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Department of Community Development

PLANNING COMMISSION
Regular Meeting
Monday, April 21, 2025
6:00 PM
Lower Conference Room

Agenda

1) Call to Order, Roll Call

- a) Approval of Minutes from March 17, 2025

2) Public Hearing

- a) Applied Technologies, Inc. for the City of Mequon. The applicant is seeking conditional use grant and building and site plan amendment approval to allow for a public utility building (replacement of Lift Station E) for the property located at 2010 W. Ranch Road.

3) Consent Agenda

- a) Aspen Homes for Uher. The applicant is seeking minor request approval for a fill permit of 4,500 C.Y. to allow for a new home on an existing lot for the parcel located immediately west of 12050 W. Bonniwell Road (Majestic Meadows South subdivision Lot #10).
- b) James Bach. The applicant is seeking minor request approval for a fill permit of 1,140 C.Y. to allow for stabilization of the bluff base for the property located at 13346 N. Lakewood Drive.
- c) KCB Architects for Rick Cohen. The applicant is seeking minor request approval for a setback waiver to allow for an addition to the existing home for the property located at 320 E. Ravine Drive.

4) Regular Business

- a) Super Steel Properties. The applicant is seeking minor request approval for a sign waiver to allow for directional signs within the right-of-way for the property located at 10910 N. Industrial Drive.
- b) Kenton Jacek. The applicant is seeking rezoning recommendation approval to allow for a zoning change from B-1 (Neighborhood Business District) to R-4 (Rural Residential district) for the property located at 10806 W. Freistadt Road.

5) Policy

- 1) Lake Michigan Bluff

2) **ORDINANCE 2025-1680** - An Ordinance Amending the City of Mequon Code of Ordinances, Chapter 58 - Planning and Development Regulations, Article III. Impact Fees Relating to the Imposition of Impact Fees. **Recommendation Forthcoming by Planning Commission April 21, 2025; First Reading at Common Council May 13, 2025.**

3) Port Washington Road Zoning

6) Announcements

The next meeting is Monday, May 19, 2025, at 6:00 p.m.

7) Adjourn

Dated: April 16, 2025

/s/ Andrew Nerbun, Chair

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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Department of Community Development
Taped and Televised

PLANNING COMMISSION
Regular Meeting
Monday, March 17, 2025
6:00 PM
Christine Nuernberg Hall

Minutes

1) Call to Order, Roll Call

Present:

- Alderman Brian Parrish – Acting Chair
- Commissioner Bruce Barnes
- Commissioner Martin Choren
- Commissioner John Stoker
- Commissioner Nancy Urbani
- Commissioner Stephanie Hawley - **Absent**
- Commissioner Rebecca Schaefer - **Absent**

Acting Chair Brian Parrish called the meeting to order at 6:00 p.m.

- a) Approval of Minutes from February 24, 2025

Action

Commissioner Stoker made a motion to approve the February 24, 2025, meeting minutes. Commissioner Urbani seconded the motion.
A voice vote was taken; vote passed (5-0)

RESULT:	APPROVED [5 TO 1]
MOVER:	John Stoker, Commissioner
SECONDER:	Nancy Urbani, Commissioner
AYES:	Parrish, Barnes, Choren, Stoker, Urbani
ABSENT:	Hawley, Schaefer

2) Consent Agenda

- a) Wirth Law for Julie Flessas. The applicant is seeking minor request approval for a road right-of-way vacation to remove 150 feet of road right-of-way for the property located at 2601 W. Mequon Road.

Attachment: PC_03.17.25_DRAFT (10219 : Meeting Minutes from March 17, 2025)

Action

Commissioner Barnes made a motion to approve the Consent Agenda.
Commissioner Urbani seconded the motion.

A voice vote was taken; vote passed (5-0)

RESULT:	APPROVED [5 TO 1]
MOVER:	Bruce Barnes, Commissioner
SECONDER:	Nancy Urbani, Commissioner
AYES:	Stoker, Parrish, , Choren, Stoker, Urbani
ABSENT:	Hawley, Schaefer

3) Public Hearing

- a) Sergio Rodrigues SER RZ3, LLC. The applicant is seeking conditional use grant and building and site plan amendment approval to allow for a restaurant for the property located at 10352 N. Port Washington Road (formally Sobelmans).

Action

Commissioner Stoker made a motion to open a public hearing.
Commissioner Choren seconded the motion.

A voice vote was taken; vote passed (5-0)

No public comment.

Action

Commissioner Stoker made a motion to close the public hearing.
Commissioner Urbani seconded the motion.

A voice vote was taken; vote passed (5-0)

Assistant Director Jac Zader stated this request is for a conditional use grant (“CUG”) and building and site plan approval. This item was tabled in July 2024 because the proposed design at that time, showed a stucco improvement and removal of the front porch. City staff, the Commission architect and the applicant architect have met several times and arrived at the proposed architectural plans in the packet. He showed the elevations that display a similar look to the existing building will be replaced with clapboard siding with an LP smart siding which will have a light gray color with red accents. The front porch will remain, and old rotting boards will be replaced and will match the existing trim as much as possible. Staff is supportive of the newly designed plans.

Asst. Dir. Zader further explained that the hours of operation will be 11:00 a.m. to 9:30 p.m. and the parking lot has 56 stalls, which exceeds the zoning code requirement of 45 stalls. The approval requires cleanup of the site. Submittal of a landscape plan is deferred until warmer weather and the conditions on the site can be assessed. The landscape plan will need to be approved by the Commission sometime this summer.

The site plan shows the parking lot being resealed but there are some potholes and cracking, and staff recommends that the parking lot be repaired. The plan shows a future outdoor patio on the

Attachment: PC_03.17.25_DRAFT (10219 : Meeting Minutes from March 17, 2025)

south side of the site and the Commission will need to approve a full plan for this area.

He commented that there has been some compliance action against the site which was deferred based on completing the required repairs which must be completed by the following dates:

- July 31, 2025, replacement of the building windows, siding and trim.
- September 1, 2025, parking lot repairs.
- October 15, 2025, the landscape installation.

Staff recommends approval of the CUG and building and site plan based on the conditions in the report.

The applicant, Sergio Rodrigues, and the architect stated that their intent is to clean up the site and to match the existing building as closely as possible. They clarified that the proposed patio on the south side of the building is tentative until they can confirm that it physically works in that location.

The Commission gave feedback that the proposed plan is a good design and keeps the integrity of the building and neighboring properties. Keeping the front porch is also favorable to the Commission.

Action

Commissioner Stoker made a motion to approve the item per staff conditions.

Commissioner Choren seconded the motion.

A voice vote was taken; vote passed (5-0)

RESULT:	APPROVED [5 TO 0]
MOVER:	John Stoker, Commissioner
SECONDER:	Martin Choren, Commissioner
AYES:	Parrish, Barnes, Choren, Stoker, Urbani
ABSENT:	Hawley, Schaefer

- b) Kids Rule Academy. The applicant is seeking conditional use grant and building and site plan amendment approval to all for a childcare facility for the property located at 12308 N. Corporate Parkway.

Action

Commissioner Choren made a motion to open a public hearing.

Commissioner Urbani seconded the motion.

A voice vote was taken; vote passed (5-0)

No public comment.

Attachment: PC_03.17.25_DRAFT (10219 : Meeting Minutes from March 17, 2025)

Action

Commissioner Stoker made a motion to close the public hearing.
Commissioner Choren seconded the motion.

A voice vote was taken; vote passed (5-0)

Asst. Dir. Zader stated this request is for a daycare facility to move into a multi-tenant corporate center. He explained the indoor space is approximately 12,000 sq. ft. and there is approximately 4,000 sq. ft. of outdoor space. The use is very similar to other daycares in the city; they are licensed for up to 100 children and the hours of operation will be 7:00 a.m. until 6:00 p.m. There are no issues with the requested CUG.

He explained that a previous owner added parking spaces at the rear of the building which encroached into the parking setback. The resolution is to remove those parking spaces and keep the asphalt as a driveway. A site visit revealed a number of dead ash trees in the northwest corner and the southeast corner of the site and there is a condition in the report to have the trees removed and replaced by the fall; per the original landscaping plan approval.

The applicant of the daycare, Alex Mazur, and the building owner representative, John Wirth, were in attendance. Alex Mazur, Kids Rule Academy owner, stated that they have operated this business for the past 12 years, there are 100 families enrolled with 17 full-time employees, and they need additional space for their operations.

There was some discussion from the Commission regarding the parking lot and the lack of a sidewalk and the safety of children being dropped off and picked up. Staff commented that a sidewalk is not required at any of the childcare facilities located in the city.

Action

Commissioner Choren made a motion to approve the CUG.
Commissioner Barnes seconded the motion.

A voice vote was taken; vote passed (5-0)

RESULT:	APPROVED [5 TO 0]
MOVER:	Martin Choren, Commissioner
SECONDER:	Bruce Barnes, Commissioner
AYES:	Parrish, Barnes, Choren, Stoker, Urbani
ABSENT:	Hawley, Schaefer

- c) Dennis Thornton for Vital Care. The applicant is seeking conditional use grant approval to allow for a compounding pharmacy for the property located at 12308 N. Corporate Parkway.

Action

Commissioner Stoker made a motion to open a public hearing.
Commissioner Choren seconded the motion.

A voice vote was taken; vote passed (5-0)

No public comment.

Attachment: PC_03.17.25_DRAFT (10219 : Meeting Minutes from March 17, 2025)

Action

Commissioner Choren made a motion to close the public hearing.
Commissioner Stoker seconded the motion.
A voice vote was taken; vote passed (5-0)

City Planner Natalie Redding stated that the request is for a compounding pharmacy for Vital Care located at 12308 N. Corporate Parkway. It is zoned B-4 which allows for pharmacies as conditional use. Vital Care offers home infusion pharmacy services and operates as a closed door pharmacy which offers treatments which are then mostly administered at home, but en suite infusion appointments are offered as well. The business hours will be 9:00 a.m. to 5:00 p.m. M-F and the business will employ 5 full time employees.

The parking issue discussed in the previous project relates here but due to this not being a walk-in pharmacy and on site infusions will be by appointment only, staff does not have concerns regarding parking. Staff recommends approval based on the conditions in the staff report.

Action

Commissioner Choren made a motion to approve the item subject to staff conditions.
Commissioner Urbani seconded the motion.
A voice vote was taken; vote passed (5-0)

RESULT:	APPROVED [5 TO 0]
MOVER:	Martin Choren, Commissioner
SECONDER:	Nancy Urbani, Commissioner
AYES:	Parrish, Barnes, Choren, Stoker, Urbani
ABSENT:	Hawley, Schaefer

- d) Cardinal Equipment & Event Rentals, LLC. The applicant is seeking conditional use grant and building and site plan amendment approval to allow for commercial use of a historically significant structure including office and warehousing for the property located at 7426 W. Donges Bay Road.

Action

Commissioner Urbani made a motion to open a public hearing.
Commissioner Stoker seconded the motion.
A voice vote was taken; vote passed (5-0)

No public comment.

Action

Commissioner Urbani made a motion to close the public hearing.
Commissioner Stoker seconded the motion.
A voice vote was taken; vote passed (5-0)

Planner Redding stated that the request for conditional use grant and building and site plan amendment approval is for a rental resource company supplying equipment and event rentals and

Attachment: PC_03.17.25_DRAFT (10219 : Meeting Minutes from March 17, 2025)

materials. The building is located in B-7 zoning which allows for the commercial use of a historic structure as a conditional use. The site was designated a local landmark in 1996.

The applicant is not proposing any changes to the building and will be using the existing asphalt driveways, which are non-conforming, but the usage is approved by staff. The west side of the parking lot will be for employee parking and the east side is deemed parking for customers. Staff recommends that the parking lot be seal coated and striped to bring it into city compliance.

The most notable aspect of the project is the proposed outside storage because outside storage is typically not allowed in this zoning district. But due to the industrial nature of the adjacent uses, it is compatible with the neighboring properties and the site is well screened with existing landscaping. The equipment will be stored on an installed asphalt lot to the rear of the building. She explained that the applicant is planning to install a fence in front of the customer parking area which will also provide screening from the outdoor storage. Some additional landscaping will be added as well. Staff recommend the proposed mulch beds extend along the east side of the building to enhance connectivity. A landscaping plan is required to be submitted to staff for final approval. The existing concrete pad on site will be removed.

The business hours will be 8:30 a.m. - 5:30 p.m. M-F and 8:30 a.m. - 1:00 p.m. on Saturdays. The applicant requested earlier pick up times on weekdays to begin at 7:30 a.m. but staff is concerned about noise impacting nearby residential neighbors and recommends all operations be confined to the regular business hours outlined. Staff recommends approval of the CUG.

The applicant asked for clarity on the outdoor storage space for equipment and whether it can be gravel or if it needs to be asphalt. Staff replied that typically concrete or asphalt is required but a concession can be made for gravel to be used for a specified period of time.

The Commission discussed the outdoor storage area ground material and what would be accepted to give the applicant some time to get the business up and running due to cost concerns. There was also mention of the operating hours and the understanding that contractors probably want to pick up equipment earlier in the day. There was clarification from staff regarding landscaping screening and the designation of customer and employee parking.

Action

Commissioner Stoker made a motion to approve the CUG, modify condition #10 in the staff report and to allow outdoor storage on a stone base for up to 9 months, the applicant will need to submit plans if they want to expand further.

Commissioner Barnes made a friendly amendment to allow the business to open at 7:30 a.m. on weekdays.

Commissioner Stoker accepted the friendly amendment.

Commissioner Barnes seconded the motion.

A voice vote was taken; vote passed (5-0)

RESULT: APPROVED WITH CONDITIONS [5 TO 0]
MOVER: John Stoker, Commissioner
SECONDER: Bruce Barnes, Commissioner
AYES: Parrish, Barnes, Choren, Stoker, Urbani
ABSENT: Hawley, Schaefer

- e) North Shore Dance Studio. The applicant is seeking conditional use grant amendment and building and site plan amendment approval to allow for an addition to the existing building for the property located at 10433 N. Baehr Road.

Action

Commissioner Urbani made a motion to open a public hearing.
 Commissioner Choren seconded the motion.
A voice vote was taken; vote passed (5-0)

No public comment.

Action

Commissioner Urbani made a motion to close the public hearing.
 Commissioner Choren seconded the motion.
A voice vote was taken; vote passed (5-0)

Planner Redding stated that this request is for a conditional use grant amendment as well as building and site plan amendment to allow for an addition to the existing structure. North Shore Dance Studio was previously approved for a CUG in June of 2018. The business is expanding its operations due to growing demand for more studio space, which requires an amendment to the CUG as well as the building and site plan. The building materials will match the existing materials, and the addition will not have any windows as to avoid light trespass from passing vehicles and to allow for internal lighting to be utilized to enhance performances and dances. Staff supports this because it is not out of character for the area as the neighboring uses are industrial with similar type buildings. She explained that the addition will be approximately 4,000 sq. ft. added to the existing 7,500 sq. ft. and will meet the 50-foot setback.

An additional 12 parking spaces will be added, and this does meet previous industry standards set in the CUG. Staff approve of the proposed 1% deficiency in the interior parking lot landscaping (9% instead of the 10% required by the city code) because the updated plan reduces the overall amount of paving and eliminates the previous truck turn around area. Staff recommends that the proposed evergreens be a minimum of 7 feet in height, this is different than what the applicant proposed, but this has been a precedent in past projects and the height will aid in screening the parking lot areas.

The lighting proposed does not match city code compliance as they are not shown as full cut off; which is required. A site visit revealed two lights on site that appear to be similar to the proposed lighting and are likely not full cut off, so staff recommends the applicant select lighting that match one of the compliant lights on the site. A lighting plan is required that shows the light trespass so that staff can ensure that the lighting on site meets city code requirements.

Overall, the business will maintain operations approved in 2018. Staff recommends approval of the requested approvals.

Action

Commissioner Choren made a motion to approve the CUG amendment and building and site plan amendment per conditions in the staff report.

Commissioner Urbani seconded the motion.

A voice vote was taken; vote passed (5-0)

RESULT:	APPROVED [5 TO 0]
MOVER:	Martin Choren, Commissioner
SECONDER:	Nancy Urbani, Commissioner
AYES:	Parrish, Barnes, Choren, Stoker, Urbani
ABSENT:	Hawley, Schaefer

4) Regular Business

- a) Lemberg Electric for Chase Bank. The applicant is seeking minor request approval for a sign waiver for the property located at 11001 N. Port Washington Road.

Planner Redding stated the request is for two signs waivers to allow for a wall sign on the north elevation and a larger wall sign on the east elevation. She explained that the sign code typically allows for one wall sign per building unless the building faces two public streets in which case one wall sign per elevation is allowed. Chase Bank does face two streets in this case: Port Washington Road (east elevation) and Town Square Road (north elevation). Town Square Road is a private street, so the additional wall sign proposed does require a sign waiver. Staff supports the sign waiver for the north elevation as it is abutting a street and it will provide a clarifying identity of the building for traffic along Town Square Road.

Planner Redding explained that the east wall sign per code is allowed to be 26.25 sq. ft. and the proposed sign is slightly larger at 29.7 sq. ft.. Both signs have the same design. Staff does not support this larger wall sign as there is no proven hardship or visual validation and approval of the larger sign would set a precedent in the city. Staff did request a rendering of the sign at the code compliance size but it was not submitted by the applicant.

In summary, staff supports the north elevation wall sign but does not support the larger size wall sign on the east elevation.

The applicant stated that the larger sized sign is requested due to their national industry standard sign size.

There was some discussion among the Commission about the varying size of the proposed signs. The Commission believes the larger sign will be out of proportion and there is no hardship justified for the waiver.

Attachment: PC_03.17.25_DRAFT (10219 : Meeting Minutes from March 17, 2025)

Action

Commissioner Stoker made a motion to approve per staff recommendations due to no hardship proven, the larger sign would be disproportional and the sign on the north elevation will be more visible for traffic on Port Washington Road.

Commissioner Urbani seconded the motion.

A voice vote was taken; vote passed (5-0)

RESULT:	APPROVED [5 TO 0]
MOVER:	John Stoker, Commissioner
SECONDER:	Nancy Urbani, Commissioner
AYES:	Parrish, Barnes, Choren, Stoker, Urbani
ABSENT:	Hawley, Schaefer

5) Policy

1) An Amendment to Chapter 58, City of Mequon Zoning Code, Related to Section 58-416 Building and Structure Location, Setbacks and Related to Setback from Lake Michigan Bluff

Building Inspections Supervisor Greg Golden explained that in August of 2024 the Committee of the Whole directed staff to author code language that would allow property owners along the Lake Michigan bluff permission to access the lake from their property. The highlights from the analysis done include:

- The bluff is unstable (many studies were reviewed and are included in the packet).
- There is not a building code that applies to bluff structures.
- Proposed drafted text amendment states that any building structure constructed on the bluff comes with inherent risks. The responsibility will be placed on the property owner and professional engineer.
- Structure height, weight and maintenance restrictions will be required.
- All federal regulations must be adhered to.

He explained that staff is waiting to hear back from the DNR regarding the high water mark.

Supervisor Golden explained that staff inspectors will be inspecting the location of the staircase only. The liability will be on the property owners and professional engineer.

Alderman Gregg Bach explained that three residents that are lake property owners have come forward voicing their intent to build floating staircases on the bluff on their properties in order to access the beach (similar to the staircase at Virmond Park).

The Commission stated that this is a complex issue and that they would like more time to think about it as they have unanswered questions. They would like to hear from a bluff expert as well as have a full Commission in attendance to decide about making a recommendation to the Common Council; they believe the item should be tabled until next month.

Acting Chair Brian Parrish recommended that the City Attorney should listen to this discussion and provide a legal analysis regarding this item and should attend the meeting next month.

Action

Commissioner Stoker made a motion to table this item so that an expert can be at the next meeting as well as a legal opinion can be provided from the City Attorney.

Commissioner Barnes seconded the motion.

A voice vote was taken; vote passed (5-0)

6) Announcements

The next meeting is Monday, April 21, 2025, at 6:00 pm.

Staff congratulated John Stoker, President of Victory Homes, for being awarded Builder of the Year.

7) Adjourn

Action

Commissioner Urbani made a motion to adjourn the meeting.

Commissioner Stoker seconded the motion.

A voice vote was taken; vote passed (5-0)

The meeting was adjourned at 7:28 p.m.

Respectfully Submitted,

Jac Zader



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Department of Community Development

TO: Planning Commission
FROM: JAC ZADER, ASSISTANT DIRECTOR COMMUNITY DEVELOPMENT
DATE: April 21, 2025
SUBJECT: Applied Technologies, Inc. for the City of Mequon. The applicant is seeking conditional use grant and building and site plan amendment approval to allow for a public utility building (replacement of Lift Station E) for the property located at 2010 W. Ranch Road.

Applicant: City of Mequon
Status of Applicant: Owner
Requested: Conditional Use Grant
Building/Site Plan
Existing Zoning: R-4 (Residential ¾ acres)
FFO (Flood Fringe Overlay)
PUD (Planned Unit Development)
Existing Use: Single Family
Proposed Use: Public Utility Facility
Land Use Plan: Residential 1 Acre
Lot size: .67 Acres
Location: 2010 W. Ranch Road
Tax Key Number: #15-096-02-050.00
District: #2

Background:

The applicant is requesting building, site plan and conditional use grant approval for a sewer lift station at 2010 W Ranch Road. The facility is intended to replace an existing station that is located approximately 100 feet to the northwest which is at the end of its useful life and not able to meet capacity demands based on current and new development. In 2024, the city purchased the property at 2010 W Ranch Road after exploring numerous locations (see attached memo and public information correspondence) for the lift station in the area due to its current location in the floodplain.

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 facility is regulated as a public utility by the Department of Natural Resources and the Milwaukee Metropolitan Sewage District. The relocation of the station should not have a negative effect on the health, safety and welfare of the general area. The installation of the lift

station will provide a benefit to the residents of Mequon by improving the system's reliability and capacity.

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

The use is similar to other utility buildings typically found in city including transformers, booster bump stations and communication vaults. The proposed structure is shown to be located at least 100 feet from the existing station which has been in the area for at least 50 years. In order to mitigate the impact on the adjacent properties, the building and site has been designed to emulate a single family homesite. Based on this, staff does not feel the use should not injure the value of adjoining property.

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

As stated above, the city has taken great care in designing the lift station and site to look like a single-family home of similar size and style to the surrounding properties. The plan also includes the addition of residential scale landscaping along the foundation of the building and keeping the majority of the existing trees on site. Based on this, staff feel the proposed use will be compatible and harmonious with the surrounding neighborhood.

Site Design:

The site plan shows the building façade facing Ranch Road, 75 feet from the front property line. The building complies with all of the technical requirements of the R-4 zoning district including all setbacks and offsets. While the city is exempt from the specimen tree removal requirements, effort was made to preserve as many as possible on site. However, based on the location of the building and driveway, two specimen trees will need to be removed. Staff will recommend that a replacement street tree be added at the front of the property where there is an existing dead tree that is being removed.

Building Design:

The proposed building is shown to be constructed of composite siding (LP Smartside), stone veneer and an asphalt shingled roof. There are two doors on the south elevation that are designed to mimic a swinging carriage door. The plan also shows a false chimney with stone veneer to give the building a more residential feel. Staff is supportive of the proposed design.

Engineering Report:

Cole McCraw, Assistant City Engineer, has reviewed the application and has the following comments:

The current building (2010 Ranch Road) is accessed through an existing driveway. The applicant proposes relocation of the 2010 Ranch Road driveway. The applicant will be required to apply for a culvert permit with the Department of Public Works for removal of the existing culvert and placement of the proposed culvert. The driveway to the existing lift station building is proposed for removal.

Wetlands appear to be present on site. An assured wetland delineation report was provided with the application. Wetland disturbance will be required to construct the improvements on the plan. The applicant shall submit proof of DNR permitting for wetland fill prior to permit issuance.

The delineation report identified a 50-foot protective area. Currently, the driveway is proposed approximately 28 feet from the wetland boundary. The applicant, the Sewer Utility, is requesting that the Planning Commission consider a reduced protective area width, supplemented by the addition of a no-mow buffer or alternative water quality plantings.

The request for a reduced protective area width is based on several factors. The driveway is proposed on the west side of the building to allow utility vehicles direct access to the lift station and to minimize impacts on adjacent residents. Complying with the full wetland protective area setback would result in utility vehicles operating closer to neighboring properties, as opposed to the current proposed configuration.

Additionally, the proposed driveway and structure layout preserves existing specimen trees, which would likely be impacted if the driveway and building were shifted eastward. Lastly, the Utility intends to utilize the existing well, which is protected in the current configuration. Relocating the driveway over the existing well may expose it to potential damage from vehicle operations.

Due to these factors, staff recommends that the wetland protective area be reduced to 28 feet conditioned upon the applicant installing a no-mow buffer and/or alternative water quality plantings or measures.

The site improvements propose an increase of impervious surface of 3,499 square feet. Proposed improvements adding more than 5,000 square feet of impervious surface and not covered by a stormwater management plan require a green infrastructure plan in conformance with MMSD rules and City ordinances. Green infrastructure plans also require the execution of a Stormwater Maintenance and Easement Agreement and a drainage financial guarantee.

The proposed improvements will disturb an area greater than 4,000 square feet and is therefore subject to a City of Mequon Erosion Control Permit. The permit is required prior to the issuance of a building permit.

Staff Recommendation:

Planning staff recommends approval of the conditional use grant and building and site plan based on the following conditions:

1. Final staff review and approval of site, landscaping, elevations, and lighting plans prior to the issuance of permits.
2. All ground-level mechanical equipment shall be well screened from public view with screening or landscaping.
3. All wall packs shall be of a full cutoff design.
4. The first-floor elevation of the building shall be elevated two feet above the base flood elevation.
5. A street tree shall be added at the location of the existing driveway.
6. If added impervious surface exceeds 5,000 square feet, then, prior to the issuance of a building permit, the applicant shall design and submit for review and approval a green infrastructure plan in conformance with MMSD rules and City ordinances.
7. Planning Commission approval of the reduction of the wetland protective area adjacent to the driveway to 28 feet, in exchange for a no-mow buffer or other approved water quality measure.

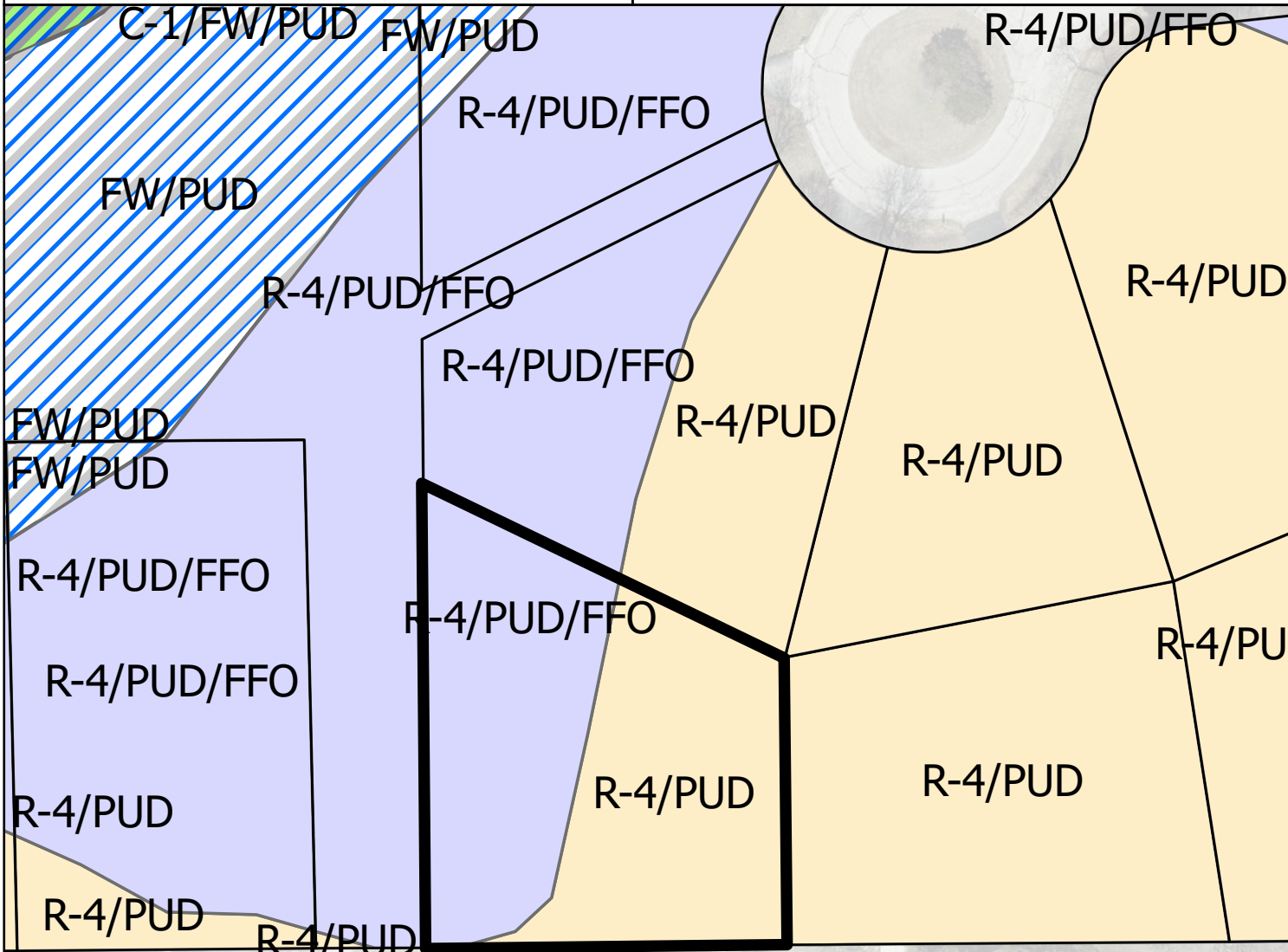
8. The applicant shall submit proof of DNR permitting for wetland fill prior to permit issuance, if applicable.
9. Application for and approval of a City erosion control permit conditioned upon WDNR issuance of a WRAPP permit, if applicable. The permit is required prior to the issuance of a building permit.

Attachments:

Packet Docs_LiftStation (PDF)

APPLIED TECHNOLOGIES, INC FOR THE CITY OF MEQUON

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



Attachment: Packet Docs_LiftStation (10225 : Applied Technologies, Inc. for the City of Mequon)



CITY OF MEQUON

LIFT STATION E REPLACEMENT (NO. 3616-23-E)

MEQUON, WISCONSIN

PROJECT DESCRIPTION

CONSTRUCT NEW LIFT STATION E ON A NEIGHBORING LOT RECENTLY PURCHASED BY CITY AND REMOVE EXISTING LIFT STATION ABOVE 3 FEET BELOW GRADE AND FILL AND ABANDON EXISTING LIFT STATION BELOW WHEN NEW LIFT STATION E IS OPERATIONAL.

LEGAL DESCRIPTION

LEGAL: LOT 3 OF RIVER BEND SUBDIVISION
OWNER: CITY OF MEQUON
TAX KEY: 15-096-0003.000

LEGAL: OUTLOT 1 OF RIVER BEND SUBDIVISION
OWNER: RIVER BEND HOMES ASSOCIATION, INC.
TAX KEY: 15-096-0000.099

EXISTING LOT CONDITIONS

OWNER: CITY OF MEQUON
TAX KEY: 15-096-0003.000
ZONING: R-4 SINGLE-FAMILY SUBURBAN RESIDENTIAL DISTRICT
AREA: 27,694.87 SQ. FT. OR 0.635 ACRES
EXISTING LOT HARD SURFACE AREA: 3,404.85 SQ. FT.

OWNER: RIVER BEND HOMES ASSOCIATION, INC.
TAX KEY: 15-096-0000.099
ZONING: C-1/FW SHORELAND-WETLAND CONSERVANCY DISTRICT / FLOODWAY DISTRICT
AREA: 775,909.546 SQ. FT. OR 17.81 ACRES
EXISTING LOT HARD SURFACE AREA: 4,704.59 SQ. FT.

CONTACT INFORMATION

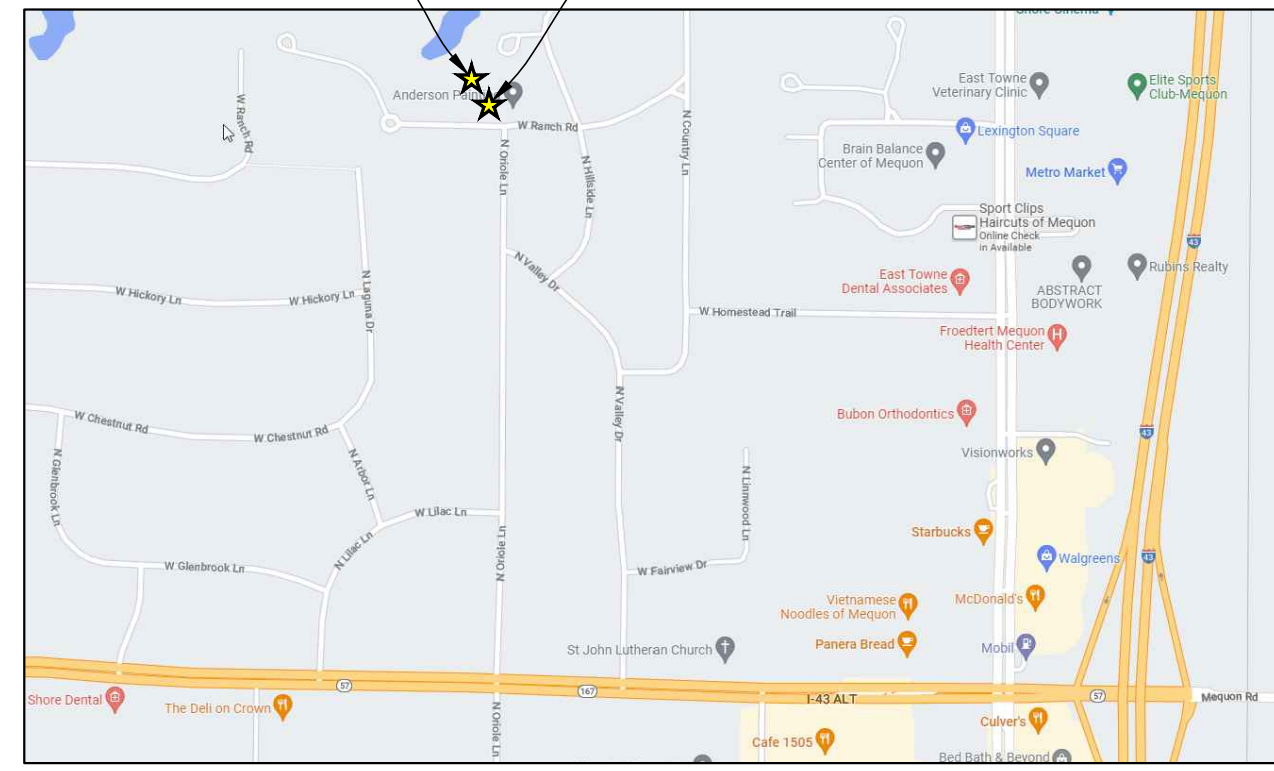
ENGINEER:
APPLIED TECHNOLOGIES, INC.
13400 BISHOPS LANE, SUITE 270
BROOKFIELD, WI 53005
(262)784-7690

OWNER:
CITY OF MEQUON
11333N CEDARBURG ROAD
MEQUON, WI 53092

LANDSCAPE ARCHITECT:
THRIVE ARCHITECTS
259 SOUTH STREET, SUITE A
WAUKESHA, WI 53186
(833) 380-6180 X701

APPLICANT:
CITY OF MEQUON
SEWER UTILITY

EXISTING LIFT STATION LOCATION
REPLACEMENT LIFT STATION LOCATION



★ PROJECT ADDRESS:
2010 W. RANCH ROAD
MEQUON, WI 53092

LOCATION MAP

ZONING CONFORMANCE TABLE		
R-4 CODES	REQUIRED/ALLOWED	PROPOSED
FLOOR AREA	4,154 SF	1,664 SF
FLOOR AREA RATIO (FAR)	30.0%	6.0%
MAX BUILDING HEIGHT	42 FT	25.5 FT
MIN BUILDING SETBACK - LOCAL STREET	50 FT	74.49 FT
MIN BUILDING OFFSET - GENERAL	20 FT	29.92 FT
MAX LOT STRUCTURE COVERAGE RATIO	15%	7.3%
MIN PARKING STALL SIZE	10 FT WIDE X 18 FT LONG	10 FT X 18 FT
MIN PARKING STALLS	2	2
MIN PUBLIC STREET ACCESS WIDTH	22 FT	24 FT
MIN OPEN SPACE RATIO	30.0%	76.0%



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

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DRAWING NUMBER DESIGNATION

INDICATES FACILITY NUMBER
SEE LOCATION PLAN, DWG 20-G-1
INDICATES DRAWING NUMBER
INDICATES DISCIPLINE:
A ARCHITECTURAL
C CIVIL
E ELECTRICAL
G GENERAL
H HVAC
I I & C
M MECHANICAL
P PLUMBING
R REMOVAL
S STRUCTURAL
DUAL LETTERS INDICATE COMBINED DISCIPLINES

20-G-1
40-SM-2

Applied Technologies Engineers - Architects	BY	APVD
	REVISIONS AND RECORD OF ISSUE	
	- PRELIMINARY - NOT FOR CONSTRUCTION	

CITY OF MEQUON
LIFT STATION E REPLACEMENT
(NO. 3616-23-E)
MEQUON, WISCONSIN
PROJECT REFERENCE
GENERAL

VERIFY SCALES
LENGTH OF BAR IS 1" ON ORIGINAL DRAWING

1:2
PLOT SCALE, ADJUST SCALE(S) ACCORDINGLY

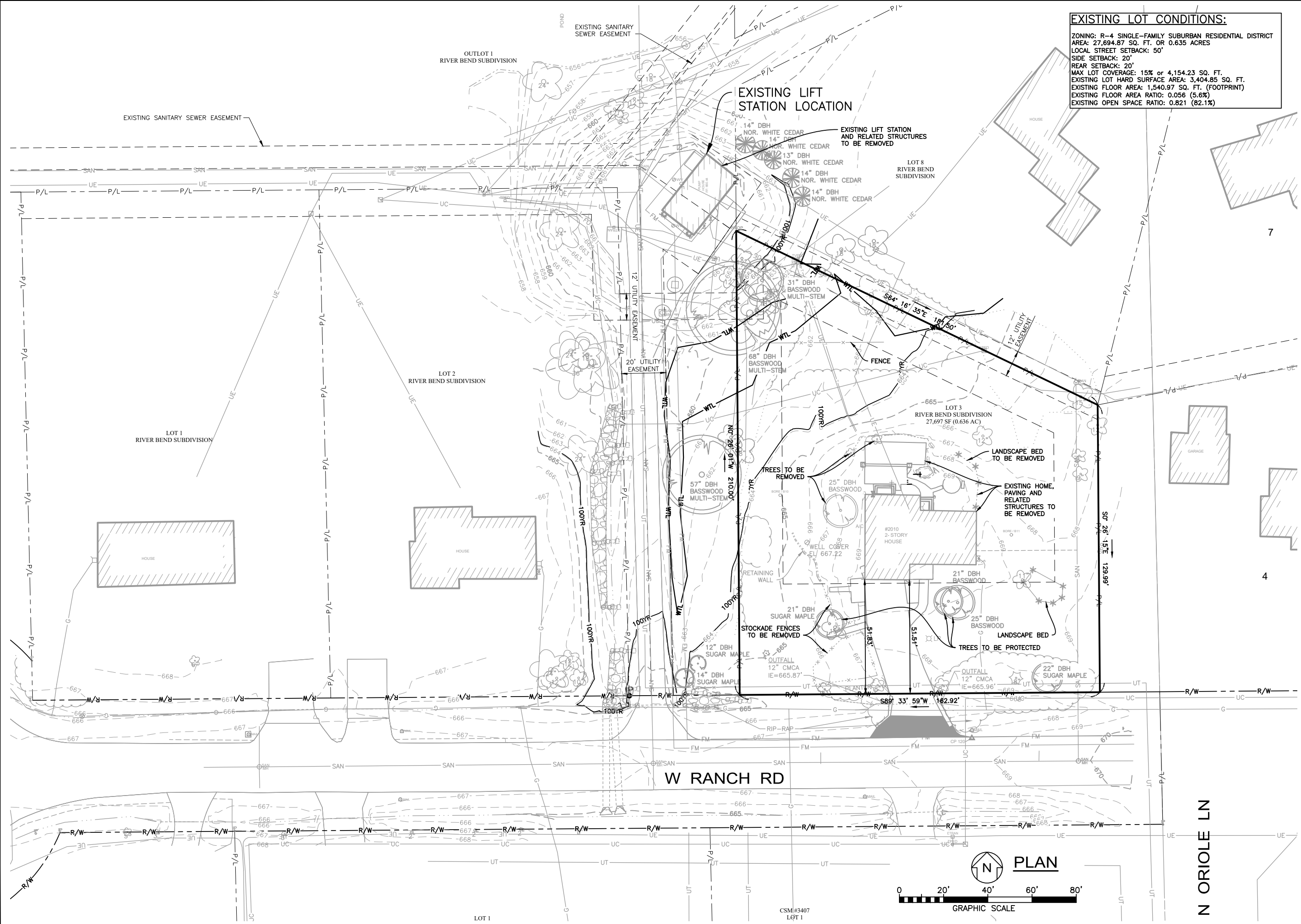
DESIGNED BY: W.A.H.
DRAWN BY: J.C.S.
CHECKED BY: .
APPROVED BY: .
PROJECT NO. 6555
DATE 3-24-2024
DRAWING NO. 10-G-1

Attachment: Packet Docs_LiftStation (10225 : Applied Technologies, Inc. for the City of Mequon)

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Last Modified: 24 March 2025
Plotted On: 3/24/2025 8:09 AM by PHIL C GERLACH
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EXISTING LOT CONDITIONS:
 ZONING: R-4 SINGLE-FAMILY SUBURBAN RESIDENTIAL DISTRICT
 LOCAL STREET SETBACK: 50'
 SIDE SETBACK: 20'
 REAR SETBACK: 20'
 MAX LOT COVERAGE: 15% or 4,154.23 SQ. FT.
 EXISTING LOT HARD SURFACE AREA: 3,404.85 SQ. FT.
 EXISTING FLOOR AREA: 1,540.97 SQ. FT. (FOOTPRINT)
 EXISTING FLOOR AREA RATIO: 0.056 (5.6%)
 EXISTING OPEN SPACE RATIO: 0.821 (82.1%)



AppliedTechnologies Engineers-Architects	BY	APVD
	REVISIONS AND RECORD OF ISSUE	
CITY OF MEQUON LIFT STATION E REPLACEMENT (NO. 3616-23-E) MEQUON, WISCONSIN	NO.	DATE
	- PRELIMINARY - NOT FOR CONSTRUCTION	

CITY OF MEQUON
 LIFT STATION E REPLACEMENT
 (NO. 3616-23-E)
 MEQUON, WISCONSIN
 SITE WORK - NEW LIFT STATION E
 CIVIL

VERIFY SCALES
 LENGTH OF BAR IS 1" ON ORIGINAL DRAWING
 1:1
 PLOT SCALE, ADJUST SCALE(S) ACCORDINGLY
 DESIGNED BY: W.A.H.
 DRAWN BY: P.C.G.
 CHECKED BY: .
 APPROVED BY: .
 PROJECT NO. 6555
 DATE 3-24-2025
 DRAWING NO.

EXHIBIT 1
Packet Pg. 19

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 Last Modified: 24 March 2025
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Attachment: Packet Docs_LiftStation (10225) : Applied Technologies, Inc. for the City of Mequon



AppliedTechnologies
Engineers-Architects



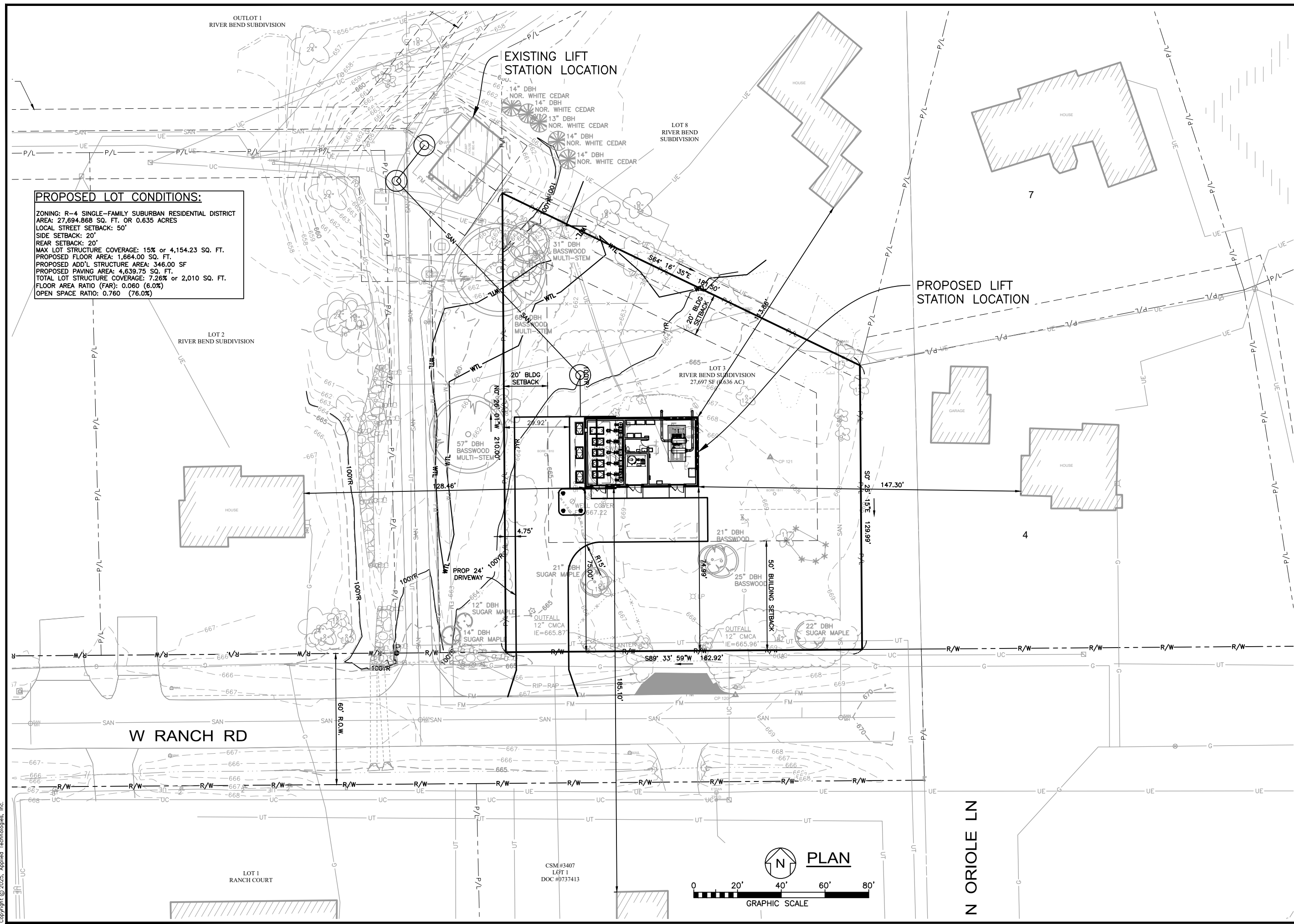
CITY OF MEQUON
LIFT STATION E REPLACEMENT
(NO. 3616-23-E)
MEQUON, WISCONSIN

NO.	DATE	REVISIONS AND RECORD OF ISSUE	BY	APVD

**- PRELIMINARY -
NOT FOR CONSTRUCTION**

**EXHIBIT 2
Packet Pg. 20**

Attachment: Packet Docs_LiftStation (10225 : Applied Technologies, Inc. for the City of Mequon)



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 Last Modified: 24 March 2025



Applied Technologies
Engineers - Architects

NO.	DATE	REVISIONS AND RECORD OF ISSUE	BY	APVD

**- PRELIMINARY -
NOT FOR CONSTRUCTION**

CITY OF MEQUON
LIFT STATION E REPLACEMENT
(NO. 3616-23-E)
MEQUON, WISCONSIN

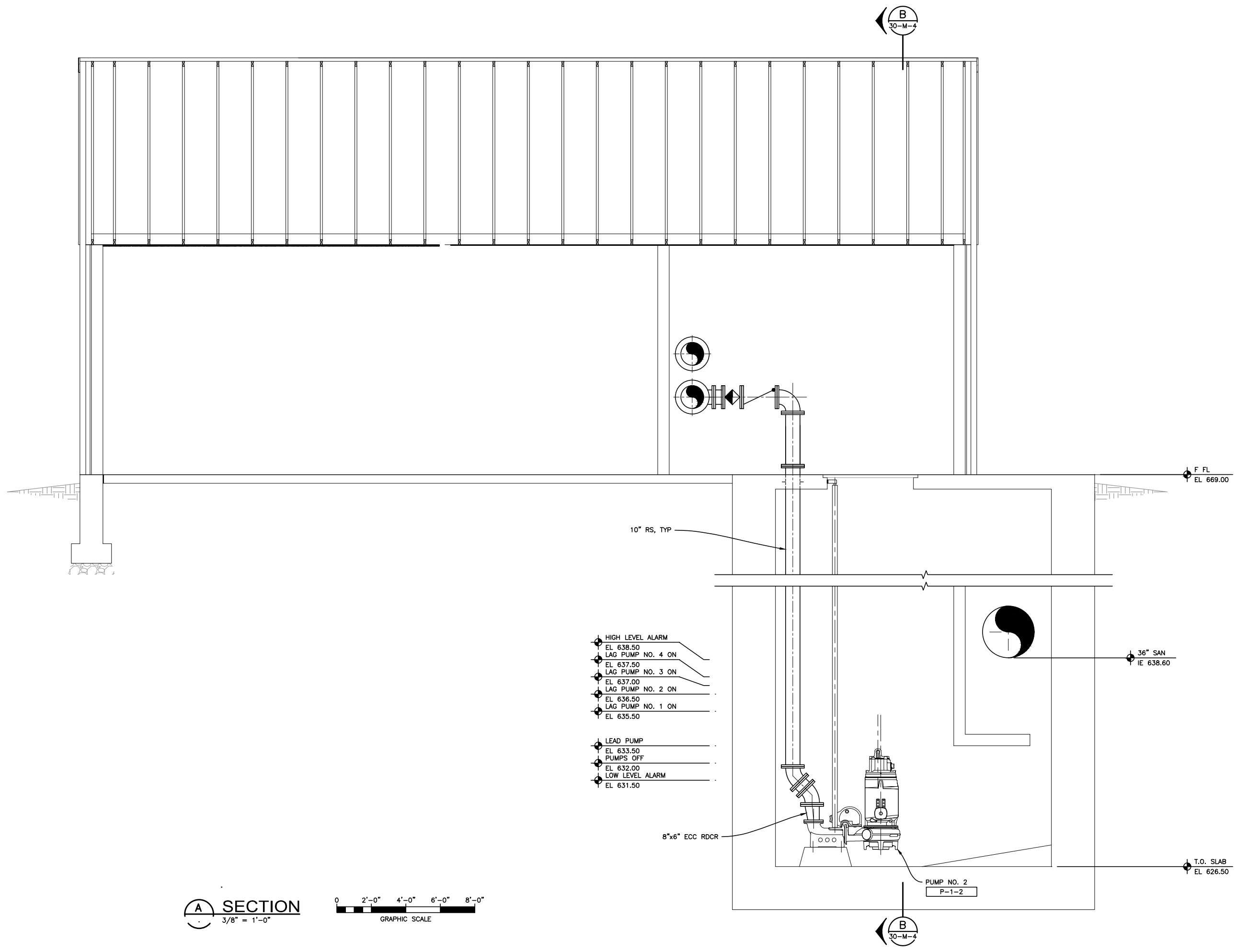
NEW LIFT STATION E
MECHANICAL

VERIFY SCALES
LENGTH OF BAR IS 1"
ON ORIGINAL DRAWING

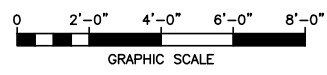
1:2
PLOT SCALE, ADJUST
SCALE(S) ACCORDINGLY

DESIGNED BY: P.A.T.
DRAWN BY: P.A.T./J.T.
CHECKED BY: .
APPROVED BY: .
PROJECT NO. 6555
DATE 3-24-2024
DRAWING NO.

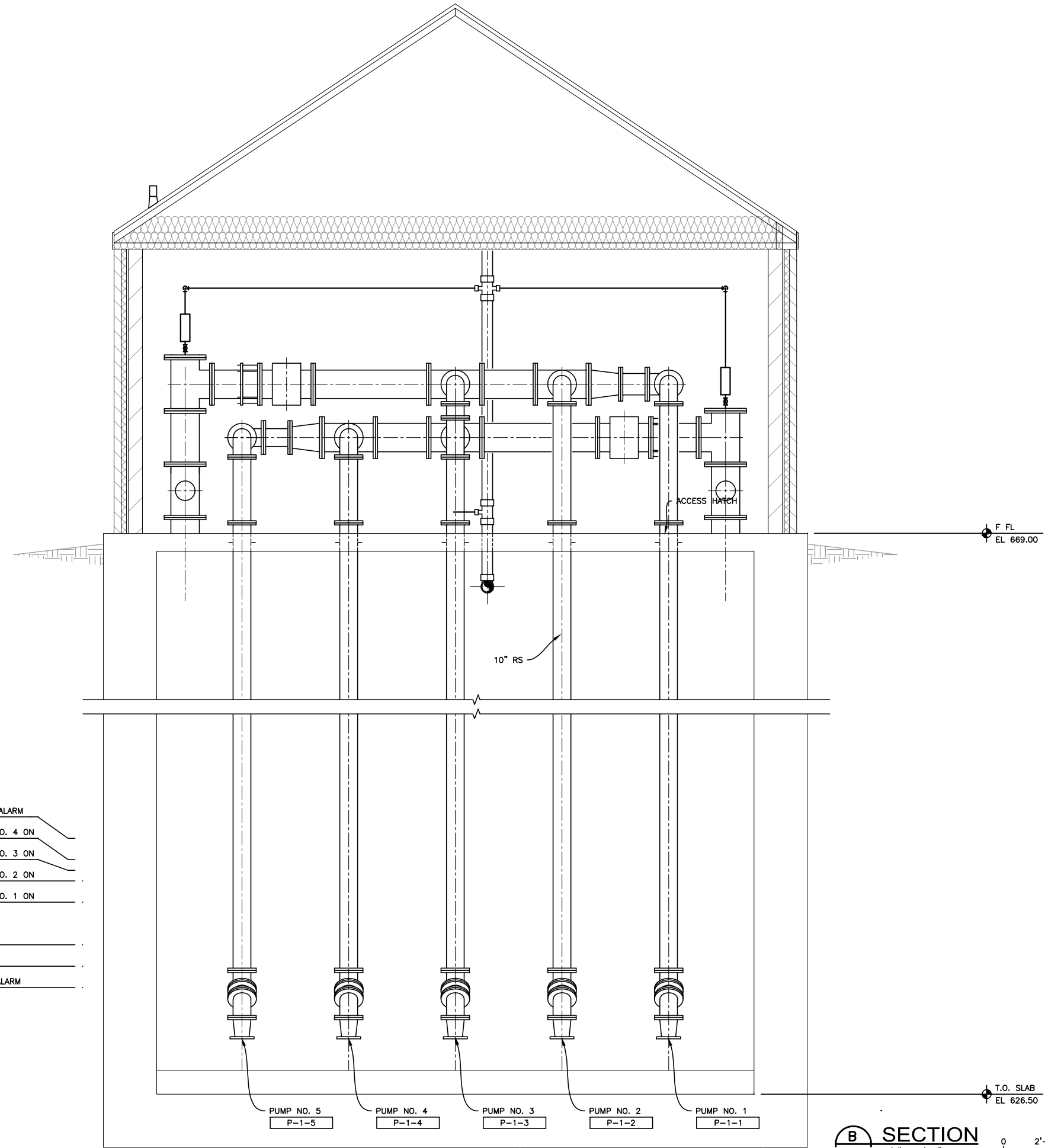
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A SECTION
3/8" = 1'-0"



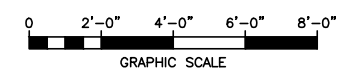
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 Plotted On: 3/24/2025 8:10 AM by PHIL C GERLACH
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- HIGH LEVEL ALARM
- EL 638.50
- LAG PUMP NO. 4 ON
- EL 637.50
- LAG PUMP NO. 3 ON
- EL 637.00
- LAG PUMP NO. 2 ON
- EL 636.50
- LAG PUMP NO. 1 ON
- EL 635.50

- LEAD PUMP
- EL 633.50
- PUMPS OFF
- EL 632.00
- LOW LEVEL ALARM
- EL 631.50

B SECTION
3/8" = 1'-0"



Applied Technologies
Engineers - Architects

CITY OF MEQUON
LIFT STATION E REPLACEMENT
(NO. 3616-23-E)
MEQUON, WISCONSIN

NEW LIFT STATION E
MECHANICAL

VERIFY SCALES
LENGTH OF BAR IS 1"
ON ORIGINAL DRAWING

1:2
PLOT SCALE, ADJUST
SCALE(S) ACCORDINGLY

DESIGNED BY: P.A.T.
DRAWN BY: P.A.T./J.T.
CHECKED BY: .
APPROVED BY: .
PROJECT NO. 6555
DATE 3-24-2024
DRAWING NO.

