscape its property to maintain the scenic beauty of our condominiums.

My understanding is that, unfortunately, Outpost already exceeds the number of deliveries it promised. I expect if Mequon approves this new request, the next request will not be far behind. Please be the kind of community I was told you are and table this request.

Thank you for your consideration.

Sincerely,
Patricia A. Borger
7582 W. Heron Pond Drive Mequon 53092

Dear Ms. Tollefson,

I have been the owner of the condo located at 7268 W. Heron Pond Drive since 2008. We moved here from another Mequon home and chose this location for the serenity and beauty of the area. I'm a member of Outpost and enjoy shopping there. My husband Chuck (now deceased) and I were very supportive of the Outpost development, which was approved in 2013, believing it would be a nice amenity to the area and wouldn't adversely affect our neighbors or our community. It has become evident that much work needs to be done to significantly reduce the noise issues caused by the excessive amount of truck traffic, as well as the noise from the dumpsters. Already, Outpost is accepting two to three times the amount of trucks they originally proposed. That's a great burden for our community and many fear our property values will decrease unless something is done to fix the problems.

I strongly urge the Planning Commission to reject Outpost's proposal to amend the Conditional Use Grant to allow for additional delivery hours until they can adequately address the noise issues. If this amendment is approved, you'd be making an existing problem much worse.

Thank you for your consideration.

Sincerely,
Carol Storniolo

Dear Ms Tollefson:

I'm writing to strongly object to the Outpost's request for expansion of delivery hours. As Heron Pond home owners my wife and I have a large financial stake in our condo. We feel approval of Outpost's request will significantly erode that investment. We're sure had the additional noise and truck traffic been present 10 years ago when we bought our home we would have had second and third thoughts about Heron Pond.

Outpost agreed to their present delivery hours when they applied for a building permit and should not be allowed to expand at the expense of their neighbors. We have lived in Mequon since the mid seventies and remember the battles over development when my brother Stan ran for mayor.

Please do not approve Outpost's request.

Robert and Marian Teplin

Kim,

I am an experienced real estate agent for First Weber Inc., live in Mequon & close many transactions each year in Mequon. I have recently assisted in the listing & sale of 7551 W Heron Pond Drive which is in close proximity to the Outpost Property. We anticipated a sale around \$425k to \$450K but as we began marketing we quickly discovered that noise levels on Wauwatosa road & the Outpost parking was deterring buyers from an offer even more than I originally thought. It was only after we dropped the price to \$399,900 that we were able to procure an accepted offer at \$392,500. This sales price has been determined by the buyer & the neighbors, the seller and myself – as a steal.

My understanding is that the Planning Commission is taking under consideration additional deliveries via truck to Outpost on weekends.. I must admit that I do foresee an increase in 'decibel levels' especially within the perimeter of Heron Pond Condos closest to Outpost. I realize that Outpost has been a positive addition to Mequon but the size of the parking lot & lack of green space around the parking lot and the location of the truck route was not taken into consideration when planning for its popularity. I am not aware of any retail or business that is as close to a residential neighborhood with sales in the 400's and up in Mequon.

Based on the comments above & my knowledge of the support to reject the additional delivery request, I am hopeful that the Planning Commission will make the right decision & ensure that corner does not create additional noise and traffic. Let the neighbors enjoy the Outpost in its current status. I welcome a call or email to chat or answer any questions,

Sincerely

Kelly Seaman
First Weber Inc
414-350-3166
kseaman@firstweber.com
www.kellyseaman.com

Kim and Planning Commission members,

I am writing regarding Outpost delivery noise and traffic concerns by Heron Pond condominium owners because I co-hosted a pre-development reception for Outpost and Heron Pond owners. I am aware of the owners original concerns and, as the project's developer and a broker, I understand the adverse effect of noise.

I hope this information can be included in the Commissioner packet.

The most important original concern by Heron Pond owners was NOISE. Noise historically hurts values, makes the units harder to sell, but most importantly, adversely effects the enjoyment the current owners receive from their original purchase (before Outpost).

Please hold Outpost to the strict hours and number of deliveries it committed at the time of approval.

I have shopped at Outpost and like the development. With that said every effort must be made to protect the quality of life of the people that already live (or lived) in Mequon before the advancing commercial and high density development.

Thank you for your attention to these comments.

Regards,

Paul Apfelbach



DOCUMENT NO.

RETURN TO:

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

PARCEL NO.:
140221101300

CONDITIONAL USE GRANT AMENDMENT

7590 W Mequon Road

Following action by the Planning Commission of the City of Mequon approving an amendment of the Conditional Use Grant, these Articles of Agreement are made and entered into this 13th day of February, by and between Outpost Natural Food Cooperative and the City of Mequon.

It is agreed upon by and between the parties hereto that the Conditional Use Grant for the use of property as a grocery store; the original Grant recorded as Document _____ on _____, be amended as follows:

- 1. Hours of Operation shall be extended to 2:00 PM on Saturday and one delivery on Sunday between 10 AM and 2 PM by box truck or van as depicted in Exhibit A

GRANTED by action of the Planning Commission of the City of Mequon this 13th day of February.

Dan Abendroth, Mayor, Planning Commission Chairperson

Acknowledgment

STATE OF WISCONSIN)

)SS

OZAUKEE COUNTY)

Personally came before me, this ____ day of _____, 2017, the above named _____, Mayor, to me known to be the person who executed the foregoing instrument and acknowledged the same.

Notary Public, Ozaukee County, Wisconsin

My Commission (expires) _____

Planning Commission Secretary

Acknowledgment

STATE OF WISCONSIN)

)SS

OZAUKEE COUNTY)

Personally came before me, this ____ day of _____, 2017, the above named _____, Secretary, to me known to be the person who executed the foregoing instrument and acknowledged the same.

Notary Public, Ozaukee County, Wisconsin

My Commission (expires) _____

Attachment: Packet (2102 : Michael Best & Friedrich LLP for Outpost Natural Foods Cooperative)

OWNER(S):

By:_____

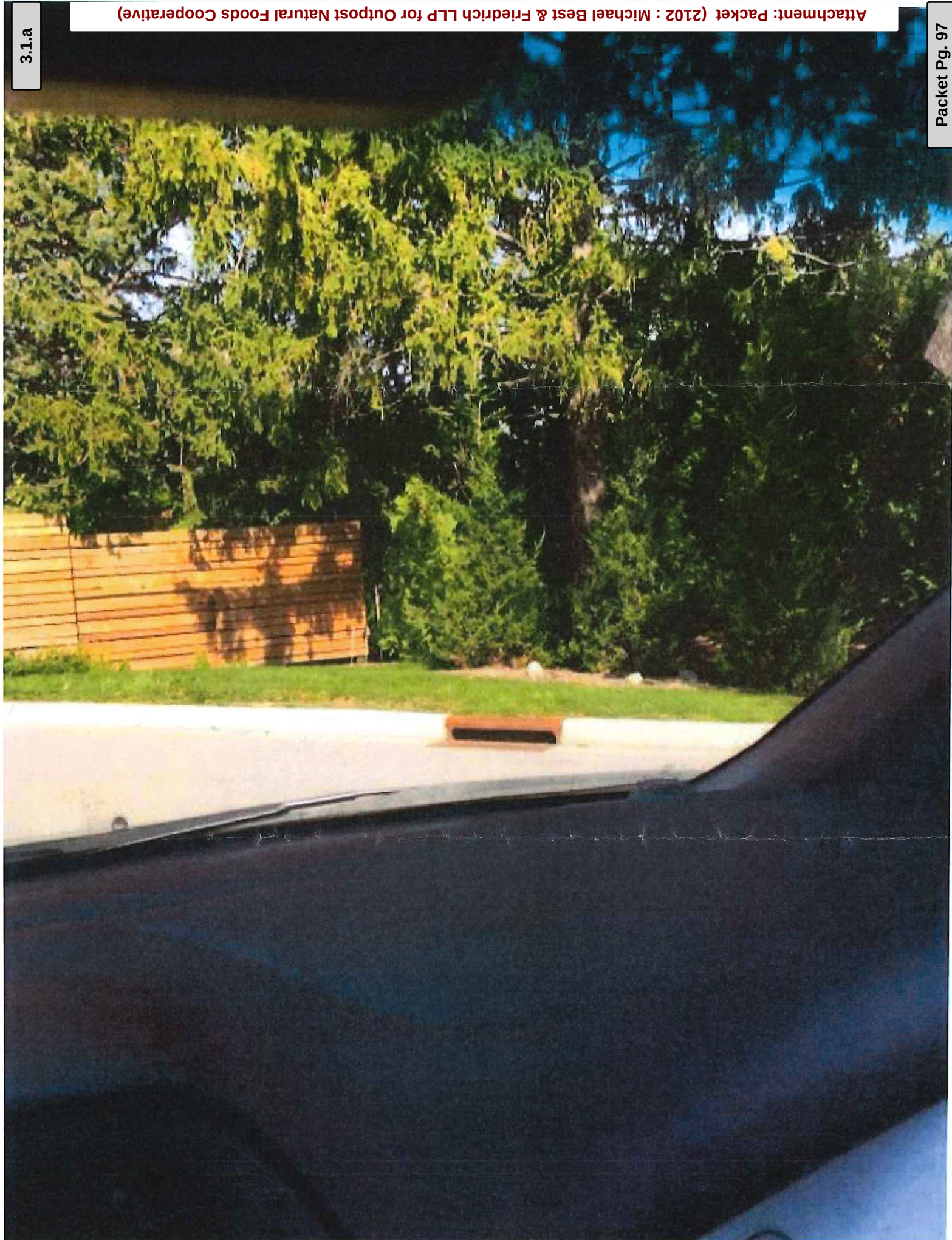
Acknowledgment

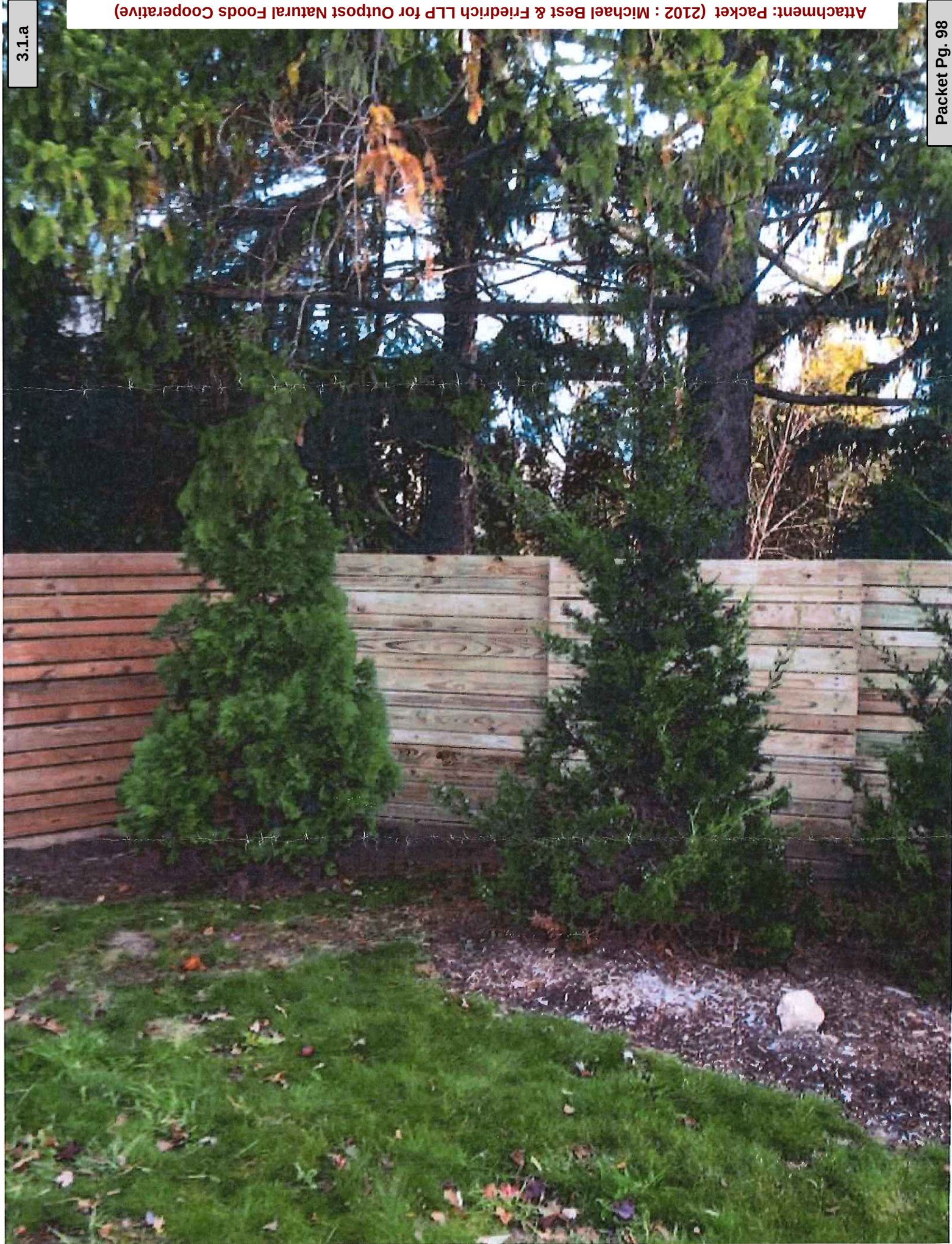
STATE OF _____)
_____)SS
_____ COUNTY)

Personally came before me, this ____ day of _____, 2017, the above named, to me known to be the person who executed the foregoing instrument and acknowledged the same.

Notary Public My Commission (expires) _____

Attachment: Packet (2102 : Michael Best & Friedrich LLP for Outpost Natural Foods Cooperative)









TO: Planning Commission
FROM: JAC ZADER, ASSISTANT DIRECTOR COMMUNITY DEVELOPMENT
DATE: February 13, 2017
SUBJECT: MSI General for Riteway Bus LLC. The applicant is seeking conditional use grant, building and site plan amendment and landscape plan approval to operate a transportation terminal (Riteway Bus transportation service) for the property located at 6926 W. Donges Bay Road.