NO.	DATE	REVISIONS AND RECORD OF ISSUE	BY
			APVD

**- PRELIMINARY -
NOT FOR CONSTRUCTION**

Attachment: Packet Docs_LiftStation (10225 : Applied Technologies, Inc. for the City of Mequon)

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Last Modified: 21 March 2025
Plotted On: 3/24/2025 8:10 AM by PHIL C GERLACH
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Architect
259 South Street, Suite A
Waukesha, WI 53186
p: 833-380-6180

Project Info. — 24169

Lift Station E Replacement

New Construction
W Ranch Road
Mequon, WI 53092

Sheet Title

LANDSCAPE PLAN

Drawn by	Checked by
AMP	---

Revisions		
No.	Date	Description
	03.24.2025	PC Submittal

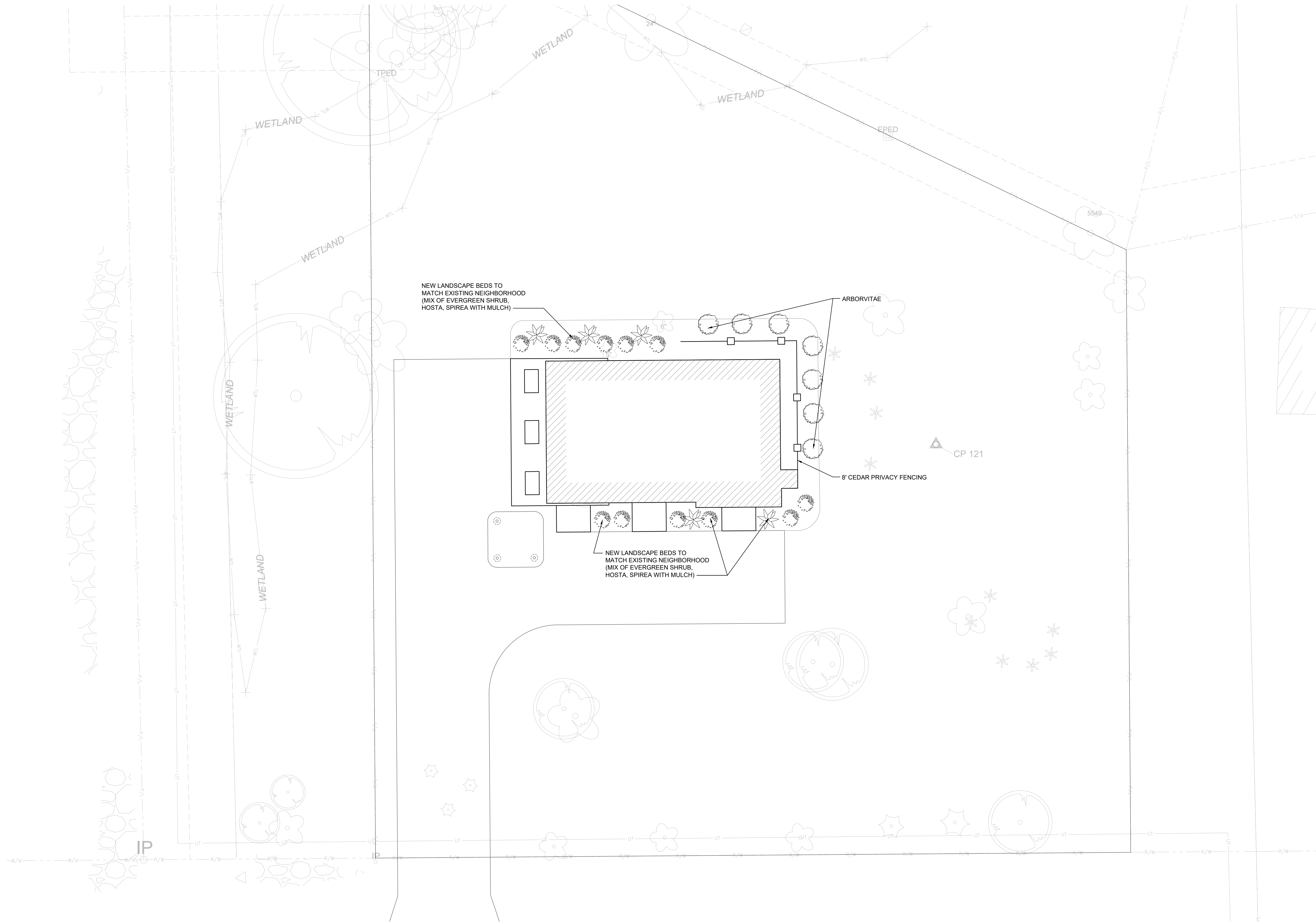
Sheet No.

SP1.0

NOT FOR CONSTRUCTION

LANDSCAPE PLAN
SCALE: 1"=10'-0" (22x34)

1





Architect
259 South Street, Suite A
Waukesha, WI 53186
p: 833-380-6180

Project Info. — 24169

Lift Station E Replacement

New Construction
W Ranch Road
Mequon, WI 53092

Sheet Title

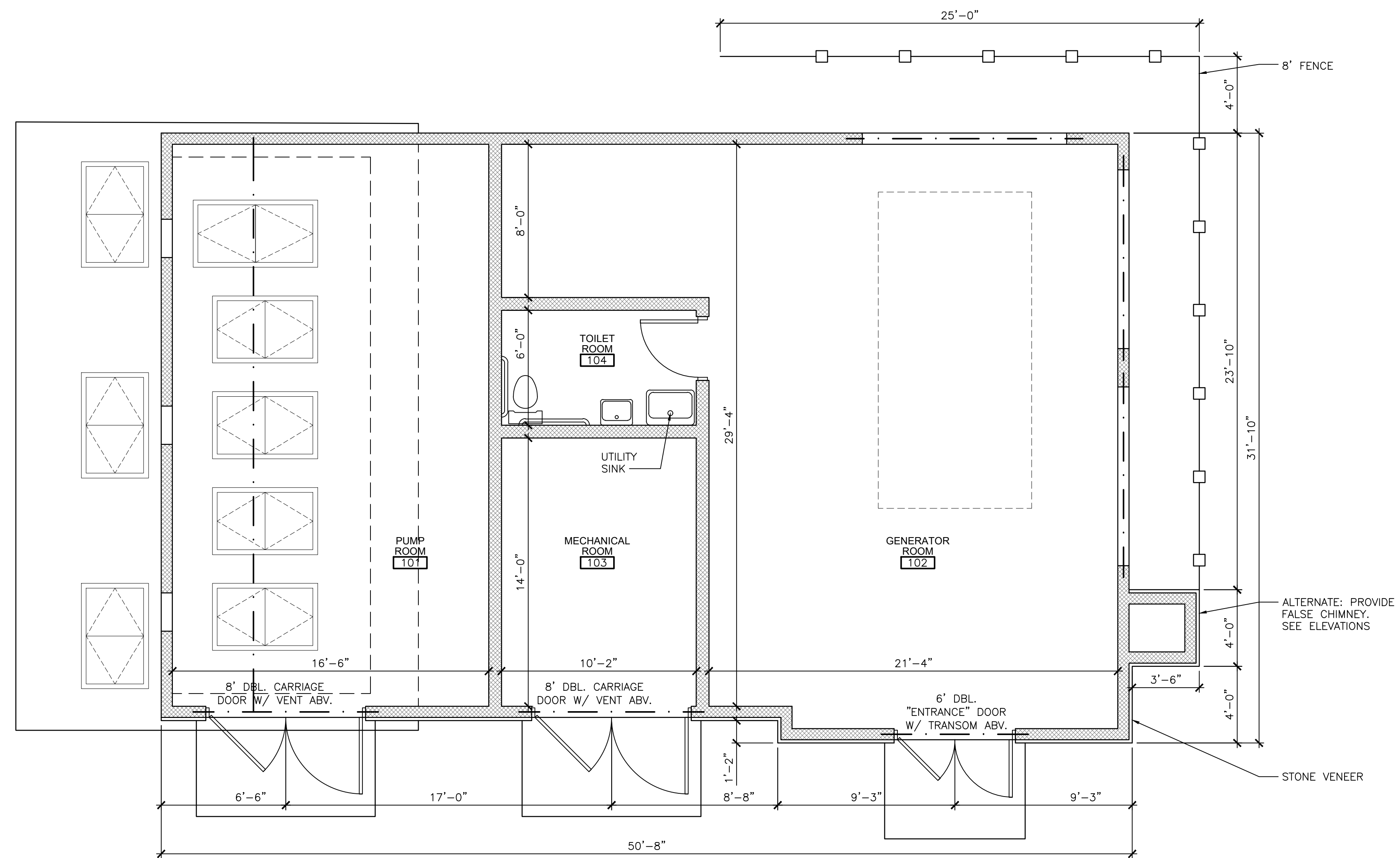
FLOOR PLAN

Drawn by	Checked by
AMP	---

Revisions		
No.	Date	Description
	03.24.2025	PC Submittal

Sheet No.

A1.0



NOT FOR CONSTRUCTION

FLOOR PLAN
SCALE: 1/4"=1'-0" (22x34); 1/8"=1'-0" (11x17)

1



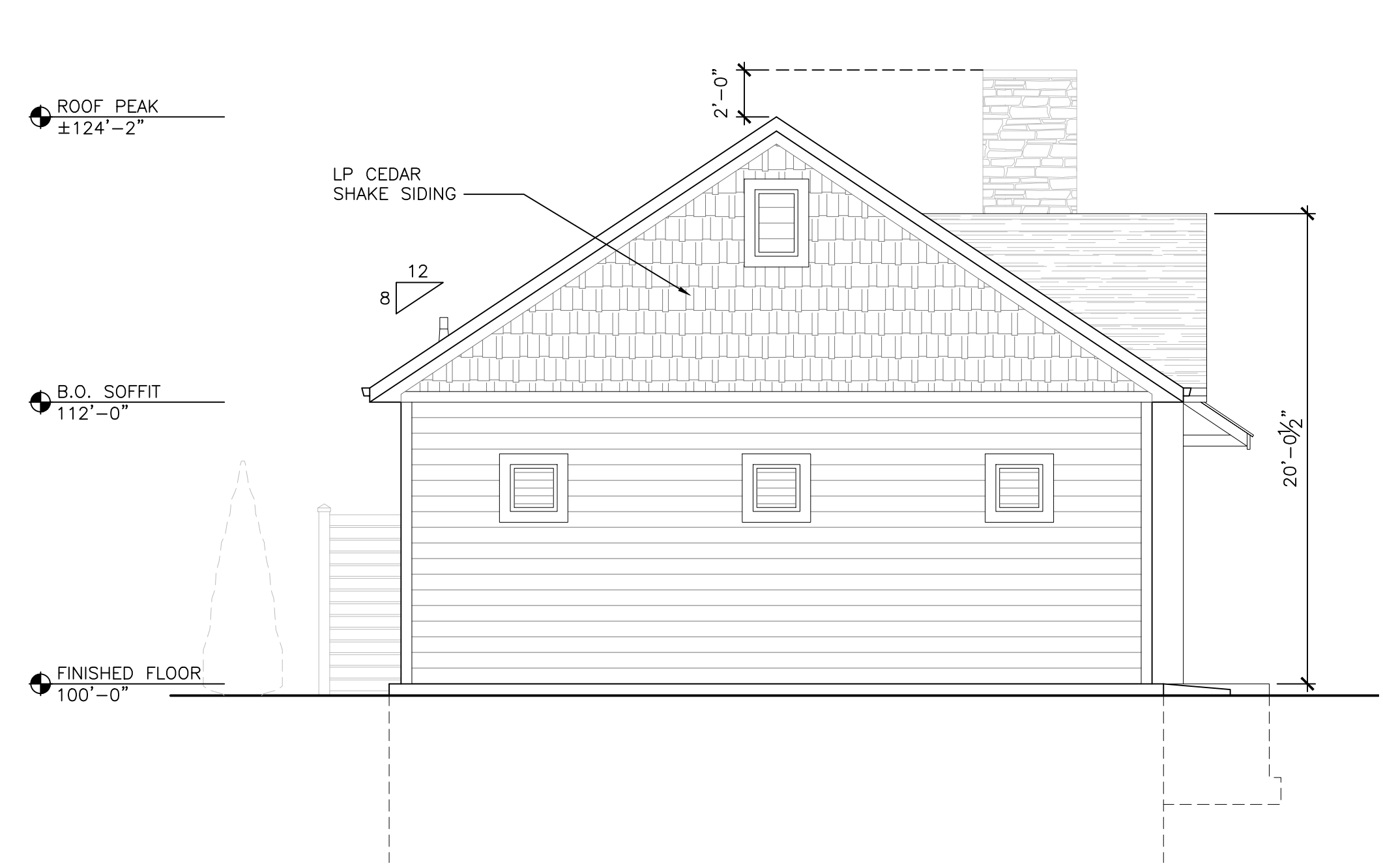
EXTERIOR ELEVATIONS

Drawn by	Checked by
AMP	---

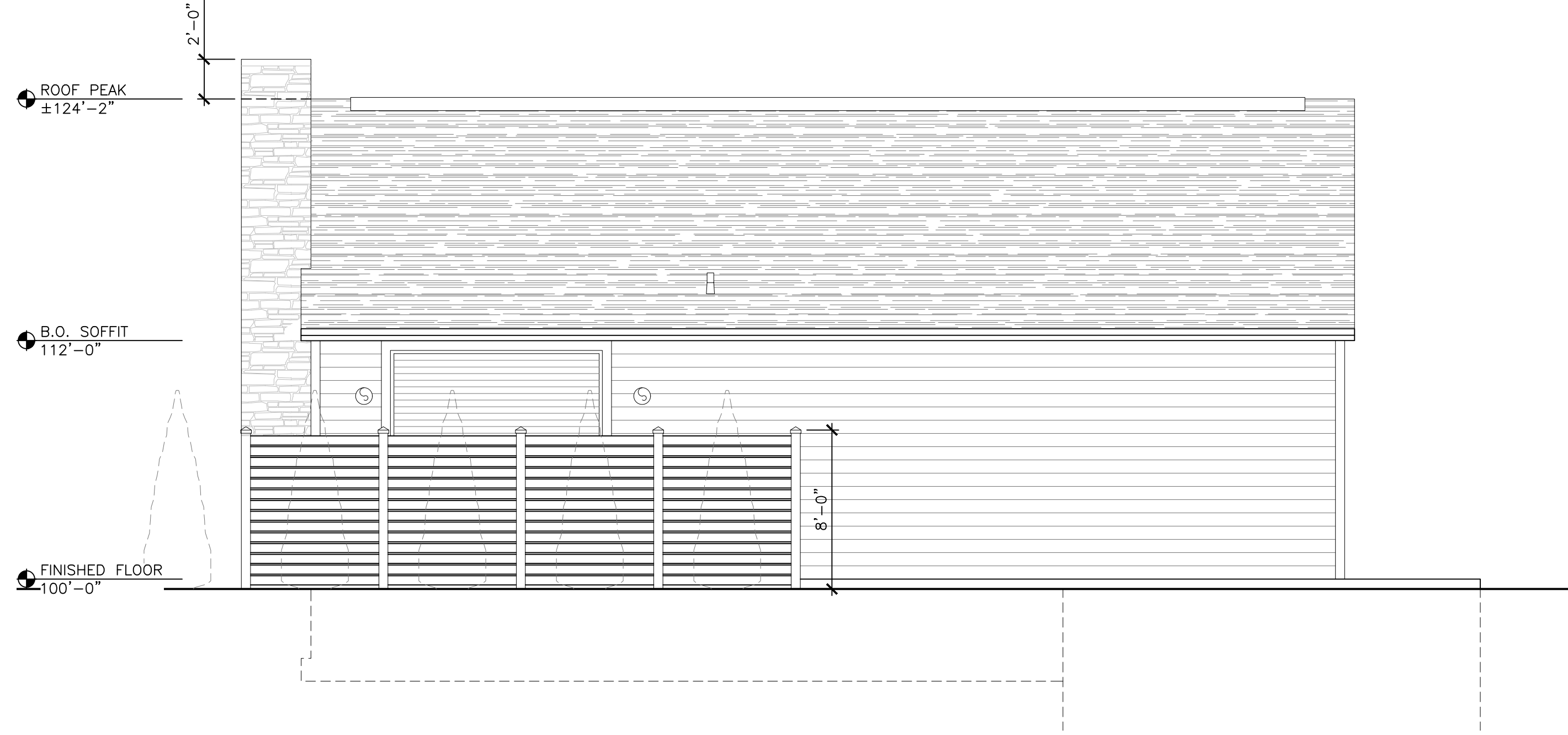
Revisions		
No.	Date	Description
	03.24.2025	PC Submittal

NOT FOR CONSTRUCTION

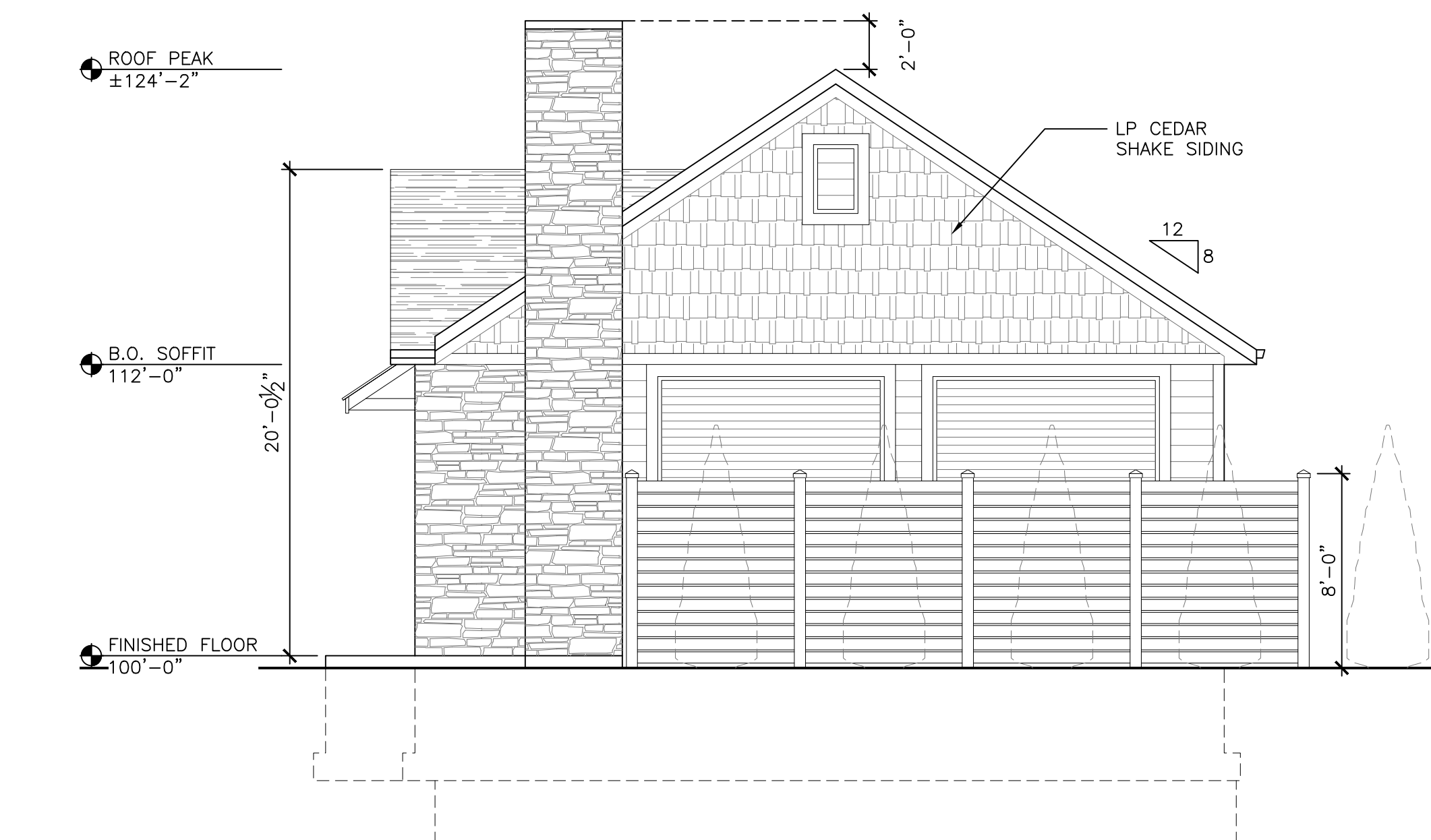
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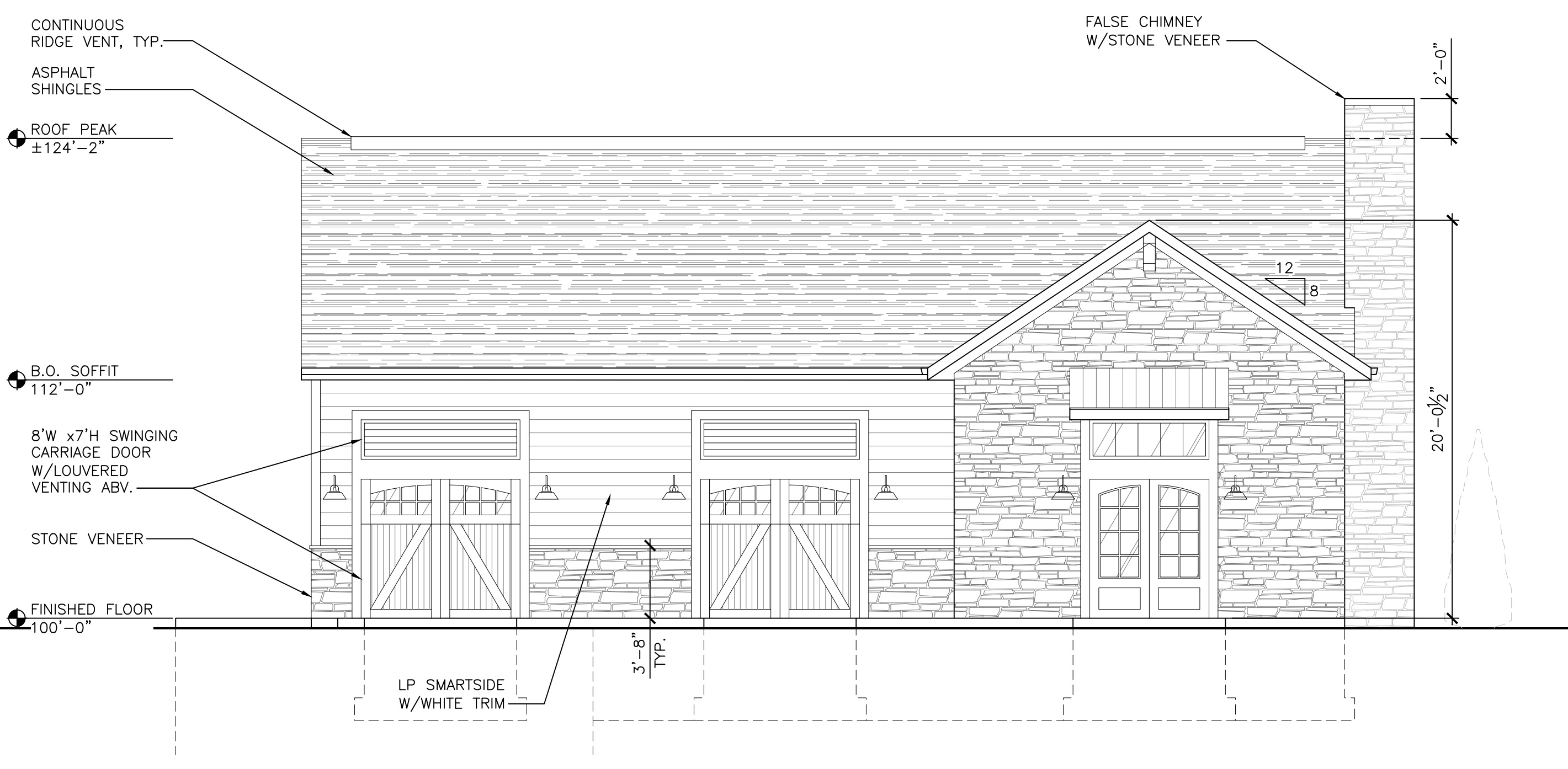
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SCALE: 3/16"=1'-0" (22x34); 3/32"=1'-0" (11x17) 4



NORTH ELEVATION
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EAST ELEVATION
SCALE: 3/16"=1'-0" (22x34); 3/32"=1'-0" (11x17) 2



SOUTH ELEVATION
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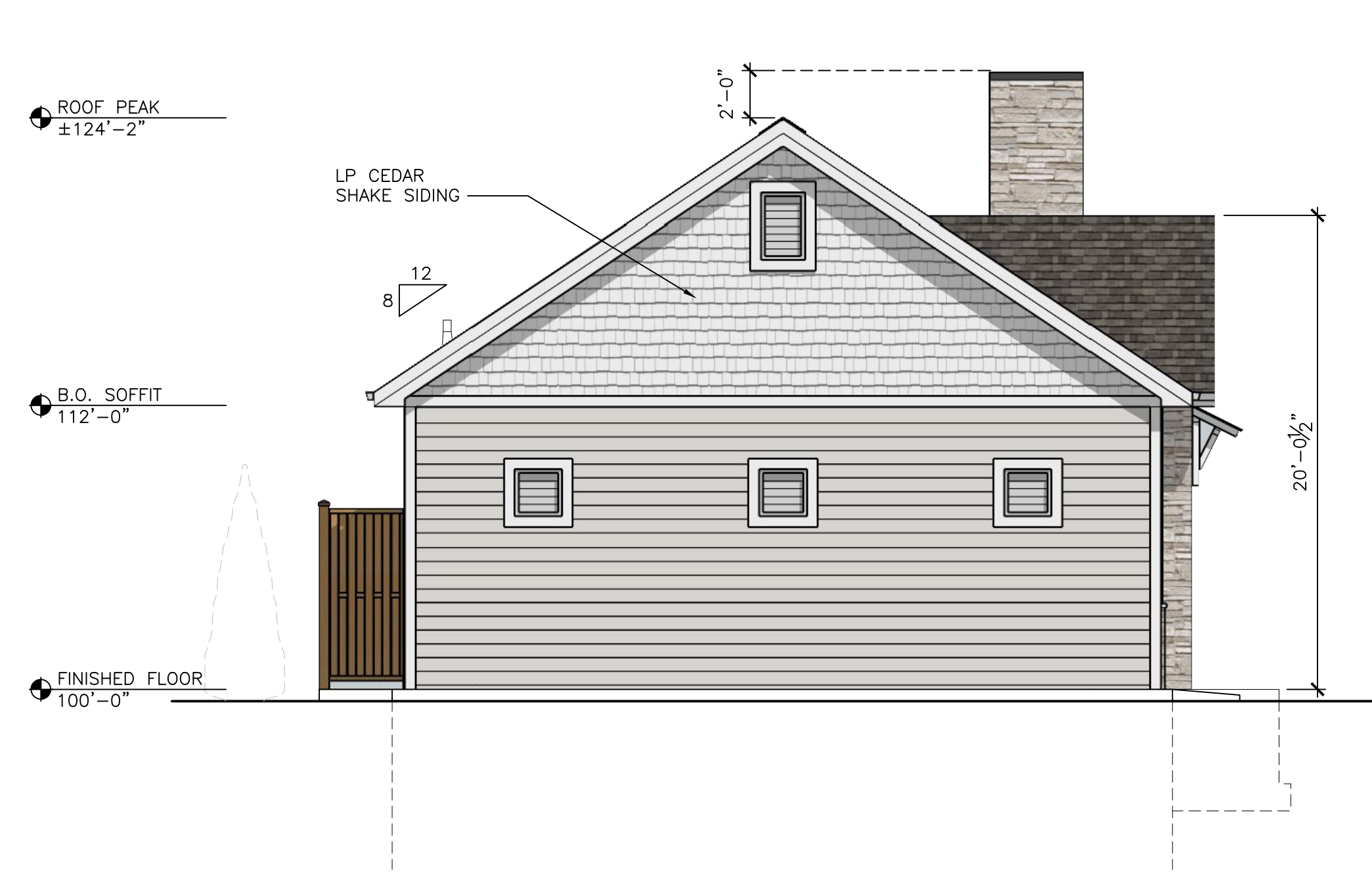
EXTERIOR ELEVATIONS

Drawn by	Checked by
AMP	---

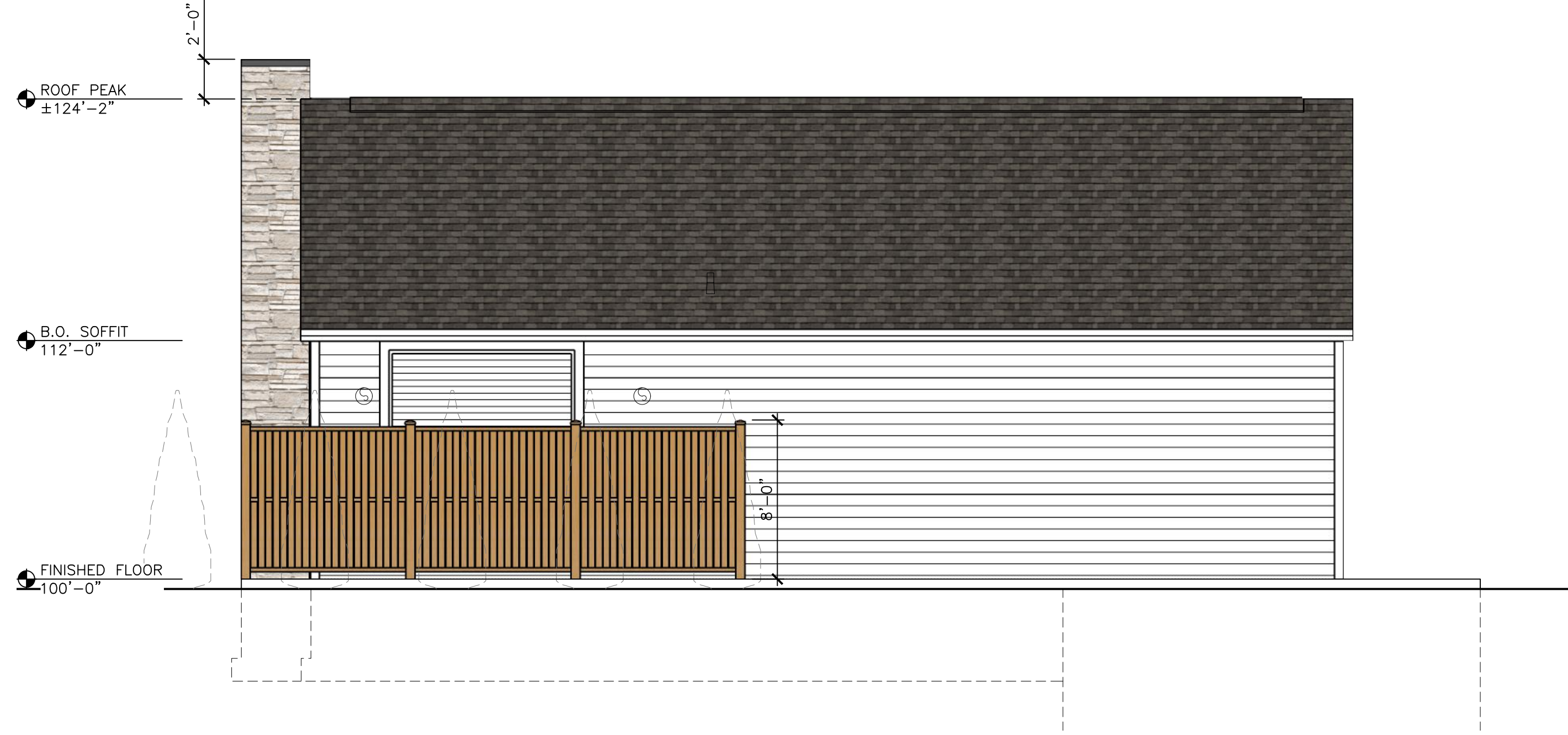
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NOT FOR CONSTRUCTION

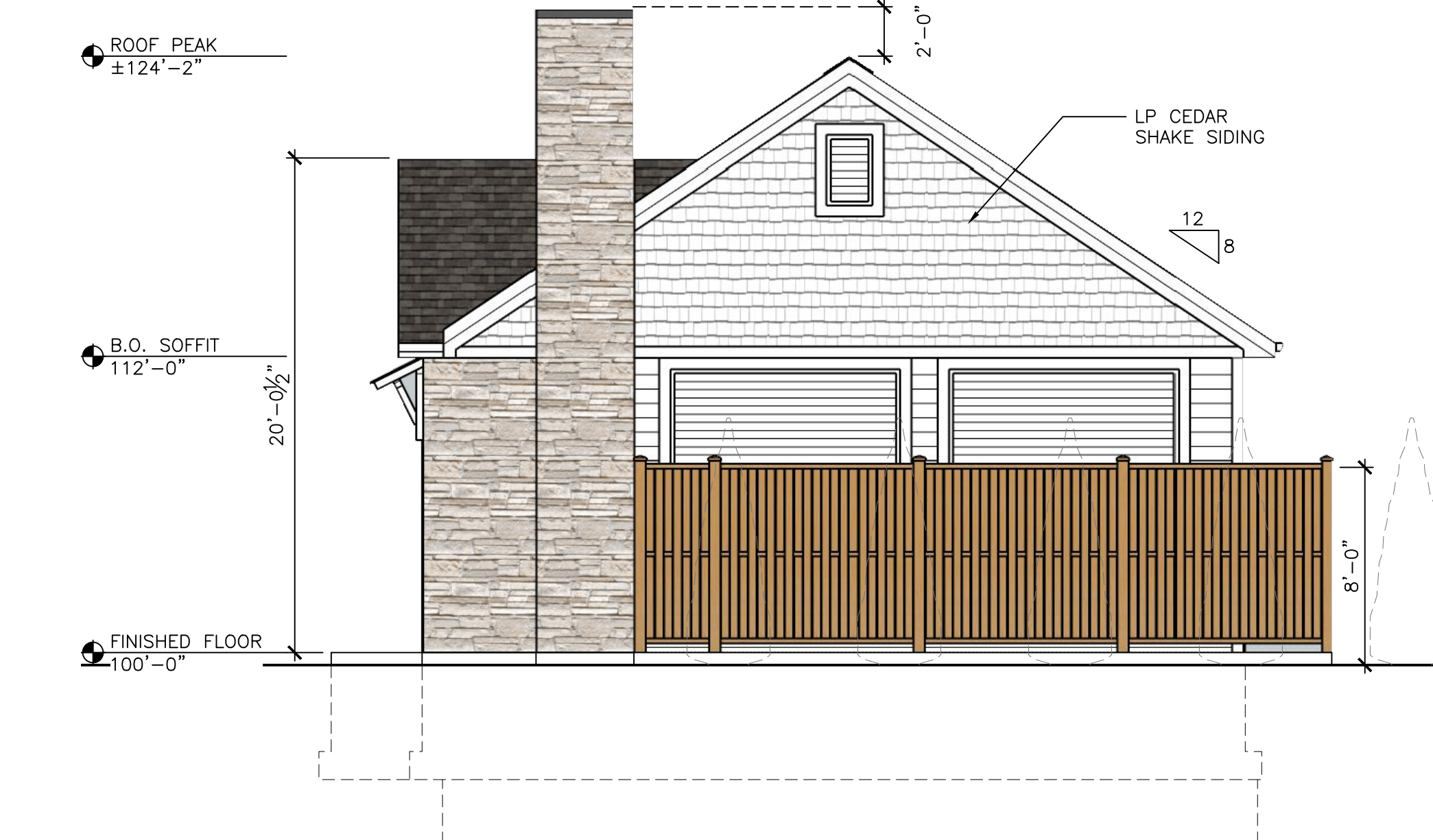
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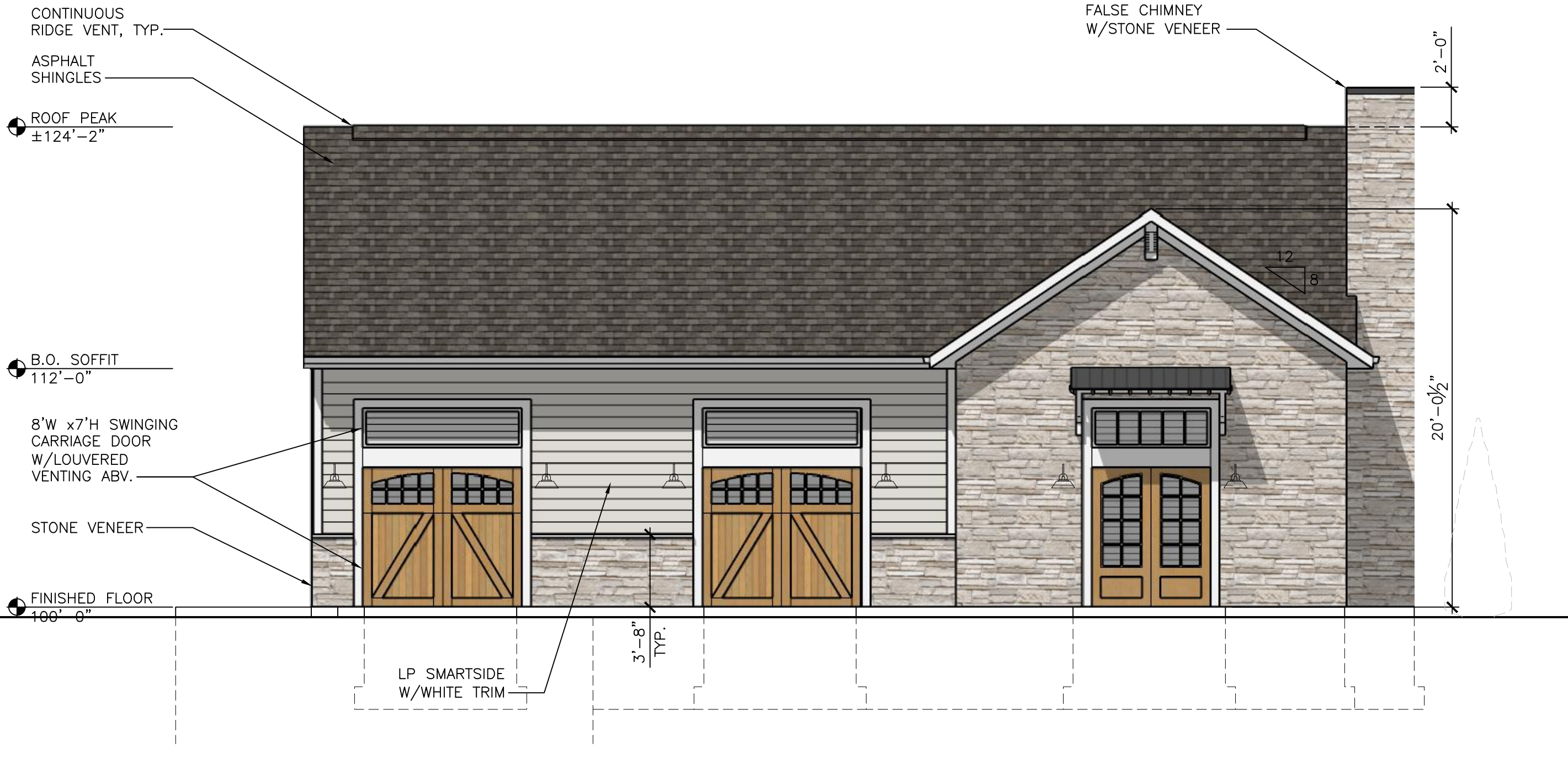
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SCALE: 3/16"=1'-0" (22x34); 3/32"=1'-0" (11x17) 4



NORTH ELEVATION
SCALE: 3/16"=1'-0" (22x34); 3/32"=1'-0" (11x17) 3



EAST ELEVATION
SCALE: 3/16"=1'-0" (22x34); 3/32"=1'-0" (11x17) 2

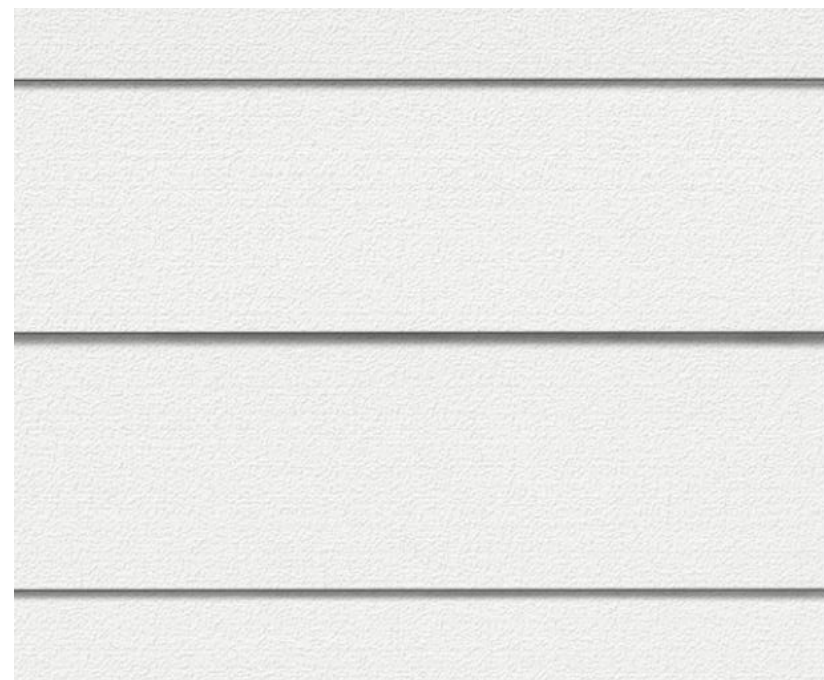


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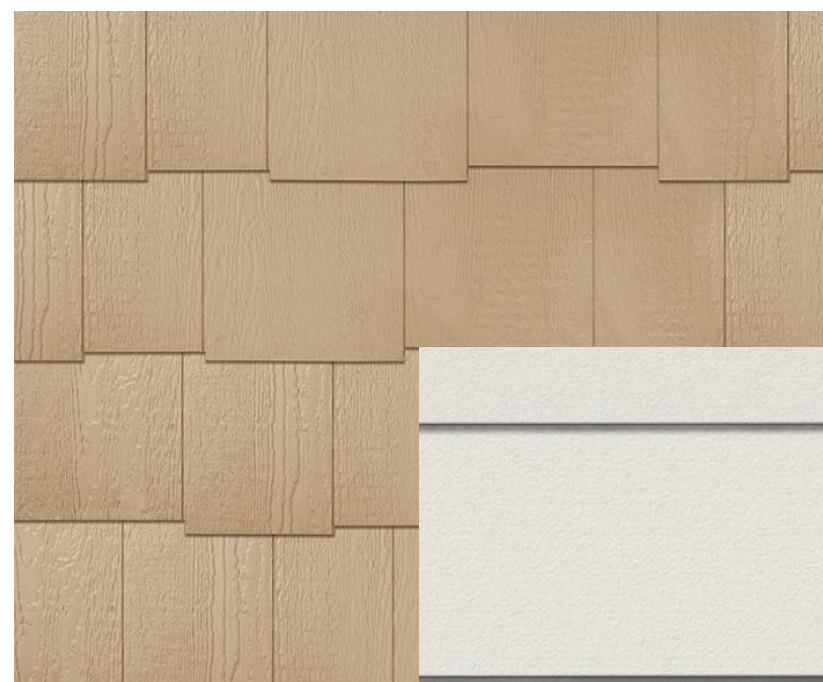
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COLOR "DRIFTWOOD"

6

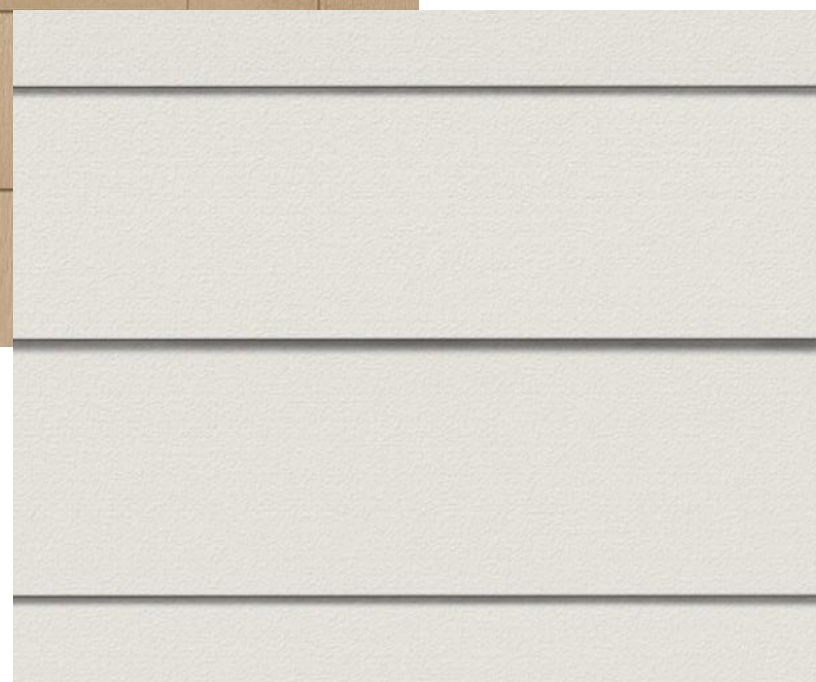


LP SMARTSIDE TRIM
COLOR "SNOWSCAPE WHITE"

5



LP CEDAR SHAKES
PAINT TO MATCH
"DESERT STONE"



LP SMARTSIDE SIDING
COLOR "DESERT STONE"

4



HALQUIST STONE VENEER
GENEVA BLEND

3



RENDERING - VIEW FROM ROAD
NOT TO SCALE

2



RENDERING - SOUTH ELEVATION
NOT TO SCALE

1

THRIVE ARCHITECTS
Architect
259 South Street, Suite A
Waukesha, WI 53186
p: 833-380-6180

Project Info. — 24169
Lift Station E Replacement
New Construction
W Ranch Road
Mequon, WI 53092

Sheet Title
RENDERINGS

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Revisions

No.	Date	Description
	03.24.2025	PC Submittal

Sheet No.
A9.0

NOT FOR CONSTRUCTION

Attachment: Packet Docs_LiftStation (10225 : Applied Technologies, Inc. for the City of Mequon)



OAKRIDGE BY OWENS CORNING
COLOR "DRIFTWOOD"

6



LP SMARTSIDE TRIM
COLOR "SNOWSCAPE WHITE"

5



LP CEDAR SHAKES
PAINT TO MATCH
"DESERT STONE"

LP SMARTSIDE SIDING
COLOR "DESERT STONE"

4



HALQUIST STONE VENEER
GENEVA BLEND

3



RENDERING - NORTHEAST CORNER
NOT TO SCALE

2



RENDERING - NORTHWEST CORNER
NOT TO SCALE

1

THRIVE ARCHITECTS
Architect
259 South Street, Suite A
Waukesha, WI 53186
p: 833-380-6180

Project Info. — 24169
Lift Station E Replacement
New Construction
W Ranch Road
Mequon, WI 53092

Sheet Title

RENDERINGS

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AMP	---

Revisions		
No.	Date	Description
	03.24.2025	PC Submittal

Sheet No.

A9.1

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Engineers-Architects

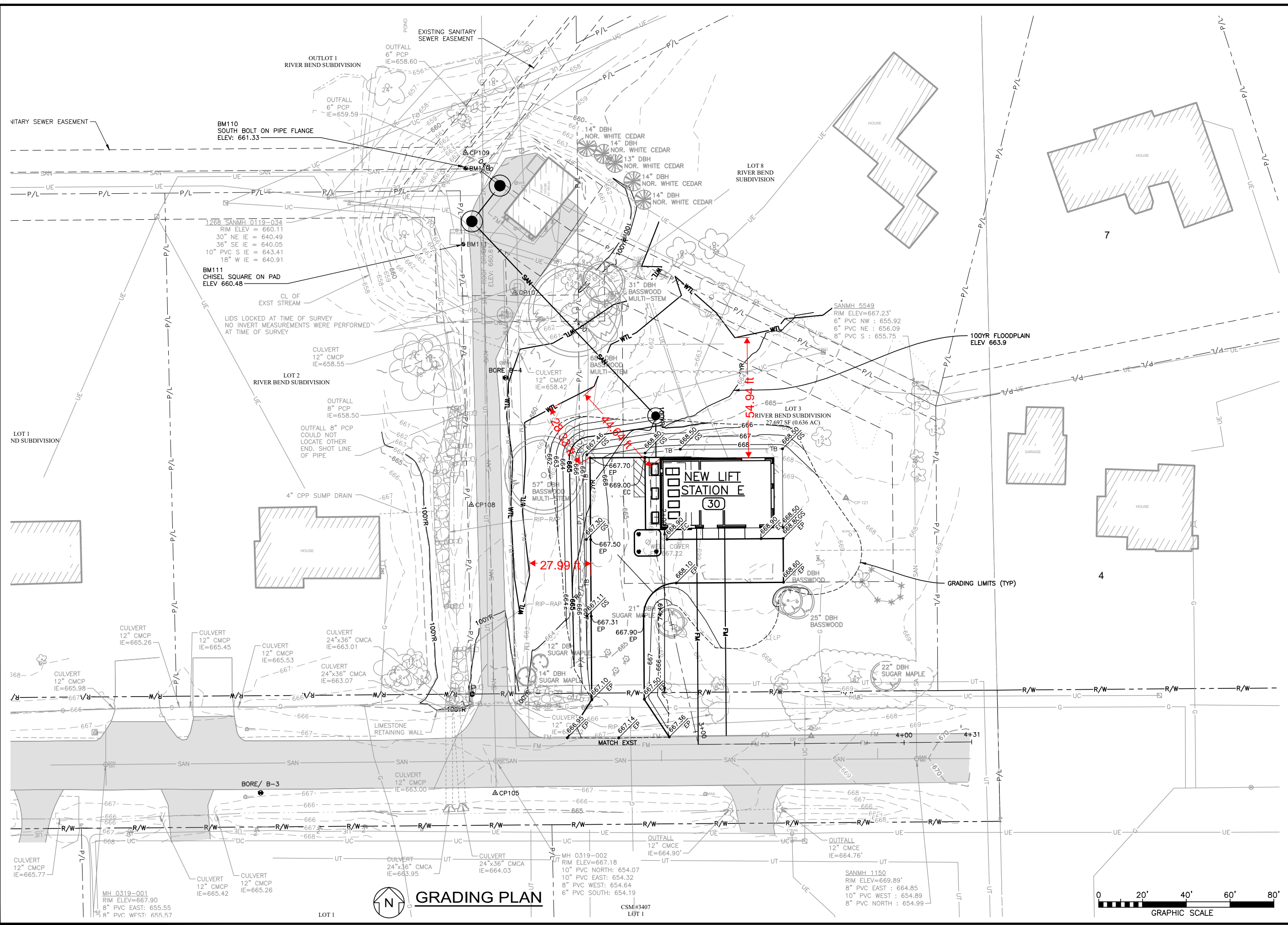
CITY OF MEQUON
LIFT STATION E REPLACEMENT
(NO. 3616-23-E)
MEQUON, WISCONSIN

VERIFIED SCALES
LENGTH OF BAR IS 1"
ON ORIGINAL DRAWING
1:2
PLOT SCALE, ADJUST
SCALE(S) ACCORDINGLY
DESIGNED BY: W.A.H./P.C
DRAWN BY: P.C.G.
CHECKED BY:
APPROVED BY:
PROJECT NO.
6555
DATE
4-9-2025
DRAWING NO.

NO.	DATE	REVISIONS AND RECORD OF ISSUE	BY	APVD

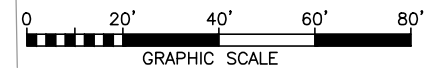
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NOT FOR CONSTRUCTION

Attachment: Packet Docs_LiftStation (10225 : Applied Technologies, Inc. for the City of Mequon)



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Last Modified: 9 April 2025
Plotted On: 4/9/2025 8:25 AM by PHIL C GERLACH

GRADING PLAN





AppliedTechnologies
Engineers-Architects



BY APVD

REVISIONS AND RECORD OF ISSUE

NO. DATE

**- PRELIMINARY -
NOT FOR CONSTRUCTION**

CITY OF MEQUON
LIFT STATION E REPLACEMENT
(NO. 3616-23-E)
MEQUON, WISCONSIN

SITE WORK - NEW LIFT STATION E
CIVIL

VERIFY SCALES
LENGTH OF BAR IS 1"
ON ORIGINAL DRAWING

1:1
PLOT SCALE, ADJUST
SCALE(S) ACCORDINGLY

DESIGNED BY: W.A.H.

DRAWN BY: P.C.G.

CHECKED BY:

APPROVED BY:

PROJECT NO.
6555

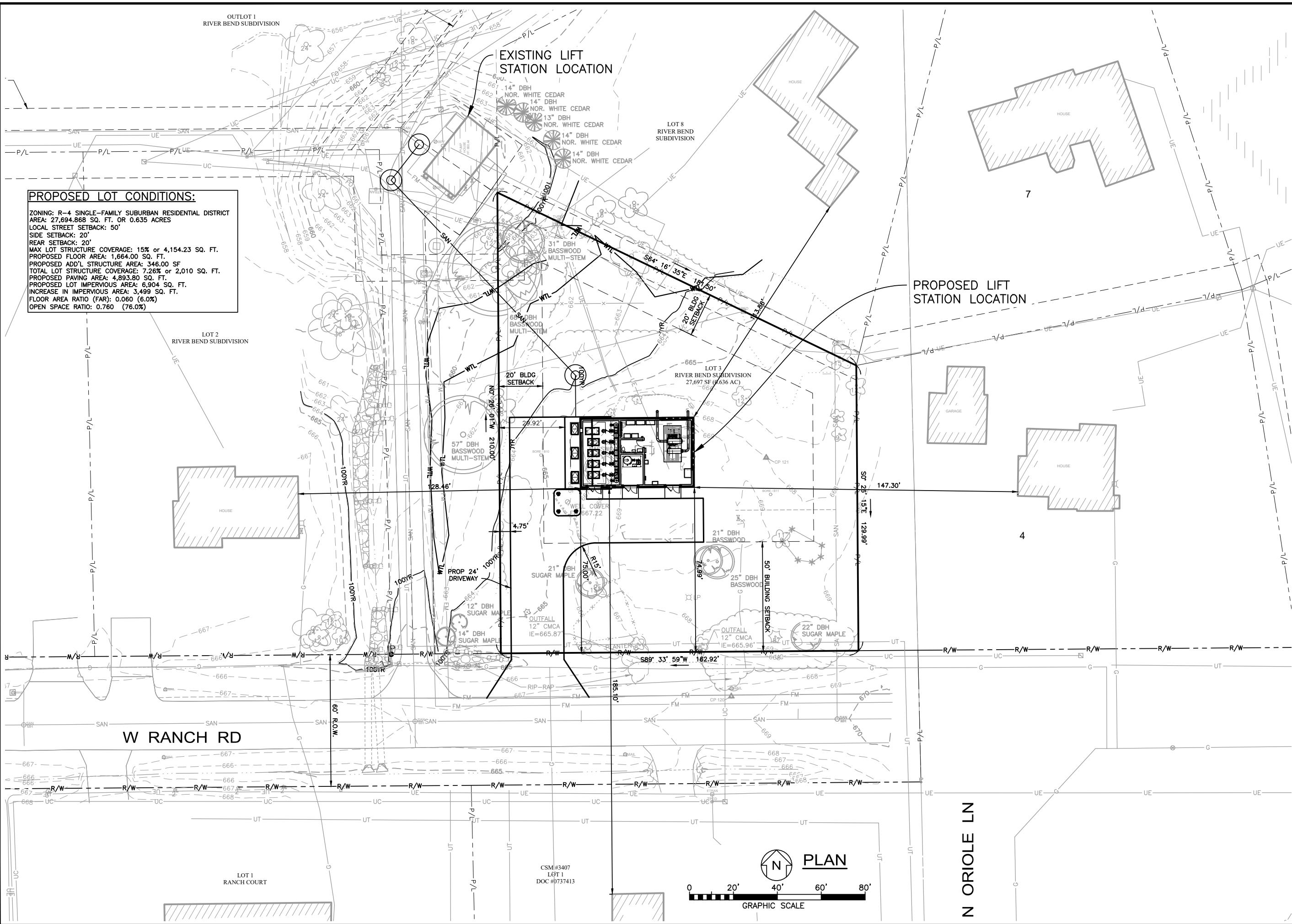
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EXHIBIT 2

Packet Pg. 30

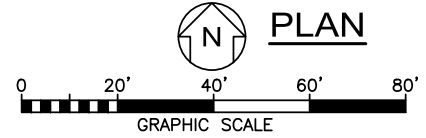
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Last Modified: 8 April 2025
Plotted On: 4/8/2025 12:04 PM by PHIL C GERLACH



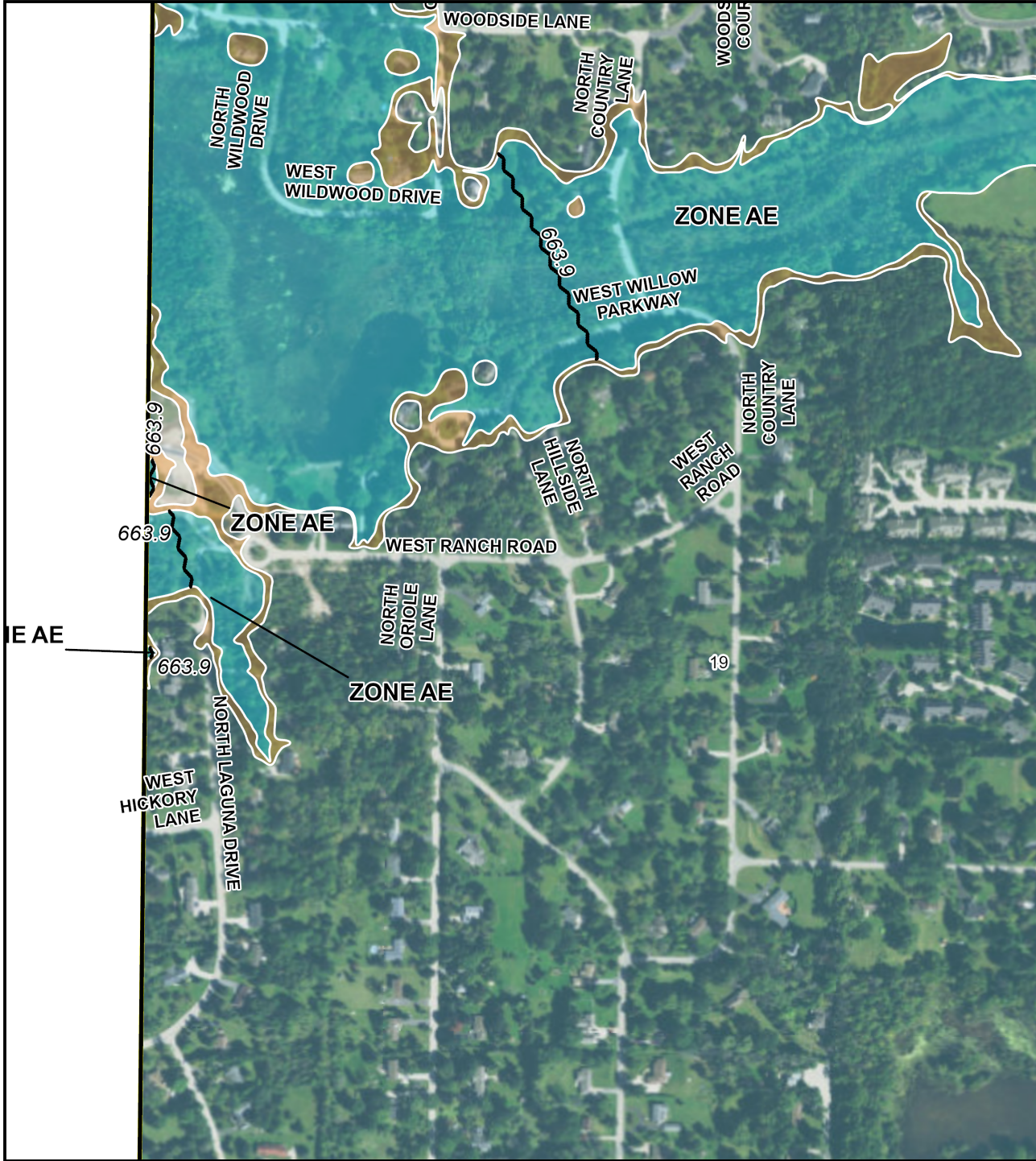
PROPOSED LOT CONDITIONS:
ZONING: R-4 SINGLE-FAMILY SUBURBAN RESIDENTIAL DISTRICT
AREA: 27,694.868 SQ. FT. OR 0.635 ACRES
LOCAL STREET SETBACK: 50'
SIDE SETBACK: 20'
REAR SETBACK: 20'
MAX LOT STRUCTURE COVERAGE: 15% or 4,154.23 SQ. FT.
PROPOSED FLOOR AREA: 1,664.00 SQ. FT.
PROPOSED ADD'L STRUCTURE AREA: 346.00 SF
TOTAL LOT STRUCTURE COVERAGE: 7.26% or 2,010 SQ. FT.
PROPOSED PAVING AREA: 4,893.80 SQ. FT.
PROPOSED LOT IMPERVIOUS AREA: 6,904 SQ. FT.
INCREASE IN IMPERVIOUS AREA: 3,499 SQ. FT.
FLOOR AREA RATIO (FAR): 0.060 (6.0%)
OPEN SPACE RATIO: 0.760 (76.0%)

EXISTING LIFT STATION LOCATION

PROPOSED LIFT STATION LOCATION




CSM#3407
LOT 1
DOC #0737413



National Flood Insurance Program

FLOOD INSURANCE RATE MAP

OZAUKEE COUNTY
WISCONSIN
AND INCORPORATED
AREAS



Panel Contains:

COMMUNITY	NUMBER	PANEL	SUFFIX
CITY OF MEQUON	555564	0256	G

MAP NUMBER
55089C0256G
EFFECTIVE DATE
July 31, 2024

This is an official FIRMette showing a portion of the above-referenced flood map created from the MSC FIRMette Web tool. This map does not reflect changes or amendments which may have been made subsequent to the date on the title block. For additional information about how to make sure the map is current, please see the Flood Hazard Mapping Updates Overview Fact Sheet available on the FEMA Flood Map Service Center home page at <https://msc.fema.gov>.

Attachment: Packet Docs_LiftStation (10225 : Applied Technologies, Inc. for the City of Mequon)



5032 W. FOREST HOME AVE. #5
MILWAUKEE, WI 53219
www.healthyenvironmentsdesigned.com

Client Name and Address
WILL HEIN, PE, PLS
CAS DEPARTMENT MANAGER
13400 BISHOPS LANE-SUITE 270
BROOKFIELD, WI 53005 | (262) 784-7690

TREE SURVEY MAP

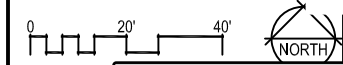
W. RANCH ROAD
MEQUON, WI 53092

Attachment: Packet Docs_LiftStation (10225 : Applied Technologies, Inc. for the City of Mequon)

Drawn By	JBS/
Project Number	24-
Date	08-08-20
Sheet	
Exhibit	

1.0

Scale: 1" = 40'





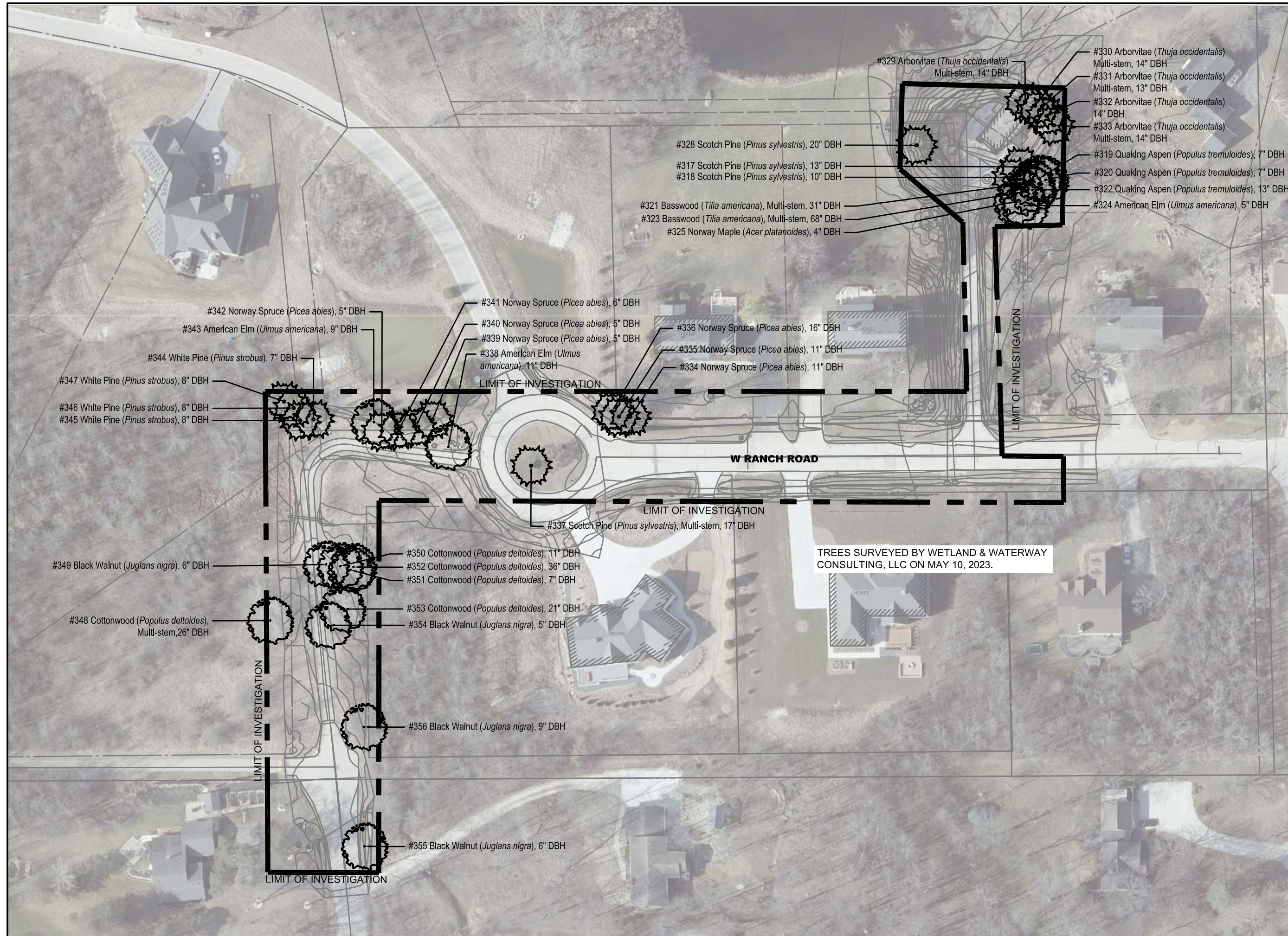
ADAMS GARDEN PARK
1836 W. FOND DU LAC AVE, SUITE 100
MILWAUKEE, WI 53204
www.healthyenvironmentsdesigned.com

Client Name and Address
WILL HEIN, PE, PLS
CAS DEPARTMENT MANAGER
13400 BISHOPS LANE-SUITE 270
BROOKFIELD, WI 53005 | (262) 784-7692

TREE SURVEY MAP

W. RANCH ROAD
MEQUON, WI 53092

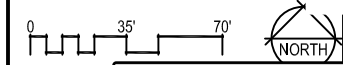
Attachment: Packet Docs_LiftStation (10225 : Applied Technologies, Inc. for the City of Mequon)



Drawn By	J
Project Number	23-
Date	08-21-20
Sheet	
Exhibit	

1.0

Scale: 1" = 70'





ADAMS GARDEN PARK
1836 W. FOND DU LAC AVE, SUITE 100
MILWAUKEE, WI 53204
www.healthyenvironmentsdesigned.com

Client Name and Address
WILL HEIN, PE, PLS
CAS DEPARTMENT MANAGER
13400 BISHOPS LANE-SUITE 270
BROOKFIELD, WI 53005 | (262) 784-7696

SUMMARY OF TREE DATA

Northings	Eastings	Elevation	Tree Tag #	Tree Symbol	Common Name	DBH (inches)	Condition
455118.8218	2518858.156	663.5368	317	pinsyl	Scotch pine	13	Good
455110.528	2518851.936	662.5026	318	pinsyl	Scotch pine	10	Good
455109.6097	2518872.634	662.5599	319	poptre	Trembling aspen	7	50% dying
455108.5716	2518877.916	661.7625	320	poptre	Trembling aspen	7	Good
455106.3785	2518867.112	662.9715	321	tilame	American basswood	31	Multi-trunk
455100.7863	2518867.532	661.9533	322	poptre	Trembling aspen	13	Good
455098.8758	2518858.938	663.2057	323	tilame	American basswood	68	Multi-trunk
455088.383	2518861.579	661.9877	324	ulmame	American elm	5	Good
455091.6007	2518855.122	666.0586	325	acepla	Norway maple	4	Good
455135.7817	2518776.659	660.4314	328	pinsyl	Scotch pine	20	Good
455169.7072	2518862.108	662.6709	329	thuocc	Arborvitae	14	Multi-trunk
455166.8994	2518869.739	662.5493	330	thuocc	Arborvitae	14	Multi-trunk
455163.3511	2518872.719	663.1205	331	thuocc	Arborvitae	13	Multi-trunk
455159.0252	2518878.592	663.3205	332	thuocc	Arborvitae	14	Good
455151.5582	2518884.645	663.3997	333	thuocc	Arborvitae	14	Multi-trunk
454922.5059	2518551.763	667.5439	334	picabi	Norway spruce	11	Good
454922.5309	2518542.862	667.3764	335	picabi	Norway spruce	11	Good
454926.4199	2518537.185	667.5794	336	picabi	Norway spruce	16	Good
454883.9554	2518473.742	666.8632	337	pinsyl	Scotch pine	17	Multi-trunk
454898.7633	2518408.619	664.5766	338	ulmame	American elm	11	Good
454920.2534	2518396.325	665.0855	339	picabi	Norway spruce	5	Good
454914.2603	2518382.996	664.3605	340	picabi	Norway spruce	5	Good
454911.9775	2518369.653	664.0581	341	picabi	Norway spruce	6	Good
454911.2022	2518356.464	663.2128	342	picabi	Norway spruce	5	Good
454918.1514	2518350.235	663.4752	343	ulmame	American elm	9	Good
454920.3013	2518302.739	661.4584	344	pinstr	White pine	7	Good
454919.5999	2518292.311	661.6002	345	pinstr	White pine	8	Good
454929.2861	2518287.21	662.2771	346	pinstr	White pine	8	Good
454934.3571	2518279.666	662.2527	347	pinstr	White pine	8	Good
454762.2594	2518268.698	664.4635	348	popdel	Eastern cottonwood	26	Multi-trunk
454806.3261	2518312.577	661.3671	349	jugnig	Black walnut	6	Good
454804.9419	2518323.669	660.6302	350	popdel	Eastern cottonwood	11	Good
454802.0835	2518331.796	660.7261	351	popdel	Eastern cottonwood	7	Good
454804.3391	2518334.104	662.3937	352	popdel	Eastern cottonwood	36	Good
454771.2686	2518325.42	662.3976	353	popdel	Eastern cottonwood	21	Good
454758.5466	2518314.209	663.1044	354	jugnig	Black walnut	5	Good
454584.7412	2518342.786	664.405	355	jugnig	Black walnut	6	Good
454678.5874	2518342.171	663.3521	356	jugnig	Black walnut	9	Good

* #326 and #327 were outside of project limits and have been omitted.

TREE SURVEY MAP

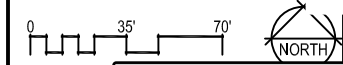
W. RANCH ROAD
MEQUON, WI 53092

Attachment: Packet Docs_LiftStation (10225 : Applied Technologies, Inc. for the City of Mequon)

Drawn By _____ J
Project Number _____ 23-
Date _____ 08-21-20
Sheet _____
Exhibit _____

1.1

Scale: 1" = 70'





11333 N. Cedarburg Road
 Mequon, WI 53092
 Phone: 262-236-2913
 Fax: 262-242-9655
 Office of Engineering

www.ci.mequon.wi.us

TO: Sewer Utility District Commission
FROM: Kristen Lundeen, Director of Public Works/City Engineer
DATE: May 14, 2024
SUBJECT: RESOLUTION 4125 A Resolution Authorizing the Designation of 2010 West Ranch Road as the Replacement Site Location for the Construction of Lift Station E (Ranch Road)

Background

In spring 2020, the Sewer Utility District Commission (SUDC) authorized a condition assessment for the sanitary lift station along Ranch Road, located west of Oriole Lane that is commonly referred to as "Lift Station E" (LS E). This assessment report was finalized in January 2021 and filed at City Hall with the recommendation to replace the station.

The Sewer Utility initiated a site selection process that resulted in a Common Council authorized resolution identifying and authorizing negotiations for easement or property acquisition on 8 parcels, including 2010 Ranch Road. For reference, that packet with multiple technical memorandums can be found here:

<https://mequoncitywi.iqm2.com/Citizens/FileOpen.aspx?Type=1&ID=2737&Inline=True>.

There were multiple public information meetings held at that time, as well as direct correspondence with the parcel owners (which included the HOA for the outlot) and a near negotiation for purchase with the owner of 2205 Ranch Court. Ultimately, negotiations were unsuccessful and in October 2022, the SUDC authorized the "current" design location at the end of Laguna Drive, along the bike path connection to Ranch Road:

<https://mequoncitywi.iqm2.com/Citizens/FileOpen.aspx?Type=1&ID=2976&Inline=True>.

Subsequently in March 2023, the SUDC and Common Council authorized a design contract for the new lift station:

<https://mequoncitywi.iqm2.com/Citizens/FileOpen.aspx?Type=1&ID=3067&Inline=True>

On March 1, 2024, City staff and the design team learned that the property at 2010 Ranch Road was available for purchase. The property is the ideal location for the new lift station, as it is immediately adjacent to the existing lift station. Reconstruction of the lift station at 2010 Ranch Road would not only reduce the project cost, but it would also minimize disruption during construction and reduce the number of newly impacted property owners. At the March 12, 2024, meeting, the Common Council authorized Resolution 4109: A Resolution Declaring the Necessity and Establishing the Relocation Order for the Relocation and Reconstruction of Sanitary Sewer Lift Station E and Authorizing the Purchase of the Property at 2010 West Ranch Road:

<https://mequoncitywi.iqm2.com/Citizens/FileOpen.aspx?Type=12&ID=2991&Inline=True>.

Attachment: Packet Docs_LiftStation (10225 : Applied Technologies, Inc. for the City of Mequon)

Following the Common Council's approval of a resolution authorizing the purchase of 2010 Ranch Road, area residents immediately adjacent to the existing lift station expressed concern with the decision to relocate the lift station. Therefore, while the authorization to purchase the property at 2010 Ranch Road was granted, staff is seeking formal approval to locate the new lift station on the acquired property.

Residents who previously emailed elected officials and staff regarding this agenda topic were notified of the meeting and postcards were mailed to previous distribution lists for the project. Attached to this memo is the communication utilized in the original correspondence with residents.

Please note that regardless of the location of the new lift station, there will be additional correspondence with residents. As the design progresses, the citing of the lift station, architecture, aesthetics, screening, construction impact, timeline and other project details will be shared. For other large scale projects, staff has utilized a combination of email distribution lists and dedicated pages on the City's website to keep the public informed.

Analysis

As noted, the attached communication summarizes the process that the City has followed to identify a suitable location for a new lift station, as well as some of the benefits associated with siting it at 2010 Ranch Road. Summarily, these associated benefits include:

- Infrastructure cost savings estimated at \$1,191,000
- Same neighbors/adjacent properties as the existing lift station, minimizing the impact of the new station vs. the existing station.
- Construction will be outside of the existing flood plain and wetlands.
- The station will be outside of the current bike path. The construction will not disturb or interrupt the bike path's use during or after construction.
- The home's existing well can be used as a source of water for the lift station. This will eliminate the need to haul water to the site.
- Eliminates the need for closing West Ranch Road for construction of the connecting sewer.
- Existing electrical and gas utilities are near the site.
- Less disruption to the residents in the area.

The location at 2010 Ranch Road is immediately adjacent to the existing lift station, located within an easement on an outlot. The number of properties impacted by the relocation of the lift station is one less than currently impacted by the existing location, as the home at 2010 Ranch Road will be demolished. The design location at the end of Laguna Drive would have impacted a number of new property owners not currently impacted by the existing lift station.

Since the initiation of the purchase in early March, the design for the project has been on hold. Subsequent to the authorization of the location, design will resume, and the project will move forward.

Fiscal Impact

The design consultant has indicated that the location change would not impact the design fee for the project.

The infrastructure savings, including the purchase price for the new location, are \$1.191M. In turn, this savings would reduce the anticipated amount of the borrowing for the project.

Recommendation

A recommendation is forthcoming from the Sewer Utility District Commission on May 14, 2024.

Attachments:

Public Information Correspondence (PDF)

Lift Station Location Map (PDF)

COMMON COUNCIL
OF THE
CITY OF MEQUON

RESOLUTION 4125

A Resolution Authorizing the Designation of 2010 West Ranch Road as the Replacement Site Location for the Construction of Lift Station E (Ranch Road)

RECITALS

A. In early 2021, the City received a report based upon a condition assessment for the Lift Station E (Ranch Road) that recommended replacement.

B. Due to the existing connections into that lift station, replacement in the same location is not feasible, while keeping the existing station operational.

C. Sewer Utility staff commenced a site selection criteria effort to identify feasible locations for the new lift station, based upon the basic design and space required.

D. On October 20, 2021, the Sewer Utility District Commission recommended and on November 9, 2021, the Common Council authorized the negotiation of easement and/or land acquisition agreement(s) within the River Bend and/or Ranch Court Subdivisions, in connection with securing access for the replacement of Lift Station E.

E. On October 27, 2022, the Sewer Utility District Commission authorized the construction of a new lift station at the end of Laguna Drive.

F. On March 24, 2023, the Sewer Utility District Commission recommended, and the Common Council approved the design contract for the project.

G. In March 2024, the property at 2010 Ranch Road was listed for sale. On March 12, 2024, the Common Council authorized a resolution declaring the necessity and establishing the relocation order for the relocation and reconstruction of sanitary sewer Lift Station E and authorizing the purchase of the property at 2010 West Ranch Road.

H. The property at 2010 West Ranch Road is better suited for the new lift station than the right-of-way at the end of Laguna Drive based upon the following:

1. Infrastructure cost savings estimated at \$1.19 million.
2. Same neighbors/adjacent properties as the existing lift station, minimizing the impact of the new station vs. the existing station.
3. Construction will be outside of the existing flood plain and wetlands.
4. The station will be outside of the current bike path. The construction will not disturb or interrupt the bike path's use during or after construction.
5. The home's existing well can be used as a source of water for the lift station. This

- will eliminate the need to haul water to the site.
- 6. Eliminates the need for closing West Ranch Road for construction of the connecting sewer.
- 7. Existing electrical and gas utilities are near the site.
- 8. Less disruption to the residents in the area.

BASED UPON THE FOREGOING RECITALS, IT IS RESOLVED by the Common Council of the City of Mequon, Wisconsin that the new Lift Station E (Ranch Road) shall be located at 2010 West Ranch Road.

 Approved by: Andrew Nerbun, Mayor

Date Approved: May 14, 2024

I certify that the foregoing Resolution was adopted by the Common Council of the City of Mequon, Wisconsin, at a meeting held on May 14, 2024.

 Caroline Fochs, City Clerk

Attachment: Packet Docs_LiftStation (10225 : Applied Technologies, Inc. for the City of Mequon)

Why can't the Sewer Utility just continue to operate the existing lift station in the existing location?

- In 2020, the Sewer Utility had an independent consultant complete a condition assessment of Lift Station E, and the subsequent report the recommended replacement of the 1969 station, as the station has already added pumps and force mains from the original configuration.
- Space is limited and the station capacity no longer consistently meets demand during wet weather.
- The City's Sewer Lateral Inflow and Infiltration Program is one component of reducing wet weather I/I, but due to growth, the station's location in the floodplain, aging pumps and equipment the station was recommended for replacement.
- The Sewer Utility did evaluate replacing the existing station at the existing site. However, 4 feet of fill is required to bring the structure above of the floodplain to meet code (NR116) and that fill would encroach onto adjacent parcels outside of the existing easement in that outlot.

How was the parcel at 2010 Ranch Road identified as an ideal location for the new lift station?

- A new lift station will be different than the existing lift station. The site for the new lift station would require: lift station building with back-up generator building footprint of approximately 30' x 50' with access to utilities including gas and electric (3 phase), parking for two vehicles, including the vac-truck of approximately 40' x 30', access from a public road at a minimum of 12' wide and located outside of the floodplain or ability to obtain a Letter of FEMA Map Revision.
- The Sewer Utility established site selection criteria for a new lift station, including: construction costs, logistics of continuing uninterrupted lift station operations during construction, access pre- and post-construction, potential easement acquisition, potential property acquisition, availability of vacant land, impacts of improved parcels that would need modification or removal, consideration of right of first refusal on parcels, storm water impacts, drainage patterns, culverts, history of flooding, etc. and ability to avoid or minimize environmental corridor impacts.
- In 2021, the City identified parcels that would meet those conditions and authorized negotiations for property easement or acquisition, including 2010 Ranch Road.

After the initial negotiations failed, the Sewer Utility pursued a location adjacent to the bike path at the end of Ranch Road. Why is 2010 Ranch Road a better location than next to the bike path?

- Infrastructure cost savings estimated at \$1.191M.
- Same neighbors/adjacent properties as the existing lift station, minimizing the impact of the new station vs the existing station.
- Construction will be outside of the existing flood plain and wetlands.
- The station will be outside of the current bike path. The construction will not disturb or interrupt the bike path's use during or after construction.
- The home's existing well can be used for a source of water for the lift station. This will eliminate the need to haul water to the site.
- Eliminates the need for closing West Ranch Road for construction of the connecting sewer.
- Existing electrical and gas utilities are near the site.
- Less disruption to the residents in the area.

The existing lift station is noisy, smelly and disrupts the peace of the neighborhood. Regardless of the location, how will the operation of the system be better than the existing station?

- The existing lift station's firm pumping capacity is 5,250 gpm and the station has a history of frequent sanitary sewer overflows (SSO). This required the operation of portable diesel pumps onsite and the discharge of the SSO to the backwater area and tributary to the Milwaukee River. The new station's firm capacity will be 9,000 gpm with the intent to eliminate future SSO and the need to operate portable diesel pumps and discharge SSO.
- The existing station has a manual bar screen that requires periodic cleaning and disposal of screened materials. The new station will be designed with pumps that are not susceptible to ragging issues and will pump rags versus removing them from the flow. This will reduce odors from the handling and disposal of screenings.
- The existing station's wet well and pumping configuration requires periodic cleaning for removal of settled solids and floating materials. The new station's design will help eliminate the buildup of solids and floating material. This will reduce the frequency of required wet well cleaning.
- The existing station does not have a water supply, requiring staff to periodically haul water to the site to clean the facilities. The new station will have a well to supply water for general station clean up, eliminating the need to haul water to the site.

- Although the current station has an odor control system, the system was retrofitted into the existing station and is not optimal. The new station's ventilation system will be designed to control odor generation, meet NFPA requirements and provide a safe environment for the workers.

Would there be any benefits to the location next to the bike path?

- Potential future projects may benefit from the Laguna Drive location, if implemented. The replacement of Lift Station E is the next identified improvement to address surcharging in the system, which can result in basement backups. It is anticipated that there will be additional projects in the future, based upon current modeling.
- The implementation of future improvements would be simpler, as the Laguna Drive location requires improvements to the existing 18-inch collector sewer from the south. Consequently, the sewer from the north end of N Laguna Drive to the new station necessary to eliminate the current capacity limitation identified as future phases would be easier to complete. However, the Ranch Road location does not prohibit completion of future phases.

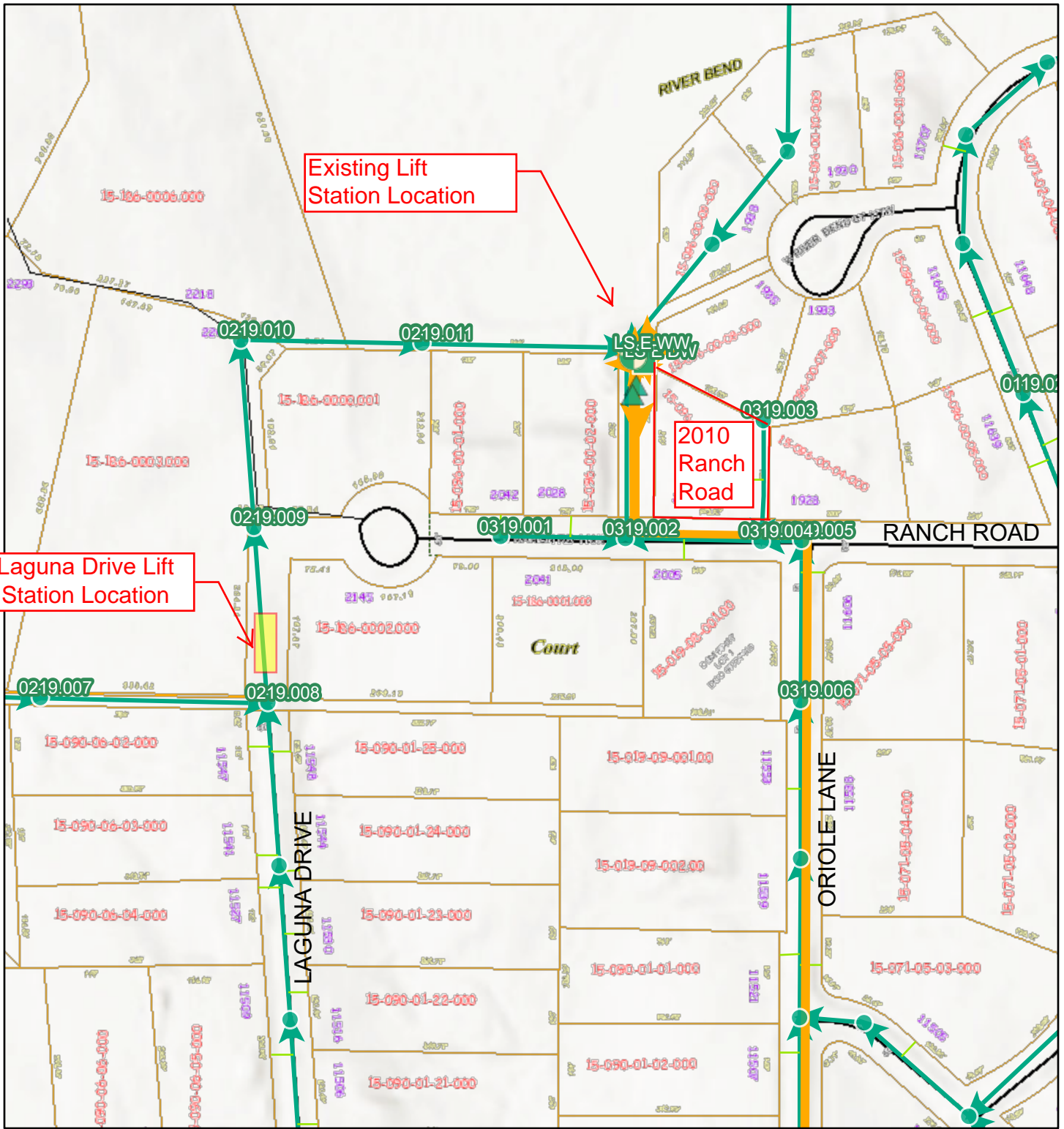
Other:

- Building architect to complement and blend into the surrounding neighborhood
- Site landscaping to screen the site and sounds from adjacent properties

History:

- The Sewer Utility initiated a site selection process in 2020/2021, that results in a Common Council authorized resolution identifying and authorizing negotiations for easement or property acquisition on 8 parcels, including 2010 Ranch Road. For reference, that packet with multiple technical memorandums can be found here: <https://mequoncitywi.iqm2.com/Citizens/FileOpen.aspx?Type=1&ID=2737&Inline=True>.
- There were multiple public information meetings held at that time, as well as direct correspondence with the parcel owners (which included the HOA for the outlot) and a near negotiation for purchase with the parcel owner at 2205 Ranch Court. Ultimately, negotiations were unsuccessful and in October 2022, the Common Council authorized to the "current" location: <https://mequoncitywi.iqm2.com/Citizens/FileOpen.aspx?Type=1&ID=2976&Inline=True>.

Lift Station Location Map



Attachment: Packet Docs_LiftStation (10225 : Applied Technologies, Inc. for the City of Mequon)

10/14/2022, 11:19:33 AM

1:3,280

- | | | |
|---------------------|-------------------|-------------------------|
| Sanitary Structures | Lateral | Overlap |
| Air Release | Main | Tax Parcel |
| Lift Station | Parcels | Historical Parcel Lines |
| Manhole | Road Reservation | Local Roads |
| Wet Well | Road Right-of-Way | Private Road |
| Sanitary Pipes | Condominium | Town/Public Road |
| Force Main | Gap | |

Esri Community Maps Contributors, © OpenStreetMap, Microsoft, Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA, Sources: Esri, Airbus DS, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS, NLS, OS, NMA,

From: [Reese L. Carlson](#)
To: [Will Hein](#)
Subject: Fw: OZ-2-20-22...WQ...Historical Site
Date: Monday, March 25, 2024 9:44:32 AM
Attachments: [Mequon wetland exhibit \(1\).pdf](#)

Historic Site Review for Mequon

From: Kubicek, Richard H - DNR <richard.kubicek@wisconsin.gov>
Sent: Thursday, March 21, 2024 4:58 PM
To: Reese L. Carlson <rlcarlson@ati-ae.com>
Cc: Stencil, Zachary R - DNR <zachary.stencil@wisconsin.gov>
Subject: OZ-2-20-22...WQ...Historical Site

DNR has completed a cultural resource review of the attached project.

No recorded historic properties are reported to occur within or adjacent to the proposed project location.

Note, if federal funds are used for the proposed project, including CWF or SDWLP, additional evaluation may be necessary to comply with federal processes.

Richard H. Kubicek
 Departmental Archaeologist/
 Departmental Historic Preservation Officer
 Pronouns: He/Him

Historic Preservation Unit
 Bureau of Environmental Analysis & Sustainability
 Wisconsin Department of Natural Resources –
 1027 W. St Paul Ave,
 Milwaukee, WI 53233
 Cell Phone: 608-445-8395
Richard.kubicek@wisconsin.gov



dnr.wi.gov



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From: Reese L. Carlson <rlcarlson@ati-ae.com>
Sent: Monday, March 18, 2024 11:05 AM
To: Kubicek, Richard H - DNR <richard.kubicek@wisconsin.gov>
Subject: Historical Site

CAUTION: This email originated from outside the organization.

Attachment: Packet Docs_LiftStation (10225) : Applied Technologies, Inc. for the City of Mequon

Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good Morning,

I'm reaching out regarding the presence of historic sites being impacted as a result of this project.

The project consists of the construction of a new lift station for the City of Mequon. The project site is shown in the attachment above, and the address is 2010W Ranch Road, Mequon WI.

Thanks,

Reese Carlson

Civil Engineer

Applied Technologies, Inc.

13400 Bishops Lane, Suite 270 | Brookfield, WI 53005

Phone: 262-439-6667

rlcarlson@ati-ae.com | <https://link.edgepilot.com/s/7d7337aa/aZDZCnECBUyi8OCUsDICNA?u=http://www.ati-ae.com/>



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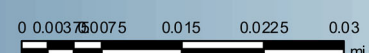
Legend

Tax Parcel	CSM	US Highway	Town/Public Road
Gap	Cemetery Plat	State Highway	Railroad Centerline
Overlap	Condominium Plat	County Road	Ramp
Historical Parcel Lines	Subdivision Plat	Private Road	
Assessors Plat	Plat of Survey		

Product of the LAND INFORMATION OFFICE

3/14/2024, 12:12:37 PM

3/14/2024, 12:12:37 PM



Packet Pg. 46

DISCLAIMER: This map is not a substitute for an actual field survey or other professional survey. The accuracy of this map is limited to the quality of the records from which it was assembled.

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- The existing station has a manual bar screen that requires periodic cleaning and disposal of screened materials. The new station will be designed with pumps that are not susceptible to ragging issues and will pump rags versus removing them from the flow. This will reduce odors from the handling and disposal of screenings.
- The existing station's wet well and pumping configuration requires periodic cleaning for removal of settled solids and floating materials. The new station's design will help eliminate the buildup of solids and floating material. This will reduce the frequency of required wet well cleaning.
- The existing station does not have a water supply, requiring staff to periodically haul water to the site to clean the facilities. The new station will have a well to supply water for general station clean up, eliminating the need to haul water to the site.

- Although the current station has an odor control system, the system was retrofitted into the existing station and is not optimal. The new station's ventilation system will be designed to control odor generation, meet NFPA requirements and provide a safe environment for the workers.

Would there be any benefits to the location next to the bike path?

- Potential future projects may benefit from the Laguna Drive location, if implemented. The replacement of Lift Station E is the next identified improvement to address surcharging in the system, which can result in basement backups. It is anticipated that there will be additional projects in the future, based upon current modeling.
- The implementation of future improvements would be simpler, as the Laguna Drive location requires improvements to the existing 18-inch collector sewer from the south. Consequently, the sewer from the north end of N Laguna Drive to the new station necessary to eliminate the current capacity limitation identified as future phases would be easier to complete. However, the Ranch Road location does not prohibit completion of future phases.

Other:

- Building architect to complement and blend into the surrounding neighborhood
- Site landscaping to screen the site and sounds from adjacent properties

History:

- The Sewer Utility initiated a site selection process in 2020/2021, that results in a Common Council authorized resolution identifying and authorizing negotiations for easement or property acquisition on 8 parcels, including 2010 Ranch Road. For reference, that packet with multiple technical memorandums can be found here: <https://mequoncitywi.iqm2.com/Citizens/FileOpen.aspx?Type=1&ID=2737&Inline=True>.
- There were multiple public information meetings held at that time, as well as direct correspondence with the parcel owners (which included the HOA for the outlot) and a near negotiation for purchase with the parcel owner at 2205 Ranch Court. Ultimately, negotiations were unsuccessful and in October 2022, the Common Council authorized to the "current" location: <https://mequoncitywi.iqm2.com/Citizens/FileOpen.aspx?Type=1&ID=2976&Inline=True>.



State of Wisconsin / DEPARTMENT OF NATURAL RESOURCES

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

101 S. Webster St.
 Box 7921
 Madison, WI 53707-7921

May 10, 2024

Reese Carlson
 Applied Technologies, Inc.
 13400 Bishops Lane, Suite 270
 Brookfield, WI 53005

SUBJECT: Endangered Resources Review (ERR Log # 24-452)
 Proposed Mequon LS E Design, Ozaukee County, WI (T09N R22E S19)

Dear Reese Carlson ,

The Bureau of Natural Heritage Conservation has reviewed the proposed project described in the Endangered Resources (ER) Review Request received April 25, 2024. The complete ER Review for this proposed project is attached and follow-up actions are summarized below:

Required Actions: 1 species

Recommended Actions: 1 species

No Follow-Up Actions: 2 species

Additional Recommendations Specified: Yes

This ER Review may contain Natural Heritage Inventory data (<http://dnr.wi.gov/topic/NHI>), including specific locations of endangered resources, which are considered sensitive and are not subject to Wisconsin's Open Records Law. Information contained in this ER Review may be shared with individuals who need this information in order to carry out specific roles in the planning, permitting, and implementation of the proposed project. **Specific locations of endangered resources may not be released or reproduced in any publicly disseminated documents.**

The attached ER Review is for informational purposes and only addresses endangered resources issues. **This ER Review does not constitute DNR authorization of the proposed project and does not exempt the project from securing necessary permits and approvals from the DNR and/or other permitting authorities.** Please contact the ER Review Program whenever the project plans change new details become available, or more than a year has passed to confirm if results of this ER Review are still valid.

Please contact me at 608-419-2005 or via email at anna.rossler@wi.gov if you have any questions about this ER Review.

Sincerely,

Anna Rossler
 Endangered Resources Review Program

cc:

Attachment: Packet Docs_LiftStation (10225 : Applied Technologies, Inc. for the City of Mequon)

Section A. Location and brief description of the proposed project

Based on information provided by the ER Review Request form and attached materials, the proposed project consists of the following:

Location	Ozaukee County - T09N R22E S19
Project Description	The project consists of installing a new Lift Station, installing two new sections of force main, installing sanitary sewer, removal of the existing lift station and site work (driveway, restoration etc.)
Project Timing	Jan 2025- April 2025
Current Habitat	The project is located in a residential neighborhood on a parcel purchased by the City of Mequon. The habitat type is Dry-Mesic (DM).
Impacts to Wetlands or Waterbodies	Small pond located north of the project site. No wetlands are located within the project area.
Property Type	Public
Federal Nexus	Unknown

It is best to request ER Reviews early in the project planning process. However, some important project details may not be known at that time. Details related to project location, design, and timing of disturbance are important for determining both the endangered resources that may be impacted by the project and any necessary follow-up actions. Please contact the ER Review Program whenever the project plans change, new details become available, or more than a year has passed to confirm if results of this ER Review are still valid.

Section B. Endangered resources recorded from within the project area and surrounding area

	Group	State Status	Federal Status
Rusty Patched Bumble Bee Federal High Potential Zone	Bee	NA	HPZ
Little Brown Bat (<i>Myotis lucifugus</i>)	Mammal~	THR	
Forked Aster (<i>Eurybia furcata</i>)	Plant	THR	
Hairy Beardtongue (<i>Penstemon hirsutus</i>)	Plant	SC	

For additional information on the rare species, high-quality natural communities, and other endangered resources listed above, please visit our Biodiversity (<http://dnr.wi.gov/topic/EndangeredResources/biodiversity.html>) page. For further definitions of state and federal statuses (END=Endangered, THR=Threatened, SC=Special Concern), please refer to the Natural Heritage Inventory (NHI) Working List (<http://dnr.wi.gov/topic/nhi/wlist.html>).

Section C. Follow-up actions

Attachment: Packet Docs_LiftStation (10225 : Applied Technologies, Inc. for the City of Mequon)

• **Rusty Patched Bumble Bee Federal High Potential Zone - Bee**

State Status: NAFederal Status: HP

Impact Type	Impact possible
Required Measures	Other
Description of Required Measures	<p>This project overlaps the Rusty Patched Bumble Bee High Potential Zone (RPBB HPZ). While maintained areas would not be suitable, suitable habitat may be present in any unmaintained area. If this project has a federal nexus, actions are required. If this project has no federal nexus, actions are recommended.</p> <p>Project proponents should follow the U.S. Fish and Wildlife Service S7 Guidance: https://www.fws.gov/media/esa-section-7a2-voluntary-implementation-guidance-rusty-patched-bumble-bee. This document provides information about the bee and has a determination key. The project should complete the determination key to determine impacts and what kind of consultation with USFWS will be needed.</p> <p>The Conservation Management Guidelines for the Rusty Patched Bumble Bee (<i>Bombus affinis</i>) document can be found at (https://www.fws.gov/midwest/endangered/insects/rpbb/pdf/ConservationGuidanceRPBBv1_27Feb2018.pdf).</p> <p>Follow-up actions for the Rusty patched bumble bee include following one or more of the USFWS' recommended conservation measures below:</p> <p>For tree clearing/thinning, conservation measures include but are not limited to:</p> <ul style="list-style-type: none"> • Implement best management practices (BMPs), especially those that serve to minimize the spread of invasive species and to avoid or minimize soil compaction. Visit (https://www.stateforesters.org/newsroom/state-forestry-bmps/) for up to date information about BMP recommendations by state. • Avoid or minimize soil disturbance and heavy equipment operation during overwintering (mid October- mid March) • Avoid or minimize forest management that may destroy spring blooming flowers during their bloom periods. • Consider thinning or single tree selection and dense invasive shrub removal that may improve overwintering and spring foraging habitat. <p>For all other activities:</p> <ul style="list-style-type: none"> • use native trees, shrubs and flowering plants in landscaping, • provide plants that bloom from spring through fall (refer to the USFWS RPBB Midwest Plant Guide), • remove and control invasive plants in any habitat used for foraging, nesting, or overwintering

Actions recommended to help conserve Wisconsin's Endangered Resources:

• **Little Brown Bat (*Myotis lucifugus*) - Mammal**

State Status: THF

Impact Type	Impact possible
Recommended Measures	Time of year restriction
Description of Recommended Measures	<p>The known roost is not present at or adjacent to the project site and no impacts to the roost are anticipated. However, bats can use trees as roosts. If trees will be removed, it is recommended to avoid tree clearing from June 1- August 15 while bats may have flightless pups at the roost. Special consideration should go to protecting snags and dying trees.</p> <p>Little Brown Bat (<i>Myotis lucifugus</i>) is a Threatened species in Wisconsin. Its dorsal fur is a glossy dark brown to olive-brown color with a lighter ventral side. The little brown bat is insectivorous and feeds on aquatic soft-bodied insects and is found roosting in warm microclimates provided by tree snags, bat houses, and buildings during the summer, where females may form large colonies. It forages primarily over open water and along edge habitat. Little brown bats hibernate in caves and mines from October through April. Mating occurs in the fall, and females store sperm until emergence in the spring. Usually one pup is born in early-June and matures in six weeks.</p>

Remember that although these actions are not required by state or federal endangered species laws, they may be required by other laws, permits, granting programs, or policies of this or another agency. Examples include the federal Migratory Bird Treaty Act, Bald and Golden Eagle Protection Act, State Natural Areas law, DNR Chapter 30 Wetland and Waterway permits, DNR Stormwater permits, and Forest Certification.

Additional Recommendations

Please note that plastic or polypropylene netting associated with erosion matting (also known as an erosion control blankets or erosion mesh netting) without independent movement of strands can easily entrap snakes and other wildlife moving through the area, and cause dehydration, desiccation, and eventually mortality. Biodegradable jute/twine netting with the "leno" or "gauze" weave (contains strands that are able to move independently) has the least impact on snakes.

If erosion matting will be used for this project, use the following matting (or something similar): American Excelsior "FibreNet" or "NetFree" products; East Coast Erosion

Attachment: Packet Docs_LiftStation (10225 : Applied Technologies, Inc. for the City of Mequon)

No actions are required or recommended for the following endangered resources:

• **Forked Aster (*Eurybia furcata*) - Plant**

State Status: THF

Impact Type	No impact or no/low broad ITP/A
Reason	Lack of Suitable Habitat within Project Boundary
Justification	This project takes place in a residential area that appears maintained. It is unlikely that suitable habitat is present. Forked Aster (<i>Eurybia furcata</i>), a Wisconsin Threatened plant, is found in dry-mesic to mesic hardwoods, often adjacent to lakes or streams, or on slopes with dolomite near the surface.

• **Hairy Beardtongue (*Penstemon hirsutus*) - Plant**

State Status: SC

Impact Type	No impact or no/low broad ITP/A
Reason	Lack of Suitable Habitat within Project Boundary
Justification	This project takes place in a residential area that appears maintained. It is unlikely that suitable habitat is present. Hairy Beardtongue (<i>Penstemon hirsutus</i>), a Wisconsin Special Concern plant, is found on dry gravelly and sandy prairies, or in hillside oak woodlands. It is also naturalized on roadsides.

Section D. Next Steps

- Evaluate whether the **'Location and brief description of the proposed project'** is still accurate. All recommendations in this ER Review are based on the information supplied in the ER Review Request. If the proposed project has changed or more than a year has passed and you would like your letter renewed, please contact the ER Review Program to determine if the information in this ER Review is still valid.
- Determine whether the project can incorporate and implement the **'Follow-up actions'** identified above:
 - 'Actions that need to be taken to comply with state and/or federal endangered species laws' represent the Department's best available guidance for complying with state and federal endangered species laws based on the project information that you provided and the endangered resources information and data available to us. If the proposed project has not changed from the description that you provided us and you are able to implement all of the 'Actions that need to be taken to comply with state and/or federal endangered species laws', your project should comply with state and federal endangered species laws. Please remember that if a violation occurs, the person responsible for the taking is the liable party. Generally this is the landowner or project proponent. For questions or concerns about individual responsibilities related to Wisconsin's Endangered Species Law, please contact the ER Review Program.
 - If the project is unable to incorporate and implement one or more of the 'Actions that need to be taken to comply with state and/or federal endangered species laws' identified above, the project may potentially violate one or more of these laws. Please contact the ER Review Program immediately to assist in identifying potential options that may allow the project to proceed in compliance with state and federal endangered species laws.
 - 'Actions recommended to help conserve Wisconsin's Endangered Resources' may be required by another law, a policy of this or another Department, agency or program; or as part of another permitting, approval or granting process. Please make sure to carefully read all permits and approvals for the project to determine whether these or other measures may be required. Even if these actions are not required by another program or entity for the proposed project to proceed, the Department strongly encourages the implementation of these conservation measures on a voluntary basis to help prevent future listings and protect Wisconsin's biodiversity for future generations.
- If federally-protected species or habitats are involved and the project involves federal funds, technical assistance or authorization (e.g., permit) and there are likely to be any impacts (positive or negative) to them, consultation with USFWS will need to occur prior to the project being able to proceed. If no federal funding, assistance or authorization is involved with the project and there are likely to be adverse impacts to the species, contact the USFWS Twin Cities Ecological Services Field Office at 612-725-3548 (x2201) for further information and guidance.

Section E. Standard Information to help you better understand this ER Review

Attachment: Packet Docs_LiftStation (10225) : Applied Technologies, Inc. for the City of Mequon

How endangered resources searches are conducted for the proposed project area: An endangered resources search is performed as part of all ER Reviews. A search consists of querying the Wisconsin Natural Heritage Inventory (NHI) database for endangered resources records for the proposed project area. The project area evaluated consists of both the specific project site and a buffer area surrounding the site. A 1 mile buffer is considered for terrestrial and wetland species, and a 2 mile buffer for aquatic species. Endangered resources records from the buffer area are considered because most lands and waters in the state, especially private lands, have not been surveyed. Considering records from the entire project area (also sometimes referred to as the search area) provides the best picture of species and communities that may be present on your specific site if suitable habitat for those species or communities is present.

Categories of endangered resources considered in ER Reviews and protections for each: Endangered resources records from the NHI database fall into one of the following categories:

- Federally-protected species include those federally listed as Endangered or Threatened and Designated Critical Habitats. Federally-protected animals are protected on all lands; federally-protected plants are protected only on federal lands and in the course of projects that include federal funding (see Federal Endangered Species Act of 1973 as amended).
- Animals (vertebrate and invertebrate) listed as Endangered or Threatened in Wisconsin are protected by Wisconsin's Endangered Species Law on all lands and waters of the state (s. 29.604, Wis. Stats.).
- Plants listed as Endangered or Threatened in Wisconsin are protected by Wisconsin's Endangered Species Law on public lands and on land that the person does not own or lease, except in the course of forestry, agriculture, utility, or bulk sampling actions (s. 29.604, Wis. Stats.).
- Special Concern species, high-quality examples of natural communities (sometimes called High Conservation Value areas), and natural features (e.g., caves and animal aggregation sites) are also included in the NHI database. These endangered resources are not legally protected by state or federal endangered species laws. However, other laws, policies (e.g., related to Forest Certification), or granting/permitting processes may require or strongly encourage protection of these resources. The main purpose of the Special Concern classification is to focus attention on species about which some problem of abundance or distribution is suspected before they become endangered or threatened.
- State Natural Areas (SNAs) are also included in the NHI database. SNAs protect outstanding examples of Wisconsin's native landscape of natural communities, significant geological formations, and archeological sites. Endangered species are often found within SNAs. SNAs are protected by law from any use that is inconsistent with or injurious to their natural values (s. 23.28, Wis. Stats.).

Please remember the following:

1. This ER Review is provided as information to comply with state and federal endangered species laws. By following the protocols and methodologies described above, the best information currently available about endangered resources that may be present in the proposed project area has been provided. However, the NHI database is not all inclusive; systematic surveys of most public lands have not been conducted, and the majority of private lands have not been surveyed. As a result, NHI data for the project area may be incomplete. Occurrences of endangered resources are only in the NHI database if the site has been previously surveyed for that species or group during the appropriate season, and an observation was reported to and entered into the NHI database. As such, absence of a record in the NHI database for a specific area should not be used to infer that no endangered resources are present in that area. Similarly, the presence of one species does not imply that surveys have been conducted for other species. Evaluations of the possible presence of rare species on the project site should always be based on whether suitable habitat exists on site for that species.
2. This ER Review provides an assessment of endangered resources that may be impacted by the project and measures that can be taken to avoid negatively impacting those resources based on the information that has been provided to ER Review Program at this time. Incomplete information, changes in the project, or subsequent survey results may affect our assessment and indicate the need for additional or different measures to avoid impacts to endangered resources.
3. This ER Review does not exempt the project from actions that may be required by Department permits or approvals for the project. Information contained in this ER Review may be shared with individuals who need this information in order to carry out specific roles in the planning, permitting/approvals, and implementation of the proposed project.



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

www.cityofmequonwi.gov

Department of Community Development

TO: Planning Commission
FROM: COLE MCCRAW, ASSISTANT CITY ENGINEER
DATE: April 21, 2025
SUBJECT: Aspen Homes for Uher. The applicant is seeking minor request approval for a fill permit of 4,500 C.Y. to allow for a new home on an existing lot for the parcel located immediately west of 12050 W. Bonniwell Road (Majestic Meadows South subdivision Lot #10).

Applicant: Aspen Homes
Status of Applicant: Agent
Requested: Fill Permit > 1,000 C.Y.
Existing Use: Vacant
Existing Zoning: R-1 (Rural Residential 2.5 acres)
OA (Agricultural Overlay District)
C -2 (General Conservancy District)
Land Use Plan: Residential
Lot size: 5.31 Acres
Location: Parcel immediately west of 12050 W. Bonniwell Road
Tax Key Number: #14-190-00-100.00
District: #1

Background:

The subject property is located at 12070 West Bonniwell Road (Lot 10) in the Majestic Meadows Subdivision. The property is currently vacant. The applicant is applying for a minor request for fill exceeding 1,000 cubic yards (CY) as part of a fill permit application submitted to the Engineering Division. The 4,500 CY of fill is requested for single-family home construction.

The applicant is requesting to elevate the house to avoid high groundwater levels as identified in the attached report. The report identifies a proposed basement floor elevation of 874.9 or higher, which the applicant is proposing with the new home. This corresponds to a yard grade of 884.17. Another house recently constructed in this subdivision had to make a similar adjustment due to groundwater levels.

Engineering Report:

Cole McCraw, Assistant City Engineer, has reviewed the application and has the following comments:

The property will be accessed through a shared driveway within a shared access easement on the east side of the property.

Wetlands are present on the property. The building is set approximately 80 feet east of the

wetland boundary identified with the original development in 2006. Wetland delineations expire after 5 years; therefore, the applicant must submit an updated wetland delineation report and concurrence by the WDNR prior to building permit issuance. The wetland protective area shall be identified in the delineation report and on an updated survey. The new home and all other proposed impervious surfaces shall be located outside of the wetland protective area.

The site is not located within the City's sewer service area and is therefore not required to connect to public sewer or water. The site will be served by a private onsite wastewater treatment system.

The subdivision has an approved storm water management plan and, therefore, the proposed improvements do not trigger further storm water management requirements by the applicant. A fill permit application was submitted with the Planning Commission application. The applicant must also submit a haul route and a hauling escrow.

Construction of single-family homes will be permitted through the Inspections Division. The Inspections Division will also permit erosion control measures through the building permit.

Staff Recommendation:

Staff recommends approval of the fill exceeding 1,000 CY, subject to the following conditions:

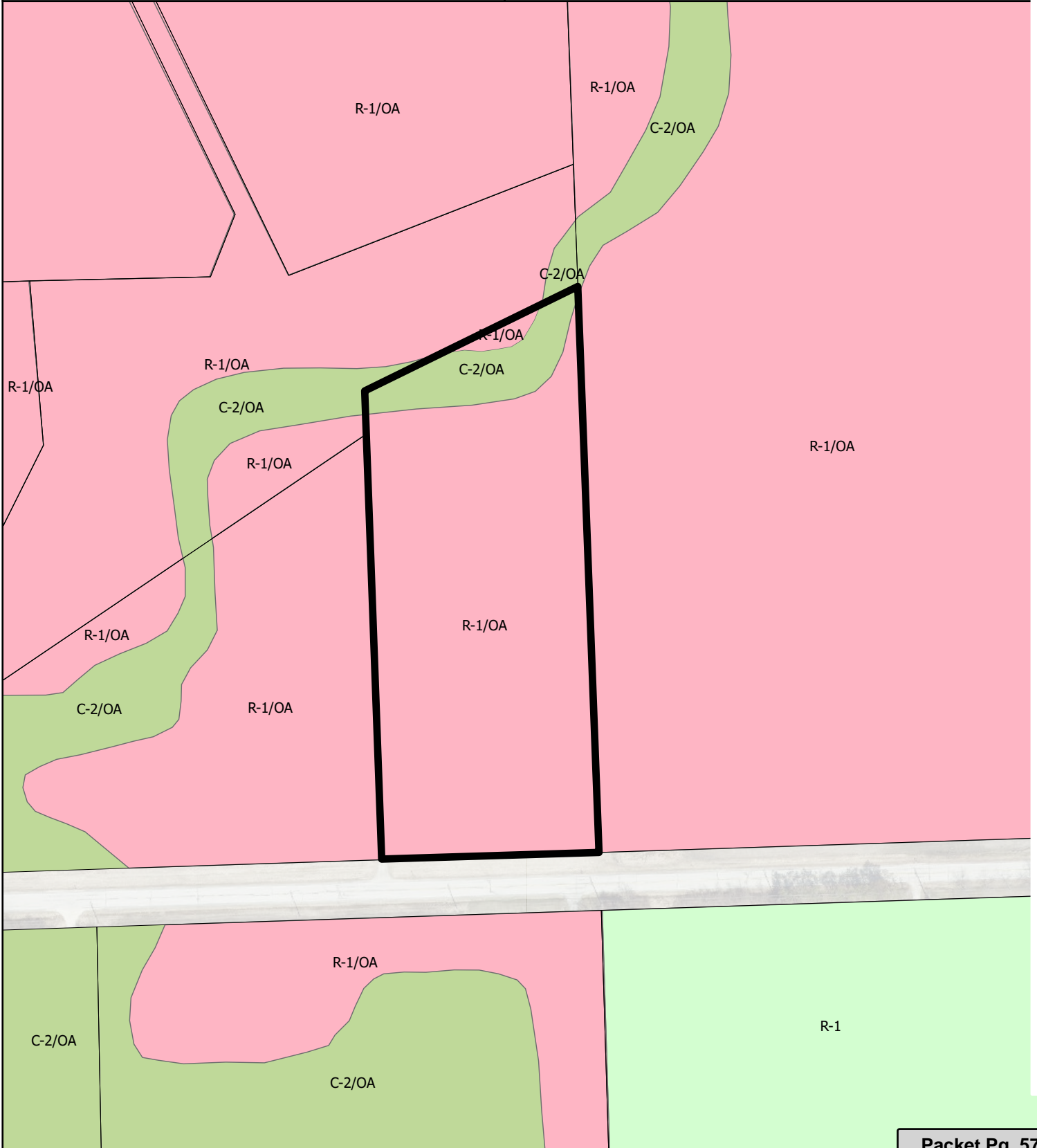
1. The applicant shall submit a wetland delineation report with concurrence by the DNR prior to the issuance of a building permit. The report shall identify the width of the wetland protective area.
2. Submittal and approval of an updated survey and grading plan showing the updated wetland boundary. All impervious surfaces shall be located outside of the wetland protective area. Approval is required prior to building permit issuance.
3. As part of the fill permit application, the applicant must also submit a haul route and a hauling escrow. The fill permit must be issued prior to building permit issuance.
4. The design and plan of the single-family home is subject to Architecture Review Board approval prior to issuance of a building permit.

Attachments:

Packet Docs_Uher (PDF)

ASPEN HOMES FOR UHER

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



Attachment: Packet Docs_Uher (10220 : Aspen Homes for Uher)



www.cityofmequonwi.gov

Permit No.	_____
Date Filed	_____
Exp. Date	_____
Fees Paid	_____
Permit Closed	_____

3.a.a

PUBLIC WORKS/ENGINEERING

Permit Application for Filling, Excavating and Berms

Engineering Division

PLEASE PRINT CLEARLY

Agent / Contact Name: Nicole Volk- Aspen Homes, Inc. Phone #: 262-695-4485

Property Owner Name: Amanda and Ben Uher Phone #: 414-430-6402

Agent Or Owner Contact Address: 5620 W Sherwood Drive, Mequon WI 53092

Email Address: amanda.a.uher@gmail.com

Location Or Address Of Work Site: _____

Or: Description Lot 10 of Majestic Meadows South, SW 1/4 Section 6 T9N, R 21 E

Tax Key No. 141900010000

Subdivision N/A Lot 10 Block N/A

Estimated Date Of Completion: _____

Reason For Fill/Removal/Excavation Residential Single Family Home

Name Of Contact Other Than Applicant: Andy Backus Phone #: 262-695-4485

FEE COMPUTATION

\$60.00 – 0 – 250 C.Y.