Applicant: MSI General
Ben Freeland
Status of Applicant: Agent
Requested: Conditional Use Grant
Proposed Use: Transportation Terminal
Existing Zoning: B-5 (Industrial)
Lot size: 3 acres
Location: 6926 W. Donges Bay Road
Tax Key: #14-027-12-004.00
District: #4

Background:

The applicant requests a conditional use grant to operate a transportation terminal for the Go Riteway Transportation Group. The primary client for the business is the Mequon-Thiensville school district which utilizes approximately 50 buses for school transportation needs. Go Riteway is currently located on Industrial Drive within the City's Town Center area.

Site Plan:

The proposed site plan shows a 3,300 square foot building, a parking lot designed to accommodate 54 buses and 37 cars and two bio-retention ponds. Access to the site is gained from Donges Bay Road directly across from the access point for Mequon Storage. The width of the driveway has been increased to 40 feet to accommodate the turning radius of the larger buses. Originally, the applicant requested two access points along Donges Bay Road but could not meet the 185 foot spacing requirement. The plan complies with all setback, offset and other code requirements. Staff does not recommend any changes to the plan.

Building Plan:

The 3,300 square foot building is designed with concrete brick masonry units and metal wall panels. The overall height of the building is 20 feet. The plan shows an overhead garage door on the east elevation of the building that will provide access for bus maintenance. Overall, staff is supportive of the building design and material choices. Staff does recommend that north and west elevation include additional fenestration to break of the wall area. The floor plan of the building shows the maintenance garage and bathrooms along the north and west wall so staff feels that transom windows would be the most appropriate treatment along those elevations. Staff also recommends that the overhead door contain a section of windows at the same elevation of

the transom windows.

Lighting Plan:

The lighting plan shows 11 LED parking lot lights and three building wall packs. Since the building is 20 feet in height, the parking lot lights shall be no greater than 75% of the building height per the lighting code. In this case the lights shall be no greater than 15 feet in height. The lights must also comply with the full cutoff classification and shall not be tilted when installed. The three LED wall packs are shown to be mounted at 15 feet in height and are classified as full cutoff in compliance with the lighting code.

Landscaping Plan:

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

- All trees shall have a minimum 3" caliper.
- The parking lot 30% shading requirement shall be complied with.
- Landscaped islands shall include curbing
- Additional screening along the south and east property line
- Foundation plantings on the west elevation of the building

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

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

The transportation terminal is located along Donges Bay Road which is classified as a local arterial designed to safely accommodate the bus traffic. With the design changes recommended by the Engineering Department, the proposed use should not endanger the health or safety of the surrounding area.

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

The Land Use Plan designates the site as Industrial and is zoned B-5, Light Industrial. All adjacent properties are zoned B-5 as well. There is an existing multi-tenant building to the west which will be located 145 feet from the bus parking area. The building has loading docks on the north elevation which would be most impacted by the visual impact of the bus parking. The site the rear includes a wetland and detention ponds which would preclude any development of the parcel which would be in close proximity to bus parking area. Staff feels the use of the site as a transportation terminal will not impact the value of the adjacent parcels.

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

The area surrounding the parcel is primarily industrial in nature. The closest residential parcel is over 700 feet away. The only impact of the use to the surrounding area will be the arriving and departing of buses. The majority of the time, the buses will be parked in the lot or out transporting school children. The hours of operation are weekdays 6:30 AM to 9:00 AM and 2:00 PM to 4:30 PM. These times are similar and in many cases less intense than other truck traffic that occurs in the area. Planning staff believes the proposed use and activities should be harmonious with the surrounding uses.

Engineering Report:

Kristen Lundeen, Director of Public Works/City Engineer, has reviewed the application and has the following comments:

The facility is located within the City's sanitary sewer service area. The new facility is required to connect to public sanitary sewer and water main. Associated laterals are shown on the plans. Installation of both laterals shall follow the Standard Specification for Land Development.

No indications of wetlands are present on the site, therefore a wetland delineation is not required.

The site proposes an increase in impervious surface in excess of one half acre and therefore requires a storm water management plan (SWMP). A copy of the SWMP has been submitted to the City. The SWMP must be approved by the City and MMSD.

The existing drainageway on the west side of site is overgrown and does not provide proper, positive flow. In conjunction with the drainage work on site, the drainageway shall be cleared to provide proper flow.

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 use of the site is anticipated to result in a large volume of concentrated turning movements coinciding with peak traffic conditions. With existing traffic volumes on Donges Bay Road, Staff recommends improvements along Donges Bay Road. Recommended improvements include the installation of a deceleration lane to serve as a right turn lane and matching acceleration lane on the north side of the road for westbound traffic. In addition, a bypass lane should be installed on the south side of the road for eastbound traffic.

Staff Recommendation:

Staff recommends **approval** of the conditional use grant based on the following condition(s):

- . Staff review and approval of all site, building, landscaping, lighting and elevation plans.
- . The landscaping plan shall be updated to comply with the following conditions:
 - All trees shall have a minimum 3" caliper.
 - The parking lot 30% shading requirement shall be complied with.
 - Landscaped islands shall include curbing
 - Additional screening along the south and east property line
 - Foundation plantings on the west elevation of the building
- 3. Staff review and approval of additional fenestration on the north and east elevations of the building.
- 4. The overhead door shall incorporate windows that are consistent with the design of the windows on the building.
- 5. The parking lot pole lights shall not exceed 15 feet in height.
- 6. All luminaires shall be classified as full cutoff.
- 7. A landscaping escrow equal to 125% of the improvement costs for installation of landscaping by a licensed contractor and an escrow equal to 25% of the landscape contract cost to insure that landscaping that dies within three (3) years of installation will be replaced by the applicant.
- 8. All ground-level and roof top mechanical equipment shall be well screened from public view with screening or landscaping.
- 9. The building on site requires connection to public sanitary sewer and public water main in

conformance with the Standard Specifications for Land Development.

10. Engineering Department review and approval of grading, drainage, stormwater management, erosion control and sewer plans in conformance to City ordinances and the Standard Specifications for Land Development.
11. 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.
12. The existing drainageway on the west side of the site shall be cleared to provide proper flow.
13. Application for and approval of a City erosion control permit, subject to applicable fees and conditioned upon WDNR issuance of a WRAPP permit.
14. Installation of a right turn (deceleration) lane, acceleration lane and associated bypass lanes.
15. As a condition of approval and issuance of the permit, the city engineer will require the applicant to 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 for a time period of five years and will be computed on the basis of \$4,000.00 for every 3,500 square feet of impervious surface added (58-677(b)).

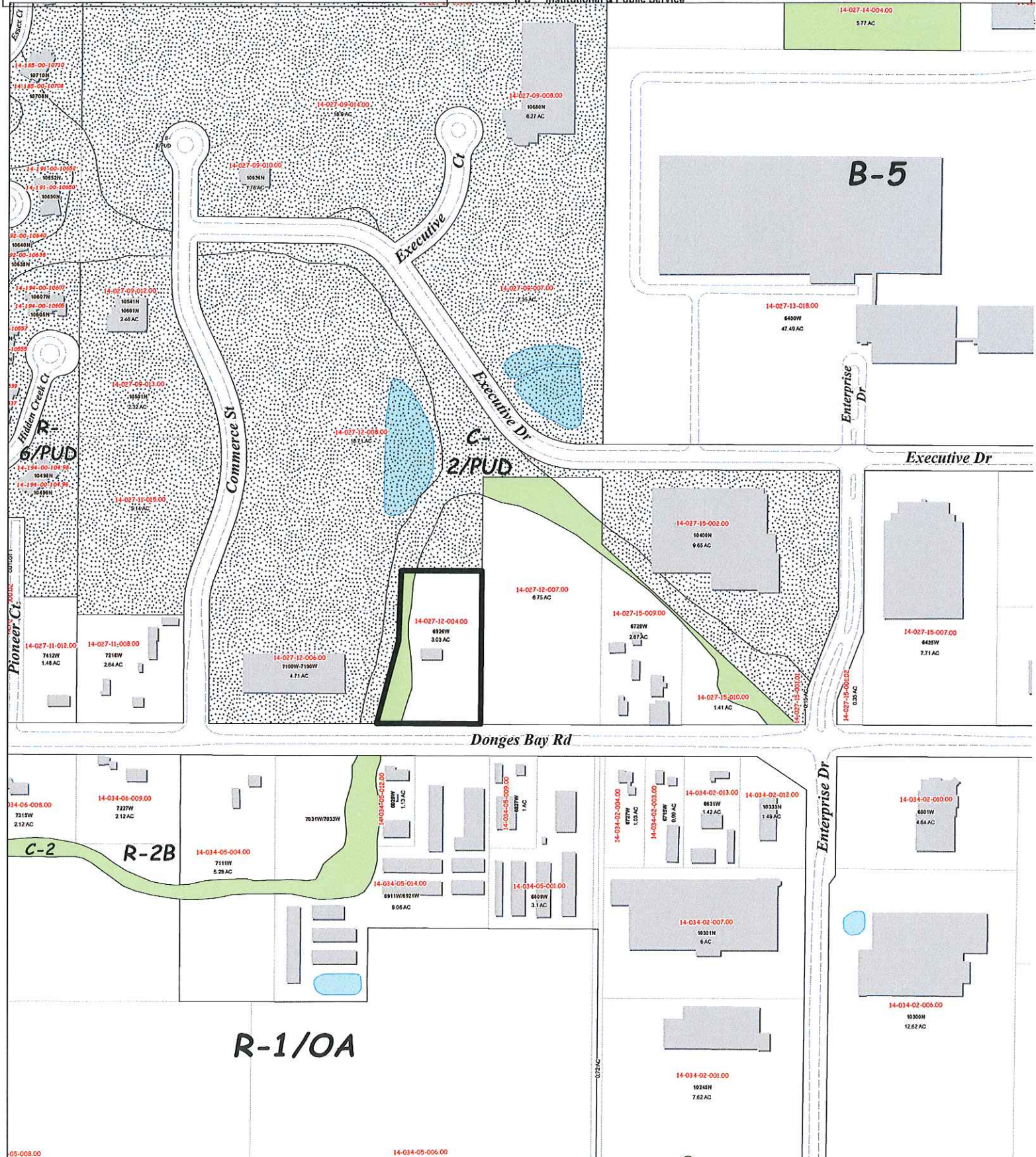
Attachments:

Packet (PDF)

Item 6 - MSI General for Riteway Bus LLC

A-1 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

FPD Planned 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





January 17, 2017

Business Operations Plan:

Go Riteway Transportation Group intends to use the property to operate the school bus transportation service for the Mequon-Thiensville School District. We intend to operate about 50 school buses from the site Monday through Friday for school transportation. The main time for operation is during route time which is between 6:30am to 9:00am and then again from 2:00pm to 4:30pm. We have very minimal traffic on the weekends and during the summer.

Thank you,

A handwritten signature in black ink, appearing to read "RJ Bast".

RJ Bast

Vice President

Go Riteway Transportation Group

Go Riteway Transportation Group

6242 N. 64th Street
Milwaukee, WI 53218
414.226.5481 / 414.226.6074
goriteway.com

ARCHITECTS

LEGAL DESCRIPTION:

AS DESCRIBED IN FIRST AMERICAN TITLE INSURANCE COMPANY COMMITMENT NUMBER NCS-822916-MKE
WITH AN EFFECTIVE DATE OF NOVEMBER 10, 2016.

Lot 1 of Certified Survey Map No. 1387 recorded in the office of the Register of Deeds for Ozaukee County, Wisconsin on April 16, 1982 in Volume 8 of Certified Survey Maps, page 34, as Document No. 332000, being part of the Southwest 1/4 of Section 27, Township 9 North, Range 21 East, in the City of Mequon, Ozaukee County, Wisconsin.

Tax ID No.: 14-027-12-004.00

NOTES CORRESPONDING TO SCHEDULE B - II

1 - 3 & 8 VISIBLE EVIDENCE SHOWN IF ANY
4 - 7, 9 & 13 NOT SURVEY RELATED

10. Storm Water Drainage Easement and Access Easement as set forth in Certified Survey Map No. 1387, Easement graphically shown on survey.

11. Private Road Easement for ingress and egress as set forth in Warranty Deed recorded January 7, 1983 in Volume 483, page 799, as Document No. 337145, 30' Private Road Easement graphically shown on survey.

12. Right of Way Grant granted to Wisconsin Electric Power Company recorded January 26, 1987 in Volume 576, page 898, as Document No. 383622, Wisconsin Bell and Wisconsin Electric Power Company Easement for underground cables and utility poles. Easement does not affect subject property as graphically shown on survey.