\$120.00 – 251 C.Y. – 1,000 C.Y.

PLAN COMMISSION REVIEW FEE . – > 1,000 C.Y. Total Fee \$ _____

Total Cubic Yards To Be Deposited/Removed/Excavated 3900 C.Y.*

* Over 1000 cubic yards and Berms greater than 4 1/2- feet in height requires Planning Commission approval. Separate application to the next available Planning Commission meeting is necessary and review fees will be required upon submittal.

Per Section 58-674 Erosion and Stormwater Runoff Control ordinance, any land disturbance greater than 4,000 s.f. will require an Erosion Control Permit.

SIGNED: [Signature]

DATE: 3/17/25

Note: This is NOT a permit for work. Permit will be mailed to the applicant upon approval.

---- For Office Use Only ----

Haul Route Map Required YES NO ATTACHED

Erosion Control Permit Required YES NO

Department of Community Development Approval _____

Date _____

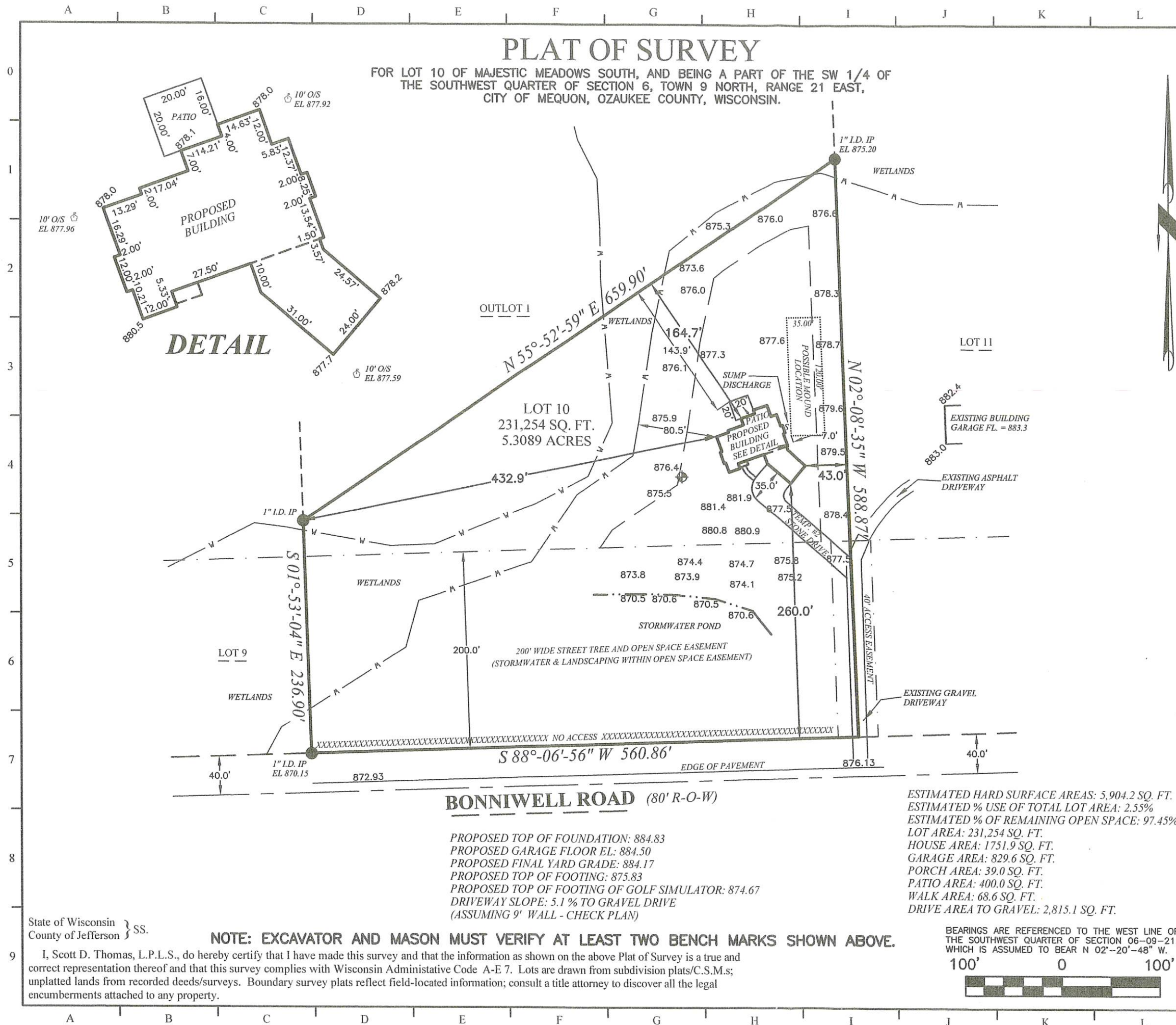
Engineering Division Approval _____

Date _____

Attachment: Packet Docs_Uher (10220 : Aspen Homes for Uher)

PLAT OF SURVEY

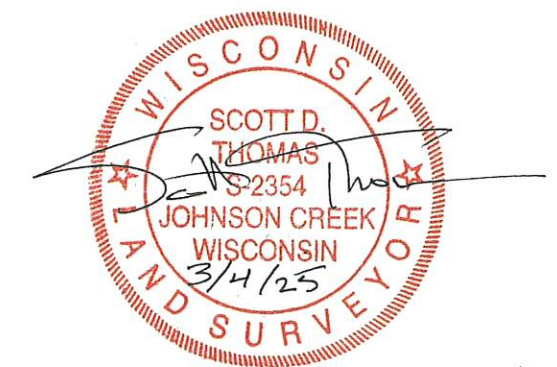
FOR LOT 10 OF MAJESTIC MEADOWS SOUTH, AND BEING A PART OF THE SW 1/4 OF THE SOUTHWEST QUARTER OF SECTION 6, TOWN 9 NORTH, RANGE 21 EAST, CITY OF MEQUON, OZAUKEE COUNTY, WISCONSIN.



LEGEND:

These standard symbols may be found in the drawing.

- P.L.S.S. Monument (Found) w/desc.
- Lot Corner (Found) w/desc.
- 18" X 3/4" Dia. Rebar (Set)
- Elec. Trans. Box
- Man Hole
- Utility Pedestal
- Fire Hydrant
- Water Valve
- Soil Boring
- Lateral End
- Offset Stake
- Shoreline
- Easement Boundary
- Setback Line
- Wetland Boundary
- Proposed Silt Fence



Digitally signed by
 Scott D. Thomas
 Date: 2025.03.04
 20:56:26 -06'00'

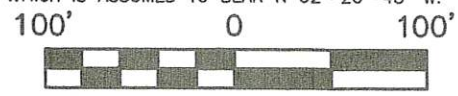
IF THE SURVEYOR'S SEAL IS NOT WET STAMPED IN RED AND SIGNED IN OPPOSABLE INK, THE PLAT IS A COPY THAT SHOULD BE ASSUMED TO CONTAIN UN-AUTHORIZED ALTERATIONS. THE CERTIFICATION ON THIS DOCUMENT DOES NOT APPLY TO ANY COPIES NOR DIGITAL FORMATS UNLESS VERIFIED DIGITAL CERTIFICATE BY SAME EXISTS UN-ALTERED.

PROJECT: Uher
BUILDER: Aspen Homes, Inc.
 325 Oakton Ave., Ste. 202
 Pewaukee, WI 53072
 Ph: (262) 695-4488

State of Wisconsin }
 County of Jefferson } SS.

NOTE: EXCAVATOR AND MASON MUST VERIFY AT LEAST TWO BENCH MARKS SHOWN ABOVE.

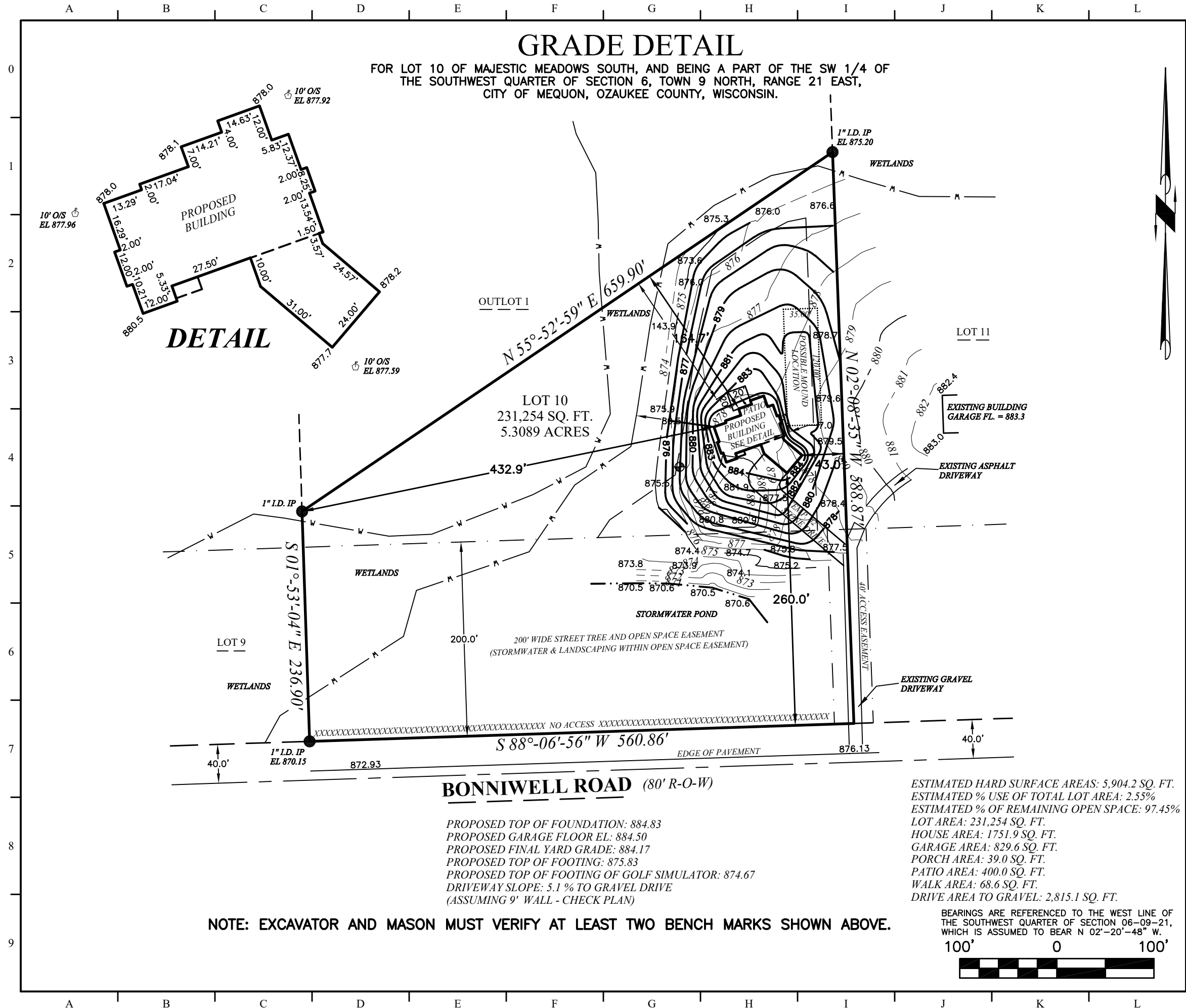
I, Scott D. Thomas, L.P.L.S., do hereby certify that I have made this survey and that the information as shown on the above Plat of Survey is a true and correct representation thereof and that this survey complies with Wisconsin Administrative Code A-E 7. Lots are drawn from subdivision plats/C.S.M.s; unplatted lands from recorded deeds/surveys. Boundary survey plats reflect field-located information; consult a title attorney to discover all the legal encumbrances attached to any property.



Attachment: Packet Docs_Uher (10220 : Aspen Homes for Uher)

GRADE DETAIL

FOR LOT 10 OF MAJESTIC MEADOWS SOUTH, AND BEING A PART OF THE SW 1/4 OF THE SOUTHWEST QUARTER OF SECTION 6, TOWN 9 NORTH, RANGE 21 EAST, CITY OF MEQUON, OZAUKEE COUNTY, WISCONSIN.



LEGEND:

These standard symbols may be found in the drawing.

- P.L.S.S. Monument (Found) w/desc.
- Lot Corner (Found) w/desc.
- 18" X 3/4" Dia. Rebar (Set)
- Elec. Trans. Box
- Man Hole
- Utility Pedestal
- Fire Hydrant
- Water Valve
- Soil Boring
- Lateral End
- Offset Stake
- Shoreline
- Easement Boundary
- Setback Line
- Wetland Boundary
- Proposed Silt Fence
- Proposed Contours
- Existing Contours

Attachment: Packet Docs_Uher (10220 : Aspen Homes for Uher)

PROJECT: Uher
BUILDER: Aspen Homes, Inc.
325 Oakton Ave., Ste. 202
Pewaukee, WI 53072
Ph: (262) 695-4485

LETTER OF TRANSMITTAL

LANDMARK

ENGINEERING SCIENCES, INC.

119 Coolidge Avenue - Suite 100, Waukesha, WI 53186-6602

Telephone: 414-719-2769

Email: LandMark-Engineering@live.com

To: Andy Backus
Aspen Homes, Inc.
325 Oakton Avenue, Suite 202
Pewaukee, WI 53072

Date: January 17, 2025
Project No.: 4129.00 – Singkofer site
Description: *Engineering Services – Seasonal Groundwater*
Lot 10, Majestic Meadows South Subdivision
North Side of Bonniwell Road
City of Mequon, WI 53097

C:

WE ARE SENDING YOU the following items via: U. S. Mail Overnight Hand Deliver Other:
 Fax 10 pages E-Mail andy@aspenhomesinc.com

Copies/Qty.	Date	Description
1	17 JAN 2025	Form A - Seasonal High Groundwater Determination Report (with attachments)

THESE ARE TRANSMITTED as checked: For Approval For Your Use For Review & Comment
 As Requested Other:

Message:

Attached is the Form A report summarizing the apparent seasonal high groundwater (SHGW) level for the referenced lot(s), as requested.

If you have any questions or comments on these reports, please contact us. Thank you.

Copy to: file

Signed: 

If enclosures are not as noted, kindly notify us at once.

Attachment: Packet Docs_Uher (10220 : Aspen Homes for Uher)

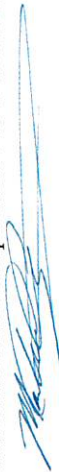
Form A - Seasonal High Groundwater Determination Report

Date: January 17, 2025

Project/Plat Name: 4129.00 / Lot 10 – Majestic Meadows South Subdivision on Bonniwell Road

Project Location (TRSQ): SW1/4 of SW1/4, SEC 6, T9N, R21E, City of Mequon, Ozaukee County

The following table summarizes my interpretation of the soil profile evaluations conducted on the above noted site. The purpose of this report is to demonstrate compliance with regional engineering standard practices to maintain basement floor elevations at least 1 foot above the seasonal high water table. In this case, the definition for seasonal high water table means the upper limit of the zone of soil saturation caused by underlying groundwater at its highest level. I certify that the information presented in this report represents my best professional judgment in estimating seasonal high water table based on soil and site evaluations in accordance with the procedures contained in Chapter SPS 385 Wisconsin Administrative Code.



Interpreters Signature: _____

Interpreters Printed Name/Credentials/Lic. #: Mark D. Augustine, PE #31414

Interpreters Company Name/Address: LandMark Engineering Sciences, Inc., 119 Coolidge Avenue - Suite 100, Waukesha, Wisconsin 53186-6602

Site Benchmark/Elevation (Co. Stds.): BM = ~872 edge of water in pond

References: 1) NRCS Soil Survey, 2) Ozaukee County GIS, 3) Accurate Surveying&Engineering survey and 4) Associates Soil Testing Soil Evaluation Report

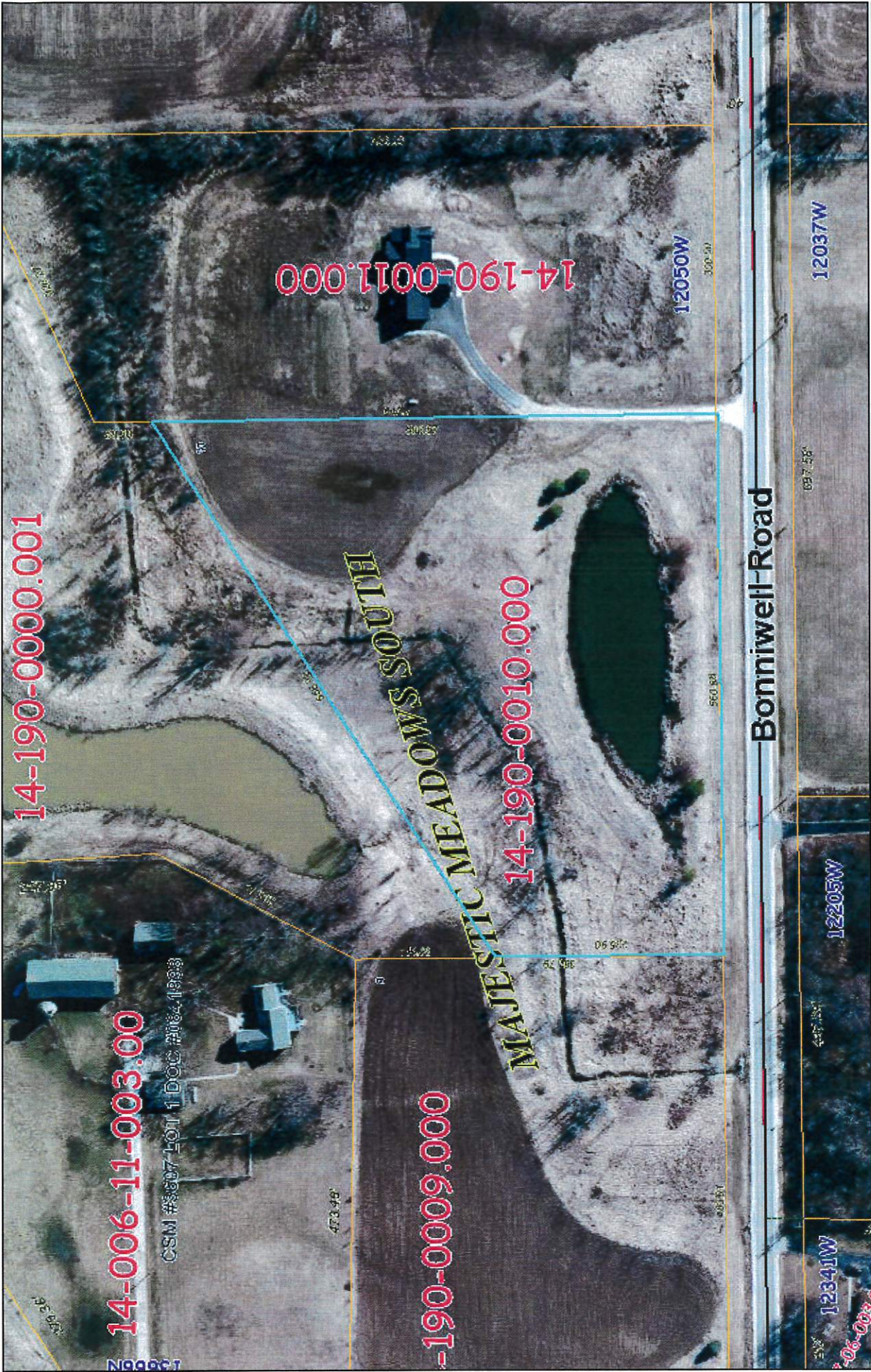


Lot #	Soil Observ. (#)	Surface Elev.	Bottom Elev. of Soil Profile	Soil Map Unit Symbol (NRCS)	Elevation of Seasonal High Water Table	Depth to Seasonal High Water Table	Proposed Basement Floor Elevation	Notes: List information used to determine seasonal high water table, including any soil color pattern exemptions under SPS 385.30(3) for a basement floor proposed less than 1-foot above redoximorphic features shown in the referenced soil evaluation reports.
10	B1	877.1	872.1	OuB2	873.9	3.2'	≥874.9	Redox indicators were observed in the native soil profile beginning at 38" depth. Thus, a basement floor grade ≥874.9' MSL complies with regional engineering standards for allowing ≥1.0' separation between lowest floor grade and observed and/or design seasonal high groundwater indicators.

NOTE:

The City of Mequon does not prohibit basements being constructed below the seasonal high groundwater conditions observed. However, engineered design precautions *MUST* be implemented into the foundation drainage system design to minimize the potential for wet/damp basement conditions.

Parcel Information



Product of the LAND INFORMATION OFFICE

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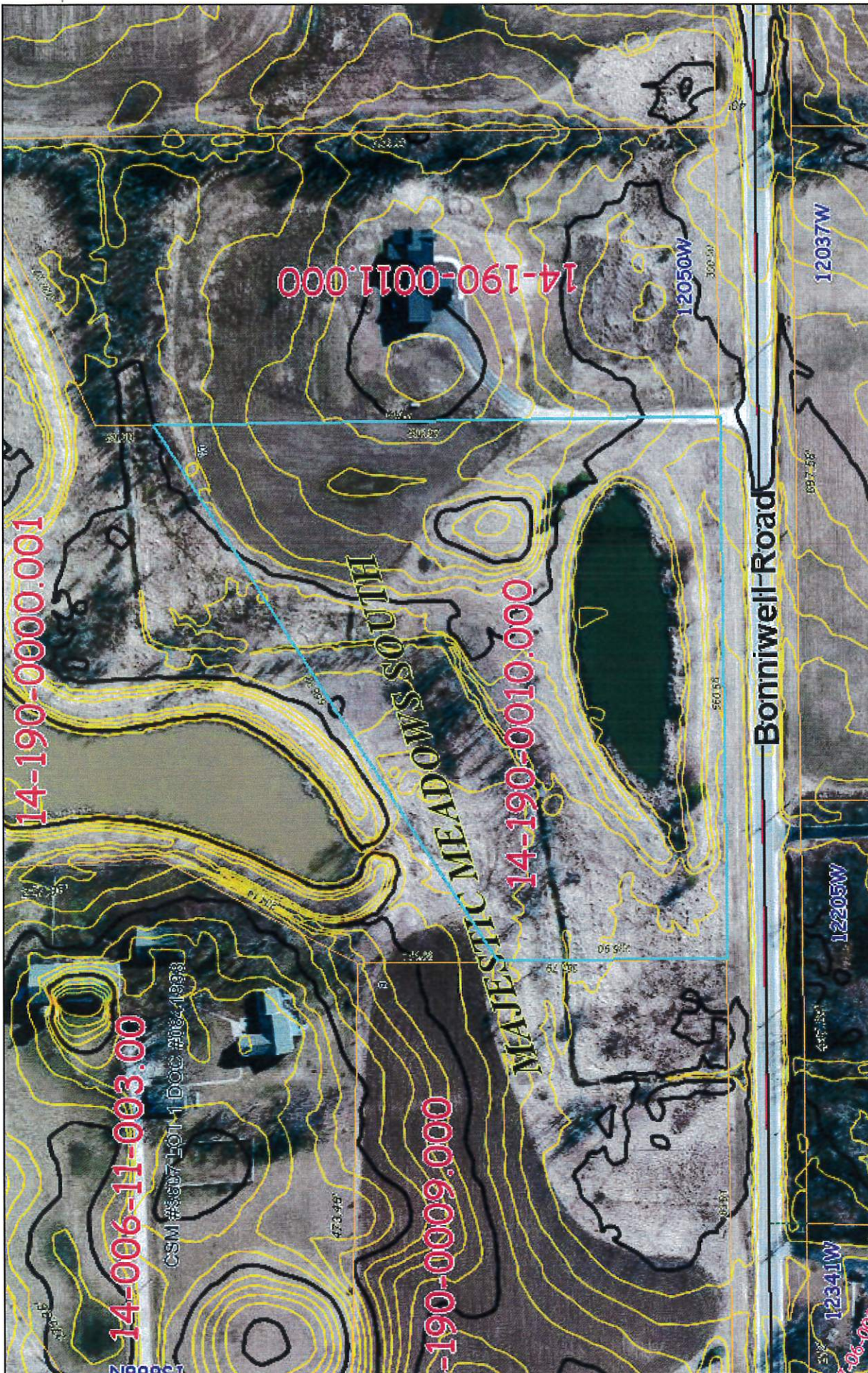
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DISCLAIMER: This map is not a substitute for an actual field survey or onsite investigation. The accuracy of this map is limited to the quality of the records from which it was assembled.

Legend	Tax Parcel	CSM	US Highway	Town/Public Road
	Gap	Cemetery Plat	State Highway	Railroad Centerline
	Overlap	Condominium Plat	County Road	
	Historical IP Parcel Lines	Subdivision Plat	Ramp	
	Assessors Plat	Plat of Survey	Private Road	

Attachment: Packet Docs_Uher (10220 : Aspen Homes for Uher)



Legend

- Tax Parcel
- Gap
- Overlap
- Historical Parcel Lines
- Assessors Plat
- CSM
- Cemetery Plat
- Condominium Plat
- Subdivision Plat
- Plat of Survey
- US Highway
- State Highway
- County Road
- Ramp
- Private Road
- Town/Public Road
- Railroad Centerline

Product of the LAND INFORMATION OFFICE
1/2/2025, 2:37:53 PM

1/2/2025, 2:37:53 PM

0 0.0075 0.015 0.03 0.045 0.06 mi

DISCLAIMER: This map is not a substitute for an actual field survey or onsite investigation. The accuracy of this map is limited to the quality of the records from which it was assembled.

OZAUKEE COUNTY

Bonniwell Road

12050W, 12037W, 12205W, 12341W



Product of the LAND INFORMATION OFFICE
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 1/2/2025, 2:41:04 PM
 0 0.00450,009 0.018 0.027 0.036 mi
 DISCLAIMER: This map is not a substitute for an actual field survey or onsite investigation. The accuracy of this map is limited to the quality of the records from which it was assembled.

Legend	Symbol	Description
Tax Parcel	Yellow outline	Tax Parcel
Gap	Blue hatched	Gap
Overlap	Red hatched	Overlap
Historical Parcel Lines	Dashed line	Historical Parcel Lines
Assessors Plat	White box	Assessors Plat
CSM	White box	CSM
Cemetery Plat	White box	Cemetery Plat
Condominium Plat	White box	Condominium Plat
Subdivision Plat	White box	Subdivision Plat
Plat of Survey	White box	Plat of Survey
US Highway	Thick red line	US Highway
State Highway	Thin red line	State Highway
County Road	Thin black line	County Road
Ramp	Thin red line	Ramp
Private Road	Thin black line	Private Road
Town/Public Road	Thin black line	Town/Public Road
Railroad Centerline	Thin black line with cross-ticks	Railroad Centerline

Attachment: Packet Docs_Uher (10220 : Aspen Homes for Uher)

Soil Map—Ozaukee County, Wisconsin



Soil Map may not be valid at this scale.

Map Scale: 1:1,330 if printed on A portrait (8.5" x 11") sheet.



Map projection: Web Mercator Corner coordinates: WGS84 Edge ticks: UTM Zone 16N WGS84



Natural Resources Conservation Service

Web Soil Survey National Cooperative Soil Survey

1/2/2025 Page 1 of 3

Attachment: Packet Docs_Uher (10220 : Aspen Homes for Uher)

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:15,800.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service
 Web Soil Survey URL:
 Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Ozaukee County, Wisconsin
 Survey Area Data: Version 21, Sep 3, 2024

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Aug 4, 2022—Sep 13, 2022

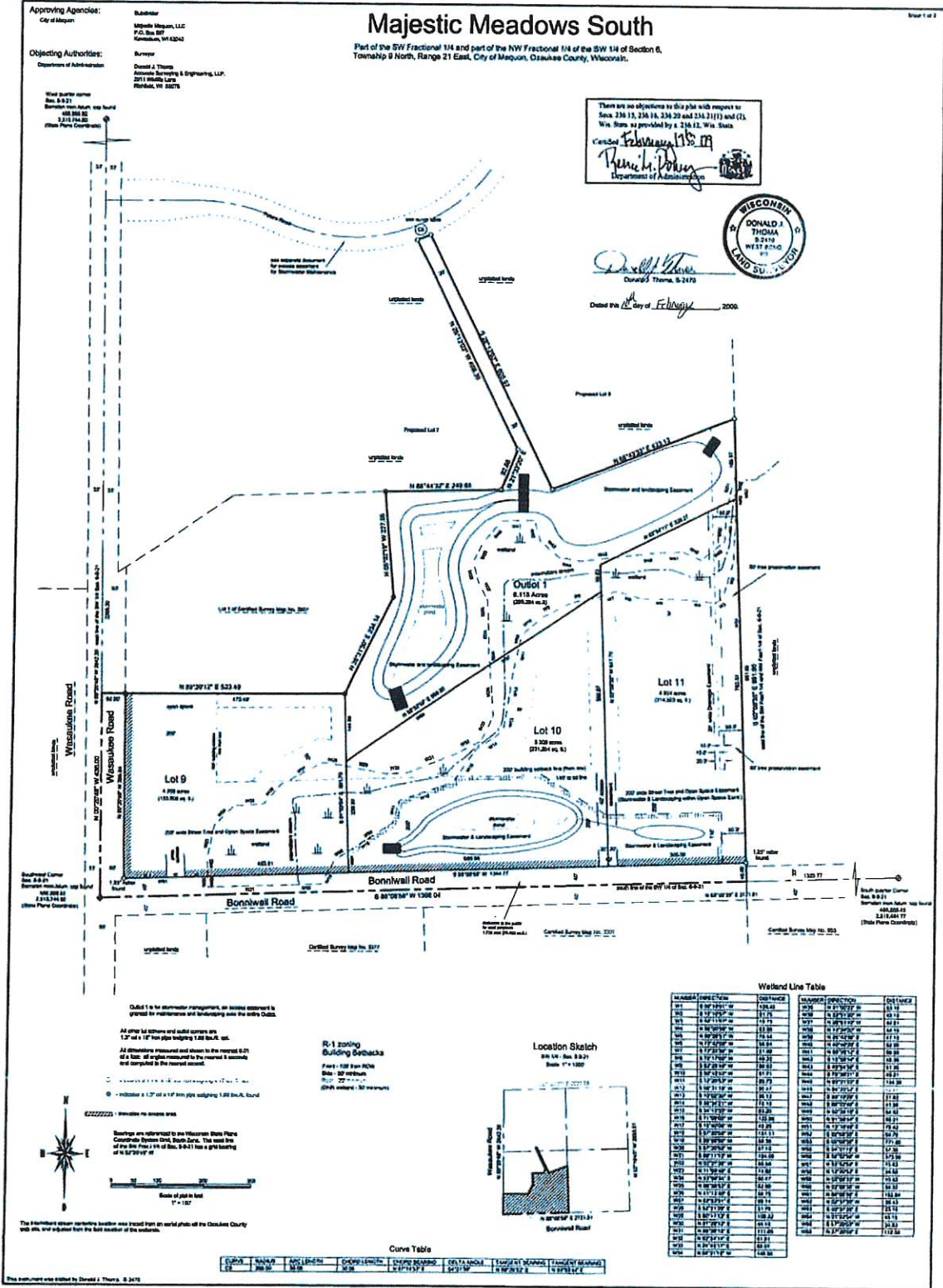
The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

MAP LEGEND

- Area of Interest (AOI)
- Area of Interest (AOI)
- Soils
- Soil Map Unit Polygons
- Soil Map Unit Lines
- Soil Map Unit Points
- Special Point Features
- Water Features
- Sireams and Canals
- Transportation
- Ralls
- Interstate Highways
- US Routes
- Major Roads
- Local Roads
- Background
- Aerial Photography
- Blowout
- Borrow Pit
- Clay Spot
- Closed Depression
- Gravel Pit
- Gravelly Spot
- Landfill
- Lava Flow
- Marsh or swamp
- Mine or Quarry
- Miscellaneous Water
- Perennial Water
- Rock Outcrop
- Saline Spot
- Sandy Spot
- Severely Eroded Spot
- Sinkhole
- Slide or Slip
- Sodic Spot
- Spoil Area
- Stony Spot
- Very Stony Spot
- Wet Spot
- Other
- Special Line Features

Map Unit Legend

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
As	Ashkum silt loam	0.9	14.6%
DsA	Dresden silt loam, 1 to 3 percent slopes	0.4	6.6%
MtA	Mequon silt loam, 1 to 3 percent slopes	2.7	45.5%
OuB	Ozaukee silt loam, high carbonate substratum, 2 to 6 percent slopes	0.9	15.5%
OuB2	Ozaukee silt loam, high carbonate substratum, 2 to 6 percent slopes, eroded	1.1	17.7%
Totals for Area of Interest		6.0	100.0%



Attachment: Packet Docs_Uher (10220 : Aspen Homes for Uher)



Wisconsin Department of Safety and Professional Service
Division of Industry Services

SOIL EVALUATION REPORT

In accordance with SPS 385, Wis. Adm. Code

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

Please print all information.

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

County Ozaukee
Parcel I.D. 14-190-0010.000
Reviewed by _____ Date _____

Property Owner James P Plamann and Melinda M Plamann Revocable Trust				Property Location Govt. Lot SW 1/4 SW 1/4 S 6 T 9 N R 21			
Property Owner's Mailing Address 9400 W Highland Road				Lot # 10	Block #	Subd. Name or CSM# Majestic Meadows South	
City Mequon	State WI	Zip Code 53097	Phone Number ()	<input checked="" type="checkbox"/> City Mequon	<input type="checkbox"/> Village ----	<input type="checkbox"/> Town ----	Nearest Road Bonniwell Road

New Construction Use: Residential / Number of bedrooms: Unknown Code derived design flow rate --- GPD

Replacement Public or commercial - Describe: _____

Parent material Glacial Till Flood Plan elevation if applicable ----- ft.

General comments and recommendations:

Site Suitable For:
 Conventional
 At-Grade
 Mound
 Holding Tank

1 Boring # Boring Pit Ground surface elev. 105.1 ft Depth to limiting factor 18 in. / elev. 103.6 ft.

Horizon	Depth In.	Dominant Color Munsell	Redox Description Qu. Az. Cont. Color	Texture	Structure Gr. Sz. Sh.	Consistence	Boundary	Roots	Soil Application Rate	
									GPD/Ft ²	
									*Eff#1	*Eff#2
1	0-18 Fill	10yr3/3	-----	SiCL	2fsbk	Mfr	AS	2F	0.4	0.6
2	18-31 Fill	10yr5/4	c2d10yr 5/6 6/8	SiCL	1msbk	Mfr	CS	1F	0.2	0.3
3	31-35	10yr3/2	-----	SiCL	1msbk	Mfr	GW	-----	0.2	0.3
4	35-38	10yr4/4	-----	CL	1msbk	Mfi	GW	-----	0.2	0.3
5	38-44	10yr4/4	f2f10yr5/6	CL	0M	Mfi	GW	-----	0.0	0.0
6	44-60	10yr5/4	c2d10yr 5/6 6/8	SiCL	0M	Mfi	-----	-----	0.0	0.0

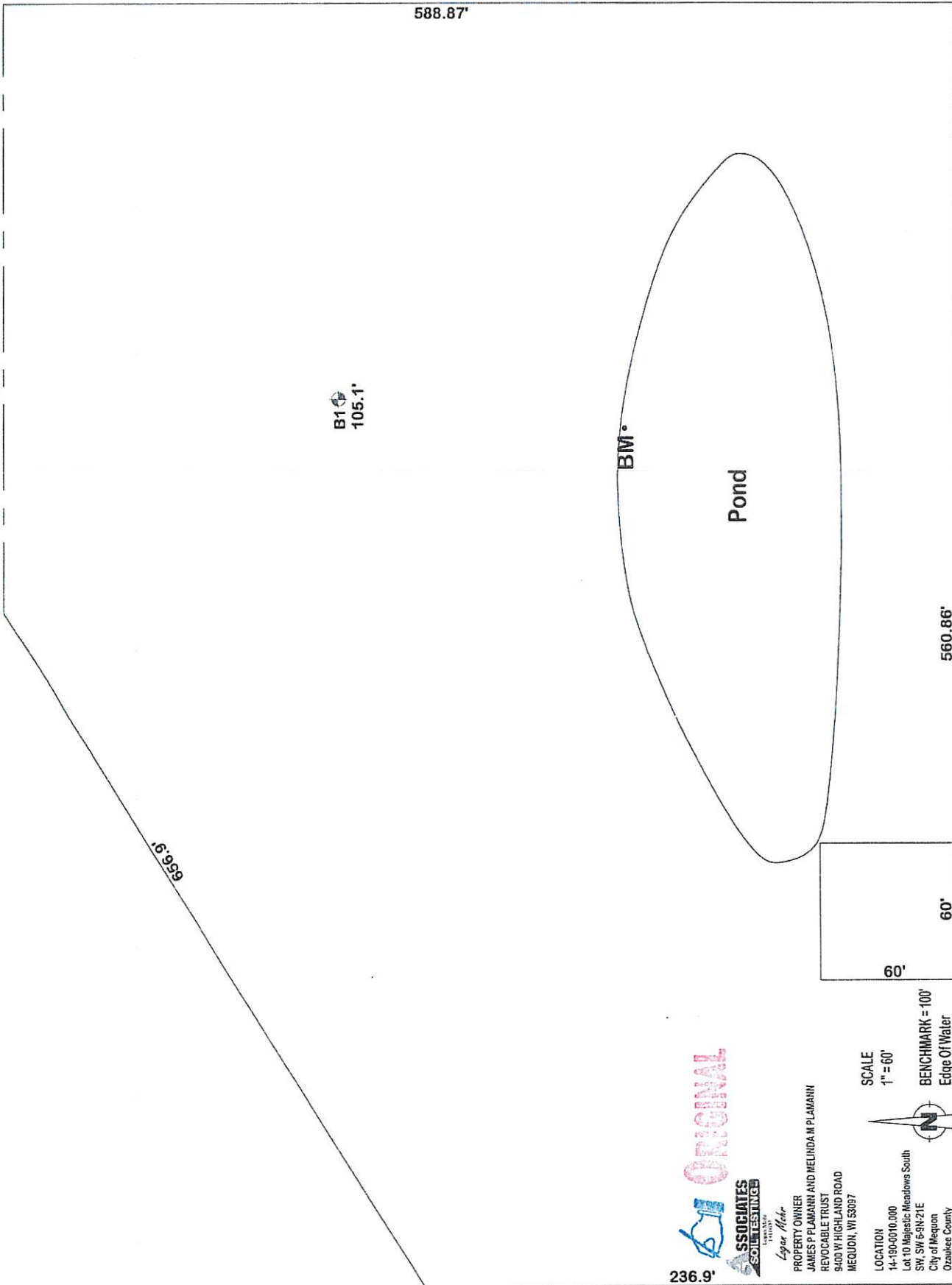
2 Boring # Boring Pit Ground surface elev. ___ ft Depth to limiting factor ___ in. / elev. ___ ft.

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

CST Name (Please Print) Logan Mohr	ORIGINAL Signature	CST Number 1410637
Address W4644 Pine Creek Drive Elkhorn WI 53121	Date Evaluation Conducted 1/10/2025	Telephone Number 262 495 7004

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

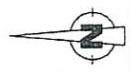
Attachment: Packet Docs_Uher (10220 : Aspen Homes for Uher)



ASSOCIATES
SURVEYING
Legacy Meter
 1998-2000

PROPERTY OWNER
 JAMES P PLAMANN AND MELINDA M PLAMANN
 REVOCABLE TRUST
 9400 W HIGHLAND ROAD
 MECUON, WI 53097

SCALE
 1" = 60'



LOCATION
 14-190-0010.000
 Lot 10 Majestic Meadows South
 SW, SW 69N21E
 City of Mequon
 Ozaukee County

BENCHMARK = 100'
 Edge Of Water

Bonniwell Road

Attachment: Packet Docs_Uher (10220 : Aspen Homes for Uher)



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

www.cityofmequonwi.gov

Department of Community Development

TO: Planning Commission
FROM: COLE MCCRAW, ASSISTANT CITY ENGINEER
DATE: April 21, 2025
SUBJECT: James Bach. The applicant is seeking minor request approval for a fill permit of 1,140 C.Y. to allow for stabilization of the bluff base for the property located at 13346 N. Lakewood Drive.

Applicant: James Bach
Status of Applicant: Owner
Requested: Fill Permit > 1,000 C.Y.
Existing Use: Residential
Existing Zoning: R-2 (Rural Residential)
Land Use Plan: Residential
Lot size: 2.51
Location: 13346 N. Lakewood Drive
Tax Key Number: #15-081-01-010.00
District: #5

Background:

The three subject properties are located at 13334-13404 Lakewood Drive. The properties each have a single-family home and are on the east side of Lakewood Drive, adjacent to the Lake Michigan bluff. The applicant is applying for a minor request for fill exceeding 1,000 cubic yards (CY) as part of a fill permit application submitted to the Engineering Division. The 1,140 CY of fill is requested for placement of rip rap fill and grading work on the bluff and at the bluff toe as a part of a revetment project.

The applicant cites mitigating bluff erosion as the purpose of this project. The project will include rip rap placement at the bluff toe as well as regrading and restoration with native vegetation.

Aside from zoning and setbacks, management of bluffs are outside of the City's jurisdiction and are regulated by the Wisconsin Department of Natural Resources and the US Army Corps of Engineers. The City and Planning Commission are only reviewing the project as it relates to requirements for a fill permit and erosion control permit.

The applicant submitted WDNR approvals with the application.

Engineering Report:

Cole McCraw, Assistant City Engineer, has reviewed the application and has the following comments:

If temporary access to the proposed work is accessed by street, the applicant shall submit a culvert permit application with the Mequon Department of Public Works for a temporary culvert installation.

There is no indication of wetlands on the site. The site was screened for mapped wetlands using WDNR Surface Water Data Viewer.

A fill permit application was submitted with the Planning Commission application. The applicant must also submit a haul route and a hauling escrow.

The improvements propose land disturbance exceeding one acre, therefore a City erosion control permit is required. Evidence of the WDNR required WRAPP permit was provided for the site, as well as evidence of a WDNR individual permit for work at the Lake Michigan ordinary high-water mark.

Staff Recommendation:

Staff recommends approval of the fill exceeding 1,000 CY, subject to the following conditions:

1. The applicant must comply with all conditions issued with regulatory approvals, including WDNR and US Army Corps of Engineers.
2. Temporary culverts must be installed by the City. The applicant shall apply for a temporary culvert, if needed.
3. As part of the fill permit application, the applicant must also submit a haul route and a hauling escrow.
4. Application for and approval of a City erosion control permit, subject to applicable fees.

Attachments:

Packet Docs_Bach (PDF)

JAMES BACH

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



Attachment: Packet Docs_Bach (10221 : James Bach)



Permit No.	_____
Date Filed	_____
Exp. Date	_____
Fees Paid	_____
Permit Closed	_____

3.b.a

www.ci.mequon.wi.us

PUBLIC WORKS/ENGINEERING

Permit Application for Filling, Excavating and Berms

Engineering Division

PLEASE PRINT CLEARLY

Agent / Contact Name: James Bach Phone #: 414-573-5954

Property Owner Name: James Bach Phone #: _____

Agent Or Owner Contact Address: 13346 N. Lakewood Dr. Mequon WI 53097

Email Address: JB@P2Development.com

Location Or Address Of Work Site: 13346, 13404 & 13334 Lakewood Dr. Mequon

Or: Description _____ 1/4 Section _____ T9N, R _____ E

Tax Key No. _____

Subdivision _____ Lot _____ Block _____

Estimated Date Of Completion: 11/30/2025

Reason For Fill/Removal/Excavation Bluff Revetment adding Stone for protection

Name Of Contact Other Than Applicant: _____ Phone #: _____

FEE COMPUTATION

\$60.00 - 0 - 250 C.Y.

\$120.00 - 251 C.Y. - 1,000 C.Y.

PLAN COMMISSION REVIEW FEE - > 1,000 C.Y. Total Fee \$ _____

Total Cubic Yards To Be Deposited Removed Excavated 1,140 C.Y.* + 6,100 SF grading

* Over 1000 cubic yards and Berms greater than 4'- feet in height requires Planning Commission approval. Separate application to the next available Planning Commission meeting is necessary and review fees will be required upon submittal.

Per Section 58-674 Erosion and Stormwater Runoff Control ordinance, any land disturbance greater than 4,000 sq. ft. will require an Erosion Control Permit.

SIGNED: [Signature]

DATE: 3/23/25

Note: This is NOT a permit for work. Permit will be mailed to the applicant upon approval.

---- For Office Use Only ----

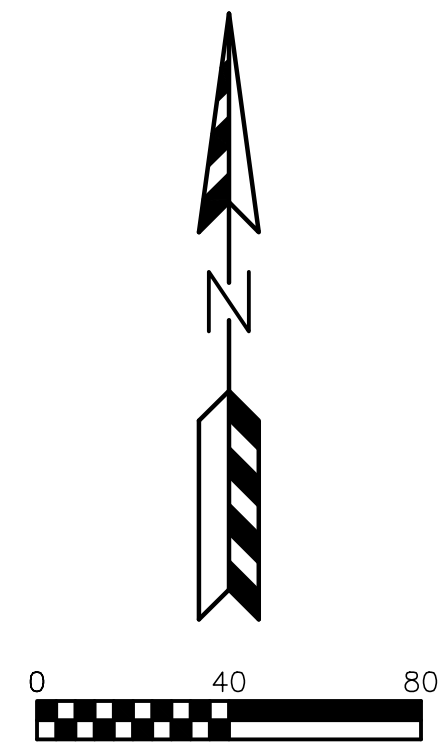
Haul Route Map Required YES NO ATTACHED

Erosion Control Permit Required YES NO

Department of Community Development Approval _____ Date _____

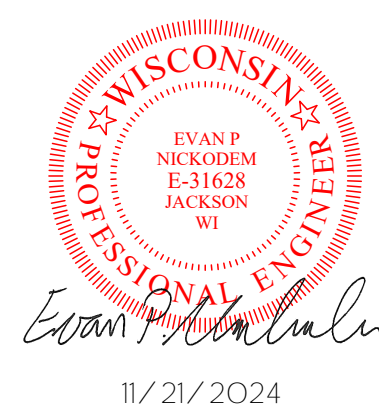
Engineering Division Approval _____ Date _____

Attachment: Packet Docs_Bach (10221 : James Bach)



LEGEND:

--- 896 ---	EXISTING MINOR CONTOUR.
--- 895 ---	EXISTING MAJOR CONTOUR.
--- 936 ---	PROPOSED MINOR CONTOUR.
--- 935 ---	PROPOSED MAJOR CONTOUR.



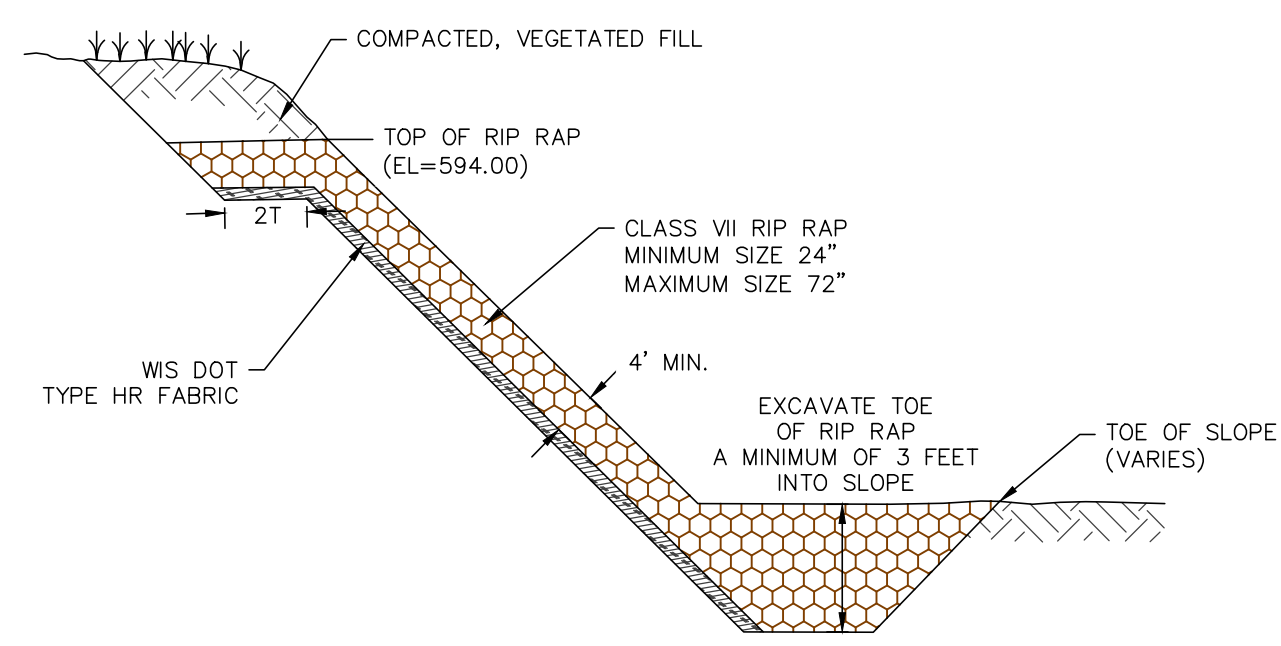
LAKE MICHIGAN

CONSTRUCTION NOTES:

- CONTRACTOR IS NOT ALLOWED TO OPERATED ANY EQUIPMENT WITHIN THE LAKE OR ON THE LAKE BED.
- DREDGING WITHIN THE LAKE IS NOT ALLOWED

SITE PLAN NOTES:

- EACH PROPERTY IS ALLOWED A TOTAL OF 10,000 SQUARE FEET OF GRADING WORK TO INSTALL THE REVETMENT.
- ALL RIP RAP SHALL BE AASHTO CLASS VI RIP RAP HAVING A NOMINAL DIAMETER OF 48 INCHES, A MINIMUM SIZE OF 24 INCHES, AND A MAXIMUM SIZE OF 72 INCHES.



TYPICAL RIPRAP INSTALLATION: END VIEW
(BANK PROTECTION ONLY)
*** NO REVETMENT PLACED IN LAKE MICHIGAN ***

REVISIONS:

NO.	DATE	DESCRIPTION
1	XX-XX-XX	XXXXXXXXXXXXXXXXXXXX



PROJECT TITLE:
**JAMES BACH
13346 LAKEWOOD DRIVE
MEQUON, WI 53097**

PLAN TITLE:
**REVETMENT
PLAN**

DRAWN BY:
EPN

DESIGNED BY:
EPN

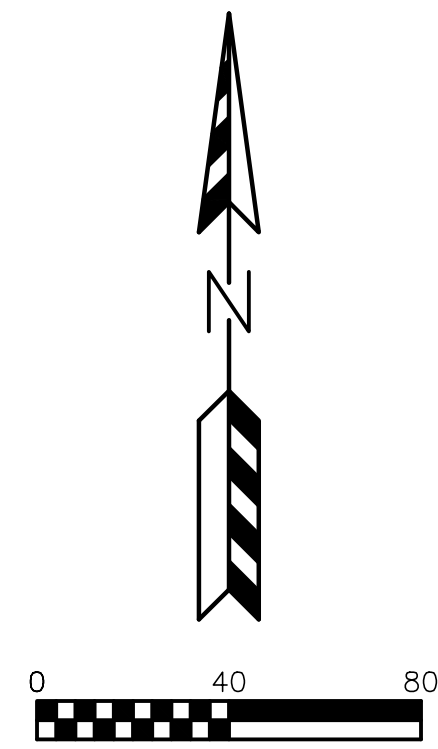
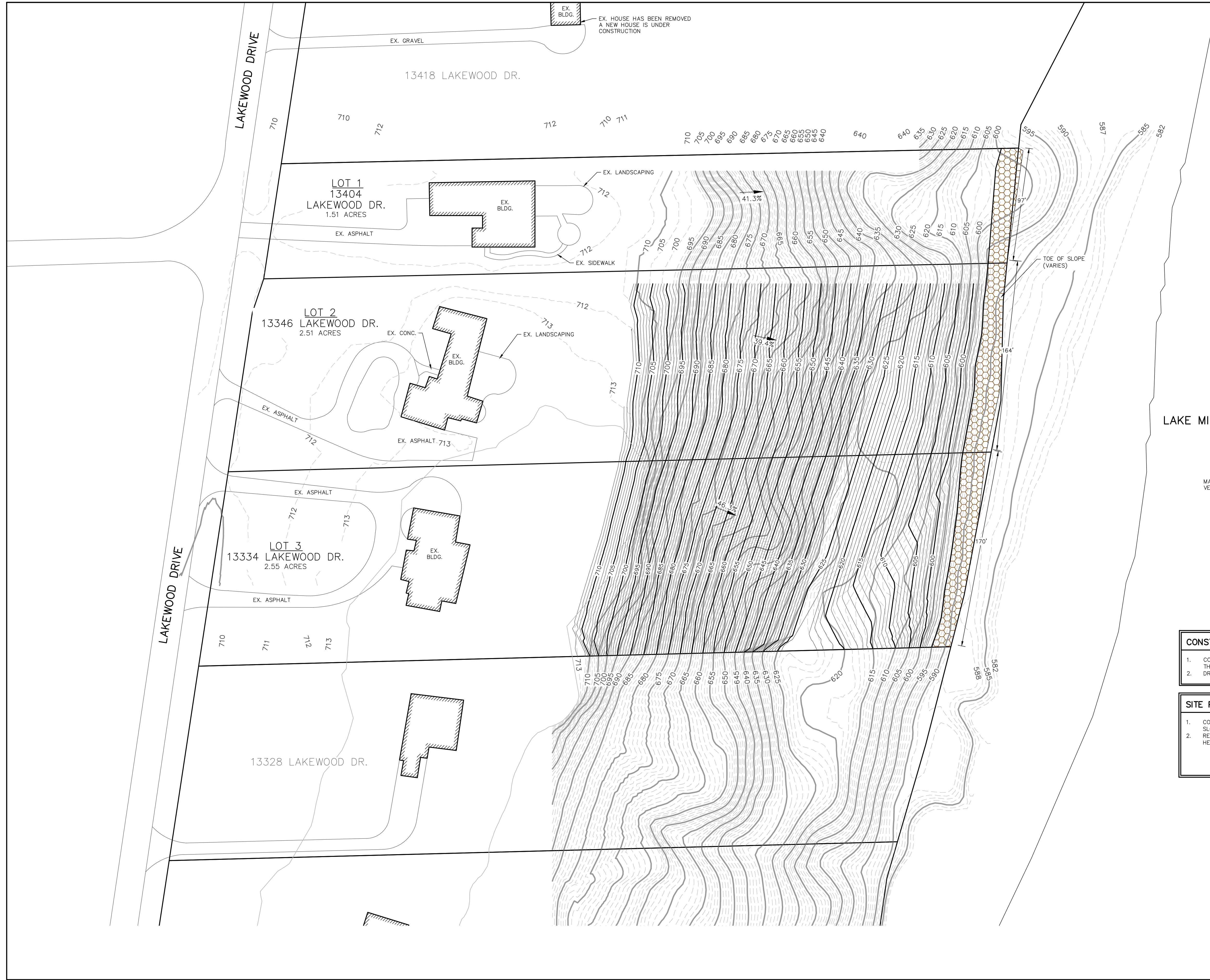
CHECKED BY:
KJP

PLAN DATE:
11/21/2024

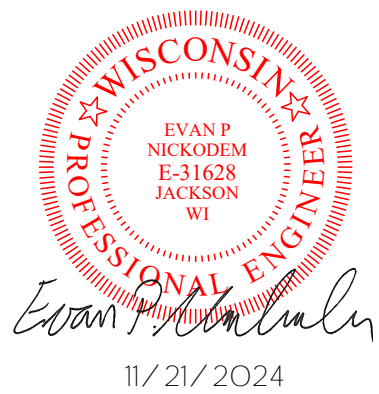
PROJECT NO:
\JB-01-23

DESIGN

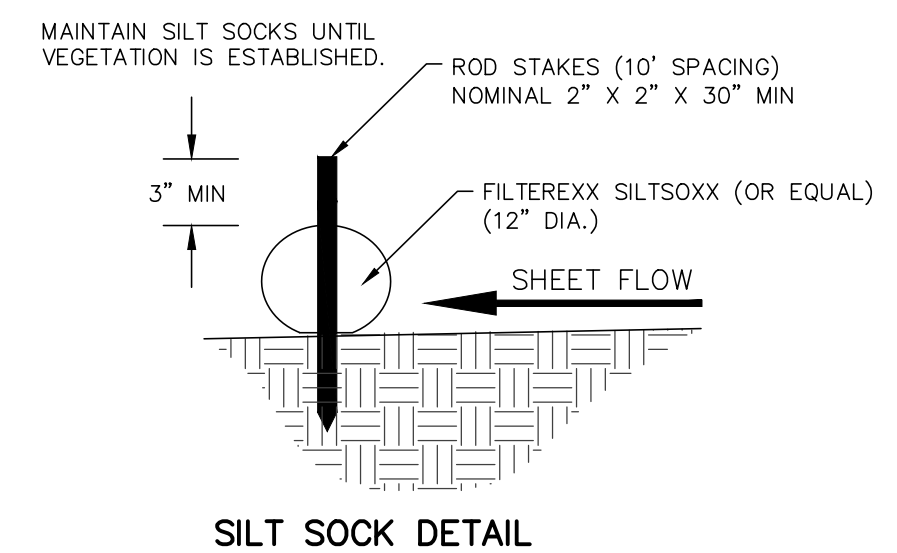
SHEET NO:
C1.00



LEGEND:
 --- 896 --- EXISTING MINOR CONTOUR.
 --- 895 --- EXISTING MAJOR CONTOUR.



LAKE MICHIGAN
 11/21/2024



CONSTRUCTION NOTES:

- CONTRACTOR IS NOT ALLOWED TO OPERATED ANY EQUIPMENT WITHIN THE LAKE OR ON THE LAKE BED.
- DREDGING WITHIN THE LAKE IS NOT ALLOWED

SITE PLAN NOTES:

- CONTRACTOR SHALL GRADE THE SLOPE AT A MAXIMUM OF 2:5 SLOPE WHERE POSSIBLE.
- RESTORATION OF SLOPE SHALL FOLLOW THE RESTORATION PLAN BY HEARTLAND ECOLOGICAL.