LEGEND OF SYMBOLS & ABBREVIATIONS

	SANITARY MANHOLE		FIBER OPTIC VAULT		SIGN
	STORM MANHOLE		FIBER OPTIC MANHOLE		MAIL BOX
	STORM INLET		TELEPHONE PEDESTAL		FLAG POLE
	CLEANOUT		TELEPHONE MANHOLE		FENCE POST
	CATCH BASIN		TELEPHONE VAULT		CROSS CUT
	LATERAL		UTILITY POLE		IRON PIPE
	BASKETBALL HOOP		GUY WIRE		IRON REBAR/ROD
	SPOT ELEVATION		TRANSFORMER		MAG NAIL
	AIR CONDITIONING UNIT		ELECTRIC PEDESTAL		SECTION MONUMENT
	UNKNOWN MANHOLE		ELECTRIC MANHOLE		BENCH MARK
	DUMPSTER		CABLE TV RISER/BOX	CL	=CENTERLINE
	HANDICAP STALL		CABLE TV MANHOLE	CONC.	=CONCRETE
	WELL		GAS VALVE	EL.	=ELEVATION
	HYDRANT		GAS METER	EXT.	=EXISTING
	WATER VALVE		GAS MARKER	F.I.P.	=FOUND IRON PIPE
	WATER SERVICE BOX		DIRECTIONAL ARROW	F.M.N.	=FOUND MAG NAIL
	SPRINKLER VALVE		CONIFER TREE	I.N.V.	=INVERT
	TRAFFIC SIGNAL		DECIDUOUS TREE	MON.	=MONUMENT
	FLOOD LIGHT		BUSH		
	LIGHT POLE		WETLAND SYMBOL		
UNDERGROUND UTILITY LINES					
	SANITARY SEWER		FIBER OPTIC	P.O.B.	=POINT OF BEGINNING
	STORM SEWER		TELEPHONE	P.O.C.	=POINT OF COMMENCEMENT
	WATER MAIN		ELECTRICAL	R.O.W.	=RIGHT OF WAY
	CABLE TV		OVERHEAD WIRES	SQ. FT.	=SQUARE FEET
	GAS MAIN		CABLE TELEVISION	T.O.C.	=TOP OF CURB
	WETLANDS		WITH	W)	=RECORDED AS

TABLE A

2. Address (as disclosed in title commitment): 6926 W. Donges Bay Road, Mequon, WI. Flood Zone Classification: The property lies with in Zone "X" of the Flood Insurance Rate Map Community Panel No. 50589C0253F with an effective date of DECEMBER 4, 2007. Zone "X" areas are determined to be outside the 0.2% annual chance floodplain.
4. Land Area: 132,082 Square Feet (3,0322 Acres).
5. Vertical Datum: National Geodetic Vertical Datum of 1929 (NGVD29). Contours are shown at a 1' interval based on actual ground survey of the current ground terrain. Reference Benchmark: Concrete monument with brass cap at the southeast corner of the Southwest 1/4 Section 27, Town 9 North, Range 21 East, Elevation = 692.91.
6. Zoning Letter / Report not supplied to the surveyor at the time of survey.
9. There are no designated parking spaces on the subject property.
11. Underground utility locations shown are based on field location markings by Digger's Hotline dated 12/01/2019 with a clear date of DECEMBER 25, 2016. The location and size of underground structures and utilities shown hereon have been located based on a reasonable visual observation and are shown for informational purposes only. PINNACLE ENGINEERING GROUP, LLC, does not guarantee the location of utilities shown. Contact Digger's Hotline prior to the start of any activity.
16. No evidence of recent earth moving work, building construction or building additions observed in the process of conducting the fieldwork.
17. No evidence of changes in street right of way lines and street or sidewalk construction or repairs observed in the process of conducting the fieldwork.
18. Delimited and marked easements were observed adjacent to the subject property. No wetlands were delineated or observed in the process of conducting the fieldwork on the subject property.
20. Certificate of Professional Liability Insurance furnished upon request and in effect throughout the contract term.

GENERAL NOTES

1. Right of Way widths and locations are based on Certified Survey Map No. 1387 and surveys on record.
2. Existing vehicular access to this subject property is via West Donges Bay Road being a public right of way.
3. At the time of this survey the subject property contained snow covered ground conditions. Pinnacle Engineering Group, LLC takes no responsibility for any improvements that can not be located based on a reasonable visual observation.

LOCATION: 6926 W. DONGES BAY ROAD, MEQUON
LOT 1 OF C.S.M. NO. 1387, SE 1/4 OF THE SW 1/4, SEC. 27, T9N,
R21E, CITY OF MEQUON, OZAUKEE COUNTY, WISCONSIN

CERTIFICATION

To: Riteway Bus, LLC; Leonard A. Dudkiewicz and Lois M. Dudkiewicz; First American Title Insurance Company:

This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2016 Minimum Standard Detail Requirements for ALTA/NSPS LAND TITLE SURVEYS, jointly established and adopted by ALTA and NSPS, and includes items 1, 2, 3, 4, 5, 6, 7(a), 7(c), 8, 9, 11, 16, 17, 18 & 20 of Table A thereof. The fieldwork was completed on DECEMBER 28, 2016.

John P. Konopacki, PLS
License No. S-2461

Date of Plat or Map: JANUARY 4, 2017

PINNACLE ENGINEERING GROUP, LLC
15850 West Bluemound Road Suite 210
Brookfield, WI 53005
Phone: 262-754-8888
Fax: 262-754-8850

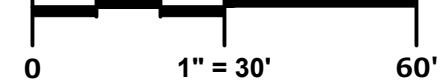
STATEMENT OF ENCROACHMENTS

None Observed



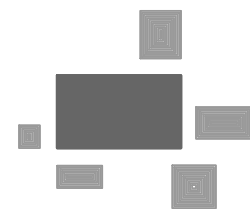
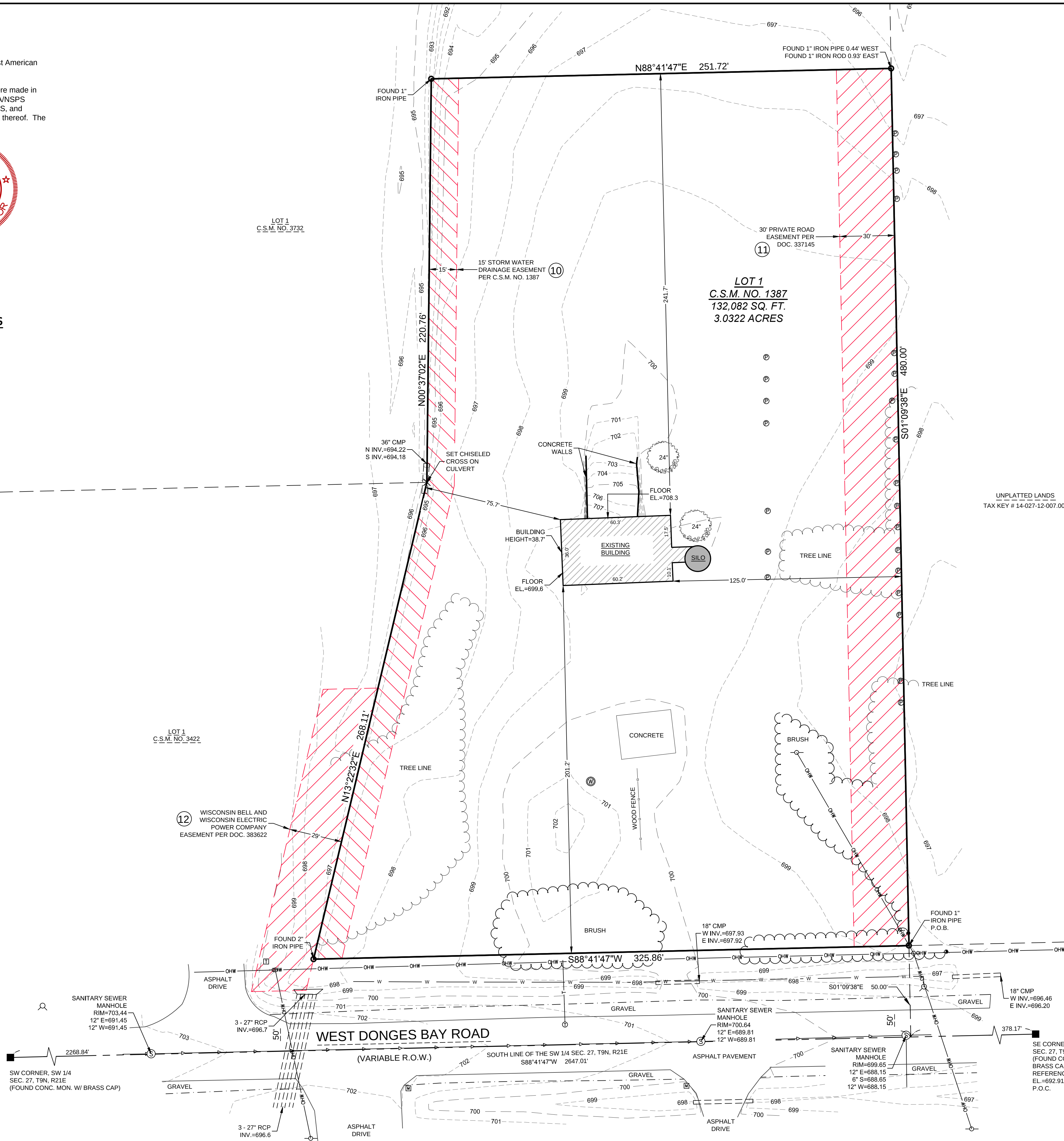
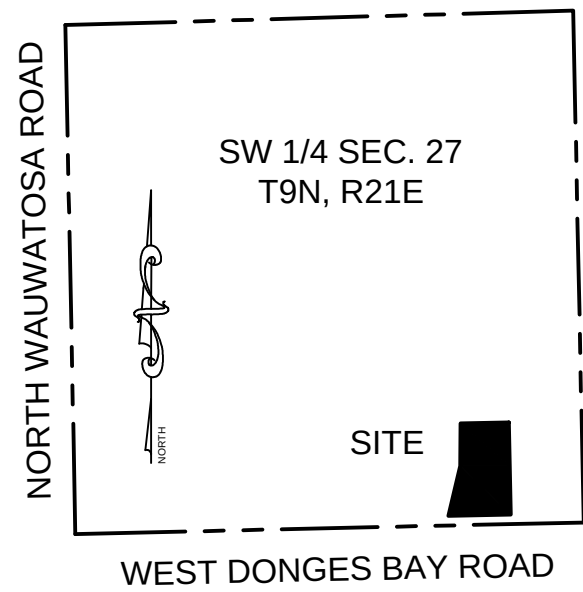
Bearings referenced to the Wisconsin State Plane Coordinate System, South Zone (N.A.D. 1927). The south line of the Southwest 1/4 of Section 27, Township 9 North, Range 21 East has a bearing of S88°41'47"W.

GRAPHICAL SCALE (FEET)



VICINITY MAP

SCALE 1":1000'



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GO RITEWAY
MEQUON, WI

ALTA/NSPS LAND TITLE SURVEY

REVISIONS

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REG JOB No. PROJECT #
REG PM PROJECT PM
START DATE DATE
SCALE SCALE

SHEET
C000

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EXISTING CONDITIONS



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PHONE: 262-367-3661
FAX: 262-367-7390

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PROJECT ADDRESS:

PROJECT NAME
Go Riteway
STREET ADDRESS
6925 W. Donges Bay Road
CITY / STATE / ZIP
Mequon WI 53092

ALL WORK TO BE COMPLETED AS SHOWN, AND IN ACCORDANCE WITH THE LATEST EDITION OF THE MSI GENERAL MASTER SPECIFICATION

Date: 01-10-17
Drawn By: PEG

Sheet Title:
PRELIMINARY SITE
PLAN

Sheet Number:

C-101

Project Number:

p11825

P11825

PROPOSED CONCRETE FLARED END SECTION

PROPOSED OUTLET STRUCTURE

PROPOSED STORM SEWER

PROPOSED UNDERDRAIN

EXISTING CONTOUR

PROPOSED CONTOUR

SPOT ELEVATION

GRASS

PAVEMENT

DIRECTION OF SURFACE FLOW

PROPOSED CONCRETE FLARED END SECTION

PROPOSED OUTLET STRUCTURE

PROPOSED STORM SEWER

PROPOSED UNDERDRAIN

EXISTING CONTOUR

PROPOSED CONTOUR

SPOT ELEVATION

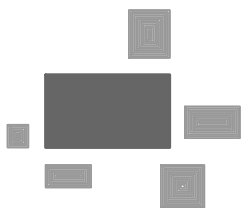
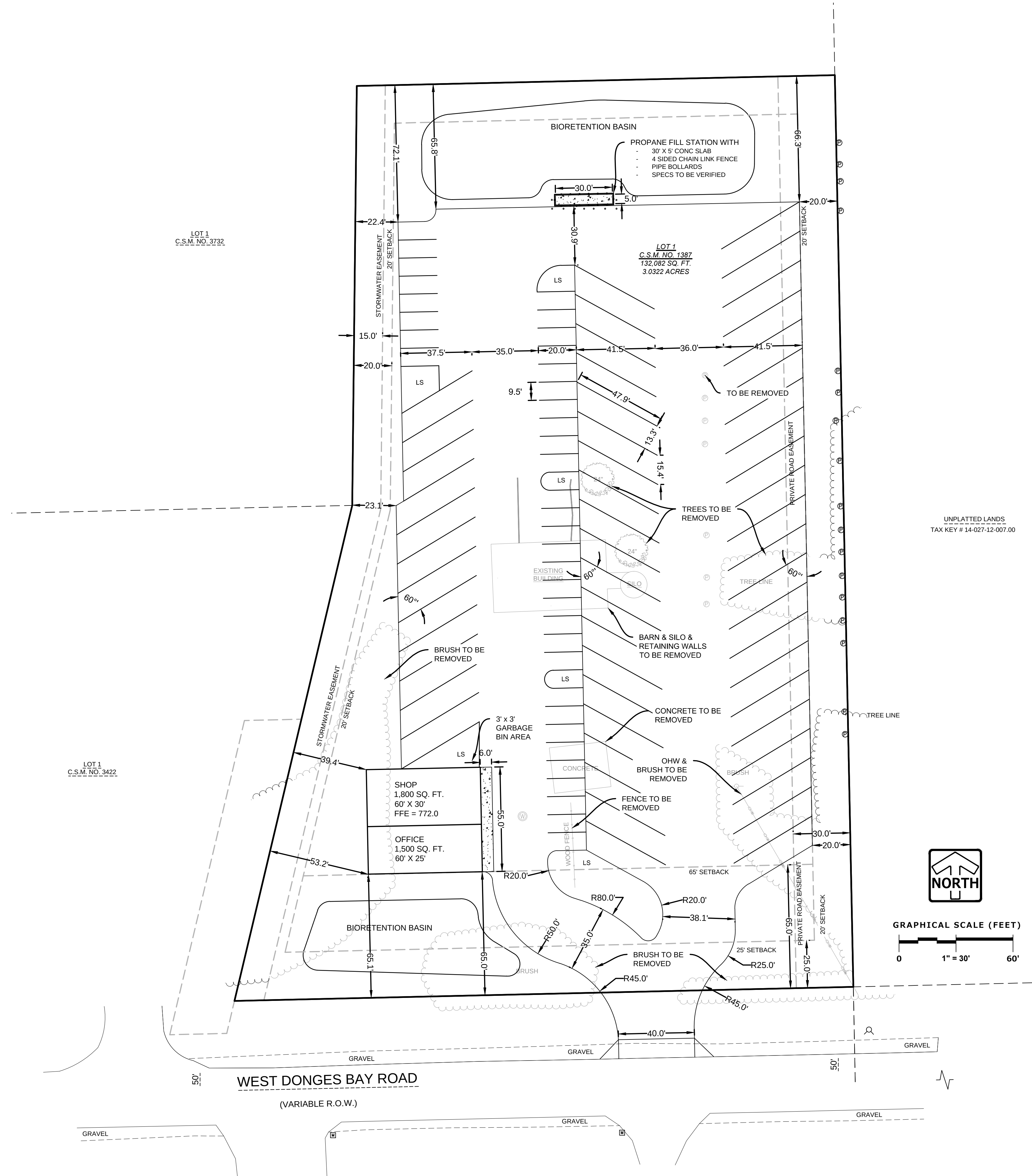
GRASS

PAVEMENT

DIRECTION OF SURFACE FLOW

SITE DATA	
SITE AREA	132,082 SQ.FT. = 3.03 AC.
BUILDING AREA	3,300 SQ. FT.
ASPHALT & CONC. AREA	75,888 SQ. FT.
TOTAL HARDSCAPE AREA	79,188 SQ. FT. (max.79,249.2 SQ. FT.)
GREEN SPACE AREA	52,894 SQ. FT. = 40.0% (MIN. 52,832.8 SQ. FT. REQUIRED)
PARKING	
BUSSES (LARGE SIZE)	51
BUSSES (SMALL SIZE)	3
AUTO	37

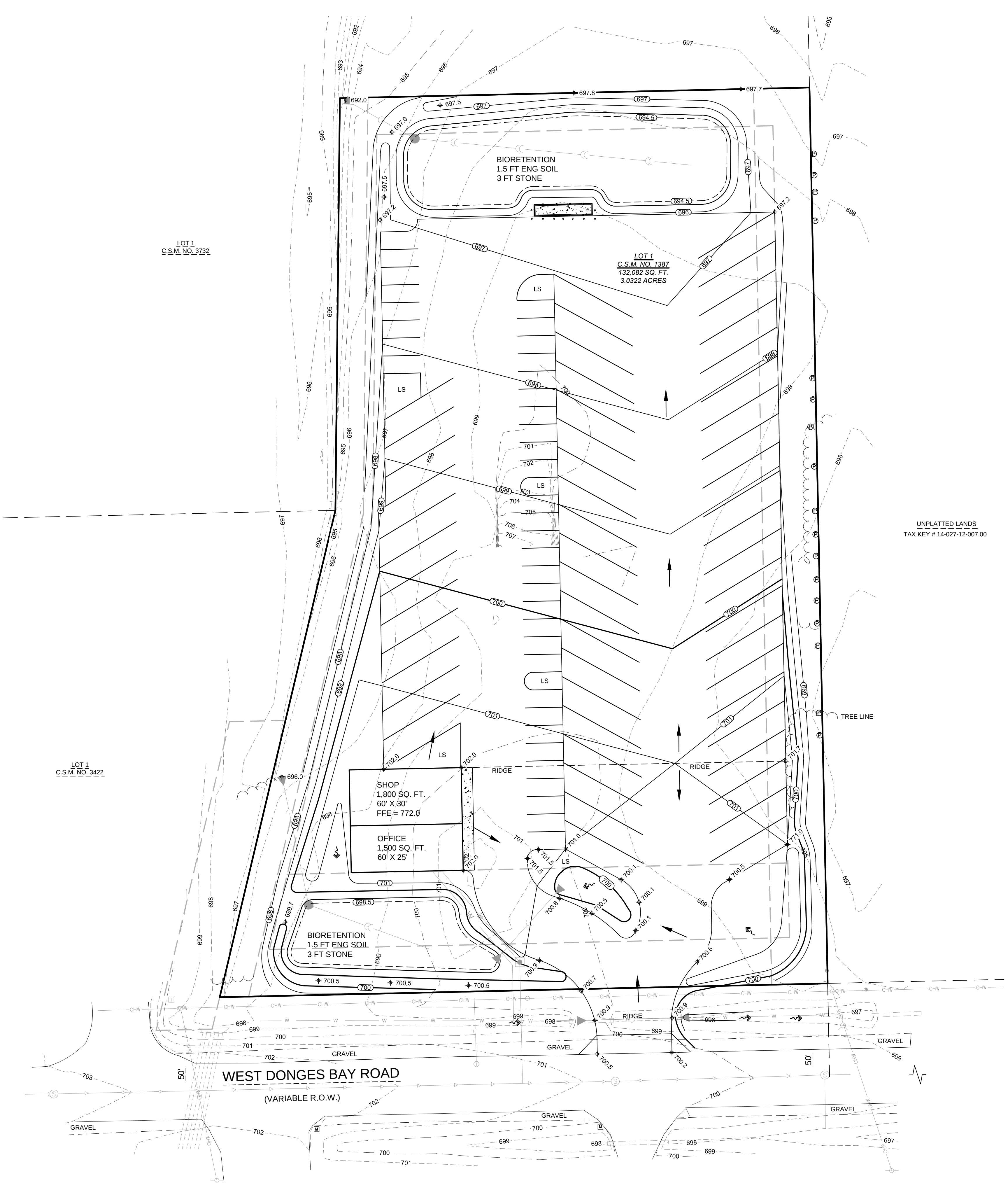
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AUTO	37



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LEGEND

PROPOSED CONCRETE FLARED END SECTION

PROPOSED OUTLET STRUCTURE

PROPOSED STORM SEWER

PROPOSED UNDERDRAIN

EXISTING CONTOUR

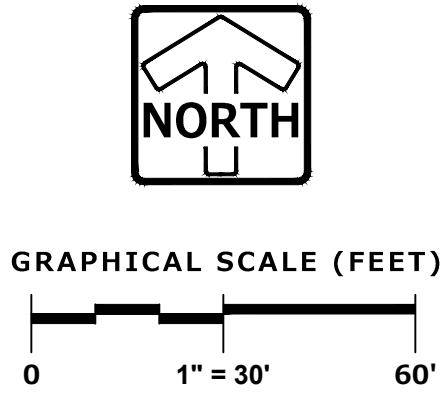
PROPOSED CONTOUR

SPOT ELEVATION

GRASS

PAVEMENT

DIRECTION OF SURFACE FLOW



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FAX: 262-367-7390

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PROJECT ADDRESS:

PROJECT NAME
Go Riteway
STREET ADDRESS
6925 W. Donges Bay Road
CITY / STATE / ZIP
Mequon WI 53092

ALL WORK TO BE COMPLETED AS SHOWN, AND IN ACCORDANCE WITH THE LATEST EDITION OF THE MSI GENERAL MASTER SPECIFICATION

Date: 01-10-17

Drawn By: PEG

Sheet Title:
PRELIMINARY GRADING PLAN

Sheet Number:
C-102

Project Number: p11825

P11825



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Go Riteway
STREET ADDRESS
6925 W. Donges Bay Road
CITY / STATE / ZIP
Mequon WI 53092

ALL WORK TO BE COMPLETED AS SHOWN, AND IN ACCORDANCE WITH THE LATEST EDITION OF THE MSI GENERAL MASTER SPECIFICATION

Date: 01-10-17
Drawn By: PEG

Sheet Title:
PRELIMINARY SITE
UTILITY PLAN
Sheet Number:

C-103

Project Number:

p11825

P11825

LEGEND

PROPOSED CONCRETE FLARED END SECTION

PROPOSED OUTLET STRUCTURE

PROPOSED STORM SEWER

PROPOSED UNDERDRAIN

EXISTING CONTOUR

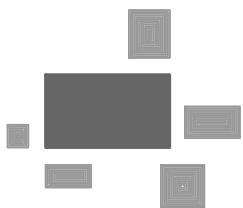
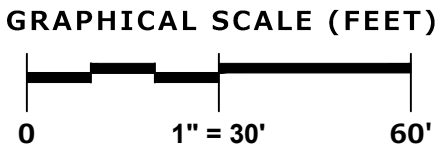
PROPOSED CONTOUR

SPOT ELEVATION

GRASS

PAVEMENT

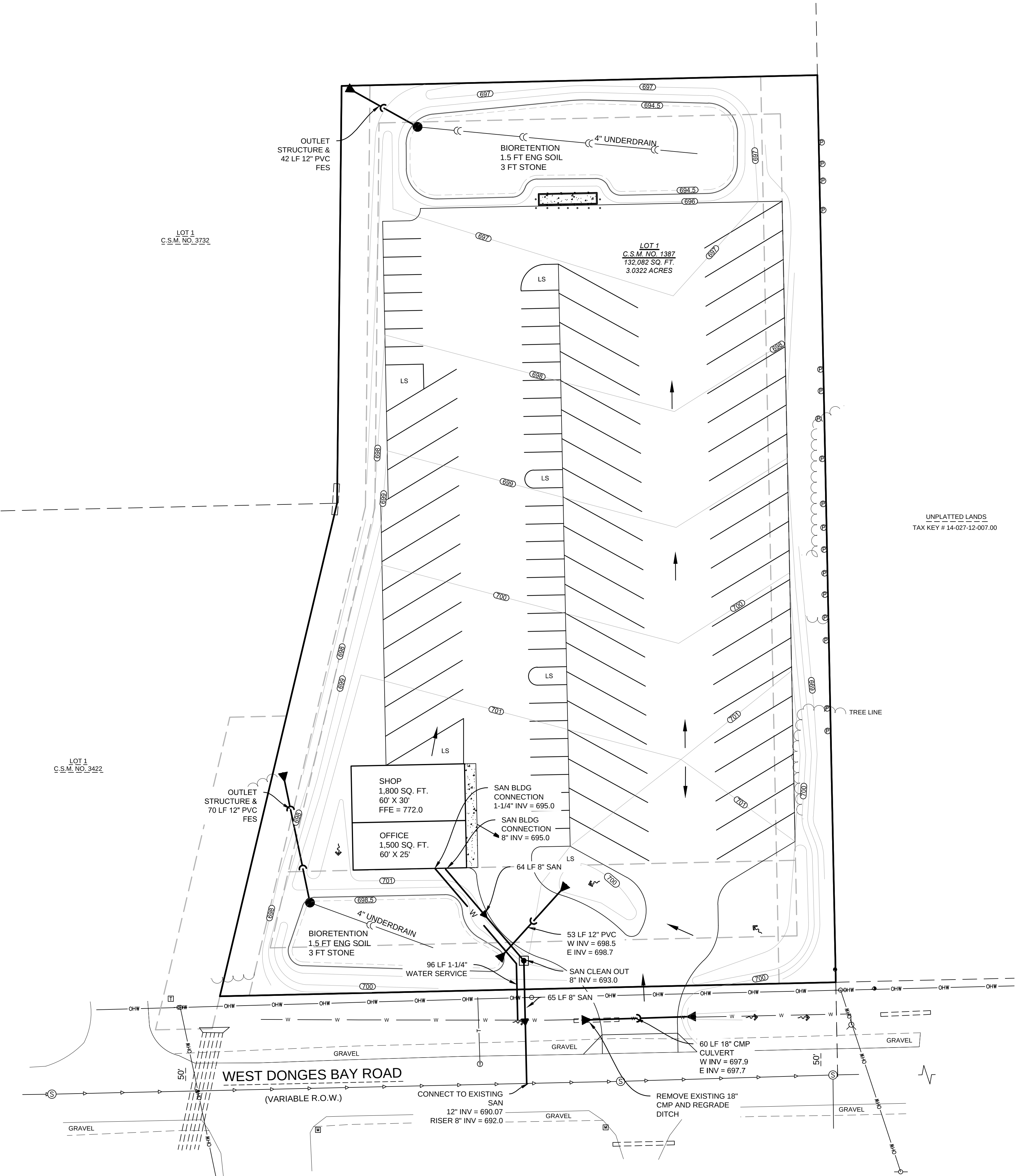
DIRECTION OF SURFACE FLOW



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PROJECT ADDRESS:

PROJECT NAME
Go Riteway
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6925 W. Donges Bay Road
CITY/ STATE / ZIP
Mequon Wi 53092

ALL WORK TO BE COMPLETED AS SHOWN, AND IN ACCORDANCE WITH THE LATEST EDITION OF THE MSI GENERAL MASTER SPECIFICATION

Date: 01-10-17
Drawn By: Tony Zulli

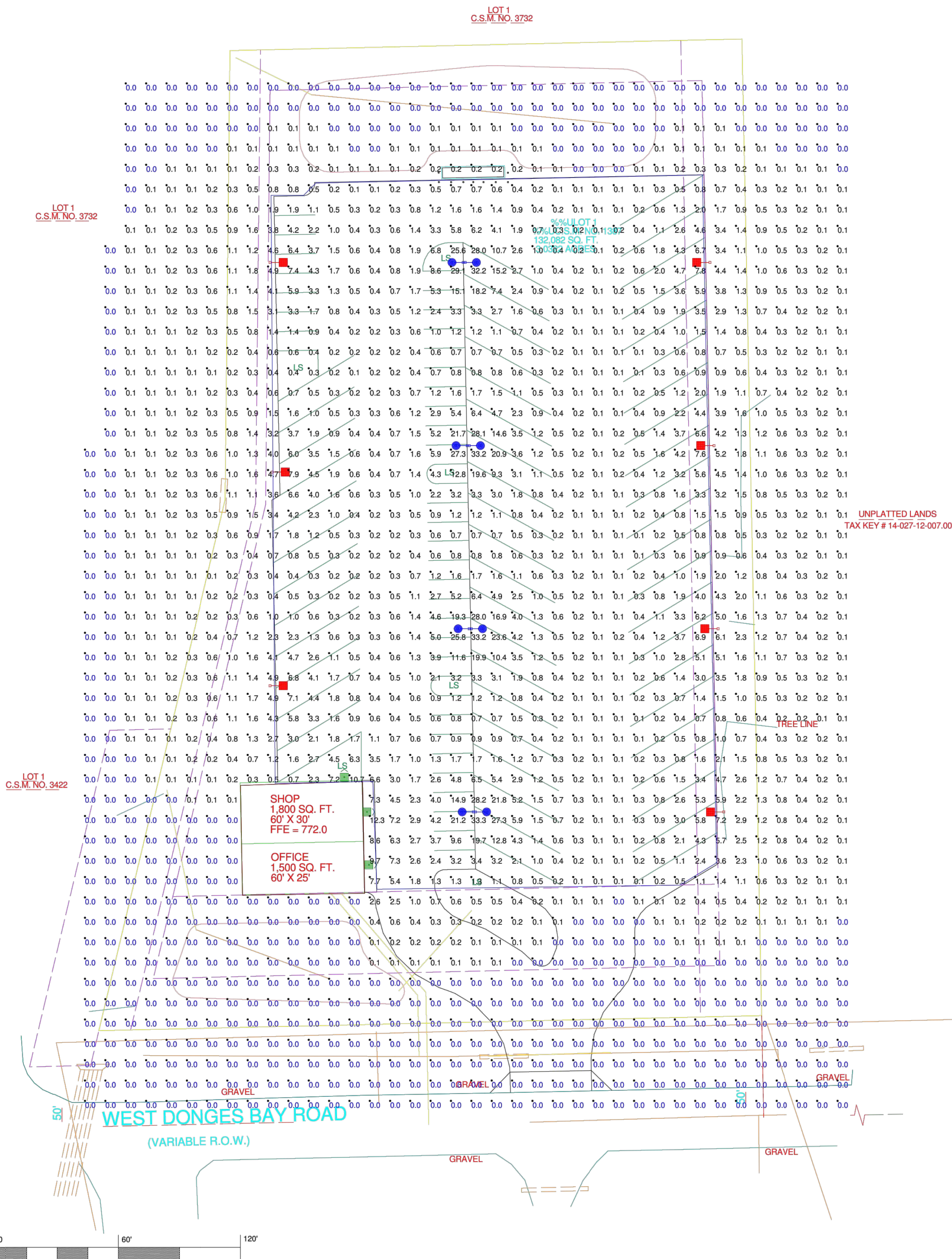
SITE LIGHTING PLAN

Sheet Number:

C-106

Project Number: p11825

P11825



Customer responsible to verify mounting method, color, voltage, accessories, ordering information, catalogue number, etc. prior to placing order.