REVISIONS:	
NO.	DATE DESCRIPTION
1	XX-XX-XX XXXXXXXXXXXXXXXXXXXX

PSE
 PARISH SURVEY & ENGINEERING
 122 Wisconsin Street, West Bend, WI 53095
 262.346.7800
 www.parishse.com

PROJECT TITLE:
**JAMES BACH
 13346 LAKEWOOD DRIVE
 MEQUON, WI 53097**

PLAN TITLE:
**PROPOSED
 GRADING
 PLAN**

DRAWN BY:
EPN
 DESIGNED BY:
EPN
 CHECKED BY:
KJP

PLAN DATE:
11/21/2024

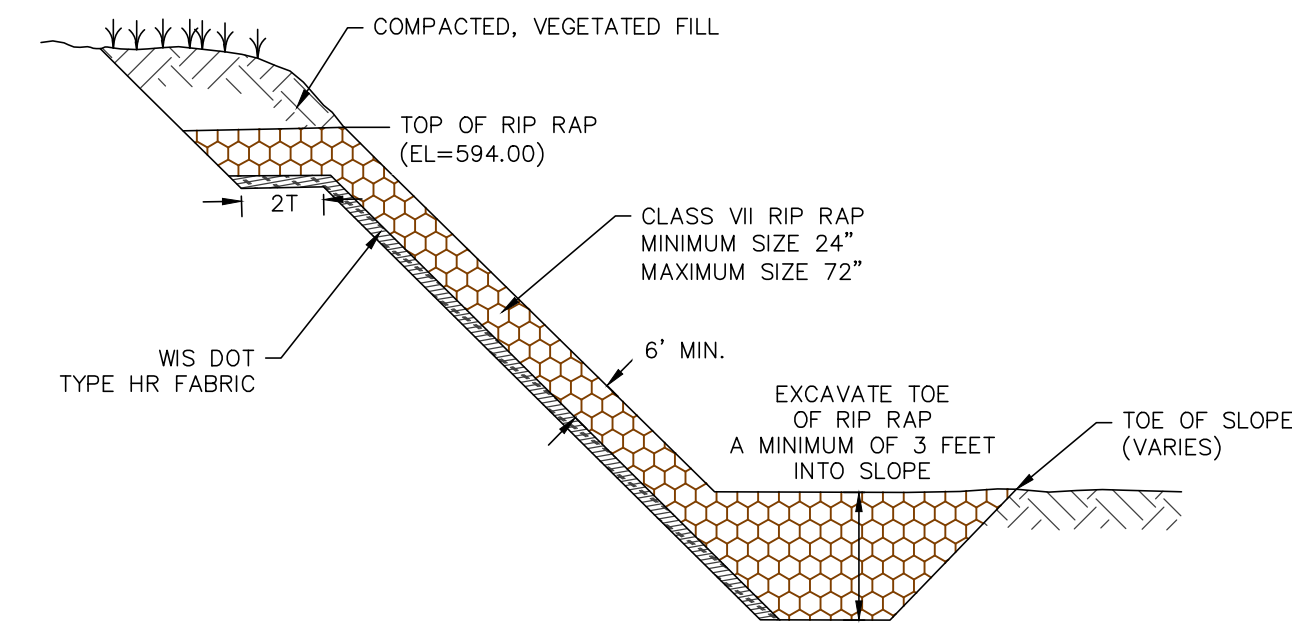
PROJECT NO:
 \JB-01-23\

DESIGN

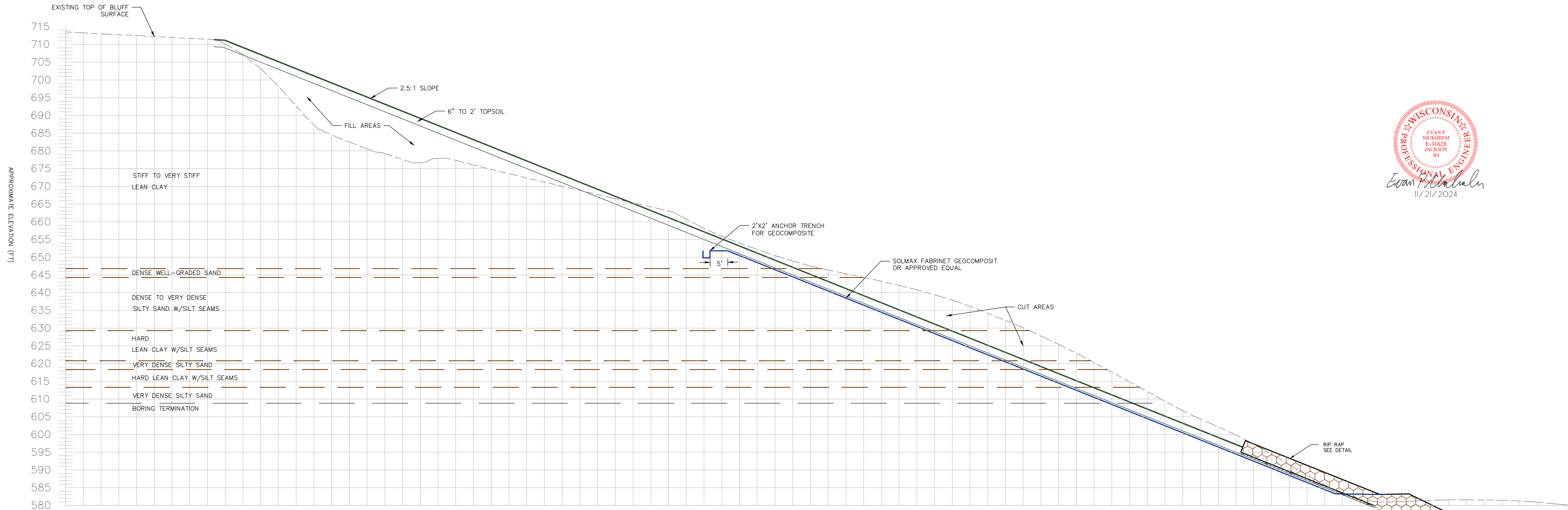
SHEET NO:
C1.01

SPECIFICATIONS FOR GRADING & EROSION CONTROL:

1. THE CONTRACTOR SHALL ASSUME SOLE RESPONSIBILITY FOR THE COMPUTATIONS OF ALL GRADING AND FOR ACTUAL LAND BALANCE, INCLUDING UTILITY TRENCH SPOIL. THE CONTRACTOR SHALL IMPORT OR EXPORT MATERIAL AS NECESSARY TO COMPLETE THE PROJECT. CONTRACTOR SHALL NOTIFY OWNER OF THE NEED TO IMPORT OR HAUL OFF SOIL. ON-SITE LOCATIONS SUITABLE FOR BORROW OR FILL MAY BE PRESENT. COORDINATE WITH OWNER.
2. THE CONTRACTOR IS RESPONSIBLE FOR VERIFYING SOIL CONDITIONS PRIOR TO COMMENCEMENT OF CONSTRUCTION.
3. SITE SHALL BE CLEARED TO THE LIMITS SHOWN ON THE PLANS. REMOVE VEGETATION FROM THE SITE. BURNING IS NOT PERMITTED. PROTECT TREES AND OTHER FEATURES FROM DAMAGE WITH FENCING.
4. ALL FILL SHALL BE CONSIDERED STRUCTURAL FILL AND SHALL BE PLACED IN ACCORDANCE WITH THE FOLLOWING: THE COMPACTED FILL SUBGRADE SHALL CONSIST OF AND SHALL BE UNDERLAIN BY SUITABLE BEARING MATERIALS, FREE OF ALL ORGANIC, FROZEN OR OTHER DELETERIOUS MATERIAL. PREPARATION OF THE SUBGRADE, AFTER STRIPPING, THE COMPACTED FILL MATERIALS SHALL BE FREE OF ANY DELETERIOUS, ORGANIC OR FROZEN MATTER AND SHALL HAVE A MAXIMUM LIQUID LIMIT (ASTM-D-423) AND PLASTICITY INDEX (ASTM D-424) IF 30 AND 10 RESPECTIVELY, UNLESS SPECIFICALLY TESTED AND FOUND TO HAVE LOW EXPANSIVE PROPERTIES AND APPROVED BY AN EXPERIENCED SOILS ENGINEER. THE GENERAL STANDARD FOR COMPACTION OF FILL AND THE GRADED SURFACE SHALL BE 90 PERCENT OF THE STANDARD PROCTOR (ASTM D-398) MAXIMUM DENSITY.
5. TOPSOIL SHALL BE FREE OF DELETERIOUS MATERIALS, ROOTS, OLD VEGETATION, ROCKS OVER 2" DIAMETER AND SHALL NOT BE EXCESSIVELY CLAYEY IN NATURE. NO CLUMPS LARGER THAN 4" ARE ACCEPTABLE. TOPSOIL MAY BE AMENDED AS NEEDED WITH SAND OR COMPOST TO BE LOOSE WHEN SPREAD.
6. EROSION CONTROL DEVICES SHALL BE INSTALLED PRIOR TO GRADING OPERATIONS AND SHALL BE PROPERLY MAINTAINED FOR MAXIMUM EFFECTIVENESS UNTIL VEGETATION IS ESTABLISHED. ALL EROSION CONTROL MEASURES AND STRUCTURES SERVING THE SITE MUST BE INSPECTED AT LEAST WEEKLY OR WITHIN 24 HOURS OF A 0.5 INCH RAIN EVENT. ALL MAINTENANCE WILL FOLLOW AN INSPECTION WITHIN 24 HOURS.
7. CUT AND FILL SLOPES SHALL BE NO GREATER THAN 2.5:1.
8. EROSION CONTROL IS THE RESPONSIBILITY OF THE CONTRACTOR UNTIL ACCEPTANCE OF THIS PROJECT. EROSION CONTROL MEASURES AS SHOWN SHALL BE THE MINIMUM PRECAUTIONS THAT WILL BE ALLOWED. THE CONTRACTOR SHALL BE RESPONSIBLE FOR RECOGNIZING AND CORRECTING ALL EROSION CONTROL PROBLEMS THAT ARE A RESULT OF CONSTRUCTION ACTIVITIES. ADDITIONAL EROSION CONTROL MEASURES, AS REQUESTED IN WRITING BY THE STATE OR LOCAL INSPECTORS, OR THE DEVELOPER'S ENGINEER, SHALL BE INSTALLED WITHIN 24 HOURS.

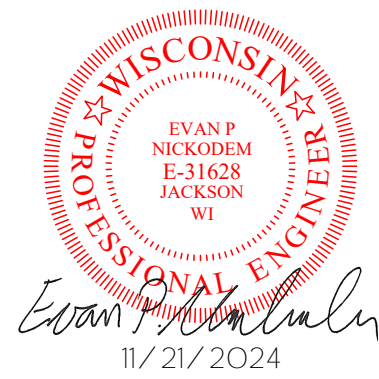


**TYPICAL RIPRAP INSTALLATION: END VIEW
(BANK PROTECTION ONLY)
*** NO REVETMENT PLACED IN LAKE MICHIGAN *****



NOTE:
ELEVATIONS NOTED HERE ARE APPROXIMATE AS ARE THE ELEVATIONS WHERE SOIL LAYERS START AND STOP. THE APPROXIMATION IS BASED ON SOIL BORINGS PRESENTED BY MILLER ENGINEERS SCIENTISTS IN A REPORT DATED SEPTEMBER 30, 2022.

TYPICAL SOIL CROSS SECTION AND FINISHED SURFACE



REVISIONS:	
NO.	DATE DESCRIPTION
1	XX-XX-XX XXXXXXXXXXXXXXXXXXXX

PSE
 PARISH SURVEY & ENGINEERING
 122 Wisconsin Street, West Bend, WI 53095
 262.346.7800 www.parishse.com

PROJECT TITLE:
**JAMES BACH
 13346 LAKEWOOD DRIVE
 MEQUON, WI 53097**

PLAN TITLE:
TYPICAL SECTION

DRAWN BY:
EPN
 DESIGNED BY:
EPN
 CHECKED BY:
EPN

PLAN DATE:
11/21/2024

PROJECT NO:
 \JB-01-23\

BID SET

SHEET NO:
C1.02

State of Wisconsin
 DEPARTMENT OF NATURAL RESOURCES
 Southeast Region Headquarters
 1027 W Saint Paul Ave
 Milwaukee, WI 53233

Tony Evers, Governor

Telephone (414) 263-8500
 Toll Free 1-888-936-7463
 TTY Access via relay - 711



January 3, 2025

James Bach
 13346 N Lakewood Drive
 Mequon WI 53097
 Via email: jb@p2development.com

SUBJECT: Coverage Under WPDES General Permit No. WI-S067831-06: Construction Site Storm Water Runoff

Permittee Name: James Bach
 Site Name: 13346 Lakewood Dr Bluff Grading
 FIN: 95729

Dear Permittee:

The Wisconsin Department of Natural Resources received your Water Resources Application for Project Permits or Notice of Intent, on September 03, 2024, for the 13346 Lakewood Dr Bluff Grading site and has evaluated the information provided regarding storm water discharges from your construction site. We have determined that your construction site activities will be regulated under ch. 283, Wis. Stats., ch. NR 216, Wis. Adm. Code, and in accordance with Wisconsin Pollutant Discharge Elimination System (WPDES) General Permit No. WI-S067831-06, Construction Site Storm Water Runoff. All erosion control and storm water management activities undertaken at the site must be done in accordance with the terms and conditions of the general permit.

The **Start Date** of permit coverage for this site is January 03, 2025. The maximum period of permit coverage for this site is limited to 3 years from the **Start Date**. Therefore, permit coverage automatically expires and terminates 3 years from the Start Date and storm water discharges are no longer authorized unless another Notice of Intent and application fee to retain coverage under this permit or a reissued version of this permit is submitted to the Department 14 working days prior to expiration.

A copy of the general permit along with extensive storm water information including technical standards, forms, guidance and other documents is accessible on the Department's storm water program Internet site. To obtain a copy of the general permit, please download it and the associated documents listed below from the following Department Internet site:
<http://dnr.wi.gov/topic/stormwater/construction/forms.html>

- Construction Site Storm Water Runoff WPDES general permit No. WI-S067831-06
- Construction site inspection report form
- Notice of Termination form

If, for any reason, you are unable to access these documents over the Internet, please contact me and I will send them to you.

To ensure compliance with the general permit, please read it carefully and be sure you understand its contents. Please take special note of the following requirements (This is not a complete list of the terms and conditions of the general permit.):

- I. The Construction Site Erosion Control Plan and Storm Water Management Plan that you completed prior to submitting your permit application must be implemented and maintained throughout construction. Failure to do so may result in enforcement action by the Department.

Attachment: Packet Docs_Bach (10221 : James Bach)

2. Construction dewatering discharges from an area subject to remedial action operations or from an area containing contamination that would be subject to remedial action operations are not eligible for coverage under this permit (section 1.1.2.3). Discharges may be eligible for coverage under the Contaminated Groundwater from Remedial Action Operations General Permit (WI-0046566-07-0).
3. The general permit requires that erosion and sediment controls be routinely inspected at least every 7 days, and within 24 hours after a rainfall event of 0.5 inches or greater. Weekly written reports of all inspections must be maintained. The reports must contain the following information:
 - a. Date, time, and exact place of inspection;
 - b. Name(s) of individual(s) performing inspection;
 - c. An assessment of the condition of erosion and sediment controls;
 - d. A description of any erosion and sediment control implementation and maintenance performed;
 - e. A description of the site's present phase of construction.
4. A **Certificate of Permit Coverage** must be posted in a conspicuous place on the construction site. The Certificate of Permit Coverage (WDNR Publication # WT-813) is enclosed for your use.
5. When construction activities have ceased and the site has undergone final stabilization, a Notice of Termination (NOT) of coverage under the general permit must be submitted to the Department.

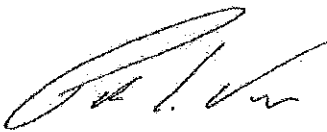
It is important that you read and understand the terms and conditions of the general permit because they have the force of law and apply to you. Your project may lose its permit coverage if you do not comply with its terms and conditions. The Department may also withdraw your project from coverage under the general permit and require that you obtain an individual WPDES permit instead, based on the Department's own motion, upon the filing of a written petition by any person, or upon your request.

If you believe that you have a right to challenge this decision to grant permit coverage, you should know that the Wisconsin statutes and administrative rules establish time periods within which requests to review Department decisions must be filed. For judicial review of a decision pursuant to ss. 227.52 and 227.53, Wis. Stats., you have 30 days after the decision is mailed, or otherwise served by the Department, to file your petition with the appropriate circuit court and serve the petition on the Department. Such a petition for judicial review must name the Department of Natural Resources as the respondent.

To request a contested case hearing pursuant to s. 227.42, Wis. Stats., you have 30 days after the decision is mailed, or otherwise served by the Department, to serve a petition for hearing on the Secretary of the Department of Natural Resources. All requests for contested case hearings must be made in accordance with s. NR 2.05(5), Wis. Adm. Code, and served on the Secretary in accordance with s. NR 2.03, Wis. Adm. Code. The filing of a request for a contested case hearing is not a prerequisite for judicial review and does not extend the 30-day period for filing a petition for judicial review.

Thank you for your cooperation with the Construction Site Storm Water Discharge Permit Program. If you have any questions concerning the contents of this letter or the general permit, please contact Peter Wood, P.E. at (262) 822-8227.

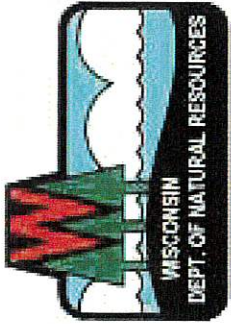
Sincerely,



Peter Wood, P.E.
Southeast Region
Storm Water Program

ENCLOSURE: Certificate of Permit Coverage

Attachment: Packet Docs_Bach (10221 : James Bach)



CERTIFICATE OF PERMIT COVERAGE

UNDER THE
WPDES CONSTRUCTION SITE STORM WATER RUNOFF PERMIT
Permit No. WI-S067831-06


Under s. NR 216.455(2), Wis. Adm. Code, landowners of construction sites with storm water discharges regulated by the Wisconsin Department of Natural Resources (WDNR) Storm Water Permit Program are required to post this certificate in a conspicuous place at the construction site. This certifies that the site has been granted WDNR storm water permit coverage. The landowner must implement and maintain erosion control practices to limit sediment-contaminated runoff to waters of the state in accordance with the permit.

EROSION CONTROL COMPLAINTS should be reported to the WDNR Tip Line at **1-800-TIP-WDNR (1-800-847-9367)**

Please provide the following information to the Tip Line:

WDNR Site No. (FIN): 95729
Site Name: 13346 Lakewood Dr Bluff Grading
Address/Location: 13346 N Lakewood Dr City of MEQUON

Additional Information:

Landowner: James Bach
Landowner's Contact Person: James Bach
Contact Telephone Number: (414) 573-5954
Permit Start Date: January 03, 2025
By:  _____

WDNR Publication # WT-813 (10/11)

Attachment: Packet Docs_Bach (10221 : James Bach)

State of Wisconsin
DEPARTMENT OF NATURAL RESOURCES
Southeast Region Headquarters
1027 W Saint Paul Ave
Milwaukee, WI 53233

Tony Evers, Governor

Telephone (414) 263-8500
Toll Free 1-888-936-7463
TTY Access via relay - 711



January 3, 2025

Eric Erickson
13404 N. Lakewood Drive
Mequon WI 53097
Via email: egeIII325@gmail.com

SUBJECT: Coverage Under WPDES General Permit No. WI-S067831-06: Construction Site Storm Water Runoff
Permittee Name: Eric Erickson
Site Name: 13404 Lakewood Drive
FIN: 95741

Dear Permittee:

The Wisconsin Department of Natural Resources received your Water Resources Application for Project Permits or Notice of Intent, on September 03, 2024, for the 13404 Lakewood Drive site and has evaluated the information provided regarding storm water discharges from your construction site. We have determined that your construction site activities will be regulated under ch. 283, Wis. Stats., ch. NR 216, Wis. Adm. Code, and in accordance with Wisconsin Pollutant Discharge Elimination System (WPDES) General Permit No. WI-S067831-06, Construction Site Storm Water Runoff. All erosion control and storm water management activities undertaken at the site must be done in accordance with the terms and conditions of the general permit.

The **Start Date** of permit coverage for this site is January 03, 2025. The maximum period of permit coverage for this site is limited to 3 years from the **Start Date**. Therefore, permit coverage automatically expires and terminates 3 years from the Start Date and storm water discharges are no longer authorized unless another Notice of Intent and application fee to retain coverage under this permit or a reissued version of this permit is submitted to the Department 14 working days prior to expiration.

A copy of the general permit along with extensive storm water information including technical standards, forms, guidance and other documents is accessible on the Department’s storm water program Internet site. To obtain a copy of the general permit, please download it and the associated documents listed below from the following Department Internet site:

<http://dnr.wi.gov/topic/stormwater/construction/forms.html>

- Construction Site Storm Water Runoff WPDES general permit No. WI-S067831-06
- Construction site inspection report form
- Notice of Termination form

If, for any reason, you are unable to access these documents over the Internet, please contact me and I will send them to you.

To ensure compliance with the general permit, please read it carefully and be sure you understand its contents. Please take special note of the following requirements (This is not a complete list of the terms and conditions of the general permit.):

1. The Construction Site Erosion Control Plan and Storm Water Management Plan that you completed prior to submitting your permit application must be implemented and maintained throughout construction. Failure to do so may result in enforcement action by the Department.

Attachment: Packet Docs_Bach (10221 : James Bach)

2. Construction dewatering discharges from an area subject to remedial action operations or from an area containing contamination that would be subject to remedial action operations are not eligible for coverage under this permit (section 1.1.2.3). Discharges may be eligible for coverage under the [Contaminated Groundwater from Remedial Action Operations General Permit \(WI-0046566-07-0\)](#).

3. The general permit requires that erosion and sediment controls be routinely inspected at least every 7 days, and within 24 hours after a rainfall event of 0.5 inches or greater. Weekly written reports of all inspections must be maintained. The reports must contain the following information:

- a. Date, time, and exact place of inspection;
- b. Name(s) of individual(s) performing inspection;
- c. An assessment of the condition of erosion and sediment controls;
- d. A description of any erosion and sediment control implementation and maintenance performed;
- e. A description of the site’s present phase of construction.

4. A **Certificate of Permit Coverage** must be posted in a conspicuous place on the construction site. The Certificate of Permit Coverage (WDNR Publication # WT-813) is enclosed for your use.

5. When construction activities have ceased and the site has undergone final stabilization, a Notice of Termination (NOT) of coverage under the general permit must be submitted to the Department.

It is important that you read and understand the terms and conditions of the general permit because they have the force of law and apply to you. Your project may lose its permit coverage if you do not comply with its terms and conditions. The Department may also withdraw your project from coverage under the general permit and require that you obtain an individual WPDES permit instead, based on the Department's own motion, upon the filing of a written petition by any person, or upon your request.

If you believe that you have a right to challenge this decision to grant permit coverage, you should know that the Wisconsin statutes and administrative rules establish time periods within which requests to review Department decisions must be filed. For judicial review of a decision pursuant to ss. 227.52 and 227.53, Wis. Stats., you have 30 days after the decision is mailed, or otherwise served by the Department, to file your petition with the appropriate circuit court and serve the petition on the Department. Such a petition for judicial review must name the Department of Natural Resources as the respondent.

To request a contested case hearing pursuant to s. 227.42, Wis. Stats., you have 30 days after the decision is mailed, or otherwise served by the Department, to serve a petition for hearing on the Secretary of the Department of Natural Resources. All requests for contested case hearings must be made in accordance with s. NR 2.05(5), Wis. Adm. Code, and served on the Secretary in accordance with s. NR 2.03, Wis. Adm. Code. The filing of a request for a contested case hearing is not a prerequisite for judicial review and does not extend the 30-day period for filing a petition for judicial review.

Thank you for your cooperation with the Construction Site Storm Water Discharge Permit Program. If you have any questions concerning the contents of this letter or the general permit, please contact Peter Wood, P.E. at (262) 822-8227.

Sincerely,



Peter Wood, P.E.
Southeast Region
Storm Water Program

ENCLOSURE: Certificate of Permit Coverage

Attachment: Packet Docs_Bach (10221 : James Bach)



CERTIFICATE OF PERMIT COVERAGE

UNDER THE WPDES CONSTRUCTION SITE STORM WATER RUNOFF PERMIT Permit No. WI-S067831-06

Under s. NR 216.455(2), Wis. Adm. Code, landowners of construction sites with storm water discharges regulated by the Wisconsin Department of Natural Resources (WDNR) Storm Water Permit Program are required to post this certificate in a conspicuous place at the construction site. This certifies that the site has been granted WDNR storm water permit coverage. The landowner must implement and maintain erosion control practices to limit sediment-contaminated runoff to waters of the state in accordance with the permit.


EROSION CONTROL COMPLAINTS should be reported to the WDNR Tip Line at **1-800-TIP-WDNR (1-800-847-9367)**

Please provide the following information to the Tip Line:

WDNR Site No. (FIN): 95741
Site Name: 13404 Lakewood Drive
Address/Location: 13404 Lakewood Drive City of MEQUON

Additional Information:

Landowner: Eric Erickson
Landowner's Contact Person: Eric Erickson
Contact Telephone Number: (414) 699-7666
Permit Start Date: January 03, 2025

By: 

Attachment: Packet Docs_Bach (10221 : James Bach)

State of Wisconsin
DEPARTMENT OF NATURAL RESOURCES
3911 Fish Hatchery Rd.
Fitchburg, WI, 53711

Tony Evers, Governor

Telephone 608-266-2621
Toll Free 1-888-936-7463
TTY Access via relay - 711



IP-SE-2024-46-03257

Eric Erickson
13404 N Lakewood Drive
Mequon, WI 53097
[sent electronically]

RE: Permit Issuance to install a revetment located on Lake Michigan

Dear Mr. Erickson:

The Department of Natural Resources has completed its review of your application for a permit to install coastal shoreline protection on Lake Michigan located in the NE 1/4 of NE 1/4, Section 8, Township 9, Range 22, City of Mequon, Ozaukee County. You will be pleased to know your application is approved.

I am attaching a copy of your permit, which lists the many important conditions that must be followed to protect water quality and habitat. A copy of the permit must be posted for reference at the project site. **Please read your permit conditions carefully so that you are fully aware of what is expected of you.**

Please note you are required to submit photographs of the completed project within 7 days after you've finished construction. This helps both of us to document the completion of the project and compliance with the permit conditions.

Your next step will be to notify me of the date on which you plan to start construction and again after your project is complete.

If you have any questions about your permit, please call me at (608) 438-9017 or email Travis.Schroeder@wisconsin.gov.

Sincerely,

Travis Schroeder
Water Management Specialist

Email cc: Tim Orlowski U.S. Army Corps of Engineers
City of Mequon Zoning Administrator
Evan Nickodem Parish Engineering

Attachment: Packet Docs_Bach (10221 : James Bach)

STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES

COASTAL SHORELINE PROTECTION PERMIT
IP-SE-2024-46-03257

Eric Erickson is hereby granted under Section 30.12(3m), Wisconsin Statutes, a permit to install coastal shoreline protection on Lake Michigan located in the NE 1/4 of NE 1/4, Section 8, Township 9, Range 22, City of Mequon, Ozaukee County, subject to the following conditions:

PERMIT

- You must notify Travis Schroeder at phone (608) 438-9017 or email Travis.Schroeder@wisconsin.gov before starting construction and again not more than 5 days after the project is complete.
- You must complete the project as described **on or before 10/01/2029**. If you will not complete the project by this date, you must submit a written request for an extension prior to expiration of the initial time limit specified in the permit. Your request must identify the requested extension date. The Department shall extend the time limit for an individual permit or contract for no longer than an additional 5 years if you request the extension before the initial time limit expires. You may not begin or continue construction after the original permit expiration date unless the Department extends the permit in writing or grants a new permit.
- This permit does not authorize any work other than what you specifically describe in your application and plans, and as modified by the conditions of this permit. If you wish to alter the project or permit conditions, you must **first obtain written approval** of the Department.
- Before you start your project, you must first obtain any permit or approval that may be required for your project by local zoning ordinances and by the U.S. Army Corps of Engineers. You are responsible for contacting these local and federal authorities to determine if they require permits or approvals for your project. These local and federal authorities are responsible for determining if your project complies with their requirements.
- Upon reasonable notice, you shall allow access to your project site during reasonable hours to any Department employee who is investigating the project's construction, operation, maintenance or permit compliance.
- The Department may modify or revoke this permit for good cause, including if the project is not completed according to the terms of the permit or if the Department determines the activity is detrimental to the public interest.
- **You must post a copy of this permit at a conspicuous location on the project site**, visible from the waterway, for at least five days prior to construction, and remaining at least five days after construction. You must also have a copy of the permit and approved plan available at the project site at all times until the project is complete.
- Your acceptance of this permit and efforts to begin work on this project signify that you have read, understood, and agreed to follow all conditions of this permit.
- **You must submit a series of photographs to the Department, within one week of completing work on the site.** The photographs must be taken from different vantage points and depict all work authorized by this permit.
- You, your agent, and any involved contractors or consultants may be considered a party to the violation pursuant to Section 30.292, Wis. Stats., for any violations of Chapter 30, Wis. Stats., or this permit.
- Construction shall be accomplished in such a manner as to minimize erosion and siltation into surface waters. Erosion control measures (such as silt fence and straw bales) must meet or exceed the technical standards of ch. NR 151, Wisconsin Administrative Code (Wis. Adm. Code). The technical standards are found at: http://dnr.wi.gov/topic/stormwater/standards/const_standards.html.
- All equipment used for the project including but not limited to tracked vehicles, barges, boats, hoses, sheet pile and pumps shall be de-contaminated for invasive and exotic viruses and species prior to use and after use.

- The following steps must be taken every time you move your equipment to avoid transporting invasive and exotic viruses and species. To the extent practicable, equipment and gear used on infested waters shall not be used on other non-infested waters.
- 1. **Inspect and remove** aquatic plants, animals, and mud from your equipment.
- 2. **Drain all water** from your equipment that comes in contact with infested waters, including but not limited to tracked vehicles, barges, boats, hoses, sheet pile and pumps.
- 3. **Dispose** of aquatic plants, animals in the trash. Never release or transfer aquatic plants, animals or water from one waterbody to another.
- 4. **Wash your equipment** with hot (>140° F) and/or high-pressure water, - OR - Allow your equipment to **dry thoroughly for 5 days**.

- **SPECIFIC COASTAL SHORELINE PROTECTION CONDITIONS**

- A filter cloth, or a gravel filter layer, must be placed under the riprap to extend the life of the structure and to reduce maintenance costs.
- All grading and excavation must be confined to the square feet allowed by local ordinance.
- Banks and other erodible areas must be riprapped, seeded, mulched, or sodded to prevent erosion. Temporary and final erosion control measures are to be installed immediately and must be kept in place until site stabilization is completed. Temporary erosion control measures such as straw bales and silt fences must be put in place prior to any precipitation or if work ceases for longer than 24 consecutive hours.
- Disturbance of bank vegetation must be kept to a minimum during construction. Any vegetative removal must comply with local zoning regulations.
- The project must be constructed in such a manner as to prevent upland soil losses and sediment deposition into surface waters.
- After the site is 80% stabilized or prior to or at the direction of the Department, all temporary erosion control measures must be removed and disposed of properly.
- Erosion control measures must be in place at the end of each working day.
- Erosion control measures must be inspected and any necessary repairs or maintenance performed after every rainfall event exceeding 1/2 inch and at least once per week.
- No portion of the bank or upland which is altered or disturbed and as a result is unstable may remain unprotected for more than 7 consecutive days.
- You must not temporarily or permanently deposit, stockpile, or store any material in a wetland or below the ordinary high-water mark of any waterway. All materials must be placed out of the floodway.
- No in water work shall occur during March 1 - June 15.
- Rock riprap materials must be constructed and placed in a manner to create a stable slope with rock made up of a range of various diameters and gradation to minimize the gaps between rock. Rock shall be placed in an irregular manner so as to not result in a flat facing slope or “puzzle piece” design. Irregular rock rip rap shall be placed in a manner that does not result in a flat-facing slope. The toe stone should be keyed into the lakebed and not result in a flat vertical face.
- This permit authorizes 100ft of armor stone that should be installed as shown in the 11-21-2024 plans.

- A copy of plans and the permit are to be provided to each contractor working on the project.

FINDINGS OF FACT

Eric Erickson has filed an application with this Department under sections 30.12(3m) and 30.208 Wis. Stats., for a coastal shoreline project to Lake shore erosion control- Great Lakes located in the NE 1/4 of NE 1/4, Section 8, Township 9, Range 22, City of Mequon, Ozaukee County.

The applicant proposes to install a 100 ft long revetment on Lake Michigan.

The Department has completed an investigation of the project site and has evaluated the project as described in the application and plans.

Lake Michigan is a navigable water

The proposed project, if constructed in accordance with this permit will not adversely affect water quality, will not increase water pollution in surface waters and will not cause environmental pollution as defined in s. 283.01(6m), Wis. Stats.

The proposed project will not impact wetlands if constructed in accordance with this permit.

The Department of Natural Resources has determined that the agency's review of the proposed project constitutes an integrated analysis action under s. NR 150.20(2), Wis. Adm. Code. The Department has considered the impacts on the human environment, alternatives to the proposed projects and has provided opportunities for public disclosure and comment. The Department has completed all procedural requirements of s. 1.11(2)(c), Wis. Stats., and NR 150, Wis. Adm. Code for this project.

The Department of Natural Resources and the applicant have completed all procedural requirements and the project as permitted will comply with all applicable requirements of Sections 30.12(3m) and 30.208, Wis. Stats. and Chapters NR 102, 103 of the Wis. Admin. Code.

The structure or deposit will not materially obstruct navigation because the shoreline erosion control will not enclose any part of the waterway, will be placed along the natural contour of the shoreline and start at the ordinary high water mark, and not exceed 10 feet out into the lakebed as measured from the ordinary high water mark.

The structure or deposit will not be detrimental to the public interest because the project will be installed in accordance with permit conditions and riprap will be placed at a 2 (H) slope to alleviate high near shore energy and provide ingress and egress.

The structure or deposit will not materially reduce the flood flow capacity of the navigable waterbody because the shoreline erosion control structure does not block any intermittent stream or stream from entering Lake Michigan or Lake Superior.

CONCLUSIONS OF LAW

1. The Department has authority under the above indicated Wisconsin Statutes and Administrative Codes, to issue a permit for the construction and maintenance of this project.
2. The Department has complied with s. 1.11, Wis. Stats.

NOTICE OF APPEAL RIGHTS

If you believe that you have a right to challenge this decision, you should know that the Wisconsin statutes and administrative rules establish time periods within which requests to review Department decisions shall be filed. For judicial review of a decision pursuant to sections 227.52 and 227.53, Wis. Stats., you have 30 days after the decision is mailed, or otherwise served by the Department, to file your petition with the appropriate circuit court and serve the petition on the Department. Such a petition for judicial review shall name the Department of Natural Resources as the respondent.

To request a contested case hearing of any individual permit decision pursuant to section 30.209, Wis. Stats., you have 30 days after the decision is mailed, or otherwise served by the Department, to serve a petition for hearing on the Secretary of the Department of Natural Resources, P.O. Box 7921, Madison, WI, 53707-7921. The petition shall be in writing, shall be dated and signed by the petitioner, and shall include as an attachment a copy of the decision for which administrative review is sought. If you are not the applicant, you must simultaneously provide a copy of the petition to the applicant. If you wish to request a stay of the project, you must provide information, as outlined below, to show that a stay is necessary to prevent significant adverse impacts or irreversible harm to the environment. If you are not the permit applicant, you must provide a copy of the petition to the permit applicant at the same time that you serve the petition on the Department.

The filing of a request for a contested case hearing is not a prerequisite for judicial review and does not extend the 30-day period for filing a petition for judicial review.

A request for contested case hearing must meet the requirements of section 30.209, Wis. Stats., and sections NR 2.03, 2.05, and 300.09(5), Wis. Admin. Code, and if the petitioner is not the applicant the petition must include the following information:

1. A description of the objection that is sufficiently specific to allow the department to determine which provisions of this section may be violated if the proposed permit or contract is allowed to proceed.
2. A description of the facts supporting the petition that is sufficiently specific to determine how the petitioner believes the project, as proposed, may result in a violation of Chapter 30, Wis. Stats.
3. A commitment by the petitioner to appear at the administrative hearing and present information supporting the petitioner's objection.

If the petition contains a request for a stay of the project, the petition must also include information showing that a stay is necessary to prevent significant adverse impacts or irreversible harm to the environment.

Dated at South Central Region Headquarters, Wisconsin on 12/23/2024.

STATE OF WISCONSIN DEPARTMENT OF NATURAL RESOURCES
For the Secretary



By:

Travis Schroeder

Water Management Specialist

Attachment: Packet Docs_Bach (10221 : James Bach)

State of Wisconsin
DEPARTMENT OF NATURAL RESOURCES
Southeast Region Headquarters
1027 W Saint Paul Ave
Milwaukee, WI 53233

Tony Evers, Governor

Telephone (414) 263-8500
Toll Free 1-888-936-7463
TTY Access via relay - 711



January 3, 2025

Nour Sinno
13334 N. Lakewood Drive
Mequon WI 53097
Via email: nsinno2@gmail.com

SUBJECT: Coverage Under WPDES General Permit No. WI-S067831-06: Construction Site Storm Water Runoff
Permittee Name: Nour Sinno
Site Name: 13334 Lakewood Drive
FIN: 95739

Dear Permittee:

The Wisconsin Department of Natural Resources received your Water Resources Application for Project Permits or Notice of Intent, on September 03, 2024, for the 13334 Lakewood Drive site and has evaluated the information provided regarding storm water discharges from your construction site. We have determined that your construction site activities will be regulated under ch. 283, Wis. Stats., ch. NR 216, Wis. Adm. Code, and in accordance with Wisconsin Pollutant Discharge Elimination System (WPDES) General Permit No. WI-S067831-06, Construction Site Storm Water Runoff. All erosion control and storm water management activities undertaken at the site must be done in accordance with the terms and conditions of the general permit.

The **Start Date** of permit coverage for this site is January 03, 2025. The maximum period of permit coverage for this site is limited to 3 years from the **Start Date**. Therefore, permit coverage automatically expires and terminates 3 years from the Start Date and storm water discharges are no longer authorized unless another Notice of Intent and application fee to retain coverage under this permit or a reissued version of this permit is submitted to the Department 14 working days prior to expiration.

A copy of the general permit along with extensive storm water information including technical standards, forms, guidance and other documents is accessible on the Department’s storm water program Internet site. To obtain a copy of the general permit, please download it and the associated documents listed below from the following Department Internet site:

<http://dnr.wi.gov/topic/stormwater/construction/forms.html>

- Construction Site Storm Water Runoff WPDES general permit No. WI-S067831-06
- Construction site inspection report form
- Notice of Termination form

If, for any reason, you are unable to access these documents over the Internet, please contact me and I will send them to you.

To ensure compliance with the general permit, please read it carefully and be sure you understand its contents. Please take special note of the following requirements (This is not a complete list of the terms and conditions of the general permit.):

1. The Construction Site Erosion Control Plan and Storm Water Management Plan that you completed prior to submitting your permit application must be implemented and maintained throughout construction. Failure to do so may result in enforcement action by the Department.

Attachment: Packet Docs_Bach (10221 : James Bach)

2. Construction dewatering discharges from an area subject to remedial action operations or from an area containing contamination that would be subject to remedial action operations are not eligible for coverage under this permit (section 1.1.2.3). Discharges may be eligible for coverage under the [Contaminated Groundwater from Remedial Action Operations General Permit \(WI-0046566-07-0\)](#).

3. The general permit requires that erosion and sediment controls be routinely inspected at least every 7 days, and within 24 hours after a rainfall event of 0.5 inches or greater. Weekly written reports of all inspections must be maintained. The reports must contain the following information:

- a. Date, time, and exact place of inspection;
- b. Name(s) of individual(s) performing inspection;
- c. An assessment of the condition of erosion and sediment controls;
- d. A description of any erosion and sediment control implementation and maintenance performed;
- e. A description of the site’s present phase of construction.

4. A **Certificate of Permit Coverage** must be posted in a conspicuous place on the construction site. The Certificate of Permit Coverage (WDNR Publication # WT-813) is enclosed for your use.

5. When construction activities have ceased and the site has undergone final stabilization, a Notice of Termination (NOT) of coverage under the general permit must be submitted to the Department.

It is important that you read and understand the terms and conditions of the general permit because they have the force of law and apply to you. Your project may lose its permit coverage if you do not comply with its terms and conditions. The Department may also withdraw your project from coverage under the general permit and require that you obtain an individual WPDES permit instead, based on the Department's own motion, upon the filing of a written petition by any person, or upon your request.

If you believe that you have a right to challenge this decision to grant permit coverage, you should know that the Wisconsin statutes and administrative rules establish time periods within which requests to review Department decisions must be filed. For judicial review of a decision pursuant to ss. 227.52 and 227.53, Wis. Stats., you have 30 days after the decision is mailed, or otherwise served by the Department, to file your petition with the appropriate circuit court and serve the petition on the Department. Such a petition for judicial review must name the Department of Natural Resources as the respondent.

To request a contested case hearing pursuant to s. 227.42, Wis. Stats., you have 30 days after the decision is mailed, or otherwise served by the Department, to serve a petition for hearing on the Secretary of the Department of Natural Resources. All requests for contested case hearings must be made in accordance with s. NR 2.05(5), Wis. Adm. Code, and served on the Secretary in accordance with s. NR 2.03, Wis. Adm. Code. The filing of a request for a contested case hearing is not a prerequisite for judicial review and does not extend the 30-day period for filing a petition for judicial review.

Thank you for your cooperation with the Construction Site Storm Water Discharge Permit Program. If you have any questions concerning the contents of this letter or the general permit, please contact Peter Wood, P.E. at (262) 822-8227.

Sincerely,



Peter Wood, P.E.
Southeast Region
Storm Water Program

ENCLOSURE: Certificate of Permit Coverage

Attachment: Packet Docs_Bach (10221 : James Bach)



CERTIFICATE OF PERMIT COVERAGE

**UNDER THE
WPDES CONSTRUCTION SITE STORM WATER RUNOFF PERMIT
Permit No. WI-S067831-06**

Under s. NR 216.455(2), Wis. Adm. Code, landowners of construction sites with storm water discharges regulated by the Wisconsin Department of Natural Resources (WDNR) Storm Water Permit Program are required to post this certificate in a conspicuous place at the construction site. This certifies that the site has been granted WDNR storm water permit coverage. The landowner must implement and maintain erosion control practices to limit sediment-contaminated runoff to waters of the state in accordance with the permit.


EROSION CONTROL COMPLAINTS
should be reported to the WDNR Tip Line at
1-800-TIP-WDNR (1-800-847-9367)

Please provide the following information to the Tip Line:

WDNR Site No. (FIN): 95739
Site Name: 13334 Lakewood Drive
Address/Location: 13334 Lakewood Drive City of MEQUON

Additional Information:

Landowner: Nour Sinno
Landowner's Contact Person: Nour Sinno
Contact Telephone Number: (773) 405-8926
Permit Start Date: January 03, 2025

By:  _____

Attachment: Packet Docs_Bach (10221 : James Bach)

State of Wisconsin
DEPARTMENT OF NATURAL RESOURCES
3911 Fish Hatchery Rd.
Fitchburg, WI, 53711

Tony Evers, Governor

Telephone 608-266-2621
Toll Free 1-888-936-7463
TTY Access via relay - 711



IP-SE-2024-46-03253

Nour Sinno
13334 N Lakewood Dr
Mequon, WI 53097
[sent electronically]

RE: Permit Issuance for project located on Lake Michigan

Dear Mr. or Ms. Sinno:

The Department of Natural Resources has completed its review of your application for a permit to install coastal shoreline protection on Lake Michigan located in the SE 1/4 of NE 1/4, Section 8, Township 9, Range 22E, City of Mequon, Ozaukee County. You will be pleased to know your application is approved.

I am attaching a copy of your permit, which lists the many important conditions that must be followed to protect water quality and habitat. A copy of the permit must be posted for reference at the project site. **Please read your permit conditions carefully so that you are fully aware of what is expected of you.**

Please note you are required to submit photographs of the completed project within 7 days after you've finished construction. This helps both of us to document the completion of the project and compliance with the permit conditions.

Your next step will be to notify me of the date on which you plan to start construction and again after your project is complete.

If you have any questions about your permit, please call me at (608) 438-9017 or email Travis.Schroeder@wisconsin.gov.

Sincerely,

Travis Schroeder
Water Management Specialist

Email cc: Tim Orłowski U.S. Army Corps of Engineers
City of Mequon zoning Administrator
Evan Nickodem Parish Survey and Engineering

Attachment: Packet Docs_Bach (10221 : James Bach)

STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES

COASTAL SHORELINE PROTECTION PERMIT
IP-SE-2024-46-03253

Nour Sinno is hereby granted under Section 30.12(3m), Wisconsin Statutes, a permit to install coastal shoreline protection on Lake Michigan located in the SE 1/4 of NE 1/4, Section 8, Township 9, Range 22E, City of Mequon, Ozaukee County, subject to the following conditions:

PERMIT

1. You must notify Travis Schroeder at phone (608) 438-9017 or email Travis.Schroeder@wisconsin.gov before starting construction and again not more than 5 days after the project is complete.
2. You must complete the project as described **on or before 10/01/2029**. If you will not complete the project by this date, you must submit a written request for an extension prior to expiration of the initial time limit specified in the permit. Your request must identify the requested extension date. The Department shall extend the time limit for an individual permit or contract for no longer than an additional 5 years if you request the extension before the initial time limit expires. You may not begin or continue construction after the original permit expiration date unless the Department extends the permit in writing or grants a new permit.
3. This permit does not authorize any work other than what you specifically describe in your application and plans, and as modified by the conditions of this permit. If you wish to alter the project or permit conditions, you must **first obtain written approval** of the Department.
4. Before you start your project, you must first obtain any permit or approval that may be required for your project by local zoning ordinances and by the U.S. Army Corps of Engineers. You are responsible for contacting these local and federal authorities to determine if they require permits or approvals for your project. These local and federal authorities are responsible for determining if your project complies with their requirements.
5. Upon reasonable notice, you shall allow access to your project site during reasonable hours to any Department employee who is investigating the project's construction, operation, maintenance or permit compliance.
6. The Department may modify or revoke this permit for good cause, including if the project is not completed according to the terms of the permit or if the Department determines the activity is detrimental to the public interest.
7. **You must post a copy of this permit at a conspicuous location on the project site**, visible from the waterway, for at least five days prior to construction, and remaining at least five days after construction. You must also have a copy of the permit and approved plan available at the project site at all times until the project is complete.
8. Your acceptance of this permit and efforts to begin work on this project signify that you have read, understood, and agreed to follow all conditions of this permit.
9. **You must submit a series of photographs to the Department, within one week of completing work on the site.** The photographs must be taken from different vantage points and depict all work authorized by this permit.
10. You, your agent, and any involved contractors or consultants may be considered a party to the violation pursuant to Section 30.292, Wis. Stats., for any violations of Chapter 30, Wis. Stats., or this permit.
11. Construction shall be accomplished in such a manner as to minimize erosion and siltation into surface waters. Erosion control measures (such as silt fence and straw bales) must meet or exceed the technical standards of ch. NR 151, Wisconsin Administrative Code (Wis. Adm. Code). The technical standards are found at: http://dnr.wi.gov/topic/stormwater/standards/const_standards.html.
12. All equipment used for the project including but not limited to tracked vehicles, barges, boats, hoses, sheet pile and pumps shall be de-contaminated for invasive and exotic viruses and species prior to use and after use.

Attachment: Packet Docs_Bach (10221 : James Bach)

13. The following steps must be taken every time you move your equipment to avoid transporting invasive and exotic viruses and species. To the extent practicable, equipment and gear used on infested waters shall not be used on other non-infested waters.
14. **1. Inspect and remove** aquatic plants, animals, and mud from your equipment.
15. **2. Drain all water** from your equipment that comes in contact with infested waters, including but not limited to tracked vehicles, barges, boats, hoses, sheet pile and pumps.
16. **3. Dispose** of aquatic plants, animals in the trash. Never release or transfer aquatic plants, animals or water from one waterbody to another.
17. **4. Wash your equipment** with hot (>140° F) and/or high-pressure water, - OR - Allow your equipment to **dry thoroughly for 5 days**.

18. SPECIFIC COASTAL SHORELINE PROTECTION CONDITIONS

19. A filter cloth, or a gravel filter layer, must be placed under the riprap to extend the life of the structure and to reduce maintenance costs.
20. All grading and excavation must be confined to the square feet allowed by local ordinance.
21. Banks and other erodible areas must be riprapped, seeded, mulched, or sodded to prevent erosion. Temporary and final erosion control measures are to be installed immediately and must be kept in place until site stabilization is completed. Temporary erosion control measures such as straw bales and silt fences must be put in place prior to any precipitation or if work ceases for longer than 24 consecutive hours.
22. Disturbance of bank vegetation must be kept to a minimum during construction. Any vegetative removal must comply with local zoning regulations.
23. The project must be constructed in such a manner as to prevent upland soil losses and sediment deposition into surface waters.
24. After the site is 80% stabilized or prior to or at the direction of the Department, all temporary erosion control measures must be removed and disposed of properly.
25. Erosion control measures must be in place at the end of each working day.
26. Erosion control measures must be inspected and any necessary repairs or maintenance performed after every rainfall event exceeding 1/2 inch and at least once per week.
27. No portion of the bank or upland which is altered or disturbed and as a result is unstable may remain unprotected for more than 7 consecutive days.
28. You must not temporarily or permanently deposit, stockpile, or store any material in a wetland or below the ordinary high-water mark of any waterway. All materials must be placed out of the floodway.
29. No in-water work can take place annually between March 1st and June 15 to protect fish spawning, movement, and egg incubation periods.
30. The project shall be constructed to the height and specifications in the 11/21/2024 plans.
31. This permit authorizes the placement of materials (such as flat dimensional stone) for construction of stairs leading down to the water for access through the riprap material. If included in the project, stairs may not exceed 6ft in width with the bottom of the staircase designed to be flush with the toe stone of the riprap structure and not extending any further out into the waterbody than the toe stone.
32. Armoring material used for shoreline stabilization that has flat sides is not considered eligible riprap material and does not meet the criteria to be used for shoreline stabilization.

FINDINGS OF FACT

1. Nour Sinno has filed an application with this Department under sections 30.12(3m) and 30.208 Wis. Stats., for a coastal shoreline project to Lake shore erosion control- Great Lakes located in the SE 1/4 of NE 1/4, Section 8, Township 9, Range 22E, City of Mequon, Ozaukee County.
2. The applicant proposes to install a rock revetment on 170 ft of shoreline on Lake Michigan to protect the bank.
3. The Department has completed an investigation of the project site and has evaluated the project as described in the application and plans.
4. Lake Michigan is a navigable water.
5. The proposed project, if constructed in accordance with this permit will not adversely affect water quality, will not increase water pollution in surface waters and will not cause environmental pollution as defined in s. 283.01(6m), Wis. Stats.
6. The proposed project will not impact wetlands if constructed in accordance with this permit.
7. The Department of Natural Resources has determined that the agency's review of the proposed project constitutes an integrated analysis action under s. NR 150.20(2), Wis. Adm. Code. The Department has considered the impacts on the human environment, alternatives to the proposed projects and has provided opportunities for public disclosure and comment. The Department has completed all procedural requirements of s. 1.11(2)(c), Wis. Stats., and NR 150, Wis. Adm. Code for this project.
8. The Department of Natural Resources and the applicant have completed all procedural requirements and the project as permitted will comply with all applicable requirements of Sections 30.12(3m) and 30.208, Wis. Stats. and Chapters NR 102, 103, of the Wis. Admin. Code.
9. The structure or deposit will not materially obstruct navigation because the shoreline erosion control will not enclose any part of the waterway, will be placed along the natural contour of the shoreline and start at the ordinary high water mark, and not exceed 10 feet out into the lakebed as measured from the ordinary high water mark.
10. The structure or deposit will not be detrimental to the public interest because the project will be installed in accordance with permit conditions and riprap will be placed at a 2 (H) slope to alleviate high near shore energy and provide ingress and egress.
11. The structure or deposit will not materially reduce the flood flow capacity of the navigable waterbody because the shoreline erosion control structure does not block any intermittent stream or stream from entering Lake Michigan or Lake Superior.

CONCLUSIONS OF LAW

1. The Department has authority under the above indicated Wisconsin Statutes and Administrative Codes, to issue a permit for the construction and maintenance of this project.
2. The Department has complied with s. 1.11, Wis. Stats.

NOTICE OF APPEAL RIGHTS

If you believe that you have a right to challenge this decision, you should know that the Wisconsin statutes and administrative rules establish time periods within which requests to review Department decisions shall be filed. For judicial review of a decision pursuant to sections 227.52 and 227.53, Wis. Stats., you have 30 days after the decision is mailed, or otherwise served by the Department, to file your petition with the appropriate circuit court and serve the petition on the Department. Such a petition for judicial review shall name the Department of Natural Resources as the respondent.

To request a contested case hearing of any individual permit decision pursuant to section 30.209, Wis. Stats., you have 30 days after the decision is mailed, or otherwise served by the Department, to serve a petition for hearing on the Secretary of the Department of Natural Resources, P.O. Box 7921, Madison, WI, 53707-7921. The petition shall be in writing, shall be dated and signed by the petitioner, and shall include as an attachment a copy of the decision for which administrative review is sought. If you are not the applicant, you must simultaneously provide a copy of the petition to the applicant. If you wish to request a stay of the project, you must provide information, as outlined below, to show that a stay is necessary to prevent significant adverse impacts or irreversible harm to the environment. If you are not the permit applicant, you must provide a copy of the petition to the permit applicant at the same time that you serve the petition on the Department.

The filing of a request for a contested case hearing is not a prerequisite for judicial review and does not extend the 30-day period for filing a petition for judicial review.

A request for contested case hearing must meet the requirements of section 30.209, Wis. Stats., and sections NR 2.03, 2.05, and 300.09(5), Wis. Admin. Code, and if the petitioner is not the applicant the petition must include the following information:

1. A description of the objection that is sufficiently specific to allow the department to determine which provisions of this section may be violated if the proposed permit or contract is allowed to proceed.
2. A description of the facts supporting the petition that is sufficiently specific to determine how the petitioner believes the project, as proposed, may result in a violation of Chapter 30, Wis. Stats.
3. A commitment by the petitioner to appear at the administrative hearing and present information supporting the petitioner's objection.

If the petition contains a request for a stay of the project, the petition must also include information showing that a stay is necessary to prevent significant adverse impacts or irreversible harm to the environment.

Dated at South Central Region Headquarters, Wisconsin on 12/23/2024.

STATE OF WISCONSIN DEPARTMENT OF NATURAL RESOURCES
For the Secretary



By:

Travis Schroeder

Water Management Specialist

Attachment: Packet Docs_Bach (10221 : James Bach)



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

www.cityofmequonwi.gov

Department of Community Development

TO: Planning Commission
FROM: NATALIE REDDING, CITY PLANNER
DATE: April 21, 2025
SUBJECT: KCB Architects for Rick Cohen. The applicant is seeking minor request approval for a setback waiver to allow for an addition to the existing home for the property located at 320 E. Ravine Drive.

Applicant: KCB Architects
Status of Applicant: Agent
Requested: Setback Waiver
Existing Zoning: R-3 (Single-family suburban residential district)
Land Use Plan: Residential 1-1.5 acres
Lot size: 1 Acre
Location: 320 E. Ravine Road
Tax Key Number: #15-084-00-030.00
District: #6

Background: The applicant is seeking setback waiver approval to allow for an addition to an existing dwelling for the property located at 320 E Ravine Road. The existing dwelling and the proposed garage addition are non-conforming to the setback requirement. The proposed addition is 317 square feet and will not encroach further into the south setback than the existing structure.

Setback Exception:

The Zoning Ordinance, section 58-416(d)(1)(b), allows exceptions to the setback requirement with Planning Commission approval. The ordinance is intended to provide greater flexibility in allowing more reasonable expansion of non-conforming structures. According to the code, additions to existing buildings which lack the required setback may be allowed if the following is met:

1. The addition is setback at a distance at least equal to the existing building setback,
2. The Planning Commission determines that the addition will neither impede any likely public improvements nor cause any hardship, inconvenience or diminution in value to any adjacent properties and,
3. The Planning Commission further determines that the addition will be harmonious with neighborhood properties.

The property is located in the R-3 district along a local street, which requires a setback of 50 feet from the ultimate road right-of-way. The existing house has a setback of 33.8 feet from the south property line which does not meet the required setback. The proposed garage addition would similarly be setback 33.8 feet from the south property line. The addition is located well outside of the ultimate right-of-way and should not impede any public improvements nor create a public

safety issue. The proposed addition meets the side and rear offsets required in the R-3 zoning district and should be harmonious with neighboring properties. The addition will not create a negative visual impact along the public road due to the fact it is set back at a distance equal to the existing structure.

Engineering Report:

Cole McCraw, Assistant City Engineer, has reviewed the application and has the following comments:

Access is provided through an existing driveway on Ravine Drive. No access modifications are proposed or required in association with the project.

There is no indication of wetlands on the site. The site was screened for mapped wetlands using WDNR Surface Water Data Viewer.

The site is located within the City's sewer service area. The structure is connected to public sewer. Water connection shall conform to the Mequon Water Utility Water Connection Policy. Connection is not triggered with the proposed improvements.

The building addition proposes approximately 320 sq. ft. of added impervious surface. If proposed improvements add more than 5,000 square feet of impervious surface, per MMSD rules, green infrastructure will be required. Prior to the issuance of a building permit, the applicant shall design and submit for review and approval a green infrastructure plan in conformance with MMSD rules and City ordinances. Green infrastructure plans also require the execution of a Stormwater Maintenance and Easement Agreement and a drainage financial guarantee.

Construction of the building and site improvements will be permitted through the Inspections Division, so a fill, excavation, and berms permit and an erosion control permit from the Engineering Division will not be required unless other site improvements are proposed.