Luminaire Schedule							
Symbol	Qty	Label	Arrangement	Lumens/Lamp	LLF	Description	Lum. Watts
7	7	E-SBA3L110CZ	SINGLE	13400	1.000	E-SBA3L110CZ	119
4	4	E-SBA5L110CZ	D180	N.A.	1.000	E-SBA5L110CZ	119
3	3	E-WP11L07CZ	SINGLE	N.A.	1.000	E-WP11L07CZ	75

- (15) E-ACESB Mounting arms
(7) E-PS4E15C1DB 15' x 4" Square steel poles (+1' afg base)
(4) E-PS4E15C2DB 15' x 4" Square steel poles (+1' afg base)
*** Note that a higher concrete base is recommended
*** Poles meet 100mph wind zone requirements
*** E-SBA fixtures mounted with no tilt at 16' (on poles)
*** E-WP fixtures mounted with no tilt at 15' (on the wall)

Calculation Summary					
Label	Avg	Max	Min	Avg/Min	Max/Min
CalcPts	1.13	33.3	0.0	N.A.	N.A.
Parking Lot Only	2.39	33.3	0.1	23.90	333.00



1501 96th Street
Sturtevant, Wisconsin 53177
PH: (888) 243-9445
FX: (262) 504-5409
www.e-conolight.com

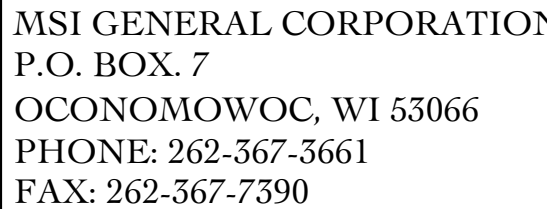
Date: 1/17/2017 Scale: 1"=30' Layout by: Bill Schubert

Project Name: 95387 - GO Riteway - Mjequon, WI SR20480

Filename: S:\Out\170116EC1BRSR1.AGI

Footcandles calculated at grade using initial lumen values

Illumination results shown on this lighting design are based on project parameters provided to E-conolight used in conjunction with luminaire test procedures conducted under laboratory conditions. Actual project conditions differing from these design parameters may affect field results. The customer is responsible for verifying dimensional accuracy along with compliance with any applicable electrical, lighting, or energy code.

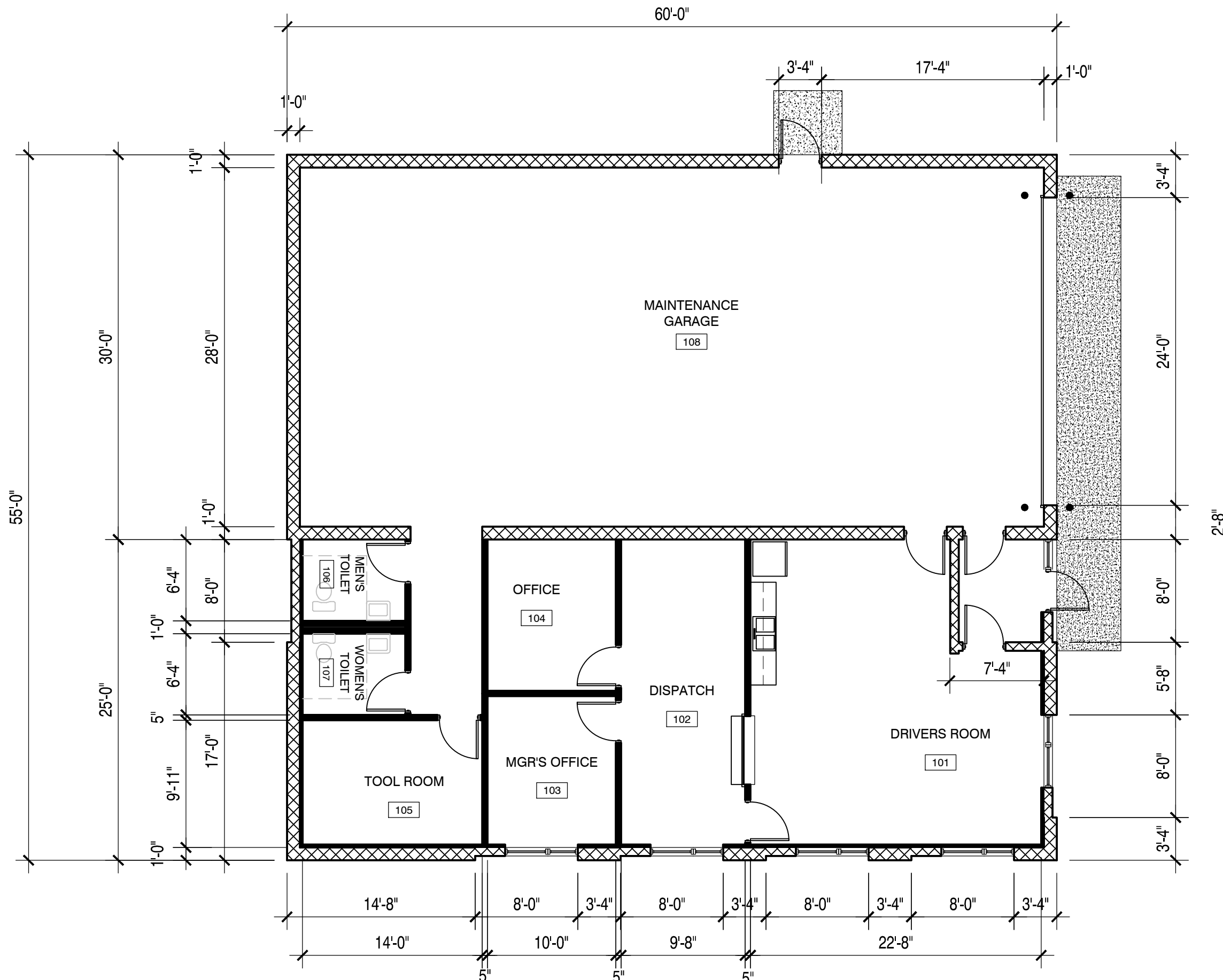


REVISIONS

PROJECT ADDRESS:

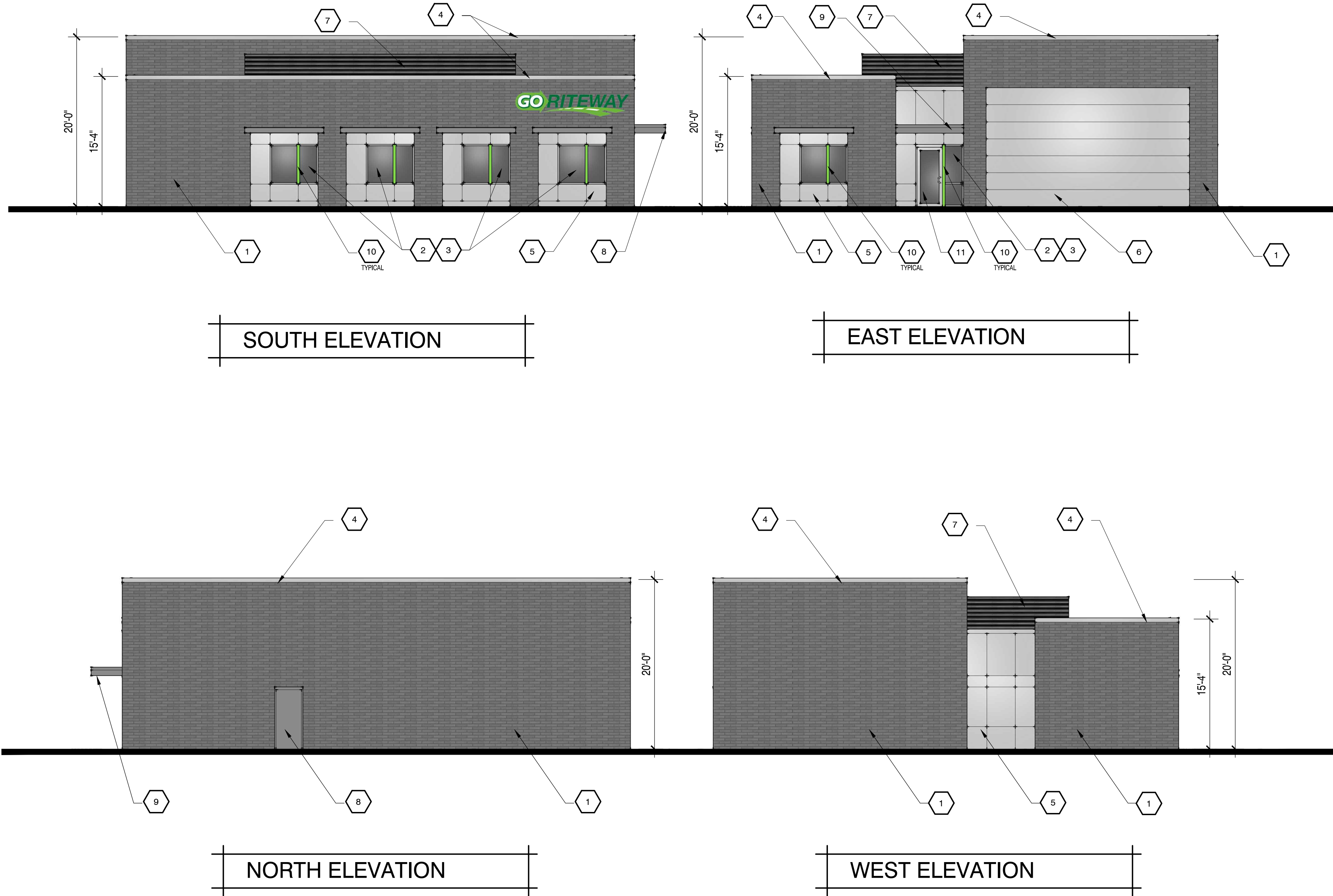
ALL WORK TO BE COMPLETED AS SHOWN, AND IN
ACCORDANCE WITH THE LATEST EDITION OF THE
MSI GENERAL MASTER SPECIFICATION

P1 1825



REFERENCE KEYNOTES

[illegible]



EXTERIOR MATERIAL KEY NOTES

- | | | |
|--|---|--|
| 1 4" x 16" DECORATIVE CONCRETE BRICK MASONRY UNIT(04200)
D.T. BLACK COLOR
HARVARD BRICK - ECHELON TYPE | 5 ALU/CORONALUM ANODIZED CLEAR
ALUM. METAL PANELS | 9 BENT METAL TRIM FASCIA TRIM AT CANOPY
DARK GRAY COLOR |
| 2 CLEAR ANODIZED ALUMINUM THERMAL BREAK FRAMING(08410) | 6 INSULATED METAL OVERHEAD DOOR | 10 BENT METAL TRIM TRIM AT VERTICAL WINDOW MULLION
GO RITEWAY GREEN COLOR |
| 3 GREYTONE INSULATED LOW E GLASS(08410.08800) | 7 HORIZONTAL METAL PANEL
METAL ROOF TOP SCREENING
DARK GRAY COLOR | 11 CLEAR ANODIZED ALUMINUM DOOR WITH
INSULATED LOW-E GREYTONE GLASS |
| 4 UNA-CLAD CAP FLASHING
BY KYNAR FLUOROCARBON STEEL
SILVER METALLIC COLOR | 8 H.M. DOOR AND FRAME (INSULATED)
GRAY COLOR | |