Staff Recommendation:

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

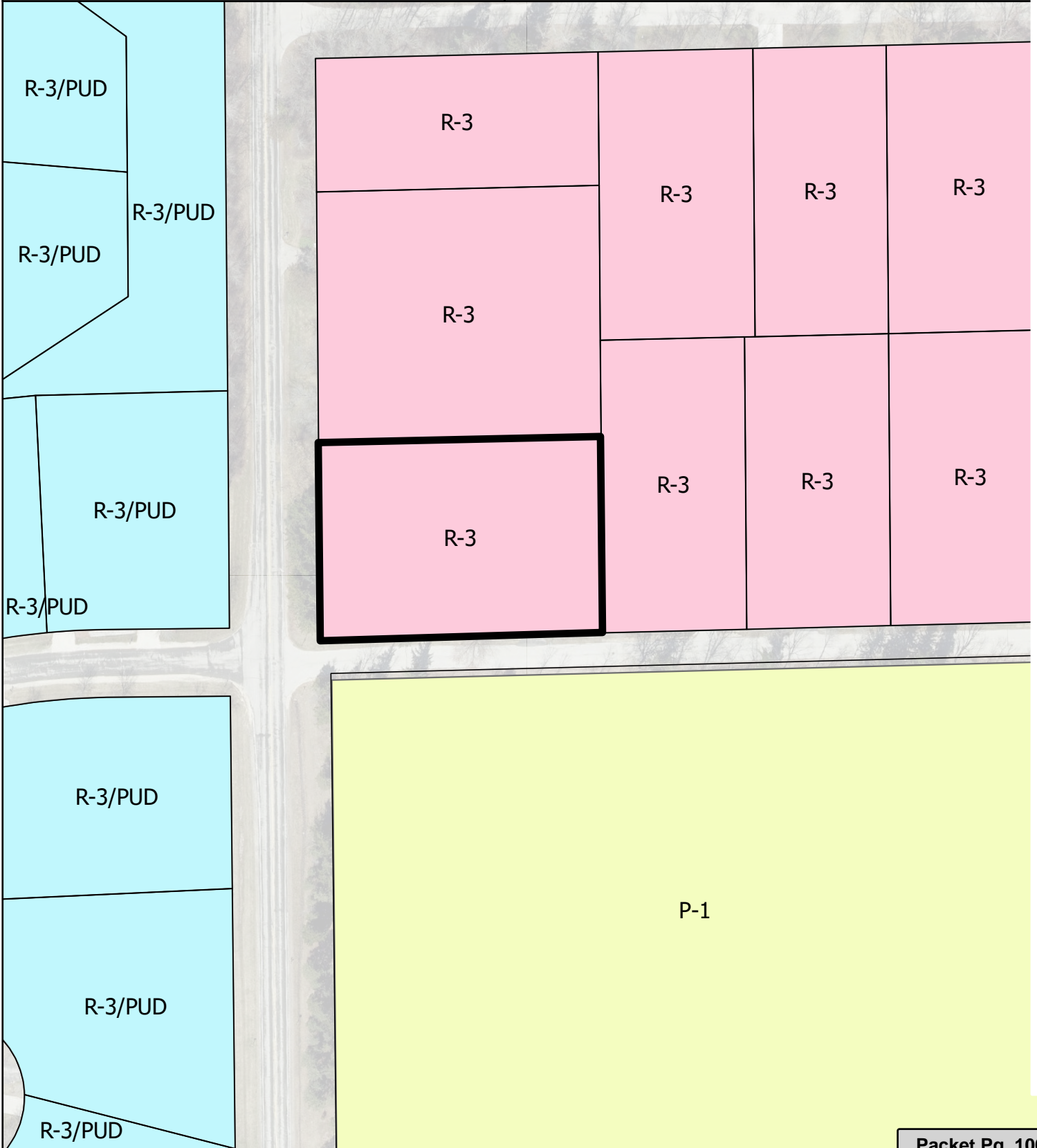
1. Staff approval of final site, floor and elevation plans.
2. Architectural Review Board approval of the addition.
3. Compliance with all other R-3 zoning district requirements.

Attachments:

Packet Docs_Cohen (PDF)

KCB ARCHITECTS FOR RICK COHEN

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



Attachment: Packet Docs_Cohen (10224 : KCB Architects for Rick Cohen)



March 24, 2025

KCB Buildings LLC
 Keith Barnes, AIA, LEED AP – Registered Wisconsin Architect
 P (WI): 608-669-4923
keith@kcbbuildings.com

Statement of Intent

320 E Ravine Dr – Mequon, WI – Single-Family Residential Garage Addition with Interior Renovations

The single-family residence located at 320 E Ravine Dr is an existing single-story home with an attached 2-car garage. The property is a corner lot on the northeast corner of N Lake Shore Drive and E Ravine Dr. The property is Zone R-3 (Single Family).

The proposed project outlines plans for converting a portion of the existing garage as well as an existing covered patio into living space. Additionally, a single story attached (side-entry) garage addition is being added to the South side of the existing garage. The front (south) setback of the proposed addition will be equal to the existing front setback of the home. In accordance with the setback exceptions of the zoning code [Sec 58-416(d)(1)(b)], Planning Commission approval is necessary in order to determine that the proposed addition will neither impede any likely public improvements nor cause any hardship, inconvenience, or diminution in value to any adjacent properties and will be harmonious with neighboring properties.

Keith C. Barnes, AIA, LEED AP
 Architect, Owner
 KCB Buildings LLC
 P (WI): 608-669-4923

Attachment: Packet Docs_Cohen (10224 : KCB Architects for Rick Cohen)

RESIDENTIAL GARAGE ADDITION & REMODEL

Cohen Residence - 320 E Ravine Dr.

ARCHITECT:



CONTRACTOR:



PROJECT:

320 E Ravine Dr - Residential Addition

OWNER:

Rick and Patricia Cohen

PROJECT ADDRESS:

320 E Ravine Dr
Mequon, WI 53092

Drawing Issuance Schedule:

No.	Description	Date
1	ARC Submittal	03/24/2025

General Notes:

Contractor to field verify all dimensions, levels and datums prior to starting the work. Any discrepancies or omissions shall be reported to the General Contractor and/or Architect.

All work shall be done in compliance with local codes, ordinances, rules and regulations.

No work shall be started until plans have been approved by the building inspector and all other agencies having jurisdiction.

Stamp:



Sheet Title:

Cover Sheet & Site Information

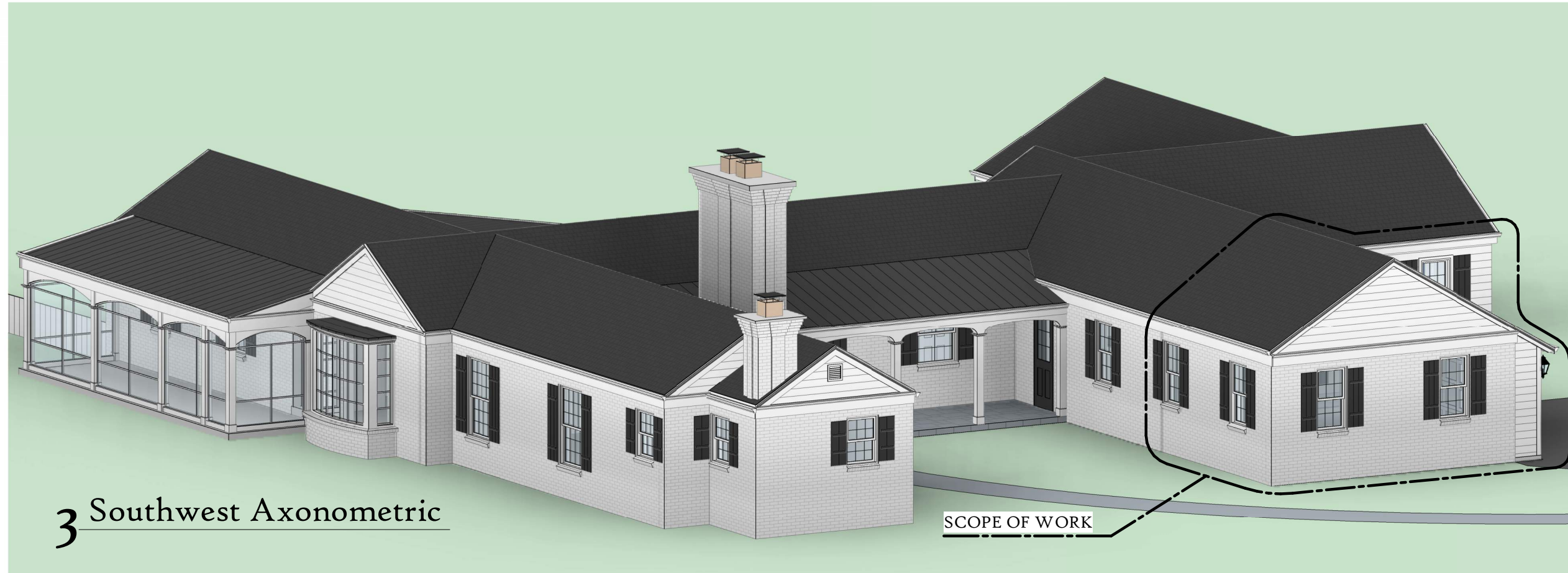
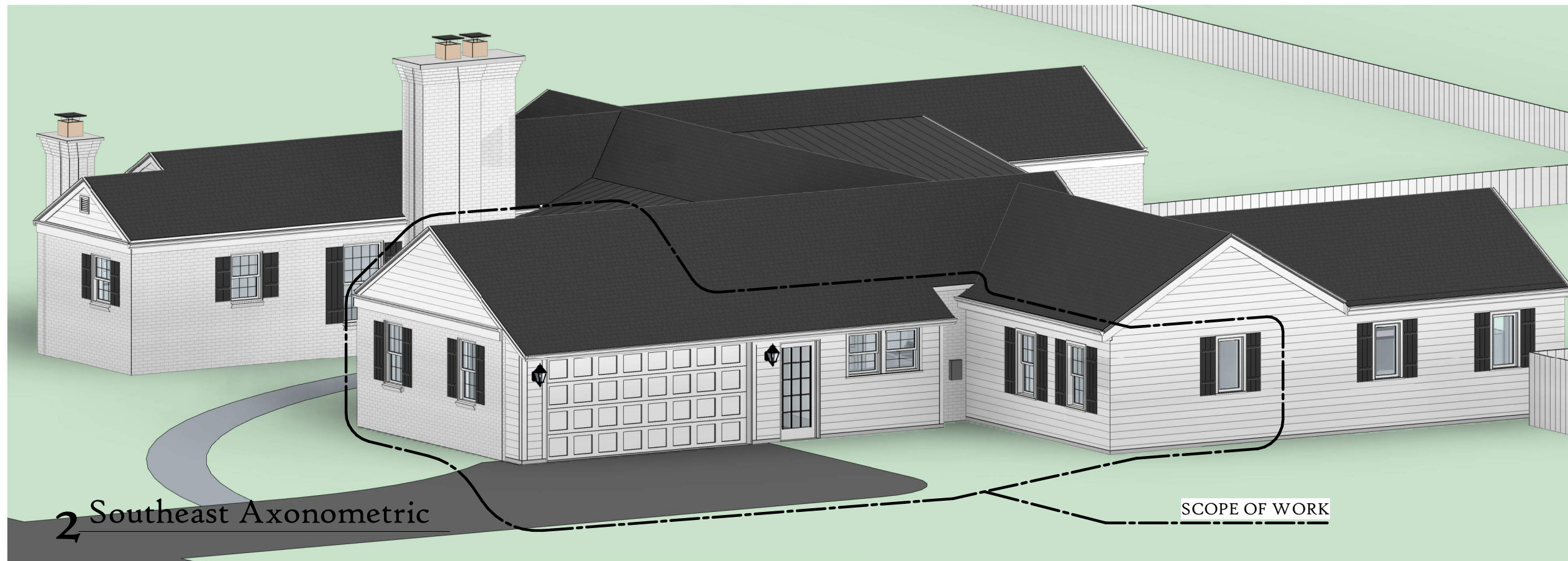
Scale As indicated

Date 2/27/25

Sheet No.

A-001

3/24/2025 8:45:06 AM

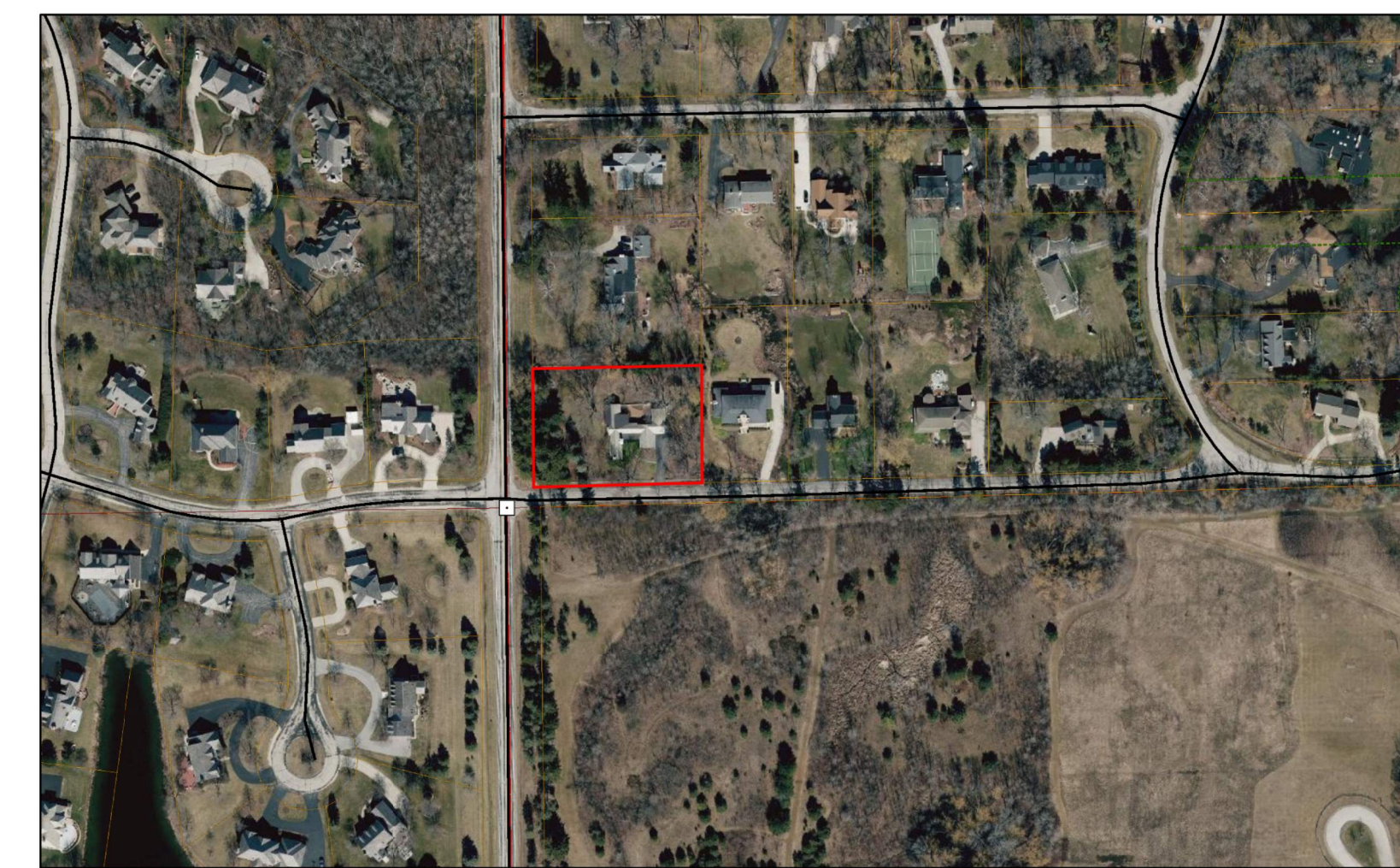
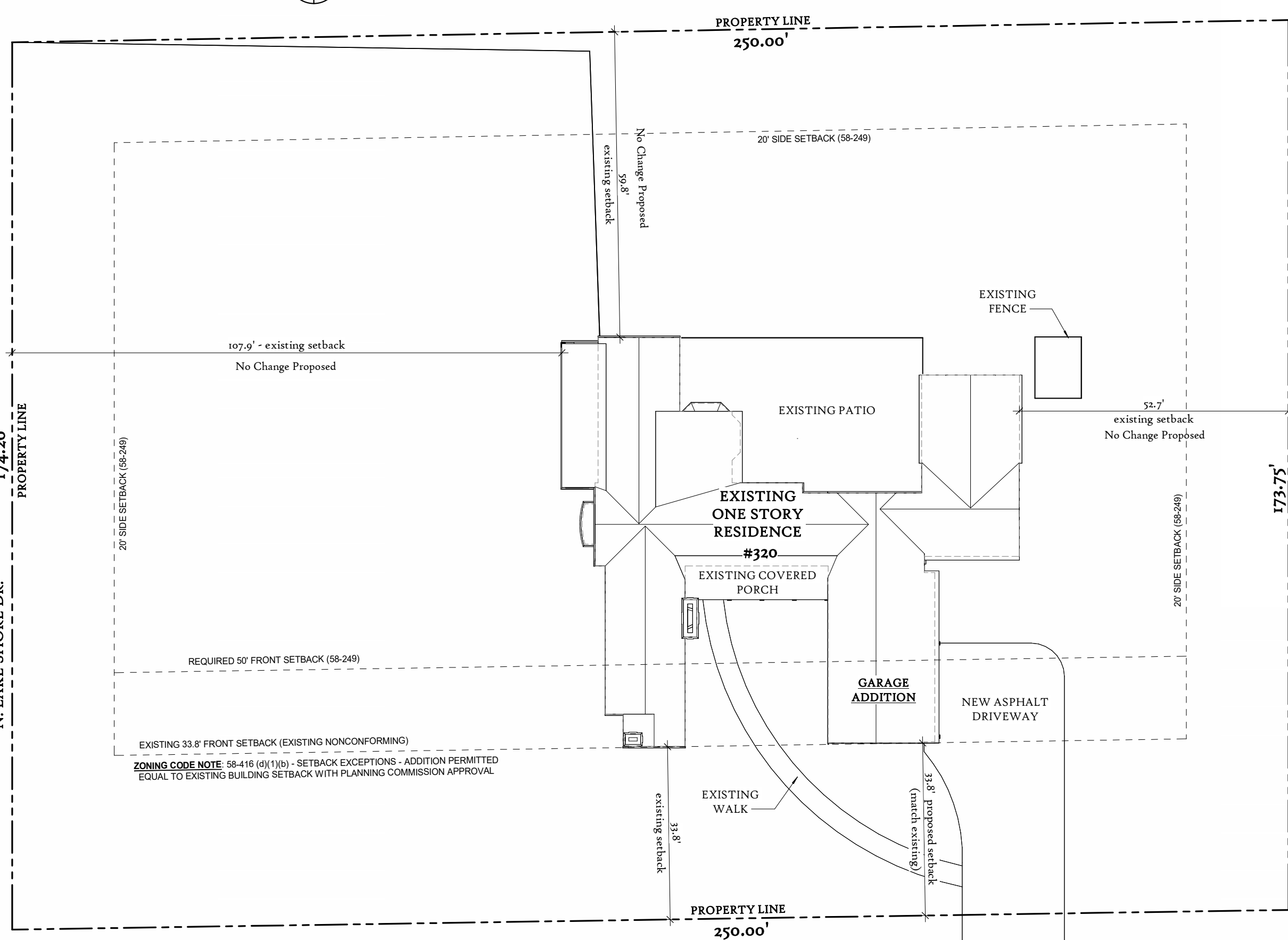
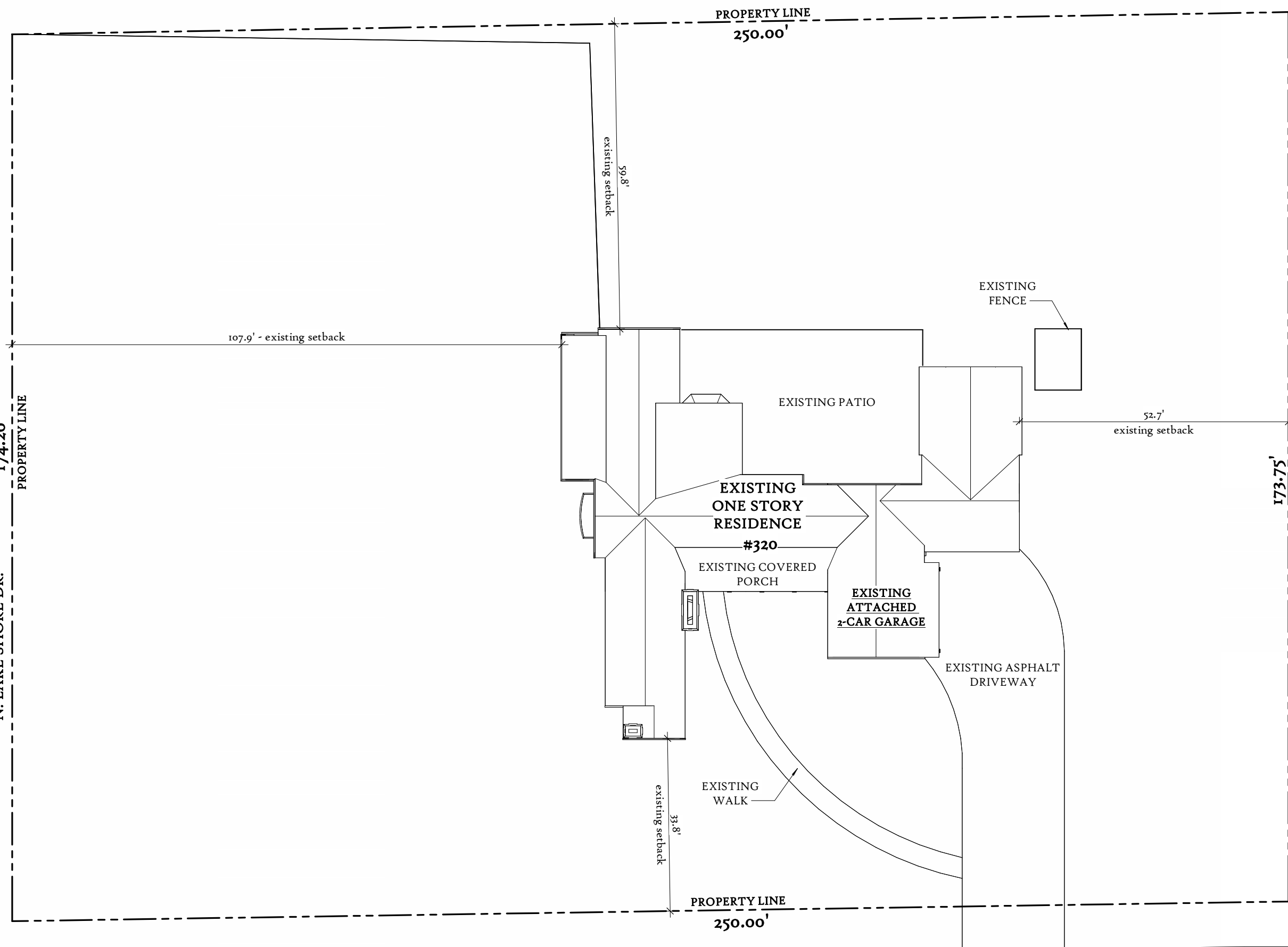


ZONING INFO:

1. Lot Area: 43496 sf
2. Zoning District: R-3, Single Family Residential District
3. Required Minimum Setbacks:
South (Front): 50' (Existing Nonconforming)

DRAWING INDEX

Sheet Number	Sheet Name
A-001	Cover Sheet & Site Information
A-101	First Floor Plan
A-103	Partial Foundation Plan & Partial Roof Plan
A-201	Exterior Elevations
A-202	Exterior Elevations & Wall Sections



SITE DRAINAGE & EROSION CONTROL LEGEND

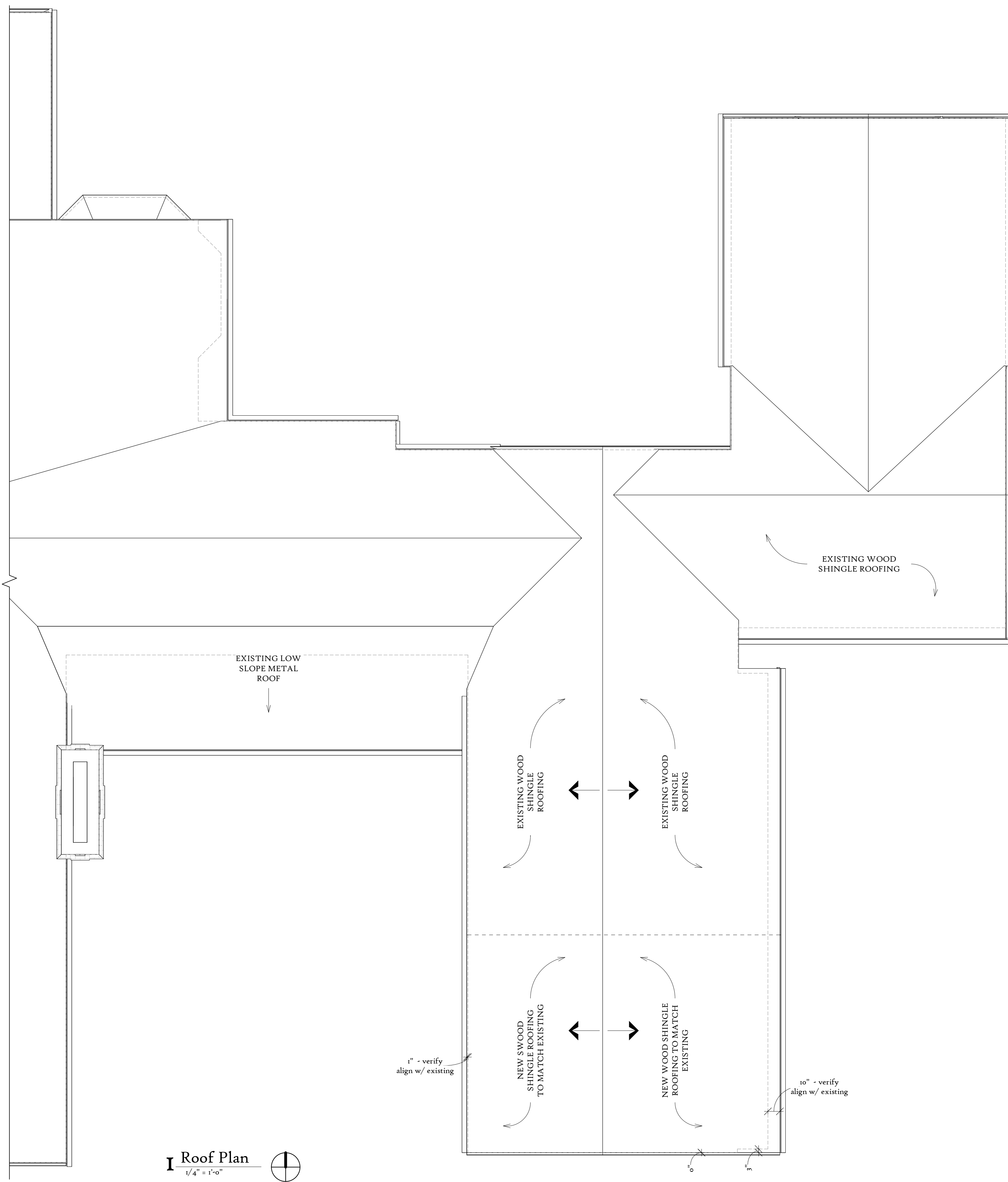
EROSION CONTROL BARRIER - SEDIMENT/SILT FENCE
ALL ELEV. DERIVED FROM SURVEY - SEE SURVEY
SITE DRAINAGE DIRECTION
DOWNSPOUT LOCATION

SITE DRAINAGE & EROSION GENERAL NOTES

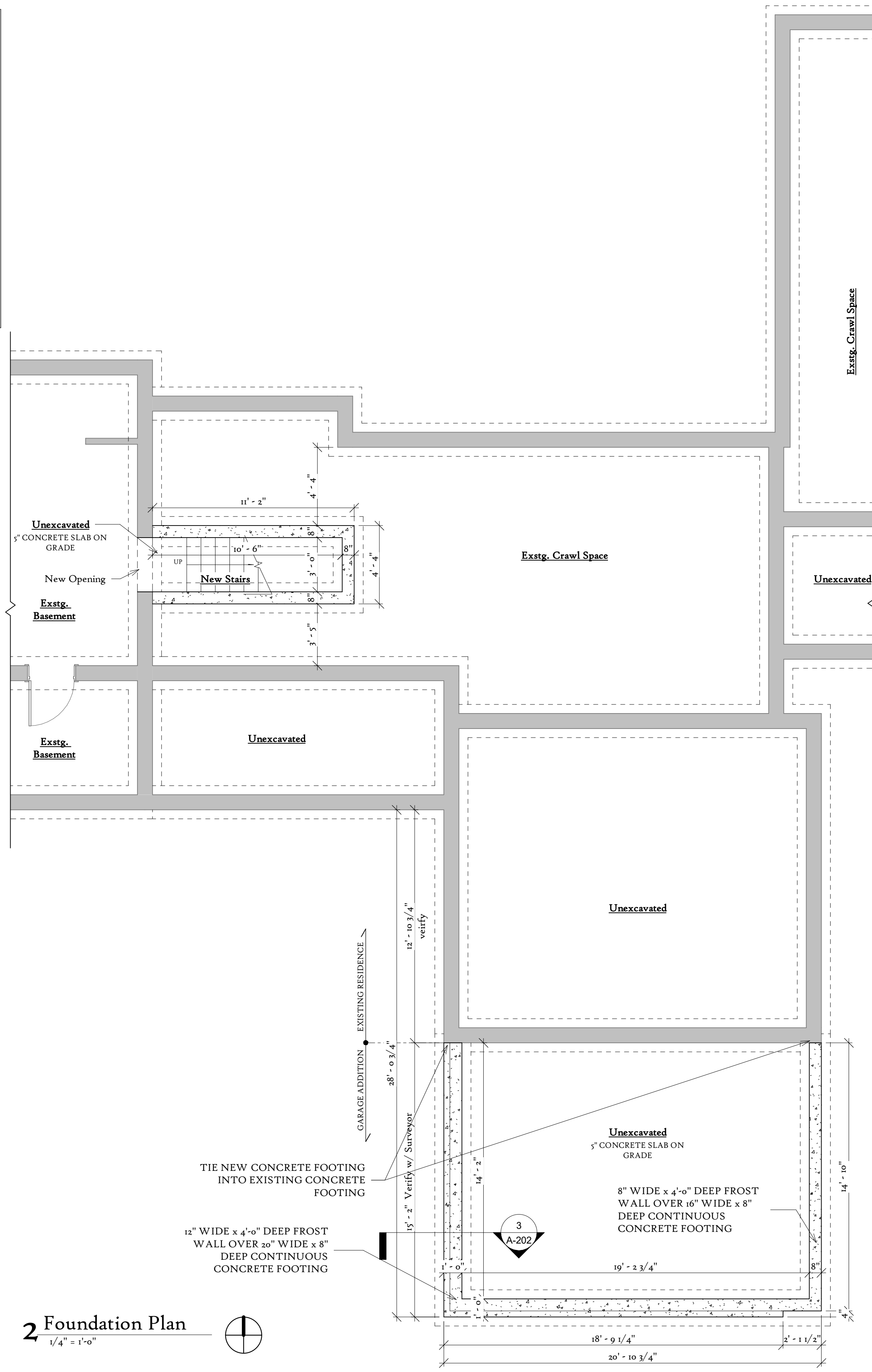
1. THE FINISHED GRADE OF THE SOIL SHALL SLOPE AWAY FROM THE DWELLING AT A RATE OF AT LEAST 1/2" PER FOOT FOR A MINIMUM DISTANCE OF 10 FEET OR TO THE LOT LINE, WHICHEVER IS LESS.
- ONTO STREETS BY VEHICLES
- FROM DISTURBED AREAS INTO ONSITE STORM WATER INLETS
- INTO ABUTTING WATERS
- DRAINAGE WAYS THAT FLOW OFF THE SITE
- DISCHARGE FROM DE-WATERING ACTIVITIES
2. WHERE LAND DISTURBING CONSTRUCTION ACTIVITY IS TO OCCUR EROSION CONTROL AND SEDIMENT CONTROL PRACTICES SHALL BE EMPLOYED, AS NECESSARY, AND MAINTAINED TO PREVENT OR REDUCE THE POTENTIAL DEPOSITION OF SOIL OR SEDIMENT TO ADJACENT PROPERTIES, INCLUDING:
- FROM DISTURBED AREAS INTO ONSITE STORM WATER INLETS
- INTO ABUTTING WATERS
- DRAINAGE WAYS THAT FLOW OFF THE SITE
- DISCHARGE FROM DE-WATERING ACTIVITIES
3. LAND DISTURBING CONSTRUCTION ACTIVITIES, EXCEPT THOSE ACTIVITIES NECESSARY TO IMPLEMENT EROSION OR SEDIMENT CONTROL PRACTICES, MAY NOT BEGIN UNTIL THE SEDIMENT CONTROL PRACTICES ARE IN PLACE.
4. EROSION AND SEDIMENT CONTROL PRACTICES SHALL BE MAINTAINED UNTIL THE DISTURBED AREAS ARE STABILIZED. THE DISTURBED AREA SHALL BE CONSIDERED STABILIZED BY VEGETATION WHEN A PERENNIAL COVER HAS BEEN ESTABLISHED WITH A DENSITY OF AT LEAST 70%.
5. OFF-SITE SEDIMENT DEPOSITION RESULTING FROM THE FAILURE OF AN EROSION OR SEDIMENT CONTROL PRACTICE SHALL BE CLEANED UP BY THE END OF THE NEXT DAY.
6. OFF-SITE SOIL DEPOSITION RESULTING FROM CONSTRUCTION ACTIVITY THAT CREATES A NUISANCE, SHALL BE CLEANED UP BY THE END OF THE WORK DAY.
7. STORM WATER MANAGEMENT PRACTICES SHALL BE EMPLOYED IN ACCORDANCE WITH THE WISCONSIN DEPARTMENT OF NATURAL RESOURCES STATUTES FOUND IN NR151.12

FLOOR AREA SUMMARY

Lot Area: 43,496 sf
1st Floor Gross Floor Areas:
Existing:
House = 2,753 sf
Ed. Porch = 210 sf
Covered Entry (Main) = 200 sf
Covered Entry (Side) = 133 sf
Attached Garage = 369 sf
Addition:
Attached Garage = 317 sf
Conversion:
Portion of Attached Garage to Living Space = 225 sf
Exstg Covered Entry (Side) to Living Space = 133 sf
Totals:
House = 2,753 sf + 225sf = 3,111 sf
Attached Garage = 461 sf
Ed. Porch = 210 sf (No Change)
Covered Entry (Main) = 200 sf (No Change)



1 Roof Plan
 1/4" = 1'-0"



2 Foundation Plan
 1/4" = 1'-0"

ARCHITECT:

KCB
 ARCHITECTURE
 & DESIGN
 400 E. Wisconsin Ave. #205
 Milwaukee, WI 53202
 (414) 261-8956
 admin@kcbbuildings.com

CONTRACTOR:

LAKEVIEW
 REMODELING, LLC.

PROJECT:
 320 E Ravine Dr - Residential Addition

OWNER:
 Rick and Patricia Cohen

PROJECT ADDRESS:
 320 E Ravine Dr
 Mequon, WI 53092

Drawing Issuance Schedule:

No.	Description	Date
1	ARC Submittal	03/24/2025

General Notes:

Contractor to field verify all dimensions, levels and datums prior to starting the work. Any discrepancies or omissions shall be reported to the General Contractor and/or Architect.

All work shall be done in compliance with local codes, ordinances, rules and regulations.

No work shall be started until plans have been approved by the building inspector and all other agencies having jurisdiction.



Sheet Title:
Partial Foundation Plan & Partial Roof Plan

Scale: 1/4" = 1'-0"
 Date: 2/27/25
 Sheet No.:

A-103

Attachment: Packet Docs_Cohen (10224 : KCB Architects for Rick Cohen)

3/24/2025 8:45:05 AM



Front (South Side)



East Side



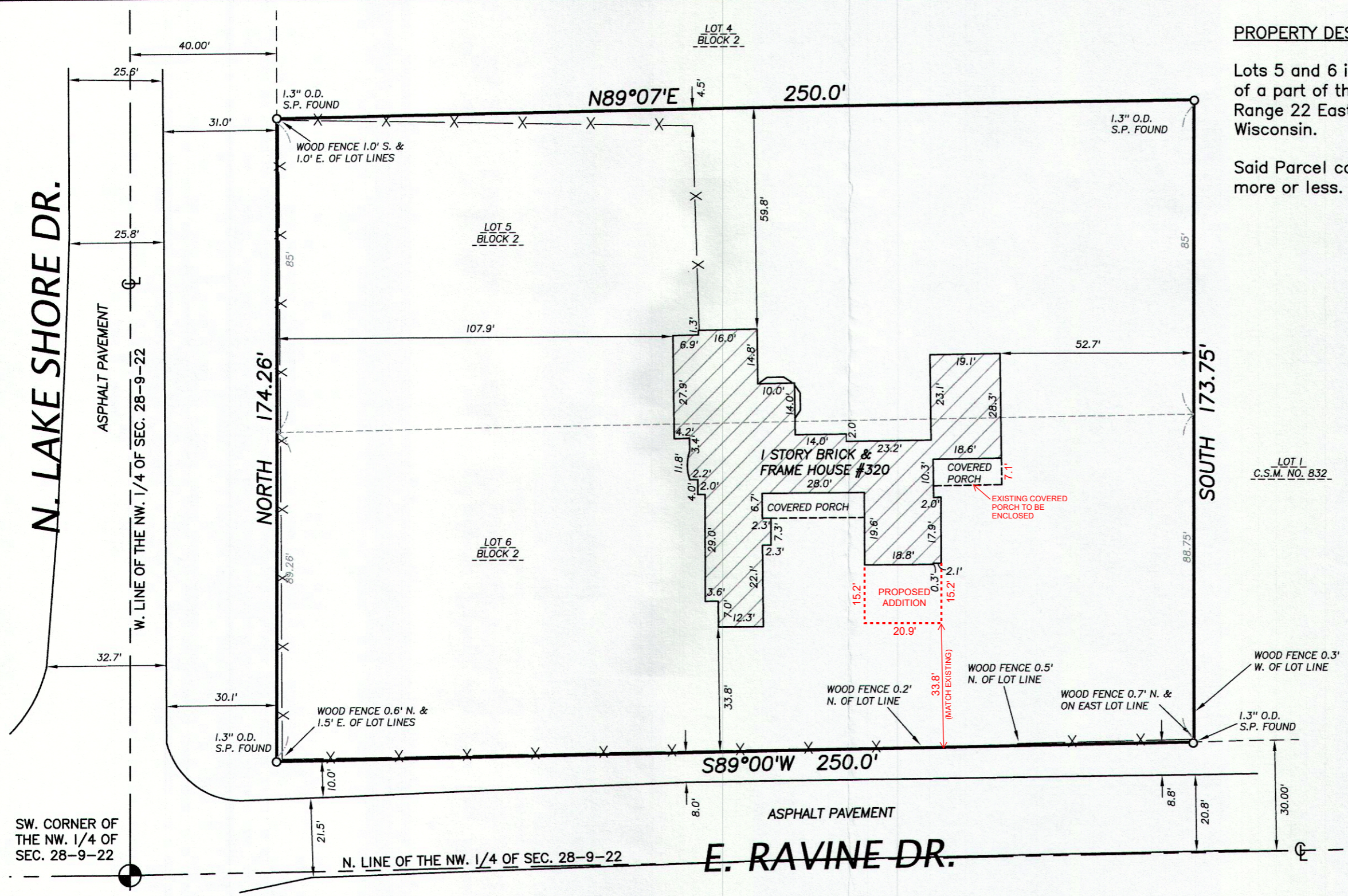
Rear (North Side)



West Side

PHOTOGRAPHS OF EXISTING HOUSE
320 E Ravine Dr - Mequon, WI

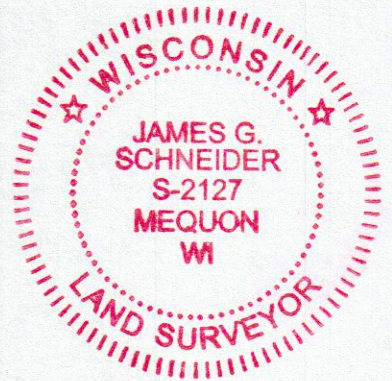
Attachment: Packet Docs_Cohen (10224 : KCB Architects for Rick Cohen)



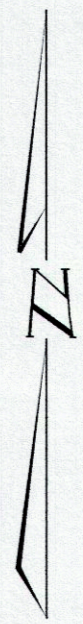
PROPERTY DESCRIPTION:

Lots 5 and 6 in Block 2 in "MICHIVUE", being a subdivision of a part of the Northwest 1/4 of Section 28, Town 9 North, Range 22 East, in the City of Mequon, Ozaukee County, Wisconsin.

Said Parcel containing 43,496 sq. ft./1.0 acres of land, more or less.



THIS IS AN ORIGINAL PRINT ONLY IF STAMPED IN RED



BEARING REFERENCE :

ALL BEARINGS ARE REFERENCED TO THE EAST LINE OF N. LAKE SHORE DR., WHICH BEARS NORTH, PER "MICHIVUE" SUBDIVISION PLAT.

SURVEY CERTIFICATE

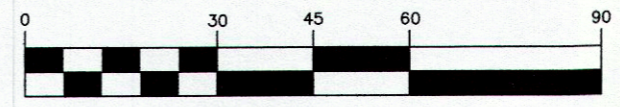
I have surveyed the above described property and the above map is a true representation thereof and shows the size and location of the property, its exterior boundaries, the location and dimensions of all visible structures thereon, boundary fences, apparent easements, roadway, and visible encroachments,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

Dated at City of Mequon, State of Wisconsin this 16th day of February, 2021

Recertified _____

James Schneider
 James Schneider
 S - 2127



SCALE 1" = 30'

NSE NORTH SHORE ENGINEERING, INC.
 Consulting Engineers & Land Surveyors
 11433 N. Port Washington Rd., Mequon, Wisconsin, 53092
 (262) 241-9400
 www.NorthShoreEngineering.net

"PROPERTY SURVEY"		
for David Mathews		
320 E. Ravine Dr. Mequon, WI		
DATE:	February 16, 2021	DRAWN BY:
FIELD CREW:	E.A.J. & S.F.Z.	Plat No.
		A.R.H.
		Packet Pg. 108

Attachment: Packet Docs_Cohen (10224 : KCB Architects for Rick Cohen)

28.9.22

PLAT NO. LS-2178

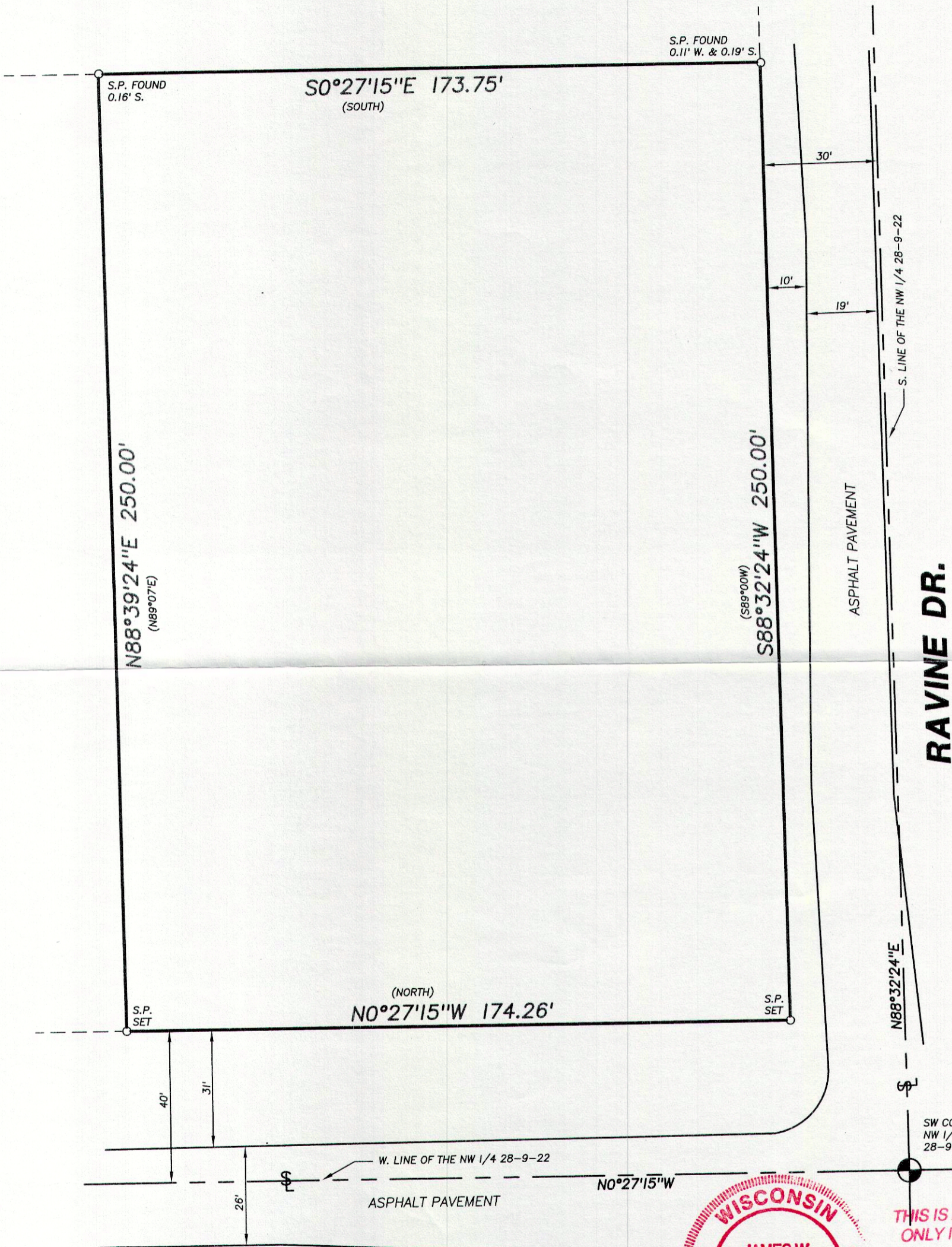


NORTH SHORE ENGINEERING, INC.
Consulting Engineers & Land Surveyors
11433 N. Port Washington Rd., Mequon, Wisconsin, 53092
(262) 241-9400 • FAX: (262) 241-5337

PLAT OF SURVEY

Prepared For: Tom & Kathy Wigdale/320 E. Ravine Dr.

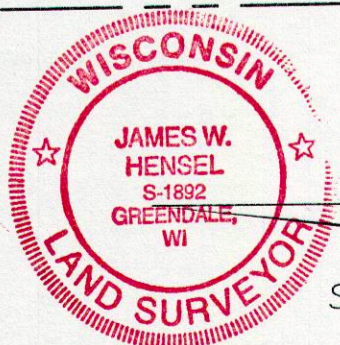
Property Description: Lots 5 and 6 in Block 2 in "MICHIVUE", being a subdivision of a part of the Northwest 1/4 of Section 28, Town 9 North, Range 22 East, in City of Mequon, Ozaukee County, Wisconsin.



NOTES:

- All bearings referenced to Grid North of the Wisconsin State Plane Coordinate Systems South Zone. West line of the NW 1/4 of Section 28-9-22 bears N $0^{\circ}27'15''$ W.
- () denotes direction or distance per plat.
- Building not shown per request of owner.

LAKE SHORE DR.



THIS IS AN ORIGINAL PRINT ONLY IF STAMPED IN RED

SCALE 1" = 30'

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.

Dated at Mequon, Wisconsin. this 5th day of November, 2004

Recertified _____ Surveyor James W. Hensel

Attachment: Packet Docs_Cohen (10224 : KCB Architects for Rick Cohen)



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

www.cityofmequonwi.gov

Department of Community Development

TO: Planning Commission
FROM: NATALIE REDDING, CITY PLANNER
DATE: April 21, 2025
SUBJECT: Super Steel Properties. The applicant is seeking minor request approval for a sign waiver to allow for directional signs within the right-of-way for the property located at 10910 N. Industrial Drive.

Applicant: Kelly Sayles
Status of Applicant: Agent
Requested: Right-of-way Waiver
Existing Zoning: B-5 (Light Industrial District)
Land Use Plan: Industrial
Lot size: 30.07 Acres
Location: 10910 N. Industrial Drive
Tax Key Number: #14-027-01-012.00
District: #4

Background: The applicant is requesting a sign waiver to allow for two signs within the right-of-way for the property located at 10910 N Industrial Drive. Super Steel is proposing two directional signs within the right-of-way to allow for better visibility for driver drop-off and pick-up, given the denser tree line along the required sign setback area.

Analysis:
The directional signs are mounted on metal “hat section” posts that are 3” wide. The southern signpost is 69” in height, and the northern signpost is 72” in height. The signs themselves are 24” tall and 30” in width, for a total of 5 square feet per sign. They read “shipping and receiving: door 5” with an arrow pointing onto the site. The signs are proposed to be located 21 feet from the centerline of the road on Industrial Drive. The ultimate right-of-way on Industrial Drive requires 30 feet from the centerline of the road, and the City of Mequon sign code requires an additional 10-foot setback from the nearest property line and/or right-of-way.

The City of Mequon does not allow structures to be erected within the right-of-way, as they serve as an impediment to drivers and pose a potential threat to public safety. Section **62-10** of the City of Mequon Code of Ordinances dictates when and where signs would be allowed in the public right-of-way (see Exhibit A), and in this case, no such exception is applicable. Staff is therefore not supportive of the sign waiver to allow for two directional signs within the right-of-way.

Staff Recommendation:

Planning staff recommends **denial** of the sign waiver based on the following:

- 1. Signs are not allowed with the public right-of-way unless specifically dictated in section

62-10 of the City of Mequon Code of Ordinances.

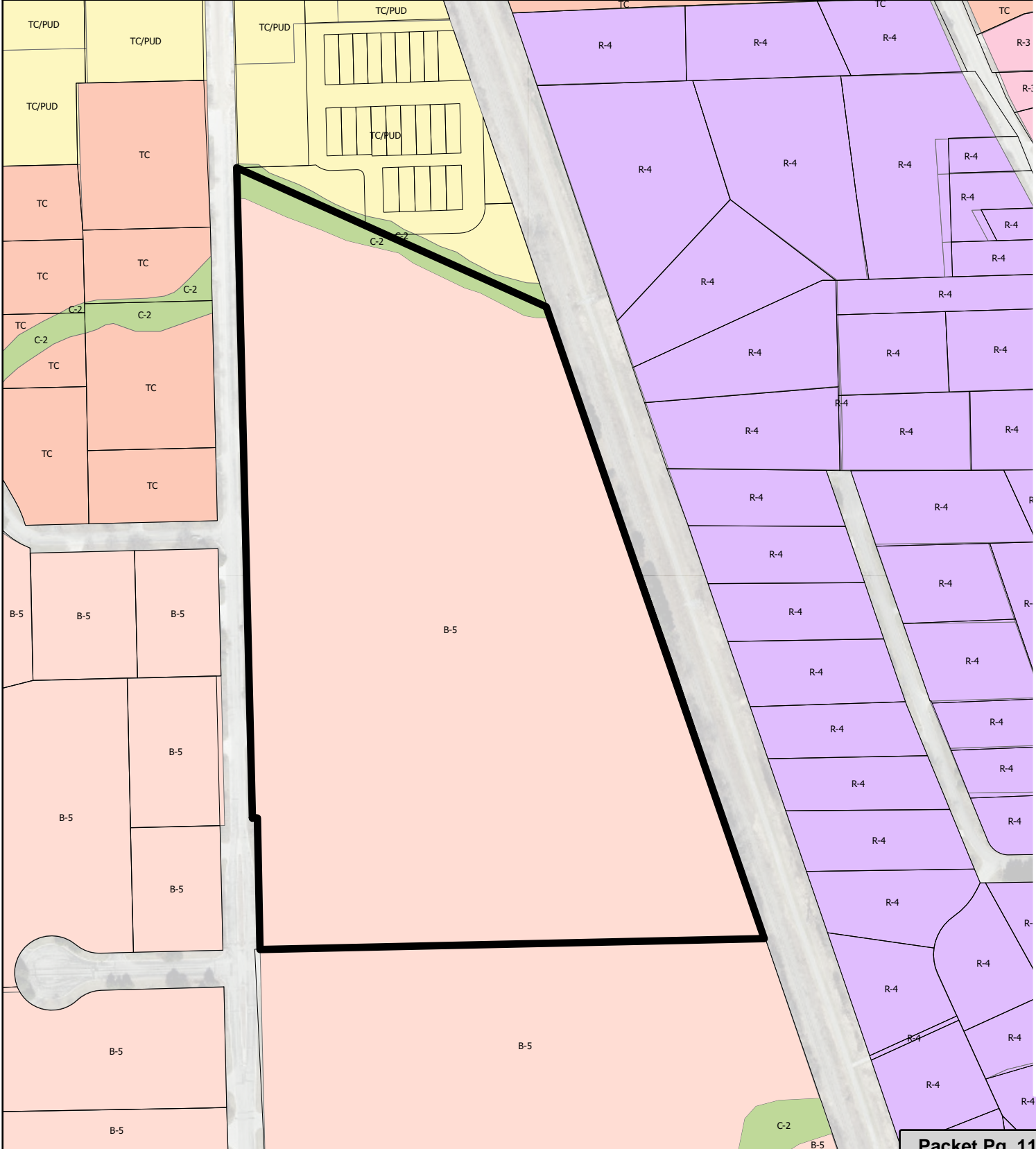
Attachments:

Packet Docs_SuperSteel (PDF)

SUPER STEEL PROPERTIES, LLC

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

- IPS Institutional & Public Service
- NC Neighborhood Commercial
- OA Agricultural Overlay
- PUD Planned Unit Development Overlay
- P-1 Park & Recreation
- R-1 Single-Family Residential (5 Ac. Min.)
- R-1B Single-Family Residential (2.5 Ac. Min.)
- R-2 Single-Family Residential (2 Ac. Min.)
- R-2B Single-Family Residential (1.5 Ac. Min.)
- R-3 Single-Family Residential (1 Ac. Min.)
- R-4 Single-Family Residential (3/4 Ac. Min.)
- R-5 Single-Family Residential (1/2 Ac. Min.)
- R-6 Single-Family Residential (4 DU/Ac.)
- RM Multi-Family Residential
- TC Town Center
- TDR Transfer of Development Rights



Attachment: Packet Docs_SuperSteel (10222 : Super Steel Properties)



NORTH

Sign 1

Sign 2



Proposed sign locations



Industrial Drive

30 foot required ROW

Sign 1 proposed location (21 feet)

Sign 2 proposed location (21 feet)

NOI 601

Attachment: Packet Docs_SuperSteel (10222 : Super Steel Properties)

Exhibit A:**Section 62-10 – Signs along streets and on public property***(c) Right-of-way and street reserved areas.*

(1) Except for the following, no signs shall be installed in any public right-of-way or in the street reserved area:

- a) The following signs, all of which are necessary for government to exercise its responsibilities, erected by the city or any other governmental entity with authority:
 1. Traffic signs and street signs.
 2. Warning signs and temporary emergency signs installed for the public safety.
 3. Entrance signs to the city stating the name, population and official slogan, if any, for the city and containing the logo for the city (or any combination of the foregoing).
 4. Signs designating historical landmarks, signs naming neighborhoods and signs notifying the public of designations bestowed upon the city or a place by an entity other than the city (e.g., Bird City USA, Rustic Road).
 5. Adopt a street program signs.
 6. Signs required by federal or state law to be placed in such locations.
 7. Signs to notify the public of potential zoning or land use actions on a property pursuant to chapter 58 of this Code.
- b) Signs on any vehicle, trailer or towed equipment and lawfully parked or traveling upon any public street.
- c) Signs on any vehicle, trailer, equipment or shelter during any city-organized or funded parade or festival, or a parade or festival in which the city substantially participates, that occurs in whole or in part in the street reserved area.
- d) Railroad signs installed by or on behalf of a railroad, or a governmental entity with authority, for safety purposes.
- e) Utility signs installed by or on behalf of a public utility, or governmental entity with authority, for safety purposes.
- f) Single-family residential subdivision entrance signs if approved by the planning commission. Such signs shall only be approved if (a) placed in a entrance island on the entrance road to the subdivision and platted as an outlot or (b) the planning commission determines that there is no place outside of the street reserved area on the subdivision's property that is reasonably visible from adjacent streets, provided that no such sign shall violate the required intersection sight distance, vision triangle and vision corners requirements of the standard specifications for land development in the City of Mequon. A single-family residential subdivision sign in the street reserved area that exists of date of the enactment of this section that is made nonconforming by such adoption may not be replaced or restored unless the owner shows that the sign or its structure has been

damaged by causes other than vandalism and that the damage did not exceed 50 percent of the appraised value of the sign and sign structure. If such sign or sign structure is destroyed or damaged by causes other than vandalism to an extent exceeding 50 percent of the appraised sign value, it shall be removed and shall not be reconstructed or replaced unless such action makes the sign and sign structure conforming to the location requirements of this section and all other applicable ordinance requirements. If restoration of a damaged sign is not completed within six months of the date damage occurred, such sign shall be removed or replaced in a manner as will conform with all applicable specifications. Replacement signs require planning commission approval.

- g) The city will install a sign in the public right-of-way or street reserved area for any person or entity, for any purpose and with any message, subject to the following conditions:
1. The sign may only be installed on one of the following streets and, to the extent required, subject to state or county approval:
 - County Line Road (north side)
 - Donges Bay Road
 - Mequon Road (west of Buntrock Avenue; between the Milwaukee River and Oriole Lane; east of I-43)
 - Freistadt Road
 - Highland Road
 - Bonniwell Road
 - Pioneer Road
 - Wasaukee Road
 - Granville Road
 - Swan Road
 - Wauwatosa Road
 - Cedarburg Road (south of Lucerne Court; north of Thiensville)
 - Green Bay Road
 - Port Washington Road (north of Glen Oaks Lane)
 - Lake Shore Drive
 2. No person or entity may have more than one such sign.
 3. Each of such signs facing the same street shall be at least one-half miles apart.