REFERENCE KEYNOTES	Division 01- General
	(1) 50# PRECAST LIVE LOAD(030410) (2) 125# PRECAST LIVE LOAD(030410)
Division 02- Site	(3) 3/1" 1/4" + 1 3/4" ASPHALT OVER 8" STONE BASE(0310.02020)
	(4) 4/2" 1/2" + 1 1/2" ASPHALT OVER 8" STONE BASE(0310.02020)
	(5) 5/3" + 2" ASPHALT OVER 10" STONE BASE(0310.02020)
	(6) HANDICAPPED PARKING STALL SIGN
Division 03- Concrete	(7) CONCRETE OVERPOUR, HOLD FOUNDATION WALL 8" BELOW FINISHED FLOOR(03030 & 03030)
	(8) POURED CONCRETE FLOOR W/ 4" STONE & 2" T.B. UFT(03020, 03030)
	(9) POURED CONCRETE FLOOR W/ 4" STONE & 2" T.B. UFT(03020, 03030)
	(10) POURED CONCRETE FLOOR W/ 4" STONE & 2" T.B. UFT(03020, 03030)
	(11) CONCRETE REINF. W/ 605 #10#10 W.W.F.(03030)
	(12) CONCRETE REINF. W/ 605 #10#10 W.W.F.(03030)
	(13) CONCRETE REINF. W/ FIBERMESH REINFORCING(03030)
	(14) 1/2" EXPANSION JOINT MATERIAL(03030)
	(15) CONCRETE TOPPING REINF. W/ FIBER MESH REINFORCING(03030)
	(16) CONCRETE TOPPING REINF. W/ FIBER MESH REINFORCING(03030)
Division 04- Masonry	(17) 4" STANDARD CONCRETE MASONRY UNIT(04030)
	(18) 8" STANDARD CONCRETE MASONRY UNIT(04030)
	(19) 12" STANDARD CONCRETE MASONRY UNIT(04030)
	(20) 4" DECORATIVE CONCRETE MASONRY UNIT(04030)
	(21) 8" DECORATIVE CONCRETE MASONRY UNIT(04030)
	(22) 12" DECORATIVE CONCRETE MASONRY UNIT(04030)
	(23) 4" CONCRETE BRICK UNIT(04030)
	(24) 8" CONCRETE BRICK UNIT(04030)
	(25) 12" CONCRETE BRICK UNIT(04030)
	(26) FACE BRICK(04030)
	(27) PRECAST PLANK(0410)
	(28) PRECAST PLANK(0410)
	(29) PRECAST PLANK(0410)
	(30) 8" CONCRETE FILLED BOND BEAM REINF. W/ 2 #5 BARS CONT. AND LAPPED (03030, 04030)
	(31) 12" CONCRETE FILLED BOND BEAM REINF. W/ 2 #5 BARS CONT. AND LAPPED (03030, 04030)
Division 05- Metals	(32) 8" DIA. CONCRETE FILLED PIPE BOLLARD SET IN 30" DIA. CONC. MASS (03030, 05100 & 05000)
	(33) 22 GAUGE METAL DECK, BAR JOISTS AND TRUSS GIRDERS (05120, 05010, 05030 & 07030)
	(34) METAL STAIR UNIT W/ GRP-STRUT TREADS,CLOSED RISERS(05040)
	(35) CONCRETE FILLED METAL PAN STAIR UNIT W/ CLOSED RISERS(05030, 05040)
	(36) 1 1/2" DIA. METAL RAILING(05050)
Division 06- Woods and Plastics	(37) PLASTIC LAMINATE WINDOW SILL(06040)
	(38) PLASTIC LAMINATE COUNTERTOP AND BASE CABINET(06100, 06040, 06040)
	(39) PLASTIC LAMINATE WALL CABINET(06100, 06040, 06040)
	(40) SHELF AND POLE(06100, 06030)
Division 07- Thermal/Moisture Protection	(41) PERIMETER INSULATION(07020)
	(42) PERUTE LOOSE-FILL INSULATION IN CORES OF BLOCK(07020)
	(43) EPDM BALLASTED ROOF SYSTEM W/ 2" SD INSULATION (R 11.5) + 4" EPS INSULATION (R 18.7) TOTAL R VALUE 30.3 (07030)
	(44) 24 GAUGE CONCEALED FASTENER METAL ROOF PANEL
	(45) 26 GAUGE SIDE LAP FASTENER METAL ROOF OR WALL PANEL(07110)
	(46) 24 GAUGE SCULPTURED STEEL/METAL WALL PANEL
	(47) 26 GAUGE PREFINISHED METAL LINER PANEL
	(48) 2" VINYL FACED BLANKET INSULATION(07020)
	(49) 2" VINYL FACED BLANKET INSULATION(07020)
	(50) 2" FRICTION FIT INSULATION(07020)
	(51) EPS EXTERIOR INSULATION FINISH SYSTEM(DRYVIT)(07240)
Division 08- Doors and Windows	(52) BRONZETONE INSULATED LOW E GLASS(08410.08800)
	(53) GREYTONE INSULATED LOW E GLASS(08410.08800)
	(54) CLEAR INSULATED LOW E GLASS(08410.08800)
	(55) BRONZETONE ANODIZED ALUMINUM THERMAL BREAK FRAMING(08410)
	(56) CLEAR ANODIZED ALUMINUM THERMAL BREAK FRAMING(08410)
	(57) H.M. BORROWED LITE
Division 09- Finishes	(58) SUSPENDED CEILING SYSTEM(09010)
	(59) METAL SCOFFIT PANEL
Division 10- Misc	(60) FLAG POLE
	(61) MONUMENT SIGN
	(62) DUMPSTER ENCLOSURE
	(63) ROOF HATCH AND LADDER



MSI GENERAL CORPORATION
P.O. BOX. 7
OCONOMOWOC, WI 53066
PHONE: 262-367-3661
FAX: 262-367-7390

WWW.MSIGENERAL.COM
SINGLE SOURCE RESPONSIBILITY™

REVISIONS:

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PROJECT ADDRESS:

PROJECT NAME
Go Riteway
STREET ADDRESS
6925 W. Donges Bay Road
CITY/ STATE / ZIP
Mequon Wi 53092

ALL WORK TO BE COMPLETED AS SHOWN, AND IN ACCORDANCE WITH THE LATEST EDITION OF THE MSI GENERAL MASTER SPECIFICATION

Date: 01-10-17 Drawn By: Tony Zulli
Sheet Title: EXTERIOR ELEVATIONS
Sheet Number: A-201
Project Number: P11825

ELEVATIONS 1/8" = 1'-0"

January 24, 2017

Ms. Kim Tollefson, Dir. of Community Development
11333 N. Cedarburg Road 60W
Mequon, WI 53092-1930

Dear Ms. Tollefson:

I appreciate the opportunity to assist the City of Mequon with landscape architectural review services. The following is a review of the landscape submittal for Go Riteway's Bus facility. The project is located at 6926 W. Donges Bay Road. The nature of this review will be to assess the landscape plan for completeness; address appropriateness of buffering and landscape design for the site/location.

➤ **General Overview:**

- ❖ This review pertains to Sheets L1.0, L1.1 & L1.2; all three sheets are Dated: 1/20/2017 "LANDSCAPE PLAN"
- ❖ The plan provided is submitted by MSI: the landscape design is by Heller & Assoc.. The plan is sealed by David Heller; a Wisconsin registered Landscape Architect, as required by code.
- ❖ The landscape plan set is clean and the information is easily discernable.
 - The plan provides an attached plant schedules with common name, scientific name, root conditions of plants specified, size specified and the total quantities, as required.
- ❖ This proposal is on a B-5 zoned parcel. The proposal site is adjacent to a big-box/business, that is an Industrial Supply Center to the west, the Mequon Commercial Park to the north and an undeveloped parcel to the east. The proposed use does not have the advantage of existing buffering from any of the three adjacent sites, or even street trees along W. Donges Bay Road.

❖ **"L1.0 & L1.1" Review:**

◆ **Outline of the proposed plant types and quantities:**

- *Nine Deciduous Tree Species, (Total proposed deciduous trees – 21)*
- *Four Coniferous Tree Species, (Total proposed conifer trees – 23)*
- *Eight Deciduous Shrub Species, (Total proposed decid. shrubs – 105)*
- *One Coniferous Shrub Species, (Total proposed conifer shrubs -- 5)*
- *Two Perennials, Bulbs/corms, Groundcover Species, (Total proposed*

groundcovers/perennials –25)

- *Two Decorative Grass species, (Total proposed grasses – 60)*
- ♦ The species proposed have a well demonstrated ability to perform in the local soils.

Comments:

- The proposed parking area shown does not meet either the proposed or existing landscape ordinance's 30% shade coverage requirement. If there are other plantings adjacent to the proposed parking that are not shown as part of this submittal, then the plans should be amended to reflect them. OR, the plan needs to have additional canopy trees added to help provide 30% coverage of the parking surface.
- The plan fails to use concrete curbs to form the internal island. Non-curbed islands have been used for years and the approach proposed has repeatedly failed throughout Mequon. The new/proposed ordinances require curbing around interior parking lot islands. The curbing can be low profile or mountable. Without the curbing, the landscaping is open to "rollover". The proposed landscape code requires the incorporation of canopy trees, shrub planting treatments 1 ½ feet back from BOC and the islands are required to be minimally 9' wide (BOC-BOC). Proposed plantings in the parking islands should be adjusted to provide spacing for canopy trees, shrubs, perennial and ornamental grasses as well as maintain/ not obscure the parking lot light calculations.
- Also, as an engineering consideration, typically P-lots that have 90° car parking adjacent to 30° bus parking the two are separated by a 5' wide strip to account for the bus overhang. Both spaces meet standardized national requirements for the respective uses, but busses are large and not agile moving vehicles...typically, the added 5' space helps protect the personal property of the works/ users of the car spaces.
- The Plans schedule specifies all nine deciduous tree species with a 2 ½ inch caliper size; or less (per ANSI z160- 7-8'ht =1 ½" calip.) The new code requires 3 "Min. caliper. Also, the larger size is especially appropriate on a low /no maintenance design approach applied.
- The plan fails to depict where the parking lighting standards are located. The plans need to add that information; or, if the plan proposes no lighting, then that needs to be noted.
- Generating a seeded lawn using a single seed application is inadequate. The plan should include a second over seeding @ 5lbs/1000sf in 60- days using a seed drill. If the second application falls within a no-plant period, as outlined in Wis-DOT's standard specifications, then the overseeding should occur the following spring.
- Amend note #12, on page L1.2, to read:
 - Acceptable quality seed installation is defined as having:
No bare spots larger than a 4" diameter.
No more than 2% of the total area shall have bare spots with a 4" diam.

A uniform coverage throughout all turf areas has met the two requirements above.

- Amend note #14, on page L1.2, add the following to the existing text:
 - Substantial Landscape completion does not occur until:
 - City of Mequon issues acceptance of: landscape plantings, turf and detention basin ground cover.
 - RLA issues a written Letter of Acceptance for all landscape work.

➤ **Plant Schedule Comments:**

1. Required revisions to the schedule includes:

- 1) revise the plant schedule to the following plant size standards:
 - Deciduous Trees (climax through low deciduous) – 3.5” caliper measured 16” above the rootball.
 - Deciduous Ornamental Trees– 3.0” caliper measured 16” above the rootball. When multi-trunk, Min 10’ height.
 - Conifer Trees – Minimally 7’ height. Including the JC. Hetzii Colum & JS Fairview.
2. Plant schedule should never provide a range of calipers or heights; select the height/size and specify it.
3. The Plant Schedule needs to be audited and the quantities amended. There plant schedule has one small error. On sheet L1.0 there is a single plant symbol HCUJ; the plant schedule has it listed as HCJ. Correct one or the other.
4. The Plant Schedule has limited breadth of species.

➤ **Buffer Zone Comments:**

- The submittal is organized and provides the following: 1. Street Frontage Zone; 2. Parking Lot Interior Zone; 3. Parking Lot Periphery Buffer; 4. Property Line Buffer Yard; 5. On-Lot Zone; 6. Open Space Zone; 7. Detention Basin; 8. Loading Dock Buffer

• **Exterior Street (ROW) Frontage Zone:**

Code requires 1 tree per each side of/30 feet of CL length.

- Donges Bay Road: Tree Density along the ROW is nonexistent.
 - The Donges Bay ROW has no street trees proposed. This the opportunity for the commission and city staff to initiate street tree implementation.

◆ **The Plan needs to be revised, incorporate Street plantings.** (Plan fails to meet new code requirements; Enforcement is per staff & P&Z Board decision.)

◆ **Interior Street/Drive Frontage Zone:**

Code requires 1 tree per each side of/30 feet of CL length.

- North/South Access Drive: Obviously this is a short segment, but it still should be addressed, Tree Density along the ROW is light. A minimum treatment is provided.

- ◆ **The Plan needs to be revised, incorporate Street/private drive plantings.** (Plan fails to meet new code requirements; Enforcement is per staff & P&Z Board decision.)
- **Parking Lot Interior Zone.** A) Parking lot Interior landscaping equals about 5% of the parking paved area. (Fails to meet the proposed requirement.) B) The overall landscaping proposed **will not** provide 30% shade over parking/ bituminous areas. (Fails to meet the proposed requirement.)
- **Parking Lot Periphery Buffer:** Proposed code requires 1 tree per 25 linear feet of parking adjacent to ROW (not counting street trees).

Most of the Parking is internal to the development. But I am concerned the design and layout fails to provide adequate buffer along Mequon Road. As previously noted, the plan layout fails to provide terrace area for snow storage; at least none that will not adversely impact the limited interior and periphery planting areas. (Fails to meet the proposed requirement.)

- **Property Line Buffer:** Per proposed code requirements, this proposal **has not started** to adequately address PL buffering, or address the adjacent developments.
 - South PL: I'm unsure why the trees along the south PL/DB Rd. ROW are all arranged 3' off the shown overhead electrical wires. Moving the trees to the north, off the wires, would allow a clustering planting and the incorporation of medium/large climax trees, not just the columnar and low-grow deciduous trees currently proposed. Also, this would start to help the front retention burre requirement to be met.
 - East PL : This plan needs to clearly articulate how it is going to create a year round opaque buffer. Traditionally, this type of buffer is a 25-30' planning zone that addresses all three planning horizons. Existing trees are being shown to infill large segments of the PL buffer; unfortunately the planting design does not take into account the grading shown will destroy most of the existing trees. Please provide climax tress and plantings to infill the 0-3' & 3-20' horizons to address the length of the east PL <shown> and any areas impacted during construction. I would request City Staff and the P&Z commission to require an undulating 15-20 planting buffer < a full mix of Deciduous Conifer plantings, interspersed with perennials, ornamental grasses and areas for annual treatments
 - For the proposed commercial/business development to the west and north corner of this proposal: for the purposes of this review, the proposal were considered complimentary to existing uses and do not require extensive buffering...other than what is required to address the p-lot and the retention basins.

(Plan fails to meet new code requirements; Enforcement is per staff & P&Z Board decision.)