4. The city will locate such signs to avoid conflicts with other signage, blocking the view of traffic in a manner that could cause safety concerns or obstructing pedestrian or vehicular travel. No such sign shall be located in front of any commercial property.
5. Each such sign shall be 36 inches wide and 24 inches tall with a blue background and white lettering. Lettering on the sign shall be at least four inches tall. Such signs shall be installed on free standing posts designated and provided by the city.
6. Such signs will be procured through and installed by the city at the expense of the person or entity requesting the sign in accordance with the city's established fee schedule.
7. Such signs shall be subject to an annual administrative fee in accordance with the city's established fee schedule. The city shall remove any such sign if the annual fee is not paid within 30 days of the date of the city's notice to the person or entity requesting such sign. Such notice shall be sent to the address on file with the city.
8. Any sign installed by the city that exists as of the date of the enactment of this division that would otherwise qualify under this part g., but that does not conform to any requirement of subsection 3. or 5., may remain in place through 2026 provided the person or entity for which the sign was installed pays the annual administrative fee described below as and when required. Such nonconforming signs will be removed on or after January 1, 2027. The city will replace any such sign with a sign that meets the requirements of this paragraph (other than the requirements of subsection 3. if two or more such signs exist as of that date), subject to payment of the procurement and installation costs described below, at the request of the person or entity for which the sign was installed.

(2) No sign in a roadside ditch may be installed in a manner that would restrict the free flow of water.



11333 N Cedarburg Rd
Mequon, WI 53092
Phone (262) 236-2902
Fax (262) 242-9655
www.ci.mequon.wi.us

Department of Community Development

February 11, 2025

Super Steel
10910 N Weston Drive
Mequon, WI. 53092

Owner,

I sent you an Order to Correct back in MAY regarding to the shipping and receiving signs in the right of way. You need to apply for the planning commission meeting by 2/21/25 for approval of these signs. If this is not completed by 2/21/25 you will be given a citation on 2/22/25.

Thank You for your assistance.

Sincerely,

Scott Pinzer

Code Enforcement of the City of Mequon
Ph: 262-236-2943
Email: spinzer@ci.mequon.wi.us

Attachment: Packet Docs_SuperSteel (10222 : Super Steel Properties)

CITY OF MEQUON INSPECTION SERVICES
11333 N CEDARBURG ROAD
Mequon, WI 53092
P. (262) 236-2943 F. (262) 242-9655

ORDER TO CORRECT CONDITION OF PREMISES

SUPER STEEL

10910 N WESTON DRIVE
MEQUON, WI. 53092

DATE: MAY 7, 2024

PROPERTY ID# ~~150401500600~~ INCORPORATED

OWNER,

An inspection of the premises at THE ABOVE ADDRESS MEQUON on JULY 24, 2024, revealed conditions that are in violation of the City of Mequon Code of Ordinances and/or Wisconsin Administrative Code.

Failure to correct the violations noted herein within the time set may subject you to prosecution and to penalties ranging from \$50 to \$500 per violation per day (plus court costs) in the manner provided in Section 1-7 of the City of Mequon Code of Ordinances.

Pursuant to Section 58-41, you may appeal an order, requirement, decision, or determination made by the Zoning Enforcement Officer, which you believe to be an erroneous interpretation or application of the law. An appeal may be taken by the aggrieved person within 30 days of the order, requirement, decision, or determination, by filing a notice of appeal with the City Clerk on the prescribed form specifying the grounds for the appeal and paying the prescribed fee.

Violation:

Your property currently displays a SIGN in violation of Section 62-4(a) of the City of Mequon Code of Ordinances. The SIGN is not in accordance with the following regulation:

Section 62-4(a) States the following: "Authority - It shall be unlawful for any person to erect, repair, alter, relocate, or possess any sign or other advertising structure as defined in this chapter without first obtaining a sign permit from the City of Mequon. All illuminated signs shall, in addition, be subject to the provisions of the electrical code and the permit fees required thereunder."


Action Required:

PLEASE REMOVE SHIPPING AND RECEIVING SIGNS IN THE RIGHT OF WAY

Correction Deadline:

You are hereby ordered to correct this violation by AUGUST 7TH, 2024.

Questions, comments, or concerns regarding this order shall be directed to Code Enforcement Officer Scott Pinzer by calling (262) 236-2943. You may also wish to visit the City's web site at www.ci.mequon.wi.us

I,  Scott Pinzer, CODE ENFORCEMENT OFFICER of the City of Mequon, mailed this official order on JULY 31, 2024.

ROW 30'
From Center Line



Attachment: Packet Docs_SuperSteel (10222 : Super Steel Properties)

Super Steel
 10910 N Weston Dr.
 53092

Sign 1 = 74.5"
 21' from
 center
 Sign 2 = 71" h
 21' from
 center



11333 N. Cedarburg Rd 60W
Mequon, WI 53092-1930
Phone (262) 236-2902
Fax (262) 242-9858
www.ci.mequon.wi.us

Department of Community Development

SIGN PERMIT APPLICATION

SIGN LOCATION: Super Steel, LLC 10910 N. Industrial Dr, Mequon, WI 53092
(Property Name and Address)

SIGN TYPE: (Check appropriate type of sign below)

- Monument/Freestanding Ground
- Wall/Façade Mounted
- Awning
- Subdivision Identification
- Other

If Other, specify type: Mounted on Posts in Ground

- *Please attach artwork for sign(s) with submission of application:
 - *Colored and to-scale drawing of freestanding and/or façade signs
 - * Sign specifications and color
 - * If building wall sign, provide elevation (to-scale) showing location of sign

Sign to be constructed of: Aluminum Sign on Metal U Channel Post
(Specify materials)

LIGHTING:

- Interior Illuminated
- Exterior Illuminated
- Non-illuminated
- Other

NOTE: Electrical permit is required for lighting. Contact the City of Mequon Inspections Department.

SIGN SIZE:

Sign face dimensions: Height 24" Width 30"
 Total display area: 5 square feet
 Distance from ground to top of sign: _____

CONTRACTOR OR AGENT NAME & ADDRESS
Factsigns made the sign but SS will mount the sign.
 Contact Name: _____
 Phone: _____
 Email: _____

SIGN OWNER NAME & MAILING ADDRESS
Super Steel, LLC
10910 N. Industrial Dr.
Mequon, WI 53092
 Contact Name: Tim Birkholz
 Phone: 414-810-9343
 Email: tim.birkholz@supersteel.com

SIGN FEE: \$150.00 (Payable to City of Mequon)

The undersigned applicant hereby requests permission to install and/or maintain an advertising sign as described herein and to comply with the requirements of the City of Mequon Sign Code.

8/5/24
Date

[Signature]
Applicant Signature

Attachment: Packet Docs_SuperSteel (10222 : Super Steel Properties)



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

www.cityofmequonwi.gov

Department of Community Development

TO: Planning Commission
FROM: NATALIE REDDING, CITY PLANNER
DATE: April 21, 2025
SUBJECT: Kenton Jacek. The applicant is seeking rezoning recommendation approval to allow for a zoning change from B-1 (Neighborhood Business District) to R-4 (Rural Residential district) for the property located at 10806 W. Freistadt Road.

Applicant: Kenton Jacek
Status of Applicant: Owner
Requested: Rezoning Recommendation
Existing Zoning: B-1 (Neighborhood Commercial)
Proposed Zoning: R-4 (3/4 Acres)
Land Use Plan: Neighborhood Commercial
Lot size: 0.45 Acres
Location: 10806 W. Freistadt Road
Tax Key Number: #14-018-16-004.00
District: #3

Background: The applicant is requesting a rezoning recommendation and land use plan amendment for the property located at 10806 W Freistadt Road. The applicant is seeking to rezone the parcel from B-1 (Neighborhood Commercial) to R-4 (Residential 3/4 Acre). The site currently contains a single-family home that was constructed in 1860. The applicant would like to make improvements to the home but is limited to 50% of its value because the use is non-conforming.

Site analysis:

The parcel at 10806 W Freistadt Road has a total acreage of 0.45, a lot width of roughly 113 feet and a lot length of roughly 175 feet. The existing house is setback 50 feet from Freistadt Road and is slightly closer to the side lot lines than the B-1 and R-4 offsets require. The parcel does not meet the standards of its current B-1 zoning designation. Both the use and the lot are nonconforming. What the chart below thus aims to convey is that rezoning the parcel to residential would bring the lot slightly closer into compliance and would allow the use to conform with the zoning district it would transfer to.

	B-1 district standard	R-4 district standard	Existing Conditions
Minimum Lot Size	1.5 acre minimum	0.75 acre minimum	0.45 acres
Minimum average lot width and length	150 feet	130 feet	113 feet width, 175 feet length

Setback from Local Streets	60 feet	50 feet	50 feet
Minimum Building Offset	20 feet	20 feet	19 feet from west property line, 14 feet from east, 60 feet from north

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

Is there a Public Interest?

There is a public interest in preserving one of the few remaining pre-1900 homes in Mequon. The property is not designated as a historic landmark, however, it serves as a good example of the local architecture of the late 1800’s. Additionally, without the zoning change, improvements to the property are limited to 50 percent of its current value, thus preventing the owner from updating the home with modern amenities and making it safer for their family.

Are there reasonable uses under existing zoning?

There are potential uses in the current zoning district, but development of the parcel to commercial use would be difficult due to the size (0.45 acres). Any redevelopment of the site with commercial use would require a number of waivers to the technical standards of the B-1 zoning code.

Has there been a change in character or trend in development in area of proposal?

The character of the area has essentially remained the same since it was developed over a century ago. It is a mix of residential and neighborhood commercial uses. The property has served as a single-family home for decades, its tax history certifying that. While the property is somewhat centralized within the B-1 district, it is proximal to other residential areas. The zoning change will help preserve the character of the area by keeping intact one of the original building styles of the Freistadt settlement.

Staff Recommendation:

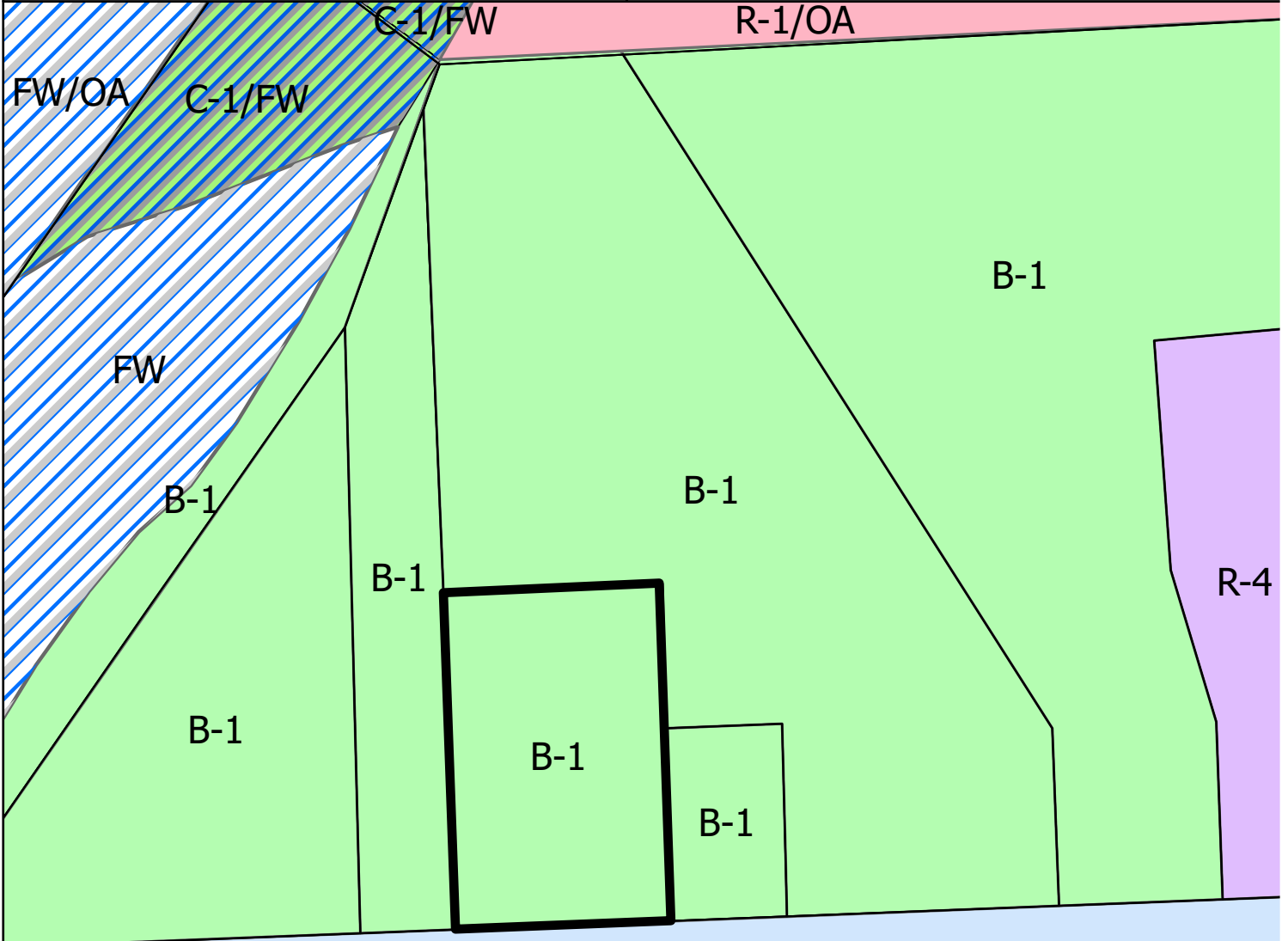
Planning staff recommends approval of the rezoning and land use plan amendment subject to the following conditions:

1. Common Council action on the rezoning and Land Use Plan amendment.

Attachments:
Packet Docs_Jacek (PDF)

KENTON JACEK

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



Attachment: Packet Docs_Jacek (10223 : Kenton Jacek)

IPS

IPS

Project Description and Business Operations:

Our land is currently zoned as B-1 (Business), however, it is being used as a residential property and has been used as such for several years. The previous owners, Diana and Neal Boehlke, also used the home as a residential property in the late 1980s until I bought the home in 2018. Since purchasing the home, we have been taxed as a residential property. We have also not operated a business out of our home.

I am requesting to have it rezoned as residential so my wife and I can make updates to the property. At the present time, we would like to add an additional bathroom and finish off an unfinished space on the second floor so it becomes a legal third bedroom. We also plan to make necessary updates to the electrical and plumbing systems, as well as add fire blocker, to bring the home up to code and make it safer for our family.

The proposed changes will not include any changes to the appearance of the front of our home. Depending on build code, we may be required to add an additional window in the third bedroom so it has enough light to square footage, which would slightly alter the appearance of the back of our home. This would not impact any of the businesses or homes around us. We do not plan to make any updates to the landscaping, garage, or other areas of the home.

Basic for Request:

We are requesting this rezoning be granted for reasons related to public safety, public interest, and the general welfare of our family.

1. As I mentioned above, the house has been used and taxed as a residential property for several years. My wife and I would like to make the proposed updates to improve the current floor plan of the house to make it more livable and safe for our family. (i.e add fire blocker, update the electrical, etc).
2. This rezoning will also help us secure the bank funding we need to make the updates. As it stands, the appraisal for the bank cannot be completed because the parcel is zoned as business. Two appraisers have refused to complete the appraisal as our home is set up/being used as a residential property. This is preventing us from securing funding to make our home safer.
3. We also believe that rezoning the property would allow us to financially contribute to our community. We have chosen to use a local bank for funding and a local contractor for our renovation. We appreciate the opportunity to use this project to support local businesses.
4. Rezoning our property would not be a detriment to the businesses around us. We do not wish to open a business on our property and the proposed updates will not change the flow of traffic, appearance of our home, increase the noise level, etc.

Overall, we do not wish to leave Mequon as we value the community and town. Allowing us to rezone our property to a residential property would allow us to improve the quality of our home and continue to raise our daughter in a community we love.

BADGER SURVEYING CO., INC.

7970 NORTH 47TH ST.

BROWN DEER, WISCONSIN 53223

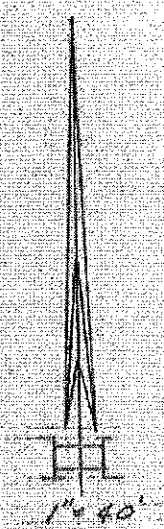
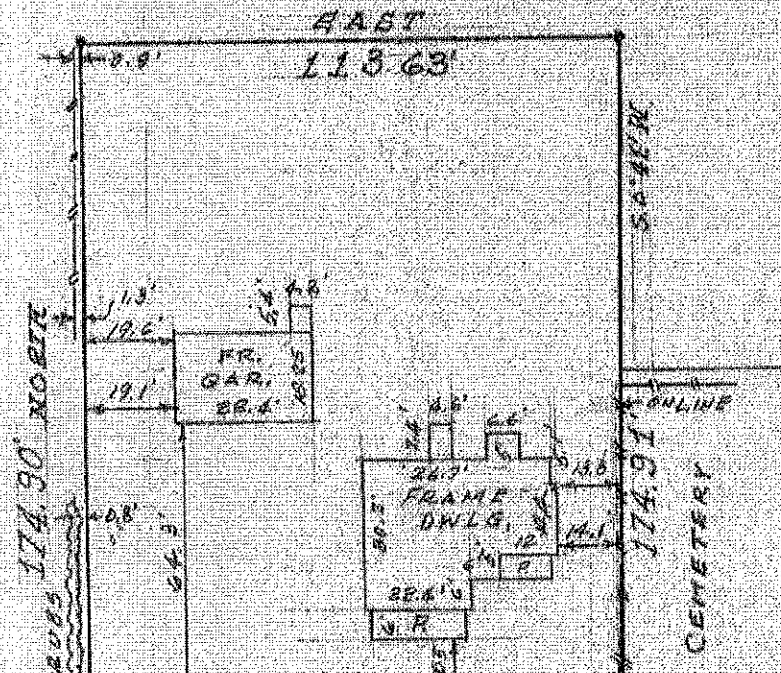
PHONE 354-9080

CLARENCE H. PIEPENBURG, PRESIDENT
REGISTERED LAND SURVEYOR

PROPERTY AT

OWNER

LEGAL DESCRIPTION— That part of the South East 1/4 of Section 18, Township 18 North, Range 21 East, in the City of Mequon, Ozaukee County, Wisconsin, bounded and described as follows: Commencing at the southeast corner of said 1/4 Section; thence West along the south line of said 1/4 Section 374.88 feet to the point of beginning of the land to be described; thence continuing West along the south line of said 1/4 Section 111.54 feet to a point; thence North on a line at right angles to the south line of said 1/4 Section 174.90 feet to a point; thence East on a line parallel to the south line of said 1/4 Section 113.63 feet to a point; thence S.0° 41'W. along a fence line and its northerly and southerly extensions 174.91 feet to the point of beginning, containing 0.452 acres of land, and reserving the south 33.00 feet for public road purposes.



Attachment: Packet Docs_Jacek (10223 : Kenton Jacek)



11333 N. Cedarburg Rd
 Mequon, WI 53092-1930
 Phone: 262-236-2924
 Fax: 262-242-9655

www.cityofmequonwi.gov

Department of Inspections

TO: Planning Commission
FROM: GREG GOLDEN, BUILDING INSPECTIONS SUPERVISOR
DATE: April 21, 2025
SUBJECT: Lake Michigan Bluff

Background

In August 2024, the Common Council Committee of the Whole (COTW) directed staff to author code language that would allow property owners along the Lake Michigan Bluff the ability to access the lake. Since then, staff developed regulatory standards and consulted with agencies, municipalities and engineers. The draft regulations were presented to the Planning Commission at their meeting in March, but the policy item was tabled to address the following:

1. Feedback from the Wisconsin DNR
2. Feedback from the City Attorney (see attachment 10)
3. Virmond Park staircase designer present to answer questions

To provide context of the issues associated with the policy objectives, the following outlines several considerations.

Local Regulations: Historic and Current

The current regulations for the setback from the Lake Michigan bluff are as follows:

“All permanent structures, including in-ground swimming pools erected or constructed after January 1, 1988, on property that is contiguous to Lake Michigan shall be set back from the top of the bluff a distance based on a slope ratio of two feet horizontal distance to every one-foot vertical distance measured from the toe of the bluff. In no case, however, shall a building be set back less than 75 feet from the top edge of bluff at the time of construction. “

Based on an interpretation of the ordinance and the configuration of the bluff, the City Attorney in 2006 determined that the 75-foot distance will prevail in a majority of the sites in Mequon. The opinion also clarified that all structures, as defined by Section 58-8 and 58-419 (b), are regulated by this ordinance and includes the area from the top of the bluff to the bottom of the bluff up to the ordinary high-water mark (OHWM). Natural paths and structures less than six inches in height are exempt from this requirement.

Staff researched past ordinances as it relates to the bluff setback. It appears that the bluff setback requirements were initially approved on May 8, 1974 (Ord# 74-312). The setback for all permanent structures from the Lake Michigan bluff was established at 160 feet. This ordinance remained in effect until it was amended on February 2, 1988 (Ord# 88-647) to its current form. It was stated in the staff report that the change was made to be consistent with the Ozaukee County ordinance.

Analysis

Issue: Bluff Stability

One important issue to understand when contemplating the idea of allowing structures on Lake Michigan Bluff (LMB) is the known conditions of the LMB. The Wisconsin Shoreline Inventory & Oblique Photo Viewer provides relevant information regarding this. As illustrated in Attachment 1, the majority of the LMB in the City of Mequon is classified as “Moderately Unstable” (yellow) or “Unstable/Failing” (red). The Wisconsin Coastal Management program along with the National Oceanic and Atmospheric Administration funded a comprehensive study of the Southeastern Wisconsin Coastal Recession Between 1956 to 2015 (attachment 2). This study produced the mapping referenced above in attachment 1 and led to these classifications of the bluff documented through photographic evidence from 1956-2015. An interactive web-based tool for viewing the transformation of the bluff is available at:

<https://floodscience.maps.arcgis.com/apps/instant/minimalist/index.html?appid=c47ab45bb8c046e099a46df28837ca88>

One section classified “Moderately Stable” (green) near Highland Road is the portion of the LMB at Concordia University which had a stone revetment installed in 2007 to prevent further erosion of the LMB. That project was the subject of a 2011 lawsuit claiming it was causing the LMB on neighboring properties to collapse. An Ozaukee County jury “unanimously agreed that the stone revetment is a nuisance that has caused significant harm to neighboring properties”

Issue: Building Code Limitations

A second issue to take into consideration is how the building code relates to structures constructed on the LMB. Per the city ordinances and building code, structures are defined as follows:

- Section 58-8 - Definitions: Structure means a combination of materials other than natural terrain or plant growth erected or constructed to form among other things, a building, shelter, sign enclosure, retainer, container, support, base, or decoration.
- 2015 International Building Code - Definitions: Structure - That which is built or constructed.

Mequon currently adopts SPS 321, construction standards for all one- and two-family dwellings along with the 2015 International Building Code (IBC). A free-standing deck is the only structure, other than a one- or two-family dwelling, in which SPS 321 can be applied and the IBC is silent on any structures not associated with a building. Walking paths and steps embedded in the ground are considered landscaping and not regulated by either code.

Staff evaluated neighboring communities which have properties along the LMB. Both Whitefish Bay (attachment 3) and Fox Point (attachment 4) have ordinances similar to one another regarding structures on the LMB. Those regulations rely heavily on the use of a registered professional engineer throughout the process. The LMB in these communities, according to the comprehensive study of the Southeastern Wisconsin Coastal Recession, has been classified as “Moderately Stable” (attachment 5). Ozaukee County adopts ordinance 19.0300 (attachment 6), very similar to the current Mequon Code of Ordinance 58-416 (attachment 7). Whitefish Bay allows structures while Fox Point does not.

Legal Summary

Recreational immunity statutes under WI state law apply to the property owner, whether private or public land, and exempt the owner from liability, protecting the owner from a lawsuit. The city has no recreational immunity applicable to the Lake Michigan bluff because there is no city-owned land. The City's legal authority and liability relates to the approval structures, if allowed by zoning, and to issue permits for construction, to inspect structures and approve if "at the time of inspection it is in compliance". The City does not provide on-going inspection of structures, and does not evaluate the condition of, or its compliance with regulations, after the final inspection, unless enforcement ensues, or modifications are proposed to the structure through subsequent permit applications. The City must also enforce the provision of the code and as such shall require removal of structures that are constructed but never permitted, if the City is aware of a known violation. According to City Attorney Sajdak, there is no record of case law related to the construction of structures on the bluff in the state.

Suggested Modifications

Based on the Committee of the Whole direction and the issues identified above, staff drafted the following text amendment (attachment 8). The building of any structure on the Lake Michigan bluff comes with inherent risks. The proposed text amendment places the responsibility of design, construction and safety on a professional engineer (PE) and the property owner. The qualifications of the professional engineer required by the text amendment are very specific, which has pros and cons. It would ensure the PE is qualified to design this type of structure but may limit the number of qualified personnel. Staff have identified three engineers licensed in Wisconsin that meet the criteria and are asking the planning commission to weigh in on this requirement. Further, the regulations limit the size, height and location of these structures and addresses maintenance of should they fall in disrepair and become a visual nuisance or potential debris for the Great Lakes. Since the Planning Commission meeting in March, staff have made additional modifications to the proposed text amendment. Those include the following:

- 1) Height restrictions always existed but further definition of how to measure height was added as follows:
 - a. Four (4) feet six (6) inches measured vertically from the structure's walking surface to the top of the structure.
 - b. Fifteen (15) feet measured vertically from the walking surface to grade.
- 2) To ensure the professional engineer is properly qualified to design these structures, specific certifications were added.

Agency Input

Community Development routed the draft text amendment to potentially impacted departments including Southern Ozaukee Fire Department, Mequon Police Department and Mequon Engineering Department for review and commentary. Attachment 9 contains their responses.

In addition, staff reached out to the Wisconsin Department of Natural Resources (DNR). DNR representative Haley Anderson advised anything below the ordinary high-water mark (OHWM) would require permitting from them. Anderson also indicated that the County should be able to identify the OHWM for a homeowner or the DNR would perform that service for a \$200 fee. The DNR provided the following link to a free download of "Living on the Coast" which addresses the protection of investments in shore property on the Great Lakes:

<https://publications.aqua.wisc.edu/product/living-on-the-coast-protecting-investments-in-shore-property-on-the-great-lakes/>

Staff Recommendation

Planning staff recommend the text amendment subject to the standards outlined. The Planning

Commission's recommendation will be forwarded to the Common Council for a first reading May 13, 2025, with potential final action June 10, 2025.

Attachments:

LMB Attachment 1 (PDF)
LMB Attachment 2 (PDF)
LMB Attachment 3 (PDF)
LMB Attachment 4 (PDF)
LMB Attachment 5 (PDF)
LMB Attachment 6 (PDF)
LMB Attachment 7 (PDF)
LMB Text Am. Atch. 8 Revised 4.4.25 (DOCX)
LMB Attachment 9 (PDF)
Attachment 10(PDF)

Attachment 1



Attachment: LMB Attachment 1 (10273 : Lake Michigan Bluff)

Southeastern Wisconsin Coastal Recession Between 1956 to 2015

Nick Jordan, FreshWater Engineering (formerly), Inver-Fluve (current affiliation)

Adam Bechle, Wisconsin Sea Grant, Wisconsin Coastal Management Program

Boyuan Lu, University of Wisconsin–Madison Department of Civil and Environmental Engineering

Isak Fruchtman, University of Wisconsin–Madison Department of Civil and Environmental Engineering

Prakriti Khanal, University of Wisconsin–Madison Department of Civil and Environmental Engineering

Chin H. Wu, University of Wisconsin–Madison Department of Civil and Environmental Engineering

May 6, 2019

Executive Summary

Lake Michigan coastal bluff and shoreline recession data are provided for Kenosha, Racine, Milwaukee, and Ozaukee Counties (collectively called “southeastern Wisconsin”) for a time period between 1956 to 2015 and is publicly available on the Wisconsin Shoreline Inventory and Oblique Viewer (http://floodatlas.org/asfpm/oblique_viewer/). Coastal recession is the distance that coastal bluff or shoreline features have receded, or moved landward. For areas with coastal bluffs, recession information is provided for the bluff crest, where the relatively flatter upland meets the steeper bluff face, and the bluff toe, where the bluff face meets the beach. In areas that lack a bluff, recession information is provided for the shoreline, where the beach meets the water. Recession was measured from the position of these features in historic aerial orthophotography over two analysis periods: a long-term period from 1956 to 2015 and a short-term period from 1995 to 2015. Recession is represented as both the distance coastal feature changed in position over the analysis period (“recession distance”) as well as the average annual of change of the coastal feature’s position (“recession rate”) Each recession data point represents an average of recession measurements along a 300-foot section of coast and does not represent any specific property or municipal boundary. Approximate uncertainty in the long-term recession distances is ± 4 feet (± 0.07 ft/year for recession rate) and in the short-term recession distances ± 2 feet (± 0.1 ft/yr for recession rate). This data should be considered preliminary and are intended for informational purposes. Care should be exercised in interpreting these data based on knowledge of coastal geology, engineering and mapping.

This data was produced as a part of ongoing studies at the University of Wisconsin-Madison Coastal Sustainability Laboratory with assistance from Freshwater Engineering. This data has been made public through collaborations of the University of Wisconsin-Madison, the Wisconsin Coastal Management Program, University of Wisconsin Sea Grant, and the Association of State Floodplain Managers.

Funding

Funded by the Wisconsin Coastal Management Program and the National Oceanic and Atmospheric Administration, Office for Coastal Management under Grant # NA17NOS4730144.



Southeastern Wisconsin's Coast

The Lake Michigan coast of Southeastern Wisconsin (defined here as Kenosha, Racine, Milwaukee, and Ozaukee Counties) is composed of low sandy shores of less than 10 feet in elevation, low bluffs 10 feet to 50 feet high, and high bluffs up to 130 feet high (Figure 1). Bluffs in this region are principally composed of clayey soil deposited by glaciers during the last Ice Age. The coast is also composed of breakwaters and harbor infrastructure near the port and harbor cities of Port Washington, Milwaukee, Racine, and Kenosha.

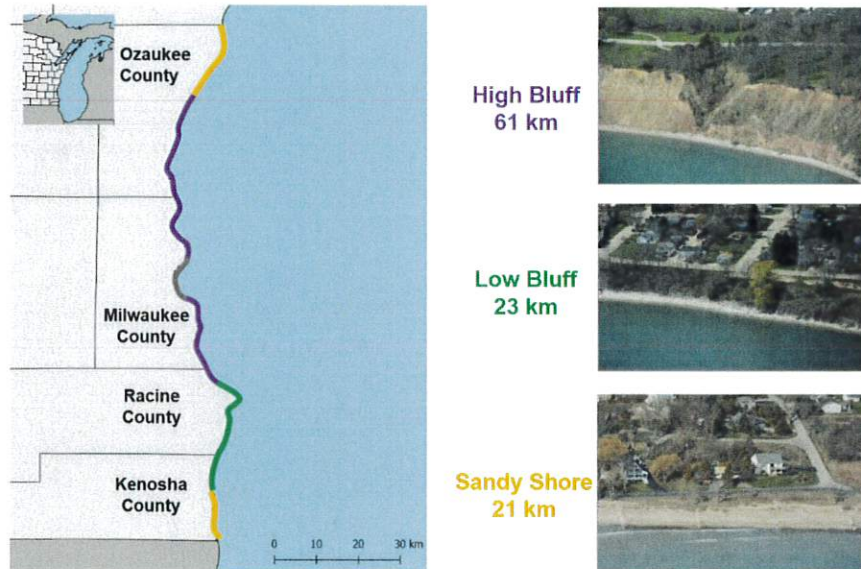


Figure 1: Southeastern Wisconsin's coast is composed of high bluffs (purple), low bluffs (green), sandy shores (tan), and harbor infrastructure (gray).

This coastline is subject to erosion and bluff slope failures which can cause the coast to recede, or move landward, and threaten upland coastal properties. Coastal recession is often referenced to key recognizable coastal features which are depicted in Figure 2 and defined as follows:

- Bluff Crest: the location where the relatively flatter upland meets the steeper bluff face
- Bluff Toe: the location where the bluff face meets the beach
- Shoreline: the location where the beach meets the water

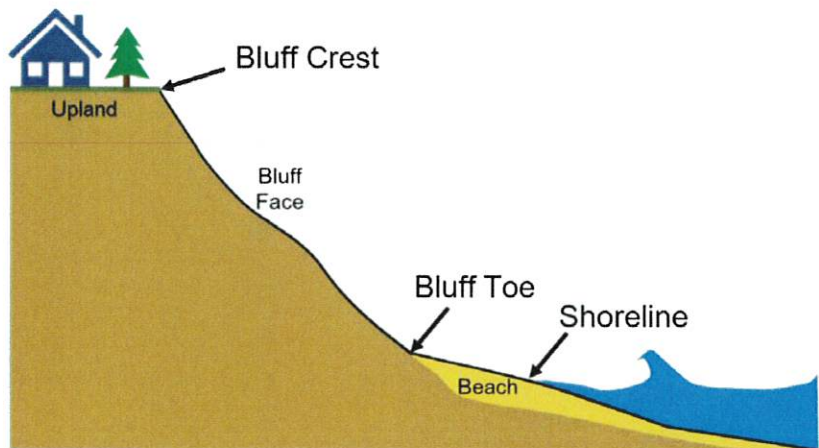


Figure 2: The bluff crest, bluff toe, and shoreline

Attachment: LMB Attachment 2 (10273 : Lake Michigan Bluff)

Coastal Recession Measurements

Coastal recession is the distance the bluff or shoreline has receded, or moved landward over a given period of time. Recession was measured along bluffed coasts for the bluff crest and the bluff toe or, in areas that lack a bluff, for the shoreline (Figure 3). Coastal feature recession distances were measured from historical aerial photos in Geographic Information System (GIS) software for two analysis periods: 1956-2015 and 1995-2015.

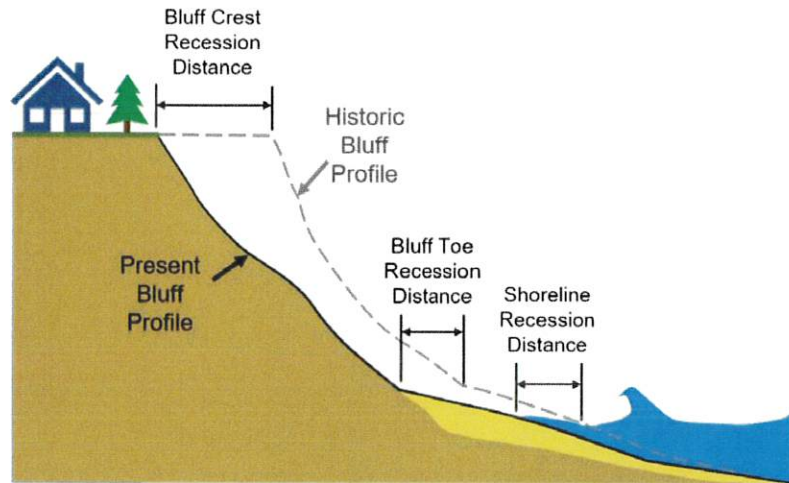


Figure 3: Coastal recession measurements which compare the positions of coastal features over time

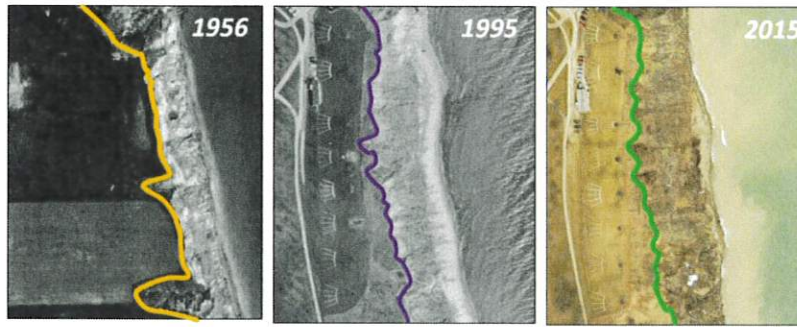
The procedure for making coastal recession measurements explained below and summarized in Figure 4 (following page).

- 1) Photos from each analysis year (1956, 1995, and 2015) were orthorectified to remove vertical distortions caused by the camera lens and georeferenced to position them accurately in space. The photos used for this analysis are summarized in Table 1.

Table 1: Summary of aerial photos used in recession analysis

<i>Year</i>	<i>Month</i>	<i>Photo Source</i>	<i>Photo Description</i>	<i>Photo Scale</i>	<i>Resolution (m)</i>
1956	May/June	USDA	Scanned B&W Aerial Photo	1:20,000	N/A
1995	April	SEWRPC	B&W Aerial Orthophoto	1:20,000	N/A
2015	April	SEWRPC	Color Aerial Orthophoto	N/A	0.152

- 2) Coastal features were traced in each photo using differences in soil color, vegetation or other indicators to distinguish the features on each photo.
- 3) Once each feature is digitized, the United States Geological Survey (USGS) Digital Shoreline Analysis System (DSAS) software was used to measure the location of each digitized feature along transect lines spaced at 10-meter intervals (~33 feet) along the shoreline.
- 4) Recession distances are averaged at 100 meter intervals (~328 foot) along the coast using a spatial averaging technique. This spatial averaging serves two purposes: i) to represent recession over a distance wider than the typical scale of a single lot, and not at a specific parcel and ii) in order to removes spikes in the data which may result from localized erosion events.



- 1) Orthorectify and georeference historic aerial photos
- 2) Trace coastal features (bluff crest shown)

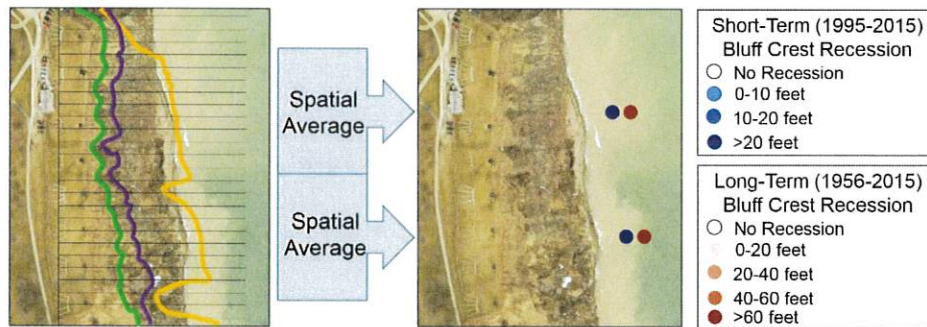


Figure 4: Coastal recession measurement procedure

The following recession measurements are available.

Layer	Description
Bluff Toe Recession – Long-term (1956 – 2015)	The distance the bluff toe has moved landward between 1956 and 2015.
Bluff Crest Recession - Long-term (1956 - 2015)	The distance the bluff crest has moved landward between 1956 and 2015.
Shoreline Recession – Long-term (1956 - 2015)	The distance the shoreline has moved landward between 1956 and 2015.
Bluff Toe Recession – Short-term (1995 – 2015)	The distance the bluff toe has moved landward between 1995 and 2015.
Bluff Crest Recession – Short-term (1995 - 2015)	The distance the bluff crest has moved landward between 1995 and 2015.
Shoreline Recession – Short-term (1995 - 2015)	The distance the shoreline has moved landward between 1995 and 2015.
Shoreline Position (2015)	The location where the beach met the water, as measured in 2015 aerial photographs

Each data point represents an average of recession measurements along a 300-foot section of coast and does not represent any specific property or municipal boundaries. By clicking on a point, the actual average measured recession distance and an average annual rate of recession can be viewed. Note that a positive recession value represents a landward movement of the feature and a negative recession value represents a lakeward movement of the feature, also known as accretion.

The recession information can provide useful insights into the historic migration of the southeastern Wisconsin coast. It should be noted that the recession distances provided here represent how the bluffs and shorelines have responded to historic environmental conditions and human actions over a specific time period in the past (1956-2015 and 1995-2015). There is always uncertainty in how bluff and shoreline recession will respond to future conditions. Bluff recession can also be sporadic. For example, a bluff crest that had remained unchanged for decades can recede many feet almost instantly due to a bluff collapse. Human actions may also change the evolution of the coast. For example, a bluff that may have been heavily eroded historically may have been recently stabilized or had shore protection added such that recession could be expected to decrease compared to historic rates.

Disclaimer

Please note that the data presented here should be considered preliminary and may not reflect current conditions along the coast. Care should be exercised in interpreting these data based on knowledge of coastal geology, engineering and mapping. Site assessments may be necessary to properly interpret this data. As the Lake Michigan coast is a dynamic and constantly changing environment, one should consider consulting with local authorities and qualified professionals before building or making other land use decisions along the coast.

Methods

Bluff recession distances were measured from historical aerial photos in Geographic Information System (GIS) software for two analysis periods: 1956-2015 and 1995-2015. Using GIS software, photos from each year are georeferenced to position them accurately in space and orthorectified to remove vertical distortions caused by the camera lens. The bluff crest, bluff toe, and shoreline are carefully traced on each photo. The bluff crest is identified as the break in slope between the upland and the bluff slope, the bluff toe is identified as the break in slope between the bluff slope and beach, and the shoreline is defined as the location that appears as the interface between the water and the land at the time the photo was acquired. Differences in soil color, vegetation or other indicators are used to distinguish the features on each photo. Once each feature is digitized, the Digital Shoreline Analysis System (DSAS) software is used to measure the location of each digitized feature along transect lines spaced at 10-meter intervals along the shoreline. The data presented here shows recession data which have been spatially averaged along 300-foot sections of coast. The data shown on this data viewer therefore represents average recession over a distance wider than a typical single lot, parcel, or shoreline frontage, and not at a specific parcel or location on the coast.

Measurement Uncertainty

Uncertainty is inherent in any measurement. Errors during the digitization process of coastal features are the primary source of uncertainty for these bluff recession measurements. The most important sources of uncertainty during the digitization process are georeferencing errors of older photographs, photo resolution and/or quality, and visual obstruction of features in photos (i.e., dense forests concealing the bluff crest). Approximate uncertainty in the long-term recession distances is ± 4 feet (± 0.07 ft/year for recession rate) and in the short-term recession distances ± 2 feet (± 0.1 ft/yr for recession rate). Uncertainty values may be higher in some areas that suffer from image quality issues.

Funding

Funded by the Wisconsin Coastal Management Program and the National Oceanic and Atmospheric Administration, Office for Coastal Management under Grant # NA17NOS4730144.



Attachment: LMB Attachment 2 (10273 : Lake Michigan Bluff)

Appendix: Metadata

Dataset Title	Southeastern Wisconsin 2015 Shoreline Position
Dataset Reference Date	1/4/2019
Dataset Responsible Party	UW-Madison Coastal Sustainability Lab
Geographic location of the dataset	Northernmost Latitude: 43 32' 44" Southernmost Latitude: 42 29' 36" Easternmost Longitude: 87 45' 26" Westernmost Longitude: 87 51' 44"
Dataset language	English
Dataset topic category	Shoreline Lake Michigan Great Lakes Coastal Erosion Environmental Hazard Landform Land Status
Abstract defining the dataset	This dataset contains a digitized shoreline position in 2015 in Kenosha, Racine, Milwaukee, and Ozaukee Counties on Southeastern Wisconsin's Lake Michigan coast. The shoreline is traced in GIS software from vertical aerial photos taken in Spring 2015 by the Southeastern Wisconsin Regional Planning Commission. The position of the shoreline is defined as the wet/dry line visible in photos. Shoreline position in the Great Lakes is highly sensitive to lake level fluctuation, wave conditions, beach material, and beach slope. The shoreline position in this dataset represents one moment in time and may not reflect current shoreline positions.
Update Frequency	Not planned
Spatial representation type	ESRI Shapefile
Reference system	EPSG 3069
Metadata language	English
Metadata point of contact	Chin Wu - chinwu@engr.wisc.edu
Metadata date stamp	

Dataset Title	Southeastern Wisconsin Bluff Recession Rates
Dataset Reference Date	1/4/2019
Dataset Responsible Party	UW-Madison Coastal Sustainability Lab
Geographic location of the dataset	Northernmost Latitude: 43 32' 44" Southernmost Latitude: 42 29' 36" Easternmost Longitude: 87 45' 26" Westernmost Longitude: 87 51' 44"
Dataset language	English
Dataset topic category	Bluff Shoreline Lake Michigan Great Lakes Coastal Erosion Environmental Hazard Landform Land Status
Abstract defining the dataset	This dataset contains bluff crest, bluff toe, and shoreline change data in Kenosha, Racine, Milwaukee, and Ozaukee Counties on Wisconsin's Lake Michigan coast. Rates of change are presented for two time periods: 1956-2015 and 1995-2015. Rates are calculated at 10 m intervals from features digitized from leaf-off vertical aerial photos in GIS software and measured using the Digital Shoreline Analysis System. A spatial averaging technique is applied to the dataset to provide data at 100 m intervals along the coast.
Update Frequency	Not planned
Spatial representation type	ESRI Shapefile
Reference system	EPSG 3069
Metadata language	English
Metadata point of contact	Chin Wu - chinwu@engr.wisc.edu
Metadata date stamp	

Chapter 16. Zoning

Article III. Zoning Districts

§ 16-8. District 1 - Lake Shore Residence District.

[Amended by Ord. No. 1227; Ord. No. 1343; Ord. No. 1365; Ord. No. 1467; Ord. No. 1685; Ord. No. 1722; Ord. No. 1723; Ord. No. 1724]

A. In District 1, except as in this chapter otherwise provided, no building or premises shall be used and no building or structure shall be erected, altered, or maintained which is arranged, intended or designed to be used except for one or more of the following uses:

- (1) Single-family dwellings. Not more than one dwelling shall be located on any lot.
- (2) Noncommercial greenhouses, nurseries and gardens.
- (3) Accessory.
 - (a) Uses and buildings accessory to those enumerated above in this subsection, including private garages designed for not more than one motor vehicle for each 2,400 square feet of top land area, but not including any store, trade, professional office, business or industry. However, not exceeding one person may, in a dwelling used as his residence:
 - [1] Furnish room or table board to no more than two persons.
 - [2] Carry on a customary home occupation, provided no persons other than members of his own household are employed therein. (Cannot stock materials and cannot create parking problems.)
 - (b) Improved space is not allowed in accessory buildings or structures, except that one area of up to 220 square feet of improved space on the ground floor of any garage is allowed, provided at least 440 square feet of garage space in the garage is maintained for vehicle parking. In no event may accessory buildings or structures be used for sleeping.
- (4) Garage.
[Amended 3-2-2020 by Ord. No. 1862]
- (5) Access from the public street or alley or from a private road to each garage required in Subsection **A(4)** above shall be by means of an approved driveway.
- (6) Newly constructed driveways shall have a concrete, an asphaltic concrete or an asphaltic penetration surface, free of dust, loose stones or gravel, constructed on an adequate base.
- (7) Parking spaces shall have an adequate concrete, asphaltic concrete, asphaltic penetration, or a geogrid with organic ground cover surface, free of dust, loose stones or gravel, constructed on an adequate base.
[Amended 8-5-2019 by Ord. No. 1853; 8-1-2022 by Ord. No. 1892]
 - (a) The minimum setbacks for an approved parking space shall be as follows:
 - [1] In Districts 1, 1A, 2 and 3, three feet from side and rear property lines where no alley exists.
 - [2] In Districts 1, 1A, 2 and 3, five feet from the adjacent alley line.

[3] In Districts 1, 1A, 2 and 3, the established setback from the adjacent street property line.

5.1.c

[4] In Districts 4, 4A, 5, 6 and 7, as required under § 16-17.

- (b) The maximum number of vehicles permitted to be parked on an approved parking space in Districts 1, 1A, 2 and 3 shall be two.
- (c) A plot plan to a minimum scale of one inch equals 20 feet, showing the location and size of the proposed parking space, the location and dimensions of all buildings and physical features on the premises and the location of buildings immediately adjacent to the parking space shall be submitted to the Building Inspector.
- (d) The Building Inspector may refer said plot plan to the Architectural Review Commission for approval or denial if he believes the proposal will have a depreciating effect on the property values of the neighborhood.
- (e) The permit fee for construction of the parking space, if approved, shall be as set from time to time by the Village Board.

(8) Parking of vehicles, except on public streets, where not otherwise prohibited or restricted; on approved off-street parking facilities; in garages; on approved driveways or approved parking spaces, is prohibited.

(9) Parking in the public way, except upon the public street where permitted, is prohibited.

(10) Notwithstanding Subsection **A(8)** above, no vehicle except an automobile may be parked in the front setback area of an interior lot, nor between adjacent residences which front on the same street, nor in the side setback area which fronts on a street or a corner lot.

B. In District 1, each lot shall abut either upon a public street or upon the westerly line of said district; shall extend from such public street or the westerly line of District 1 to the shore of Lake Michigan; shall contain at least 9,600 square feet of top land lot area and have an average width from north to south of at least 80 feet for each single-family dwelling erected, altered or maintained thereon. No dwelling shall be erected, altered or maintained on any lot in District 1 which occupies more than 30% of the top land area of the lot. No building accessory to a dwelling, including garages, shall occupy more than 10% of the top area of the lot. The combined area of the dwelling and all accessory buildings including garages and any satellite earth station shall not exceed 40% of the top land lot area of the lot.

C. Yard minimums; structure maximums.

(1) Each dwelling shall have two side yards each at least three feet in width; in case the height of any building exceeds 25 feet, the required width of the side yards shall be increased 10% for each foot that such dwelling exceeds such height. Dwellings shall have a rear yard of at least 10 feet in depth. No building, when accessory to a dwelling, shall be over 18 feet in height. Subject to the provisions of § 16-35A, each garage attached or detached, and each accessory building, shall have a minimum side yard of three feet; a detached garage or an accessory building, except where adjacent to alley (see § 16-36), shall have a minimum rear setback of three feet; an attached garage shall have a minimum rear yard of five feet except when dwelling space or quarters are provided over said garage, in which event a minimum rear yard of 10 feet shall be provided.

(2) The maximum height of single- and two-family residential structures shall be as designated in Article **XVI**, Single-Family and Two-Family Residential Design Guidelines.^[1]

[1] *Editor's Note: Original Subsection (3)(c), which immediately followed this subsection, was repealed by Ord. No. 1724.*

D. In the event that the property is on the bluff of Lake Michigan, the following requirements shall also apply:

(1) A registered professional engineer, having a minimum of 10 years of geotechnical experience involving foundation investigation/engineering and shoreline slope stability evaluation, and who is hired by the owner of the lot, shall certify to the Village that the construction of any building and structure(s) proposed to be located within 100 feet of the top edge of the bluff will be safe. Specifically, he shall certify that:

- (a) The design of any building or structure(s), the method of constructing such building structure(s), and the materials used therefor are structurally adequate and will protect the public health and safety;
 - (b) The proposed building and structure(s) will not in any way adversely affect the structural integrity or safety of any building, or structure(s) located on adjoining or adjacent sites;
 - (c) The proposed building and structure(s) will not adversely disturb ravine and bluff slopes, interfere with surface or subsurface drainage, or create new or exacerbate existing problems of erosion and recession;
 - (d) The drainage system will not adversely affect the adjacent and adjoining properties;
 - (e) There is no danger to the proposed or existing buildings or structures and its occupants from slippage of the slope above and/or below the proposed structure.
- (2) The engineer shall make a technical report accompanying the certificate, which shall include, at a minimum:
- (a) Recommendations regarding site preparation, foundation design, lateral earth pressure and support of slabs on grade;
 - (b) The stability of the slope before, during and after construction;
 - (c) The effect of the construction on the natural drainage in the areas, including any measures, such as "weepers," which are designed to improve natural drainage in the area.
- (3) The owner of the property shall certify to the Village that he/she is aware of potential problems of lake shore erosion, including but not limited to the possibility of adding fill of various types to stabilize the bluff area, is aware of the requirement for securing of a fill permit from the Village for any such filling, is aware of the provisions of said fill permit ordinance, and is further aware of the potential cost involved.
- (4) A memorandum of said certifications, including the legal description of the property, shall be recorded with the Register of Deeds of Milwaukee County.

Chapter 285. Stormwater Management, Erosion Control and Bluff Regulation

Article I. Construction and Cutting on Banks of Ravines and Lake Bluff

§ 285-6. Structure or building at foot of lake bluff or ravine bank.

- A. A structure or building may be built at the foot of the lake bluff where the bluff abuts on North Beach Drive or on flat land that abuts on North Beach Drive or a ravine bank.
- B. A registered professional engineer retained by the owner of the lot shall certify to the Village that the construction of the proposed building and structure(s) will be safe. The engineer shall have recognized experience and expertise in geotechnical investigations, soil mechanics, and structural and coastal engineering. Specifically, he shall certify that:
- (1) The design of any building or structure(s), the method of constructing such building or structure(s), and the materials used therefor are structurally adequate and will protect the public health and safety.
 - (2) The proposed building and structure(s) will not in any way adversely affect the structural integrity or safety of any building or structure(s) located on adjoining or adjacent sites.
 - (3) The proposed building and structure(s) will not adversely disturb ravine or bluff slopes, interfere with surface or subsurface drainage, or create new or exacerbate existing problems of erosion and recession, assuring the continued integrity of the ravine or bluff slopes involved.
 - (4) The drainage system will protect the downhill properties or downstream properties.
 - (5) There is no danger to the proposed structure or building and its occupants from slippage of the slope above and/or below the proposed structure or building.
- C. The engineer shall make a technical report accompanying the certificate which shall include, at a minimum:
- (1) Recommendations regarding site preparation, foundation, design, lateral earth pressure, and support of slabs on grade.
 - (2) The stability of the slope before, during, and after construction.
 - (3) The effect of the construction on the natural drainage in the area, including any measures such as "weepers" which are designed to improve natural drainage in the area.
 - (4) The effect of the construction on flora and fauna.
- D. In addition to the standards contained in Chapter 19, Article II, Building Board, of this Code, no building permit for any structure on the foot of the lake bluff or ravine shall be issued unless it has been found as a fact by the Building Board by at least a majority vote, after a view of the site of the propose structure and an examination of the application papers for a building permit, that the location of the proposed structure will, when erected, not be so at variance with the structures already constructed on the neighboring properties or in the character of the immediate neighborhood as to cause a substantial depreciation in the property values of a neighboring property or of the immediate neighborhood. The Building Board shall give notice of the meeting at which it will consider an application for approval of a building or structure. Such notice shall be given to the applicant and to the owners of properties within 500 feet of the property in question; it shall be in writing and mailed not less than seven days before the day of the meeting. Persons to whom the notice is required to be given may attend the Building Board meeting and be heard.



Attachment: LMB Attachment 5 (10273 : Lake Michigan Bluff)

19.03000 SHORELAND-WETLAND DISTRICT**19.03100 DESIGNATION**

This district shall include all shorelands within the jurisdiction of this ordinance which are designated as wetlands on the most recent version of the Wisconsin Wetland Inventory as depicted on the Department of Natural Resources Surface Water Data Viewer.

<https://dnrmaps.wi.gov/H5/?viewer=SWDV>

01 LOCATING SHORELAND-WETLAND BOUNDARIES

Where an apparent discrepancy exists between the shoreland-wetland district boundary shown on the Wisconsin Wetland Inventory and actual field conditions, the county shall contact the Department of Natural Resources (DNR) to determine if the map is in error. If the Department determines that a particular area was incorrectly mapped as wetland or meets the wetland definition but was not shown as wetland on the map, the county shall have the authority to immediately grant or deny a shoreland permit in accordance with the applicable regulations based on the Department determination as to whether the area is wetland. In order to correct wetland mapping errors on the official zoning map, an official zoning map amendment must be initiated within a reasonable period of time.

19.03200 PURPOSE

This district is created to maintain safe and healthful conditions, to prevent water pollution, to protect fish spawning grounds and wildlife habitat, to preserve shore cover and natural beauty and to control building and development in wetlands whenever possible. When development is permitted in a wetland, the development should occur in a manner that minimizes adverse impacts upon the wetland.

19.03300 PERMITTED USES

The following uses shall be allowed, subject to general shoreland zoning regulations contained in this ordinance, the provisions of chs. 30, 31, and 281.36, Wis. Stats., and the provisions of other applicable local, state and federal laws:

01 Activities and uses which do not require the issuance of a shoreland permit, but which must be carried out without any filling, flooding, draining, dredging, ditching, tiling or excavating:

- (A) Hiking, fishing, trapping, hunting, swimming, and boating.
- (B) The harvesting of wild crops, such as marsh hay, ferns, moss, wild rice, berries, tree fruits, and tree seeds, in a manner that is not injurious to the natural reproduction of such crops.
- (C) The pasturing of livestock.
- (D) The cultivation of agricultural crops.
- (E) The practice of silviculture, including the planting, thinning, and harvesting of timber.
- (F) The construction or maintenance of duck blinds.

02 Uses which do not require the issuance of a shoreland permit and which may include limited filling, flooding, draining, dredging, ditching, tiling, or excavating but only to the extent specifically provided below:

- (A) Temporary water level stabilization measures necessary to alleviate abnormally wet or dry conditions that would have an adverse impact on silvicultural activities if not corrected.
- (B) The cultivation of cranberries including flooding, dike and dam construction or ditching necessary for the growing and harvesting of cranberries.
- (C) The maintenance and repair of existing agricultural drainage systems including ditching, tiling, dredging, excavating and filling necessary to maintain the level of drainage required to continue the existing agricultural use. This includes the minimum filling necessary for disposal of dredged spoil adjacent to the drainage system

provided that dredged spoil is placed on existing spoil banks where possible.

(D) The construction or maintenance of fences for the pasturing of livestock, including limited excavating and filling necessary for such construction or maintenance.

(E) The construction or maintenance of piers, docks or walkways built on pilings, including limited excavating and filling necessary for such construction and maintenance.

(F) The maintenance, repair, replacement or reconstruction of existing town and county highways and bridges, including limited excavating and filling necessary for such maintenance, repair, replacement, or reconstruction.

03 Uses which require the issuance of a shoreland permit and which may include limited filling, flooding, draining, dredging, ditching, tiling or excavating, but only to the extent specifically provided below:

(A) The construction and maintenance of roads which are necessary to conduct silvicultural activities or agricultural cultivation, provided that:

(01) The road cannot as a practical matter be located outside the wetland.