- **On-Lot Zone:** Required- 1 Tree & 2 shrubs per every 1000 SF of required open space. There is very limited open space in this proposal. (Meets the proposed requirement.)
- **Foundation Plantings at building.** **Front of the building** - the proposal provides a single 5' wide, linear strip and filled it one type of grass, one low grow shrub and a line of day lilies. A very no maintenance approach that provides minimum coverage, seasonal

interest or ability to address the height of the proposed building. This stark linear approach is inadequate. Add more coverage, minimally the day lilies should be planted in a 12" O.C. configuration. Add perennials to provide greater seasonal interest and color. **This is a Commercial building** – The west side of the building is not addressed, while this is highly visible from Donges Bay Rd.

- The footing planters fail to provide measurable planting depth at the building footings. A 4'-5' wide planter severely limits the plant pallet that can be used and serves to emphasize the vertical mass of the building against the large expanses of open space in this proposal. (While the building all have some form of plantings, the lack of width prohibits the planting density to be commensurate with the building height; Enforcement is per staff & P&Z Board decision.)
- **Trash/Recycle Enclosures:** No Refuse bins provide - See statement above. (It is undetermined if meets the new code requirements; Enforcement is per staff & P&Z Board decision.)
- **Detention Basin Buffer: Proposed Front Detention Basin** 1. The plans shall depict the limits the basin edge Seeding; 2. The basin is adjacent to and visible from Donges Bay Rd.... Per the proposed code no basins are allowed within 30' of a property line; 3. the proposed code requires the basins to be fully buffered by a 30' wide planting strip that extends 50% of the periphery of the high water line of the basin; 4. Considering the proposed site position of the basins, It is my opinion that the design requires additional plantings to fill all three planting horizons (canopy, mid story and ground) to be filled with groupings that will provide year round opacity.

1) The plan needs to have the limits of Pond Edge Seeding / Turf depicted on the plans. 2) What is the proposed treatment on the exterior slope of the retention basin. Please consider creating perennial beds; spaces for pockets of annual/perennial planting groups between the pond and along the Donges Bay Road Buffer. Also, annual/perennial bed design should include seasonal rotation, layouts. Annuals are a short-term maintenance issue, but the incorporation of annuals will help provide seasonal "POP". The seasonal rotation of annuals typically falls to a grounds maintenance company. The initial bed establishment and planting should be included in the landscaping contract.

- **Detention Basin Buffer: Proposed Rear Detention Basin** The basin is adjacent to and visible from other business district/commercial park zoning... Although, Per the proposed code, no basins are allowed within 30' of a property line. Also, the proposed code requires the basins to be fully buffered by a 30' wide planting strip that extends 50% of the periphery of the high water line of the basin; Considering the proposed site position of the basins, It is my opinion that the basin position may not require the plantings to fill all three planting horizons (canopy, mid story and ground) , but I believe the lack of PL buffering and no retention basin plantings is too much stark open space and not enough consideration to the adjacent properties.

(Proposal fails to meet the new landscape code requirements; Enforcement is per staff & P&Z Board decision.)

GO Riteway Bus
Landscape Review 2007.24.01-001
January 24, 2017
Page 6

❖ ***Summary Landscape Observations:***

It is this reviewer's opinion, the application is for a business/commercial use, the plan equally meets, as well as, fails to meet the standard of care established for business zoning landscaping in the City of Mequon.

While Donges Bay Road is not one of Mequon's targeted developmental corridors, the Planning Commission has required additional Landscaping treatments in proposed business use/ storage facility uses & developments for the past 7 years. I see very little evidence the current landscape proposal meets the buffering threshold the City of Mequon has consistently required.

This concludes the landscape review of the Riteway Bus facility Landscape submission.

I hope City planning staff and the Planning Commission finds the information and recommendations useful.

Sincerely,



M. Terry Higgins, RLA, AICP, PMP, MBA

Attachment: Packet (2107 : MSI General for Riteway Bus LLC)

		3.2.a
CONDITIONAL USE GRANT Articles of Agreement made and entered into this _____ day of _____, by and between _____ owners of the property located at _____ and the City of Mequon Planning Commission. Before the Planning Commission of the City of Mequon, Ozaukee County, Wisconsin, in regard to the premise located in Section ____, Range ____ East, in Township 9 North, Ozaukee County, State of Wisconsin, further described as follows: LEGAL DESCRIPTION Exhibit A-1 WHEREAS, the Zoning Code and Zoning District Map of the above named municipality, pursuant to State Statues, provide that the premises may not be used of right for the purpose hereinafter described but that upon petition such use may be approved by the municipality as a Conditional Use Grant in particular circumstances as defined by the standards in the Zoning Ordinance; and Petition therefore having been made, and public hearing held thereon, and the Planning Commission of the <u>City of Mequon</u> having determined that by reason of the particular nature, character, and circumstances of the proposed use, grant of such use upon the terms and conditions hereinafter prescribed would be consistent with the requirements of the Zoning Ordinance. Now, therefore, IT IS GRANTED, subject to compliance with the terms and conditions hereinafter stated that the Premises may be used for the purpose of <u>transportation terminal</u>. GRANTED by action of the Planning Commission of the City of Mequon this _____ day of _____ 2017. Dan Abendroth, Mayor, Planning Commission Chairperson Acknowledgment: STATE OF WISCONSIN))SS OZAUKEE COUNTY) Personally came before me, this _____ day of _____, 2017, the above named Dan Abendroth, Mayor, to me known to be the person who executed the foregoing instrument and acknowledged the same. Notary Public, Ozaukee County, Wisconsin My Commission (expires) _____ Planning Commission Secretary Acknowledgment: STATE OF WISCONSIN))SS OZAUKEE COUNTY) Personally came before me, this _____ day of _____, 2017, the above named _____, Planning Commission Secretary, to me known to be the person who executed the foregoing instrument and acknowledged the same. Notary Public, Ozaukee County, Wisconsin My Commission (expires) _____ RETURN TO: City of Mequon 11333 North Cedarburg Road 60W Mequon, WI 53092 PARCEL NO.: _____		
		Attachment: Packet (2107 : MSI General for Riteway Bus LLC)
		Packet Pg. 121

The **CONDITIONS** of this Grant are:

- 1. This grant shall become effective upon the execution and recording by the owners and operators of the Premises of an acceptance hereof in such form as to constitute an effective covenant running with the land.
- 2. This grant shall expire and become void unless, pursuant to the building and zoning codes of the City, the approved use is commenced or the building permit is obtained within twelve (12) months of the date of Planning Commission approval noted above, or actual construction is commenced within twelve (12) months of the date on which the building permit was issued.
- 3. This grant is subject to amendment and termination in accordance with the provisions of the Zoning Code of this municipality.
- 4. Construction and operation of the use granted shall be in strict conformity to the approved site, building, and operations plans filed in connection with the Petition for this Grant, and annexed hereto.
- 5. Any of the conditions of this Grant which would normally be the responsibility of tenants of the Premises shall be made a part of their lease by the Owner, which lease shall contain provisions for posting of the pertinent conditions to notify employees thereof.
- 6. This grant shall automatically be null and void if this use is discontinued for a period of twelve (12) months.
- 7. The Grantee and its successors in interest shall hold the City of Mequon harmless from any claims or losses to the City or its residents including reasonable attorney fees arising from or related to use of the facilities.
- 8. Any change to the approved use or change to the building or site plan will require an amendment to the Conditional Use. Minor changes to the building and site plan shall be approved by the Department of Community Development.
- 9. **Conditions on the Operations:**
 - a. Hours of operation: Weekdays 6:00 AM – 8:00 PM.
 - b. Performance standards relating to parking, noise, vibration, odor, smoke, dust, and light: As per City ordinance and as further designated under letter (e.) below.
 - c. Water supply requirements:
City Water
 - d. Provisions for sewage disposal:
City Sewer
 - e. Other:
 - If the conditional use shall become hazardous, harmful, noxious, offensive or a nuisance to the surrounding neighborhood, or if material problems shall arise with respect to noise, traffic circulation, ingress and egress, parking, unenclosed storage, lighting, maintenance, or any other condition which shall materially threaten health or safety or to become a nuisance condition, the Grantee shall correct or improve such condition, and toward that end, the Planning Commission, after public hearing, may alter, amend or add reasonable additional Conditional User Grant conditions in order to ameliorate such effects, or in the case of violation of the Conditional Use Permit, may revoke the Conditional Use Grant.
 - If, despite efforts to prescribe conditions which render the conditional use harmonious in the surrounding neighborhood, problems shall arise with respect to noise, traffic circulation, ingress and egress, parking, unenclosed storage, lighting, maintenance, or any other condition which shall materially threaten the peace and enjoyment of neighboring properties, or shall become hazardous, harmful, noxious, offensive or a nuisance to the surrounding neighborhood, or shall threaten health or safety, the Grantee shall correct or improve such condition, and toward that end, the Planning Commission, after public hearing, may alter, amend or add reasonable additional Conditional User Grant conditions in order to ameliorate such effects, and in the case of violation of the Conditional Use Permit, may revoke the Conditional Use Grant.
- 10. **Conditions of the structures:**
 - a. Site Plan: As per attached Exhibit A
 - b. Landscaping Plan: As per attached Exhibit B.
 - c. Elevations: As per attached Exhibit C.
 - d. Sign: As on file with Community Development Department, City of Mequon
 - e. Floor Plan: As on file with Community Development Department, City of Mequon
 - f. Exterior lighting of the site and building: As per Exhibit A
 - g. Fence / Wall / Dumpster plan details: As per Exhibit A
 - h. The building shall comply with the building code.

11. **Conditions on the site:**
- a. Street access (number, location, design): As per attached Exhibit A

b. Off-Street Parking (location and design including screening thereof): As per attached Exhibit A.

c. Outside storage of materials, products or refuse (location and screening thereof): As per attached Exhibit A

d. Parking, exterior lighting of the site, location design and power:
Any changes subject to Planning Commission approval.

e. Other:

Owner

Acknowledgment:
STATE OF WISCONSIN))SS
OZAUKEE COUNTY)
Personally came before me, this ____ day of _____, 2017, the above named _____, Owner, to me known to be the person who executed the foregoing instrument and acknowledged the same.

Notary Public, Ozaukee County, Wisconsin

Receipt of a true Copy of this instrument
on behalf of the petitioner acknowledged
the _____ day of _____, 2017

Attachment: Packet (2107 : MSI General for Riteway Bus LLC)



TO: Planning Commission
FROM: JAC ZADER, ASSISTANT DIRECTOR COMMUNITY DEVELOPMENT
DATE: February 21, 2017
SUBJECT: NWIH LLC DBA Dairy Queen. The applicant is seeking sign waiver approval for new logo signs for the property located at 10996 N. Port Washington Road (Dairy Queen).

Applicant:	Ihab Habash
Status of Applicant:	Owner
Requested:	Sign Approval
Existing Use:	Fast Food
Existing Zoning:	B-2 (Community Commercial)
Land Use Plan:	Commercial
Location:	10996 N. Port Washington Road
Tax Key:	#15-029-06-007.00
District:	#8

Background:

The applicant requests sign approval for 22 square foot wall sign for the Dairy Queen in the Mequon Pavilions. While the proposed sign complies with the master sign plan for the Pavilions shopping center, staff feels the sign is proportionally too small in relation to the building fascia. Staff also feels the raceway for the sign is too large when compared to the size of the lettering. Based on the staff's denial, in accordance with Section 62.4 (c) of the sign code, the sign application is referred to Planning Commission which has the authority to approve, approve with modifications, or deny the sign permit application.

Sign Design:

The proposed sign shows the lettering at 18" in height. The master sign plan allows letters up to 30" at this location. Staff feels that proportionally the sign would look better at a larger size. The current sign (see attached picture), which is larger in size appears to be at the appropriate scale given the length of the tenant space and the height of the fascia. The raceway shown on the plan is 7" in height which complies with the sign plan since it includes a transformer. However, there is very little size difference between the transformer and the letter height. This issue could also be solved with an increase in the letter height. Because of these concerns, staff is not willing to approve the application as submitted.

Staff Recommendation:

If the Planning Commission supports modifying the proposed sign application, staff recommends the following:

1. Sign lettering shall be increased in size at an appropriate scale based on the size of the fascia and length of the tenant space.

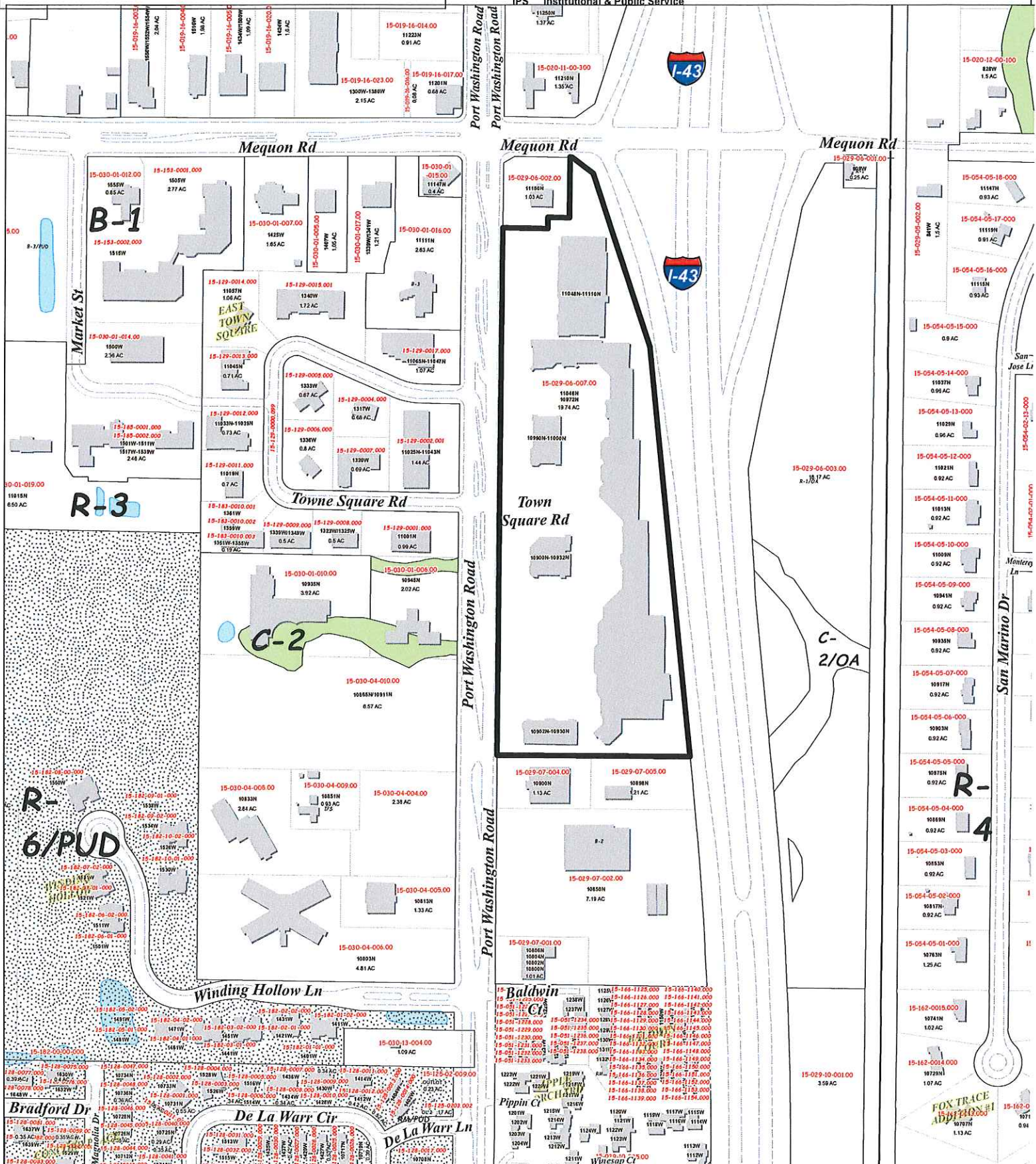
Attachments:
Packet (PDF)

Item 7 - Dairy Queen

Attachment: Packet (2132 : NWIH LLC DBA Dairy Queen)

A-4 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

FUD 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





October 5, 2016

Persona Signs
700 21st Street Southwest
PO Box 210
Watertown, SD 57201

VIA Email: Reid Pirlet <rpirllet@personasigns.com>

**RE: Dairy Queen Sign Plan Review
Mequon Pavilions – Mequon, WI**

Dear Reid:

We received and reviewed the Dairy Queen exterior sign drawings prepared by Persona Signs for the Mequon Pavilions shopping centre. The sign is approved. Please note, Persona Signs is permitted to install the approved sign as soon as the permit is received from the City of Mequon and a certificate of insurance is sent to my attention.

MOUNTING OF SIGNS:

All fasteners will be of non-corrosive material such as aluminium, stainless steel, or cadmium plated so as not to stain the fascia. All holes and transfers will be fully filled and covered with silicone caulk to aid in rust prevention and prevent water penetration through the fascia. The proper number and size of fasteners are to be used to support each raceway mounted sign. Care is to be taken during installation to minimize damage to the fascia and other adjacent materials and surfaces

MISCELLANEOUS:

Brixmor Property Group requires all construction to be in compliance with any laws, ordinances, or regulations of any public authorities having jurisdiction. Approval of any construction drawings and/or plans by or on behalf of Landlord shall create no responsibility on the part of Landlord for the completeness, design, sufficiency or compliance with all laws, ordinances, regulations, rules and requirements of governmental entities having jurisdiction.

If the following submittals have not already been delivered to Brixmor Property Group, please do so immediately:

1. Sign Permit
2. Certificate of Insurance

If you have any questions, please do not hesitate to call me at (847) 562-4113.

Sincerely,

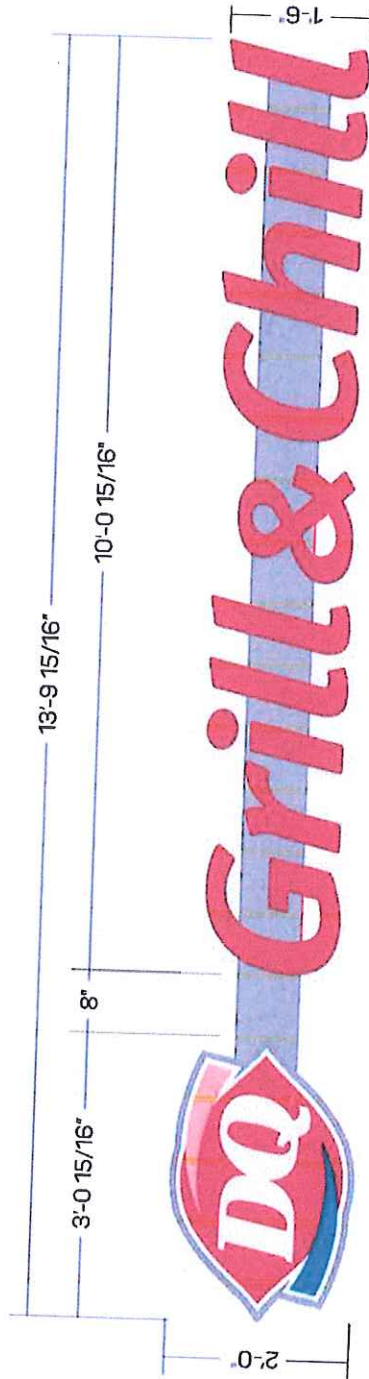
John Lato
Property Management



EXISTING - 24" CHANNEL LETTERS



PROPOSED



GRAPHIC DETAIL
SCALE: 1/2" = 1'-0"

NOTE: Elevation drawings are for customer approval only, drawings are not to be used as any installation guide, all dimensions must be verified before installation.

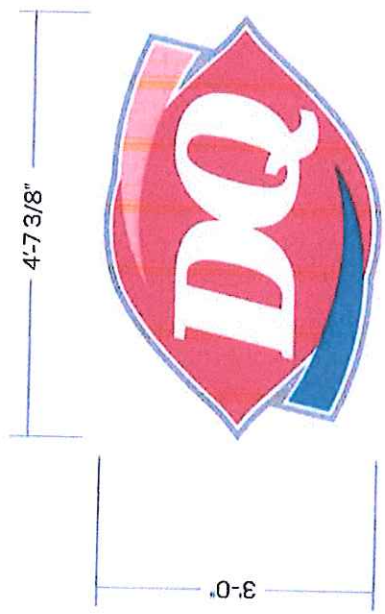
Customer:	DAIRY QUEEN	Date:	9/29/16	Prepared By:	WH/SP/RM	DISTRIBUTED BY SIGN UP COMPANY 700 21st Street Southeast PO Box 210 Watertown, ST 1.800.843.9888 • www.personasigns.com	
Location:	MEQUON, WI	File Name:	147857 - R3 - MEQUON, WI			Packet Pg. 129	
						SIGNED LIGHTING IMAGE	
						Eng: -	



EXISTING - 18" CHANNEL LETTERS



PROPOSED



GRAPHIC DETAIL
SCALE: 1/2" = 1'-0"

NOTE: Elevation drawings are for customer approval only, drawings are not to be used as any installation guide, all dimensions must be verified before installation.

Customer:	DAIRY QUEEN	Date:	15SEP16	Prepared By:	WH/SC
Location:	MEQUON, WI	File Name:	147857 - R3 - MEQUON, WI		
Note: Color may vary slightly from the actual color of the sign. All colors used are PMS or the closest CMYK equivalent. If these colors are important, please provide the correct PMS number and a swatch for the color to be made.					
persona SIGNS LIGHTING IMAGE				DISTRIBUTED BY SIGN UP COMPANY 700 21st Street Southwest PO Box 210 Watertown, WI 53093 1.800.843.9333	

		4.a.a
CONDITIONAL USE GRANT Articles of Agreement made and entered into this _____ day of _____, by and between _____ owners of the property located at _____ and the City of Mequon Planning Commission. Before the Planning Commission of the City of Mequon, Ozaukee County, Wisconsin, in regard to the premise located in Section ____, Range ____ East, in Township 9 North, Ozaukee County, State of Wisconsin, further described as follows: LEGAL DESCRIPTION Exhibit A-1 WHEREAS, the Zoning Code and Zoning District Map of the above named municipality, pursuant to State Statues, provide that the premises may not be used of right for the purpose hereinafter described but that upon petition such use may be approved by the municipality as a Conditional Use Grant in particular circumstances as defined by the standards in the Zoning Ordinance; and Petition therefore having been made, and public hearing held thereon, and the Planning Commission of the <u>City of Mequon</u> having determined that by reason of the particular nature, character, and circumstances of the proposed use, grant of such use upon the terms and conditions hereinafter prescribed would be consistent with the requirements of the Zoning Ordinance. Now, therefore, IT IS GRANTED, subject to compliance with the terms and conditions hereinafter stated that the Premises may be used for the purpose of <u>transportation terminal</u>. GRANTED by action of the Planning Commission of the City of Mequon this _____ day of _____ 2017. Dan Abendroth, Mayor, Planning Commission Chairperson Acknowledgment: STATE OF WISCONSIN))SS OZAUKEE COUNTY) Personally came before me, this _____ day of _____, 2017, the above named Dan Abendroth, Mayor, to me known to be the person who executed the foregoing instrument and acknowledged the same. Notary Public, Ozaukee County, Wisconsin My Commission (expires) _____ Planning Commission Secretary Acknowledgment: STATE OF WISCONSIN))SS OZAUKEE COUNTY) Personally came before me, this _____ day of _____, 2017, the above named _____, Planning Commission Secretary, to me known to be the person who executed the foregoing instrument and acknowledged the same. Notary Public, Ozaukee County, Wisconsin My Commission (expires) _____ RETURN TO: City of Mequon 11333 North Cedarburg Road 60W Mequon, WI 53092 PARCEL NO.: _____		
		Attachment: Packet (2132 : NWIH LLC DBA Dairy Queen)
		Packet Pg. 131

The **CONDITIONS** of this Grant are:

- 1. This grant shall become effective upon the execution and recording by the owners and operators of the Premises of an acceptance hereof in such form as to constitute an effective covenant running with the land.
- 2. This grant shall expire and become void unless, pursuant to the building and zoning codes of the City, the approved use is commenced or the building permit is obtained within twelve (12) months of the date of Planning Commission approval noted above, or actual construction is commenced within twelve (12) months of the date on which the building permit was issued.
- 3. This grant is subject to amendment and termination in accordance with the provisions of the Zoning Code of this municipality.
- 4. Construction and operation of the use granted shall be in strict conformity to the approved site, building, and operations plans filed in connection with the Petition for this Grant, and annexed hereto.
- 5. Any of the conditions of this Grant which would normally be the responsibility of tenants of the Premises shall be made a part of their lease by the Owner, which lease shall contain provisions for posting of the pertinent conditions to notify employees thereof.
- 6. This grant shall automatically be null and void if this use is discontinued for a period of twelve (12) months.
- 7. The Grantee and its successors in interest shall hold the City of Mequon harmless from any claims or losses to the City or its residents including reasonable attorney fees arising from or related to use of the facilities.
- 8. Any change to the approved use or change to the building or site plan will require an amendment to the Conditional Use. Minor changes to the building and site plan shall be approved by the Department of Community Development.
- 9. **Conditions on the Operations:**
 - a. Hours of operation: Weekdays 6:00 AM – 8:00 PM.
 - b. Performance standards relating to parking, noise, vibration, odor, smoke, dust, and light: As per City ordinance and as further designated under letter (e.) below.
 - c. Water supply requirements:
City Water
 - d. Provisions for sewage disposal:
City Sewer
 - e. Other:
 - If the conditional use shall become hazardous, harmful, noxious, offensive or a nuisance to the surrounding neighborhood, or if material problems shall arise with respect to noise, traffic circulation, ingress and egress, parking, unenclosed storage, lighting, maintenance, or any other condition which shall materially threaten health or safety or to become a nuisance condition, the Grantee shall correct or improve such condition, and toward that end, the Planning Commission, after public hearing, may alter, amend or add reasonable additional Conditional User Grant conditions in order to ameliorate such effects, or in the case of violation of the Conditional Use Permit, may revoke the Conditional Use Grant.
 - If, despite efforts to prescribe conditions which render the conditional use harmonious in the surrounding neighborhood, problems shall arise with respect to noise, traffic circulation, ingress and egress, parking, unenclosed storage, lighting, maintenance, or any other condition which shall materially threaten the peace and enjoyment of neighboring properties, or shall become hazardous, harmful, noxious, offensive or a nuisance to the surrounding neighborhood, or shall threaten health or safety, the Grantee shall correct or improve such condition, and toward that end, the Planning Commission, after public hearing, may alter, amend or add reasonable additional Conditional User Grant conditions in order to ameliorate such effects, and in the case of violation of the Conditional Use Permit, may revoke the Conditional Use Grant.
- 10. **Conditions of the structures:**
 - a. Site Plan: As per attached Exhibit A
 - b. Landscaping Plan: As per attached Exhibit B.
 - c. Elevations: As per attached Exhibit C.
 - d. Sign: As on file with Community Development Department, City of Mequon
 - e. Floor Plan: As on file with Community Development Department, City of Mequon
 - f. Exterior lighting of the site and building: As per Exhibit A
 - g. Fence / Wall / Dumpster plan details: As per Exhibit A
 - h. The building shall comply with the building code.

11. **Conditions on the site:**
- a. Street access (number, location, design): As per attached Exhibit A

b. Off-Street Parking (location and design including screening thereof): As per attached Exhibit A.

c. Outside storage of materials, products or refuse (location and screening thereof): As per attached Exhibit A

d. Parking, exterior lighting of the site, location design and power:
Any changes subject to Planning Commission approval.

e. Other:

Owner

Acknowledgment:
STATE OF WISCONSIN)SS
OZAUKEE COUNTY)
Personally came before me, this ____ day of _____, 2017, the above named _____, Owner, to me known to be the person who executed the foregoing instrument and acknowledged the same.

Notary Public, Ozaukee County, Wisconsin

Receipt of a true Copy of this instrument
on behalf of the petitioner acknowledged
the _____ day of _____, 2017

Attachment: Packet (2132 : NWIH LLC DBA Dairy Queen)