(02) The road is designed and constructed to minimize adverse impact upon the natural functions of the wetland enumerated in s. 19.03502.

(03) The road is designed and constructed with the minimum cross-sectional area practical to serve the intended use.

(04) Road construction activities are carried out in the immediate area of the roadbed only.

(B) The construction or maintenance of nonresidential buildings, provided that:

(01) The building is essential for and used solely in conjunction with the raising of waterfowl, minnows or other wetland or aquatic animals; or some other use permitted in the shoreland-wetland district.

(02) The building cannot, as a practical matter, be located outside the wetland.

(03) Such building is not designed for human habitation and does not exceed five hundred (500) sq. ft. in floor area.

(04) Only limited filling or excavating necessary to provide structural support for the building is authorized.

(C) The establishment of public and private parks and recreation areas, natural and outdoor education areas, historic and scientific areas, wildlife refuges, game bird and animal farms, fur animal farms, fish hatcheries, and public boat launching ramps and attendant access roads, provided that:

(01) Any private development is used exclusively for the permitted use and the applicant has received a permit or license under ch. 29, Wis. Stats., where applicable.

(02) Filling or excavating necessary for the construction or maintenance of public boat launching ramps or attendant access roads is allowed only where such construction or maintenance meets the criteria in s. 19.03303(A).

(03) Ditching, excavating, dredging, or dike and dam construction in public and private parks and recreation areas, natural and outdoor education areas, historic and scientific areas, wildlife refuges, game bird and animal farms, fur animal farms, and fish hatcheries is allowed only for the purpose of improving wildlife habitat and to otherwise enhance wetland values.

(D) The construction or maintenance of electric, gas, telephone, water and sewer transmission and distribution facilities, by public utilities and cooperative associations organized for the purpose of producing or furnishing

heat, light, power or water to their members and the construction or maintenance of railroad lines provided that:

- (01) The transmission and distribution facilities and railroad lines cannot, as a practical matter, be located outside the wetland.
- (02) Such construction or maintenance is done in a manner designed to minimize adverse impact upon the natural functions of the wetland enumerated in s. 19.03502.

19.03400 PROHIBITED USES

Any use not listed in ss. 19.03301, 19.03302, or 19.03303 is prohibited, unless the wetland or portion of the wetland has been rezoned by amendment of this ordinance in accordance with s. 19.03500 of this ordinance and ch. 59.69(5)(e), Wis. Stats.

19.03500 REZONING OF LANDS IN THE SHORELAND-WETLAND DISTRICT

01 For all proposed text and map amendments to the shoreland-wetland provisions of this ordinance, the appropriate office with the Department of Natural Resources (DNR) shall be provided with the following:

- (A) A copy of every petition for a text or map amendment to the shoreland-wetland provisions of this ordinance, within five (5) days of the filing of such petition with the zoning administrator. Such petition shall include a copy of the Wisconsin Wetland Inventory map describing any proposed rezoning of a shoreland-wetland.
- (B) Written notice of the public hearing to be held on a proposed amendment at least ten (10) days prior to such hearing.
- (C) A copy of the Natural Resource Committee findings and recommendations on each proposed amendment within ten (10) days after the submission of those findings and recommendations to the county board.
- (D) Written notice of the county board decision on the proposed amendment within ten (10) days after it is issued.

02 A wetland, or a portion thereof, in the shoreland-wetland district shall not be rezoned if the proposed rezoning may result in a significant adverse impact upon any of the following:

- (A) Storm and flood water storage capacity.
- (B) Maintenance of dry season stream flow, the discharge of groundwater to a wetland, the recharge of groundwater from a wetland to another area, or the flow of groundwater through a wetland.
- (C) Filtering or storage of sediments, nutrients, heavy metals or organic compounds that would otherwise drain into navigable waters.
- (D) Shoreline protection against soil erosion.
- (E) Fish spawning, breeding, nursery or feeding grounds.
- (F) Wildlife habitat.
- (G) Wetlands both within the boundary of designated areas of special natural resource interest and those wetlands which are in proximity to or have a direct hydrologic connection to such designated areas as defined in ch. NR 103.04, Wis. Adm. Code, which can be accessed at the following web site: <http://www.legis.state.wi.us/rsb/code/nr/nr103.pdf>.

03 If the Department of Natural Resources (DNR) notifies the county zoning administrator that a proposed text or map amendment to the shoreland-wetland provisions of this ordinance may have a significant adverse impact upon any of the criteria listed in s. 19.03502 of this ordinance, that amendment, if approved by the county board, shall contain the following provision:

“This amendment shall not take effect until more than thirty (30) days have elapsed after written notice of the county board approval of this amendment is mailed to the Department of Natural Resources (DNR). During that thirty (30) day period, the Department may notify the county board that it will adopt a superseding shoreland ordinance for the county under s. 59.692(6), Wis. Stats. If the Department does so notify the county board, the effect of this amendment shall be stayed until the s. 59.692(6), Wis. Stats., adoption procedure is completed or otherwise terminated.”

Sec. 58-416. - Building and structure location.

- (a) *Purpose and intent.* The purpose and intent of regulating building and structure location is as follows:
- (1) To require the provision of a buffer zone between noise-intolerant land uses (e.g. residences, nursing homes, day care centers, schools, churches) and adjacent streets or highways to effectively attenuate noise and buffer such developments from the pollution and hazards attendant to vehicular traffic.
 - (2) To require the provision of adequate physical separation between uses to minimize conflict.
 - (3) To allow exposure to optimum amounts of light, air, and ventilation.
 - (4) To attenuate noise, odors, fumes, and dust generated by land use before they infringe upon adjacent land use.
 - (5) To provide aesthetic open space of sufficient size to accommodate landscaping and to soften, compliment, and enhance architectural design of buildings, parking areas, loading facilities, and utilities.
 - (6) To provide adequate area for snow piling.
 - (7) To insure adequate separation between pedestrian and vehicular circulation.
 - (8) To promote cluster development and other internally oriented living, shopping and working environments, and to discourage strip development.
 - (9) To provide adequate area to detain, retain, and facilitate surface drainage.
 - (10) To protect and preserve the quality and quantity of ground water resources.
 - (11) To prevent development which may result in unacceptable non-point source pollution.
 - (12) To provide diversified and balanced growth.
- (b) *Base setback line.* The following base setback lines are hereby established parallel to the centerline of all public streets and highways:
- (1) For all streets designated as "local streets", the base setback line shall be located 30 feet from the centerline of such street or 75 feet from the center point of a cul-de-sac unless otherwise specifically established by action of the common council.
 - (2) For all streets and highways, other than those designated as "local" streets, a base setback line shall be located at a distance from the centerline of such street or highway equal to one-half the width of its ultimate right-of-way as established by the common council.
 - (3) The width of frontage roads shall not be included in the above designated rights-of-way.
- (c) *Setbacks.* Unless otherwise specified within an individual zoning district or in accordance with section 58-41, no building or structure shall be erected, constructed, structurally altered, or relocated on a lot closer to the base setback line than the minimum setback distance specified in

the established zoning district.

- (1) *Frontage roads, service drives and parking areas setback.* Frontage roads, service drives, parking areas, etc., shall be set back a minimum of 25 feet from the adjacent base setback line.
- (2) *Setback from Lake Michigan Bluff.* All permanent structures, including in-ground swimming pools erected or constructed after January 1, 1988, on property that is contiguous to Lake Michigan shall be set back from the top of the bluff a distance based on a slope ratio of two feet horizontal distance to every one foot vertical distance measured from the toe of the bluff. In no case, however, shall a building be set back less than 75 feet from the top edge of bluff at the time of construction. Additions or alterations to structures that were erected or constructed prior to January 1, 1988, on property that is contiguous to Lake Michigan shall in no case reduce the existing setback from the edge of the top of the bluff to the existing structure.

All underground utilities including but not limited to sewer, water, gas, electric, or telephone shall be installed no closer than 75 feet from the top edge of the Lake Michigan bluff.

Underground extensions of existing utilities shall not reduce the existing setback from the edge of the bluff if said utilities are closer than 75 feet to the top of the bluff. However, utilities located more than 75 feet from the top of the bluff may be extended underground to structures lacking the 75-foot setback from the top of the bluff. The city does not guarantee, warrant or represent that only those areas which lie within the required setback area from the top of the bluff will be subject to damage resulting from bluff erosion or instability and hereby asserts that there is no liability on the part of the common council, its agencies or employees for any damages that may occur as a result of reliance upon and conformance with this section.

(d) *Setback exceptions.*

- (1) Additions to existing buildings which lack the required setback may be allowed if either:
 - a. The addition is set back at a distance greater than or equal to the average of the existing building setback and the required setback; or
 - b. The addition is set back at a distance at least equal to the building setback and 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 further determines that the addition will be harmonious with neighboring properties.
- (2) On corner lots, on record as of the effective date of the ordinance from which this section is derived, the effect of the setback regulations shall not reduce the buildable width of such corner lot to less than 30 feet.

- (e) *Offsets.* The proximity of any portion of a structure to the side or rear lot lines shall be regulated as follows:
- (1) Except as specifically otherwise provided by ordinance, no structure shall hereinafter be erected, structurally altered, or relocated so that it is closer to any lot line than the offset distance specified by the regulations for the district in which it is located:
 - (2) No non-residential structure shall be erected, structurally altered, or relocated on any property so that it is closer to the lot line of a residentially zoned property than the greater of (i) the distance set forth in paragraph (1) or (ii) one times the height of the non-residential structure as deemed pursuant to section 58-418.
 - (3) Offset exceptions.
 - a. In the case of any lot of record which has a minimum average width less than that required by the district in which it is located, the offset from a side lot line may be reduced proportionally to the ratio of the actual minimum average width and the required minimum average width (i.e. actual width/required width) provided, however, that no offset shall in any case be less than 75 percent of the required offset.
 - b. Where a lot abuts a district boundary line, the offset from such line in the district of less restrictive use shall not be less than that required for the district of more restrictive use.
 - c. The required offset area on one property may be reduced if the offset area on the adjoining property is increased by deed restriction to include the required offset area plus the equivalent amount of offset area resulting from the adjacent reduction.
 - d. In the case of attached single-family, row, multiple-family, commercial, or industrial use structures, two or more buildings on adjoining lots may be erected with common or directly adjoining walls provided the requirements of the state industrial code relative to such construction are complied with and provided that at both ends of such row type buildings the applicable offset requirements shall be complied with.
 - e. Structures that are specifically Structures that are specifically excluded from offset regulations by ordinance including those structures excluded by section 58-419 are not subject to subsection (e).
 - f. Garages allowed as accessory uses to residences are subject to subsection (e)(1) but not subsection (e)(2) or (e)(3).
 - (4) Any required offset area shall be landscaped and kept clean and free from the accumulation of debris or refuse, and shall not be used for the storage or display of equipment, products, vehicles, or any other material.
- (f) *Driveway offsets.* Residential driveways shall be located no closer than three feet to a side or rear property line unless written approval is granted by the adjacent property owner.

(Code 1957, § 3.03(5); Ord. No. 96-878, 5-14-1996; Ord. No. 96-890, 6-25-1996; Ord. No. 2003-1065, § I, 4-8-2003; Ord. No. 2008-1238, § I, 4-8-2008; Ord. No. 2016-1488, § I(Att.), 1-10-2017)

58-416 (c)

Setbacks. Unless otherwise specified within an individual zoning district or in accordance with [section 58-41](#), no building or structure shall be erected, constructed, structurally altered, or relocated on a lot closer to the base setback line than the minimum setback distance specified in the established zoning district.

(1)

Frontage roads, service drives and parking areas setback. Frontage roads, service drives, parking areas, etc., shall be set back a minimum of 25 feet from the adjacent base setback line.

(2)

Setback from Lake Michigan Bluff. All permanent structures, **except as listed below**, including in-ground swimming pools erected or constructed after January 1, 1988, on property that is contiguous to Lake Michigan shall be set back from the top of the bluff a distance based on a slope ratio of two feet horizontal distance to every one foot vertical distance measured from the toe of the bluff. In no case, however, shall a building be set back less than 75 feet from the top edge of bluff at the time of construction. Additions or alterations to structures that were erected or constructed prior to January 1, 1988, on property that is contiguous to Lake Michigan shall in no case reduce the existing setback from the edge of the top of the bluff to the existing structure.

Structures to gain access to Lake Michigan shall be permitted subject to the following conditions:

1. The structure shall be limited to 5 feet in width and the following height restrictions shall apply:
 - a. Four (4) feet six (6) inches measured vertically from the structure's walking surface to the top of the structure.
 - b. Fifteen (15) feet measured vertically from the walking surface to grade.
2. A building permit from the department of community development shall be obtained.
3. A survey shall be provided with the building permit and shall include the ordinary high-water mark (OHWM).
4. Structures shall comply with required side yard offsets of the city base zoning district. Structures and any component of the structures, whether above or below grade, including but not limited to cables, anchors, supports, are not eligible for the offset exemptions of Sec. 58-416.
5. Regulations of Chapter 84 shall be met.
6. Structure shall comply with all other applicable municipal codes and state or federal regulations.
7. Property owners shall certify to the city their awareness of potential problems of lake shore erosion, including but not limited to, the possibility of adding fill of various types to stabilize the bluff area, the requirement for securing of a fill permit from the city engineering department for any such filling, the provisions of said fill permit ordinance, and the potential cost incurred. A memorandum of said certification, including the legal description of the property, shall be recorded in the office of the register of deeds for Ozaukee County.
8. A registered professional engineer, board certified by the American Society of Civil Engineers, in geotechnical engineering (CPEGE), who is hired by the owner of the lot, shall certify to the City

that the construction of any proposed structure located within 75 feet of the top edge of the bluff will be safe. Specifically, the professional engineer shall certify that:

- a. The design of any structure, the method of constructing such structure, and the materials used therefore are structurally adequate and will protect public health and safety.
 - b. The proposed structure will not in any way adversely affect the structural integrity or safety of any building, or structure(s) located on adjoining or adjacent sites.
 - c. The proposed structure will not adversely disturb ravine and bluff slopes, interfere with surface or subsurface drainage, or create new or exacerbate existing problems of erosion and recession on the subject site or adjoining or adjacent site.
 - d. The drainage system will not adversely affect the adjacent and adjoining properties.
 - e. There is no danger to the proposed structure or existing buildings or structures and its occupants from slippage of the slope above and/or below the proposed structure.
 - f. A memorandum of said certification, including the legal description of the property, shall be recorded in the office of the register of deeds for Ozaukee County.
 - g. The engineer shall make a technical report accompanying the certificate, which shall include, at a minimum:
 - i. Recommendations regarding site preparation, foundation design, lateral earth pressure and support of the structure.
 - ii. The stability of the slope before, during and after construction.
 - iii. The effect of the construction on natural drainage in the areas, including any measures, such as "weepers," which are designed to improve natural drainage in the area.
9. Property owner shall maintain the structure to avoid becoming dilapidated or in disrepair or debris, or to be unsightly, dangerous, unsafe, unsanitary, or otherwise unfit for human use.

All underground utilities including but not limited to sewer, water, gas, electric, or telephone shall be installed no closer than 75 feet from the top edge of the Lake Michigan bluff. Underground extensions of existing utilities shall not reduce the existing setback from the edge of the bluff if said utilities are closer than 75 feet to the top of the bluff. However, utilities located more than 75 feet from the top of the bluff may be extended underground to structures lacking the 75-foot setback from the top of the bluff. The city does not guarantee, warrant or represent that only those areas which lie within the required setback area from the top of the bluff will be subject to damage resulting from bluff erosion or instability and hereby asserts that there is no liability on the part of the common council, its agencies or employees for any damages that may occur as a result of reliance upon and conformance with this section.

Greg Golden

From: David Bialk
Sent: Wednesday, February 19, 2025 11:15 AM
To: Greg Golden
Subject: RE: Lake Michigan Bluff Text Amendment

I don't have any concerns, but if someone is injured at the bottom of the bluff, and needs to be carried up, it will take time.

Fire Chief David L Bialk

Southern Ozaukee Fire and EMS
 11300 N Buntrock Ave.
 Mequon, WI 53092
dbialk@sofdwi.gov
 262-242-2530



Integrity • Trust • Empathy • Grit • Excellence • Stewardship

From: Greg Golden <GGolden@cityofmequonwi.gov>
Sent: Wednesday, February 19, 2025 10:58 AM
To: David Bialk <dbialk@sofdwi.gov>
Cc: Brian Sajdak <brian@wrslegal.net>; Kimberly Tollefson <KTollefson@cityofmequonwi.gov>; Cole McCraw <CMcCraw@cityofmequonwi.gov>; Chris Butschke <cbutschke@cityofmequonwi.gov>; Jac Zader <JZader@cityofmequonwi.gov>
Subject: RE: Lake Michigan Bluff Text Amendment

Morning Chief,

The Committee Of The Whole (COTW) asked staff to investigate permitting a way for homeowners who own property along Lake Michigan to have access to the lake. The text amendment is a proposal to change the language (or amend the text) of the Mequon Code of Ordinances to allow this. One of the directives of the COTW was to get input from SOFD with any concerns they might have with allowing structures to be built on the bluff to access the lake from an EMS point of view. Please let me know if you have any concerns regarding the permitting of structures on the bluff to access Lake Michigan from an EMS point of view so that I may put them in my staff report. Thanks so much.

Respectfully,



Greg Golden

Building Inspections Supervisor
 City of Mequon
 Master Electrician
 11333 N. Cedarburg Rd. | Mequon, WI 53092
 262-236-2921 | ggolden@cityofmequonwi.gov
 Central Scheduling: (262)236-2930

Attachment: LMB Attachment 9 (10273 : Lake Michigan Bluff)

Greg Golden

From: Mark Riley
Sent: Wednesday, February 19, 2025 2:03 PM
To: Greg Golden
Subject: RE: Lake Michigan Bluff Text Amendment

Thanks Greg,

I do not see an issue with the regulations. Thanks for including us.



Mark Riley
 Police Chief
 Mequon Police Department
 11300 N. Buntrock Ave. | Mequon, WI 53092
 262-242-3500 | mriley@ci.mequon.wi.us
[City Website](#) | [Staff Directory](#)

From: Greg Golden <GGolden@cityofmequonwi.gov>
Sent: Wednesday, February 19, 2025 1:24 PM
To: Mark Riley <MRiley@cityofmequonwi.gov>
Subject: FW: Lake Michigan Bluff Text Amendment

Good Afternoon, Chief,

I had sent the below email out to several groups among the City and when corresponding with the Fire Chief, I realized I probably should have included you in the email chain. I apologize for that. Please take a few moments to read and let me know if you have any concerns from a policing standpoint that I should include in my staff report.

Thanks!



Greg Golden
 Building Inspections Supervisor
 City of Mequon
 Master Electrician
 11333 N. Cedarburg Rd. | Mequon, WI 53092
 262-236-2921 | ggolden@cityofmequonwi.gov
 Central Scheduling: (262)236-2930

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From: Greg Golden
Sent: Tuesday, February 18, 2025 2:30 PM
To: Brian Sajdak <brian@wrslegal.net>; David Bialk <dbialk@sofdwi.gov>; Cole McCraw

Greg Golden

From: Cole McCraw
Sent: Thursday, March 6, 2025 2:23 PM
To: Greg Golden
Subject: RE: Lake Michigan Bluff Text Amendment

Greg,

I don't have any comments on the proposed changes.

Thanks,
 Cole



Cole McCraw, PE
 Assistant City Engineer
 City of Mequon
 11333 N. Cedarburg Rd. | Mequon, WI 53092
 262-236-2957 | cmccraw@cityofmequonwi.gov
[City Website](#) | [Facebook](#)

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From: Greg Golden <GGolden@cityofmequonwi.gov>
Sent: Wednesday, March 5, 2025 8:07 AM
To: Cole McCraw <CMcCraw@cityofmequonwi.gov>
Subject: Lake Michigan Bluff Text Amendment

Cole, welcome back. Please have a look at this and let me know if engineering has any issues. Your response will be added as an attachment to the memo going to PC on the 17th. Please have a response to me by tomorrow, 3-6-25 (my memo is due next Tuesday). This is a little different than the draft I sent you before you left.

Thanks ☺



Greg Golden
 Building Inspections Supervisor
 City of Mequon
 Master Electrician
 11333 N. Cedarburg Rd. | Mequon, WI 53092
 262-236-2921 | ggolden@cityofmequonwi.gov
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Private Office:
Wesolowski, Reidenbach & Sajdak, S.C.
11402 W. Church St.
Franklin, WI 53132
(414) 529-8900

www.ci.mequon.wi.us

Office of the City Attorney

MEMORANDUM

TO: Planning Commission
FROM: Brian C. Sajdak, City Attorney
DATE: April 15, 2025
RE: City Liability for Issuing Building Permits

Background

As part of the consideration of the code amendment to allow certain structures on the Lake Michigan bluff, a question was raised as to whether the City would have any liability for any damage caused by the structures placed on the bluff under this code amendment. In my opinion, there would be no liability in this circumstance.

Discussion

In Wisconsin, municipal liability is addressed in section 893.80 of the Statutes:

No suit may be brought against any . . . political corporation, governmental subdivision or any agency thereof for the intentional torts of its officers, officials, agents or employees nor may any suit be brought against such corporation, subdivision or agency . . . or against its officers, officials, agents or employees for acts done in the exercise of legislative, quasi-legislative, judicial or quasi-judicial functions.

Wis. Stat. § 893.80(4). The phrase “legislative, quasi-legislative, judicial, or quasi-judicial functions” “have been collectively interpreted to include any act that involves the exercise of discretion and judgment.” Lodl v. Progressive N. Ins. Co., 2002 WI 71, ¶ 21, 253 Wis.2d 323, 646 N.W.2d 314. Thus, the statute provides immunity from liability for those acts which involve the exercise of discretion. “[T]he purpose of this discretionary immunity was to insulate legislative policy decisions from judicial examination. We reasoned that the tort process was an “inadequate crucible” for testing the merits of choices made in the political arena.” Est. of Lyons v. CNA Ins. Companies, 207 Wis. 2d 446, 453, 558 N.W.2d 658, 661 (Ct. App. 1996)(quoting Gordon v. Milwaukee County, 125 Wis.2d 62, 65–66, 370 N.W.2d 803, 805 (Ct.App.1985)).

In this case, the decision to allow for structures on the Lake Michigan bluff is a legislative decision immune from tort liability. “Both the power to zone and the power to veto a zoning change represent legislative functions.” Willow Creek Ranch, L.L.C. v. Town of Shelby, 2000 WI 56, ¶ 41, 235 Wis. 2d 409, 431, 611 N.W.2d 693, 703. See, also, Schmeling v. Phelps, 212 Wis. 2d 898, 911-12, 569 N.W.2d 784 (Ct. App. 1997)(“Zoning actions, however, because they affect the *property rights of specific individuals*, have traditionally been treated differently than general municipal legislation under both statute and case law.”(emphasis added)); Dyersville Ready Mix

Inc. D/B/A BARD Materials v. Iowa Cnty. Bd. of Supervisors, et al., No. 2024AP1091, 2025 WL 1078289, at ¶¶ 57–59 (Wis. Ct. App. Apr. 10, 2025)(Citing Schmeling in finding a difference between judicial review of zoning actions as applied to the approval/denial for specific property requests versus general legislative actions). As the Supreme Court noted in Willow Creek Ranch:

Decisions to enforce a zoning ordinance and to veto zoning changes represent legislative acts. Quinn v. Town of Dodgeville, 122 Wis.2d 570, 578, 364 N.W.2d 149 (1985). Thus, they are discretionary decisions subject to the immunity provisions. Beres v. City of New Berlin, 34 Wis.2d 229, 232, 148 N.W.2d 653 (1967). . . . Willow Creek concedes that the decision to enact a zoning ordinance represents a discretionary act.

Willow Creek Ranch at ¶ 28. The Court continued:

Judicial review of legislative functions is limited to cases in which the authority acted in excess of its power or under error of law. Buhler v. Racine County, 33 Wis.2d 137, 146, 146 N.W.2d 403 (1966). Although this court may debate the wisdom or the desirability of a particular zoning decision, we are constrained from substituting our judgment for that of the zoning authority. Bessent, 27 Wis.2d at 546, 135 N.W.2d 317. This rule applies not only to decisions as to the necessity of zoning but also to decisions as to the determination of whether a change in circumstances justifies rezoning. Buhler, 33 Wis.2d at 147, 146 N.W.2d 403.

Willow Creek Ranch at ¶ 41. Thus, a municipality is immune from liability for legislatively enacting a zoning ordinance, such as the ordinance now under consideration to allow structures on the bluff.

This conclusion is further supported by the general rules related to building permits. “Generally, the grant or refusal of building permits is considered a discretionary or a governmental function for which a municipality is traditionally held not liable for damages.” Nature and purpose—Municipal immunity, 9A McQuillin Mun. Corp. § 26:218 (3d ed.). “The issuance of a building permit is not an official action by which a local government implicitly approves a builder's plans to erect a structure of the type and at the place approved.” Compliance with requirements, 9A McQuillin Mun. Corp. § 26:227 (3d ed.). “The issuance of a building permit is not an official action by which a local government implicitly approves a builder's plans to erect a structure of the type and at the place approved. Building permits and building code inspections only authorize construction to proceed. They do not guarantee that all provisions of all applicable codes have been complied with.” Nature and purpose—Municipal immunity, 9A McQuillin Mun. Corp. § 26:218 (3d ed.). Thus, there is in general no liability simply by the issuance of a building permit.



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Office of Engineering

TO: Planning Commission
FROM: Kristen Lundeen, Director of Public Works/City Engineer
DATE: April 16, 2025
SUBJECT: ORDINANCE 2025-1680 An Ordinance Amending the City of Mequon Code of Ordinances, Chapter 58 - Planning and Development Regulations, Article III. Impact Fees Relating to the Imposition of Impact Fees

Background

An impact fee is a one-time fee charged to pay for the capital costs that are necessary to accommodate land development. By statute, an impact fee is based upon a needs assessment. As a separate task under the contract to update the City's Comprehensive Park Plan, MSA Professional Services completed a Parks Facilities Needs Assessment to validate the amount that should be imposed for the parks impact fee.

The result of the study, available here: <https://www.cityofmequonwi.gov/media/24511> is that the parks impact fee should be \$1793/unit. The current park impact fee is \$900/unit, most recently updated in 2007.

Analysis

Wisconsin state statutes require that a needs assessment include the following, at a minimum:

1. Inventory of existing facilities.
2. Identification of new facilities, improvements or expansions of existing facilities that will be required to the facilities in Item 1 due to land development.
3. Cost estimate of the capital costs for providing the new facilities, improvements or expansions based on Item 2.

As noted, the Parks Facilities Needs Assessment followed the statutory requirements and determined that the imposed impact fee should be \$1793/unit. The proposed ordinance modifies the unit price for the parks impact fee.

In 1997, the City imposed impact fees for the Public Safety Building, the library and the East Side Fire Station. As those capital costs have been paid in full, the attached ordinance eliminates all references to those impact fees. Please note that the City may impose impact fees for eligible improvements by following the statutory process at any time.

Fiscal Impact

The current park impact fee is \$900/unit and, if approved, will increase to \$1793/unit, almost a 100% increase. Impact fees are collected at the time a building permit is issued, therefore the projected increase in fee generation is directly related to the number of building permits issue.

Please note that park impact fees must be segregated into a separate fund that is restricted in utilization per the ordinance.

Recommendation

A recommendation is forthcoming by the Park and Open Space Board April 16, 2025 and further recommendation forthcoming from the Planning Commission, April 21, 2025.

Attachments:

ARTICLE III. IMPACT FEES (PDF)

COMMON COUNCIL
OF THE
CITY OF MEQUON

ORDINANCE 2025-1680

An Ordinance Amending the City of Mequon Code of Ordinances, Chapter 58 - Planning and Development Regulations, Article III. Impact Fees Relating to the Imposition of Impact Fees

RECITALS

A. In 1997 the City of Mequon established an impact fee for parks, which was subsequently amended in 2007.

B. Pursuant to Wis. Stats. 66.0617, the City of Mequon is authorized to impose impact fees.

C. In early 2025, MSA Professional Services on behalf of the City of Mequon completed a Needs Assessment Study related to parks.

D. The conclusion of the Parks Facilities Needs Assessment is that the current park impact fee should be \$1793/unit, as opposed to the \$900/unit impact fee implemented in 2007.

E. The previous impact fees for the 1997 Safety Building, 1997 Library Building and 1997 East Side Fire Station Facility have been collected in full and associated language is no longer required or applicable.

F. The Planning Commission, by majority vote, adopted a recommendation to approve the impact fee ordinance amendment on the 21st day of April 2025.

G. Based upon the Planning Commission's recommendation and following a public hearing before the Common Council on June 10, 2025, the Common Council has determined that amendments to Chapter 58 of the Mequon Municipal Code, are appropriate.

BASED UPON THE FOREGOING RECITALS, the Common Council of the City of Mequon, Wisconsin, do ordain as follows:

SECTION I

The City of Mequon Code of Ordinances, Chapter 58 - Planning and Development Regulations, Article III. Impact Fees is hereby amended as follows:

1. Sec. 58-138(a) is amended to strike the following: “library; city hall; public works; and public safety and”.

2. Sec. 58-138(e) is amended to strike the following: “Park Needs Assessment and Impact Fees Analysis" dated February 28, 2007” and replace with “Parks Facilities Needs Assessment" dated February 2025”.

3. Sec. 58-143 shall be repealed in its entirety and sections renumbered accordingly.

4. Sec. 58-143.5 shall be renumbered as Sec. 58-143 and the amount of \$900/unit amended to \$1,793/unit.

5. Sec. 58-145 shall be repealed and replaced as follows: There is hereby established separate impact fee trust accounts for the following category: Parks, playgrounds, land for athletic fields.

SECTION II

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

SECTION III

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

SECTION IV

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

Approved by: Andrew Nerbun, Mayor

Date Approved: April 21, 2025

I certify that the foregoing Ordinance was adopted by the Common Council of the City of Mequon, Wisconsin, at a meeting held on April 21, 2025.

Caroline Fochs, City Clerk

Published: _____

PART II - CODE OF ORDINANCES
Chapter 58 - PLANNING AND DEVELOPMENT REGULATIONS
ARTICLE III. IMPACT FEES

ARTICLE III. IMPACT FEES¹

Sec. 58-138. Legislative findings to support impact fees.

- (a) The City of Mequon has expanded or must expand its ~~library; city hall; public works; and public safety and~~ park facilities and services if new development is to be accommodated without decreasing current levels of service. This must be done in order to promote and protect the public health, safety and welfare.
- (b) The imposition of impact fees is one of the preferred methods of ensuring that development bears a proportionate share of the cost of capital facilities necessary to accommodate such development. This must be done in order to promote and protect the public health, safety and welfare.
- (c) Each of the types of land development described in section 58-145 hereof, will create a need for the construction, equipping, or expansion of the capital facilities.
- (d) The fees established by section 58-145 are derived from, are based upon, and do not exceed the costs of providing additional facilities and equipment necessitated by the new land developments for which the fees are levied.
- (e) Each of the reports entitled, "City of Mequon, impact fee needs assessment", dated January 29, 1997, and entitled ~~"Park Needs Assessment and Impact Fees Analysis" dated February 28, 2007.~~ "Parks Facilities Needs Assessment" dated DATE, respectively, sets forth a reasonable methodology and analysis for the determination of the impact of new development on the need and costs for additional public capital facilities in the city.

(Code 1957, § 3.19(9)(a); Ord. No. 97-915, 3-11-1997; Ord. No. 2007-1203, § I, 6-12-2007)

Sec. 58-139. Intent and purpose.

- (a) This article is intended to assist in the implementation of the City of Mequon comprehensive plan.
- (b) The purpose of this article is to regulate the use and development of land so as to assure that new development bears a proportionate share of the cost of capital expenditures necessary to provide needed improvements in the City of Mequon.

(Code 1957, § 3.19(9)(c))

Sec. 58-140. Construction of article.

- (a) The provisions of this article shall be liberally construed so as to effectively carry out its purpose in the interest of the public health, safety and welfare.
- (b) For the purposes of administration and enforcement of this article, unless otherwise stated in this article, the following rules of construction shall apply to the text of this article:

¹State law reference(s)—Impact fees, Wis. Stats. § 66.0617.

- (1) In case of any difference of meaning or implication between the text of this section article and any caption, illustration, summary table, or illustrative table, the text shall control.
- (2) The word "includes" shall not limit a term to the specific example but is intended to extend its meaning to all other instances or circumstances of like kind or character.
- (3) The term "administrator" means the city administrator or the municipal officials he/she may designate to carry out the administration of this article. Any municipal official so designated shall be approved by the appropriate municipality before exercising duties hereunder.

(Code 1957, § 3.19(9)(d))

Sec. 58-141. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Capital equipment means equipment with an expected use life of three years or more.

Capital improvement includes parks planning, land acquisition, site improvements, buildings, and equipment, but excludes maintenance and operation.

City comprehensive plan means the long-range master plan which includes the following component plans: land use plan; environmental plan; park, recreation and open space plan; and transportation plan.

Development means any manmade change to improved or unimproved real property, the use of any principal structure or land, or any other activity that requires issuance of a building permit.

Feepayer is a person applying for the issuance of a building permit.

Housing for the elderly means housing which is deed restricted to residents aged 62 and above.

Independent fee calculation study means the demographic and/or public facilities documentation prepared by a feepayer to allow the determination of the impact fee other than by the use of the table in section 58-45 of this chapter.

(Code 1957, § 3.19(9)(e); Ord. No. 2006-1187, § I, 7-11-2006)

Cross reference(s)—Definitions generally, § 1-2.

Sec. 58-142. Imposition of the impact fee.

- (a) Any person who seeks to develop land within the City of Mequon, by applying for a building permit or an extension of a building permit is hereby required to pay an impact fee in the manner and amount set forth in this chapter.
- (b) Any new building permit for any activity requiring payment of an impact fee pursuant to section 58-45 of this chapter shall be conditioned upon and its effective date delayed until the impact fee(s) hereby required have been determined and paid. Any parcel for which the park and open space fee has already been paid shall not be required to pay this additional fee.

(Code 1957, § 3.19(9)(f); Ord. No. 2006-1187, § II, 7-11-2006)

Sec. 58-143. Computation of the amount of impact fee.

(a) At the option of the fee payer, the amount of the impact fee may be determined by the following fee schedule. The fee schedule reflects a discount of five percent from net cost to encourage use of this schedule in order to avoid the expenditure of administrative time on the processing of variance requests for independent fee calculation.

1997 Safety Building Impact Fee Schedule

Land Use Type	Gross Fee ¹	Net Fee ³	Discounted Fee ⁴
Single-family residential ²	\$238.00/unit	\$_____unit	\$_____unit
Multi-family residential ²	\$119.00/unit	\$_____unit	\$_____unit
Elderly residential	\$92.00/unit	\$_____unit	\$_____unit
Commercial	\$.107/sq. ft.	\$_____unit	\$_____unit
Industrial ⁵	\$.035/sq. ft.	\$_____unit	\$_____unit

1997 Library Building Impact Fee Schedule

Land Use Type	Gross Fee ¹	Credit/\$1000 value ⁷	Net Fee ³	Discounted Fee ⁴
Single-family residential ²	\$319.00/unit	\$0.2510	\$unit	\$unit
Multi-family residential ²	\$160.00/unit	\$0.2510	\$unit	\$unit
Elderly residential	variable ⁶	\$0.2510	\$unit	\$unit

1997 East Side Fire Station Facility Impact Fee Schedule

Land Use Type	Gross Fee ¹	Discounted Fee ⁴
Residential	\$28.99/unit	\$27.54/unit
Elderly residential	variable ⁶	
Commercial	\$0.0272/sq. ft.	\$0.02584/sq. ft.
Industrial ⁵	\$0.0152/sq. ft.	\$0.0144/sq. ft.

Notes:

¹	Fees assessed on the basis of square feet (i.e., sq. ft.) shall be calculated by gross floor area.
²	Single-family residential shall be defined as one unit per building. Multi-family residential shall be defined as two more units per building.
³	Net fee = gross fee — applicable credit.
⁴	Discounted fee = Net fee x 95 percent and rounded down to nearest dollar.
⁵	Industrial shall be defined as real estate assessed by the state as manufacturing.
⁶	Fee calculations for elderly housing shall be calculated by the administrator and based on specific project characteristics.
⁷	Credit calculations shall be based on staff estimated value of proposed improvements.

a. If the type of development activity that a building permit is applied for is not specified on the above fee schedule, the administrator shall use the fee applicable to the most nearly comparable

type of land use on the above fee schedules. The administrator shall be guided in the selection of a comparable type by the comprehensive plan, supporting documents of the comprehensive plan, and this chapter. If the administrator determines that there is no comparable type of land use on the above fee schedule then the City of Mequon committee on finance personnel (committee) shall determine the appropriately discounted fee by considering demographic or other documentation which is available from state, local and regional authorities.

b. In case of change of use, redevelopment, or expansion or modification of an existing use which requires the issuance of a building permit, the impact fee shall be based upon the net positive increase in the impact generated from the new use as compared to the previous use. The administrator shall be guided in this determination by the sources listed above.

(b) If a feepayer opts not to have the impact fee determined according to section 58-45, then the feepayer shall apply for a variance to the committee and prepare and submit to the committee an independent fee calculation study for the land development activity for which a building permit is sought. The documentation submitted shall show the basis upon which the independent fee calculation was made. The committee shall consider the documentation submitted by the feepayer but is not required to accept such documentation as the committee shall reasonably deem to be inaccurate or not reliable and may, in the alternative, require the feepayer to submit additional or different documentation for consideration. If an acceptable independent fee calculation study is not presented, the feepayer shall pay impact fees based upon the schedule shown in this article. If an acceptable independent fee calculation study is presented, the committee may adjust the fee to that appropriate to the particular development.

(Code 1957, § 3.19(9)(g); Ord. No. 95-847, 4-11-1995; Ord. No. 97-915, 3-11-1997)

Sec. 58-143.5. Computation of impact fee for parks.

The impact fee for parks, which includes parkland, playgrounds and land for athletic fields, as calculated in accordance with the applicable comprehensive park plan and needs assessment, shall be imposed in accordance with the following table:

Parkland Impact Fee Schedule

Land Use Type	Impact Fee
Residential	\$900.00 \$1793.00/unit

(Ord. No. 2006-1187, § VI, 7-11-2006; Ord. No. 2007-1203, § II, 6-12-2007)

Sec. 58-144. Fee payment.

The feepayer shall pay the impact fees required by this section (i.e. section 58-45) to the administrator or his/her designee within fourteen days of the issuance of a building permit, however, the permit shall be conditioned upon and shall not be effective until the impact fees have been paid. Any parcel for which the park and open space fee has already been paid shall not be required to pay this additional fee.

(Code 1957, § 3.19(9)(h); Ord. No. 2006-1187, § III, 7-11-2006)

Attachment: ARTICLE III. IMPACT FEES (ORDINANCE 2025-1680 : Park Impact Fee Update)

Sec. 58-145. Administration of impact fees.

- (a) There is hereby established separate impact fee trust accounts for the following categories:
- ~~(1) Library building trust account.~~
 - ~~(2) Public safety building trust account.~~
 - ~~(3) Public safety southeast side fire station trust account.~~
 - ~~(4) Parks, playgrounds, land for athletic fields.~~
- (b) Upon receipt of impact fees, the city accounting department shall be responsible for placement of such funds into separate, segregated accounts. All such funds shall be deposited in interest-bearing accounts in a bank authorized to receive deposits of city funds. Interest earned by each account shall be credited to that account and shall be used solely for the purposes specified for funds of such account.
- (c) The city accounting department shall maintain and keep accurate financial records for each such account that shall show the source and disbursement of all revenues; that shall account for all monies received; that shall ensure that the disbursement of funds from each account shall be used solely and exclusively for the provision of projects specified in the capital improvements program; and that shall provide an annual accounting for each impact fee account showing the source and amount of all funds collected and the projects that were funded.
- (d) Funds withdrawn from these accounts must be used in accordance with the provisions of section 58-146.
(Code 1957, § 3.19(9)(i); Ord. No. 97-915, 3-11-1997; Ord. No. 2006-1187, § IV, 7-11-2006)

Sec. 58-146. Use of funds.

- (a) Funds collected from impact fees shall be used solely for the purpose of acquiring or making capital improvements and shall not be used for maintenance or operations.
- (b) Funds shall be expended in the order in which they are collected.
- (c) In the event that bonds or similar debt instruments are issued for advanced provisions of capital facilities for which impact fees may be extended, impact fees may be used to pay debt service on such bonds or similar debt instruments to the extent that the facilities provided are of the type described in subsection (a) above.
- (d) At least once each fiscal period the administrator shall present to the common council a proposed capital improvement program for assigning funds, including any accrued interest, from the impact fee trust accounts to specific improvement projects and related expenses. Monies, including any accrued interest, not assigned in any fiscal period shall be retained in the same impact fee trust accounts until the next fiscal period except as provided by the refund provisions of section 58-147.
- (e) Funds may be used to provide refunds as described in section 58-147.
- (f) The collecting governmental entity shall be entitled to retain not more than five percent of the funds collected as compensation for the expense of fee collection and administration.
(Code 1957, § 3.19(9)(j))

Sec. 58-147. Refunds.

- (a) If a building permit expires without commencement of construction, then the feepayer shall be entitled to a refund, without interest, of the impact fee paid as a condition for its issuance except that the city shall retain

two percent of the fee to offset a portion of the costs of collection and refund. The feepayer must submit an application for such a refund to the administrator within 30 days of the expiration of the permit. The application shall include such supporting documentation as the city may reasonably require.

- (b) Any funds not expended or encumbered within the period of seven years from the date the impact fee was collected by the city shall be returned to the current owner of the property with respect to which the impact fee was imposed, together with any interest actually accumulated on said funds.

(Code 1957, § 3.19(9)(k); Ord. No. 2006-1187, § V, 7-11-2006)

Sec. 58-148. Exemptions.

The following shall be exempted from payment of the impact fee:

- (1) Alterations or expansion of an existing residential building where no additional residential units are created.
- (2) The construction of accessory residential buildings or structures.
- (3) The replacement of a destroyed or partially destroyed building or structure with a new building or structure of the same size and use.
- (4) Any claim of exemption must be made no later than the time of application for a building permit. Any claim not so made shall be deemed waived.

(Code 1957, § 3.19(9)(l))

Sec. 58-149. Credits.

The following procedures apply regarding credits to the impact fee:

- (1) The administrator shall, if appropriate, establish and apply a credit equaling the net present value of any future property tax payments the feepayer will pay towards capital facilities and equipment to be funded by impact fees.
- (2) Any claim for credit must be made no later than the time of application for a building permit. Any claim not so made shall be deemed waived.
- (3) Determinations made by the administrator pursuant to this subsection may be appealed to the committee by filing a written request with the administrator within ten days of the administrator's determination.

(Code 1957, § 3.19(9)(m))

Sec. 58-150. Review.

The fee schedule contained in this article shall be reviewed by the common council at least once each fiscal year and modified, if necessary, as a result of:

- (1) Changes in credit calculation;
- (2) Changing facility needs;
- (3) Inflation;
- (4) Revised cost estimates for capital improvements;

-
- (5) Changes in the availability of other funding sources applicable to public facility projects; and
 - (6) Such other factors as may be relevant.

(Code 1957, § 3.19(9)(n))

Sec. 58-151. Variance provision.

See section 58-143 of this article.

(Code 1957, § 3.19(9)(p))

Sec. 58-152. Appeal.

Any property owner upon whom an impact fee has been imposed may contest the amount, collection or the use of the impact fee by filing an appeal to the board of appeals addressed to the city clerk. A copy of the appeal shall be forwarded to the appropriate department head who shall attend the hearing of the matter before the board. After fully hearing the matter, the board shall reduce its findings and decisions to writing within three days, and file the same with the clerk. The clerk shall forthwith send a copy thereof to the appellant by certified mail. If the appellant is aggrieved by the decision of the board of appeals, he may file an appeal with the circuit court within 30 days of the date of the board's decision.

(Ord. No. 2006-1187, § VII, 7-11-2006)

Secs. 58-153—58-170. Reserved.



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www.cityofmequonwi.gov

Department of Community Development

TO: Planning Commission
FROM: JAC ZADER, ASSISTANT DIRECTOR COMMUNITY DEVELOPMENT
DATE: April 21, 2025
SUBJECT: Port Washington Road Zoning

Background

In 2023, the Economic Development Board and the Common Council Committee of the Whole vetted a proposed zoning map for the Port Washington Road Corridor. It was determined at the time to delay any further analysis of the proposed zoning map until the Market Analysis was completed in order to review potential recommendations coming out of the report. The final report included recommended changes to the code as well as identified priority redevelopment sites with potential users that could possibly occupy these spaces.

Based on feedback from the Economic Development Board at their February and March meeting in 2025, staff has created the proposed zoning map, use chart and a new land use plan map. The changes were based on the following criteria laid out by the Board:

- Allow for a larger square footage and three stories on the east side of Port Washington Road.
- Consolidate zoning districts as much as possible based on current land use plans
- Determine appropriate locations for future residential uses along the corridor.
- Eliminate a majority of office uses in the shopping center and retail/service zoning districts.

Analysis

The proposed zoning map is a result of trying to consolidate the districts on the east side of Port Washington Road, as much as possible, to the large scale development zoning district. In areas where it didn't make sense to change the zoning due to lot size or the existing use, the zoning district was left unchanged however, the text for the applicable district was modified to allow for the higher square footage and three stories based on their location on the east side of Port Washington Road.

The proposed land use plan map highlights areas that may be suitable for residential use in the future. This rationale to add the sites to the land use plan is based on the desire not to include residential uses in the proposed commercial zoning districts but recognize that there is support for a residential development in the future.

The EDB memo from February is included below.

Memo from February EDB meeting

Zoning

Both the Board and the Council recognized that the existing zoning categories and allowable uses that encompass most of the land along Port Washington Road need to be amended. The current zoning districts in the area (B-1, B-2, B-3, B-4), were last modified in the early 1990's and many of the use categories are no longer applicable in today's commercial environment. In addition, modifications to each of the use categories over the years have diluted the differences between the individual zoning districts. Accordingly, staff has spent considerable time reviewing the current zoning and the existing land use patterns along the corridor. Based on this analysis, staff prepared an updated zoning map (see attached) with the following objectives as determined by the Board and Council:

- Provide common language regarding use categories in each district.
- Segregate uses based on current land use patterns.
- Limit certain uses, such as fast food, retail, and auto-related facilities, to specific areas along the corridor.
- Limit the amount of nonconforming uses created by the zoning changes.

Market Analysis Zoning Recommendations

The most impactful recommendation coming out of the Market Analysis is the consolidation of all existing zoning districts into one large zoning district. The rationale for this is based on the similar zoning classifications in each district. While staff concurs that the uses have become similar over time due to isolated text amendments, staff does not support the recommendation to consolidate all districts into one large district. Instead, staff is recommending that the use categories are modified to create distinction among the districts based on existing land use patterns. Staff will need direction on which approach is recommended prior to moving forward.

The report suggested several technical changes to zoning districts that are intended to encourage redevelopment and maximize density, including the following:

- Minimum Lot Size 1.5 acres
- Open Space ratio changed to 30%
- Allow three stories as permitted.
- Allow building size at 30,000 square feet as permitted.

While these changes to the code are relatively straightforward to make, several of these are significant deviations from the existing standards that have been in place for several decades and may not be supported by the general public.

There are other recommendations that will need to be vetted more thoroughly regardless of if there is one overall zoning district or multiple districts including:

- Incorporating residential uses.
- Address office uses as conditional.
- Fitness and Indoor Rec as permitted.

Recommended Redevelopment Sites

The Market Analysis identified nine redevelopment sites (see map) and provided a list of potential users for these sites. Staff has evaluated each of the proposed sites against the proposed zoning districts and uses and have made the following determination.

Sites #1 and #2

Sites #1 and #2 are located in the excess parking lots of Marcus Theatres and Metro Market. The report identifies these locations suitable for sit down or fast-food restaurants. The proposed zoning code would permit these uses provided that there is no drive thru. Staff did not provide an allowance for a drive-thru at these locations based on the Council directive to limit the amount of fast-food restaurants with drive-thrus along the Port Washington Road corridor.

Site #3

Site #3 is an office development that has redevelopment potential according to the report. Potential uses for the site include a hotel and entertainment complex. Both uses are allowed under the proposed zoning code.

Site #4

Site #4 is the location of the former Bank Mutual Financial Institution. According to the report, the site would be suitable for a restaurant, retail and medical office. The proposed zoning would allow these uses as well as a drive-thru restaurant since it is part of the overlay.

Site #5

Site #5 is currently occupied by Steins Garden Center. The report states that the site would be suitable for a restaurant or entertainment complex. The proposed code would permit both uses provided that there is no drive-thru.

Site #6

Site #6 is the Chalet Motel and Crave restaurant. The report states that the site would be suitable for a mixed-use building with retail on the first floor with residential on the second and third floor. The site is challenging for several reasons. First, the site is only two acres in size and currently includes a popular restaurant. Any redevelopment would require underground parking, which would drive up development costs. Second, the area to the west is zoned single family and two-family zoning where a three story building may not be well received. Finally, staff has a concern with adding a mixed use or residential use component to a commercial zoning district. In the past, staff has recommended amending the land use plan to certain areas where residential development may be warranted in the future.

Site #7

Site #7 is located at 10500-10520 N Port Washington Road and includes a vacant office building and a multi-tenant building to the rear. The report states that the location would be attractive site for a hotel or entertainment venue. Entertainment venues would be allowed but a hotel would not.

Site #8

Site #8 is vacant land located at the south end of Port Washington Road. The report calls for high density residential or senior housing. Similar to Site #6, staff has a concern with adding a residential use component to a commercial zoning district. In the past, staff has recommended amending the land use plan to certain areas where residential development may be warranted in the future. If the Board is supportive of senior housing, a rezoning to IPS would be warranted.

Site #9

Site #9 is a combination of five parcels located at 9900-10050 N Port Washington Road. The report states that a mixed-use residential project with fast food restaurants as a potential use for the site. While the proposed zoning would allow for fast food restaurants with a drive-thru, staff

has a concern with adding a mixed use or residential use component to a commercial zoning district. In the past, staff has recommended amending the land use plan to certain areas where residential development may be warranted in the future.

Staff Summary

Staff is looking for feedback and direction on the changes with the goal of forwarding the proposed maps and text changes on to the Common Council. If the Commission is supportive if the proposed changes, staff will perform a final review of all current uses to determine whether the proposed changes are creating any additional nonconforming uses. If the proposed changes do not result in any additional nonconforming uses, staff will bring back a final version of the changes in May. If staff does find additional nonconforming uses, an evaluation of how to best address these issues will be performed and recommendations will be presented to the Commission in May

Attachments:

New zoning (DOCX)

Copy of Use Chart _01.17.25 (XLSX)

Landuse (PDF)

Layout9 (PDF)

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

- (a) *Purpose.* The B-2 district is established to accommodate the retail and service needs of the greater community.
- (b) *General requirements.*
- (1) Buildings shall be designed in individual or small groupings and shall not exceed 20,000 square feet per structure and exceed two stories in height west of Port Washington Road and shall not exceed 30,000 square feet per structure and three stories east of Port Washington Road. The commercial development shall be designed and sized in a manner which is architecturally, aesthetically and operationally harmonious with surrounding development.
 - (2) All business, servicing or processing, except for off-street parking or loading, shall be conducted within completely enclosed buildings. Outside storage is not permitted except as specifically approved by the planning commission.
 - (3) Building design may provide for either single or multi-tenant structures with the appearance and operation being harmonious and compatible with the surrounding area.
 - (4) Site development shall be approved by the planning commission in accordance with this chapter.
 - (5) [Reserved.]
 - (6) In approving or disapproving proposed locations for uses under this section the planning commission shall give due consideration to the character and suitability for development of the area in which any such use is proposed to be located and shall also base its decision on such evidence as may be presented to the city planning commission regarding traffic generation, heavy vehicular traffic, ground water impact, sewage disposal impact, soil limitations and the emission of noise, smoke, dust or dirt, odorous or noxious gases attributed to the proposed use. The following uses may be allowed if the planning commission determines that the use would not be detrimental to the character of the surrounding area and/or would not generate a significant adverse impact relative to the above mentioned elements.
 - (7) [Reserved.]
- (c) *Permitted uses.* *See chart*
- (1) ~~Retail trade establishments which supply convenience and specialty goods.~~
 - (2) ~~Retail trade establishments whose primary product line is groceries.~~
 - (3) ~~Personal and professional service establishments which perform services on the premises including, but not limited to, repair shops, (watches, radio and television, etc.) tailor shops, beauty parlors or barber shops, photographic studios, dry cleaners, laundries.~~
 - (4) ~~General offices.~~
 - (5) ~~Finance, insurance and real estate services including, but not limited to, banks, insurance offices, savings and loan associations and security brokers.~~
 - (6) ~~Health care facilities Medical offices including, but not limited to, dental clinics, medical clinics, chiropractic clinics and health clubs.~~
- (d) *Accessory uses.* Accessory buildings and uses customarily incidental to the above uses including, but not limited to garages and dumpster storage facilities.
- (e) *Conditional uses.* *See chart*

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- (1) ~~Public uses including, but not limited to, post offices, schools and local governmental offices and facilities.~~
- (2) ~~Restaurants and nightclubs.~~
- (3) ~~Cultural activities including, but not limited to, museums, libraries and art galleries.~~
- (4) ~~Public and/or private utilities, telecommunication installations, transmission and distribution lines, poles, and other accessories. Specific regulations related to wireless telecommunication installations shall be subject to this chapter. When a utility proposes a main inter-city transmission facility, the utility shall give notice to the city of such intention and of the date of hearing before the public service commission. Public and/or private utility installations less than three feet in height shall be subject only to City of Mequon staff approval and may be allowed subject to staff imposed conditions regarding, among other things, effective screening from public view with all season vegetation.~~
- (5) ~~Churches, temples and synagogues.~~
- (6) ~~Animal hospitals, veterinary clinics and kennels pursuant to the specific requirements set forth in division 11.~~
- (7) ~~Wholesaling establishments.~~
- (8) ~~Outdoor recreational facilities.~~
- (9) ~~Automobile service facilities including, but not limited to, gasoline sale and automotive repair.~~
- (10) ~~Motels and hotels.~~
- (11) ~~Satellite dishes.~~
- (12) ~~Warehouse and distribution facilities.~~
- (13) ~~Car dealerships.~~
- (14) ~~Research and development facilities.~~
- (15) ~~Child day care facilities.~~
- (16) ~~Light assembly or fabrication incidental to the principal use.~~
- (17) Structures in which shall be located only principal or conditional uses, as enumerated in subsections (c) and (e) above, but which are greater than **the requirements of (b) (1) shall only be approved as part of a PUD.**
- (18) ~~Development that includes a proposed modification to one or more standard district regulation applicable to the base zoning district and located on a vacant parcel which is non-conforming to the required base zoning district standards for minimum lot size or minimum lot width.~~
- (19) ~~Fitness centers.~~
- (20) ~~Indoor recreation and amusement facilities.~~
- (21) ~~Development that includes a proposed modification to one or more standard district regulation applicable to the base zoning district and located on an improved parcel with an existing structure in which parcel, or improvement, or both, are non-conforming to any of the required base zoning district standards.~~
- (22) ~~General merchandise stores subject to the following regulations:~~
- ~~• The GLA of the use must be between 20,000 and 30,000 square feet.~~

- ~~The square footage of all uses classified as general merchandise stores shall not exceed 40 percent of the total GLA of a retail development.~~
- ~~Floor area dedicated to food related merchandise shall not exceed five percent of the total GLA of the general merchandise store.~~
- ~~The development in which the use is located shall be located along a secondary arterial and shall abut an interstate highway.~~
- ~~General merchandise stores located in an existing multi-tenant building shall be subject to building and site plan review.~~

~~(23) Resale clothing and clothing accessories shall be subject to the following conditions:~~

- ~~The resale floor area shall not exceed 1,500 square feet.~~
- ~~All merchandise shall be displayed on permanent racks or shelving which may or may not be affixed to the floor or walls.~~
- ~~No outdoor display of merchandise.~~
- ~~All windows into the tenant space shall remain clear of merchandise or shelving unless approved by planning commission.~~
- ~~All interior walls and ceilings shall be finished with drywall or other city approved materials.~~
- ~~No sale of furniture or other household items.~~

~~(24) Banquet or reception hall.~~

~~(25) Convention or conference center.~~

- (f) *Lot size.* The minimum lot size shall have an area of not less than **1.5** ~~two~~ acres.
- (g) *Building size/floor area ratio.* The building(s) floor area ratio shall not exceed 30 percent.
- (h) *Building height.* The height of any structure shall not exceed 42 feet unless otherwise allowed in accordance with section 58-418.
- (i) *Minimum building setback.* All structures within the B-2 district shall be set back from the ultimate road right-of-way as follows:
- (1) Freeways—50 feet.
 - (2) All other streets and highways (excluding local streets)—65 feet, except when parking is proposed between the road and building the minimum setback shall be 95 feet.
 - (3) Local streets—60 feet.
- (j) *Minimum building offset.* No building or structure, hereafter erected, shall be placed closer than 20 feet to a side or rear lot line. If, however, adjoining property is zoned residential, no commercial building or structure shall be placed closer than 30 feet to the adjoining residentially zoned lot line.
- (k) *Open space.*
- (1) The open space ratio shall not be less than **30** ~~40~~ percent except as follows:
 - a. ~~Future additions to buildings that were approved by the planning commission prior to August 12, 1994, shall be subject to a 30 percent open space ratio.~~

Parcels located west of Port Washington Road shall be subject to the 40 percent open space ratio.

- b. Properties which were the subject of planned unit development zoning or development agreement approval prior to August 12, 1994, shall be subject to the contractual open space ratio approved by the city pursuant to such planned unit development zoning or development agreement.
 - ~~c. Construction of additional buildings on sites developed prior to August 12, 1994, shall be subject to a 30 percent open space ratio.~~
 - ~~d. Proposed redevelopment/reconstruction of sites developed prior to August 12, 1994, shall be subject to the 40 percent open space ratio if the redevelopment razes more than 50 percent of the existing building(s). If the redevelopment does not raze more than 50 percent of the existing building(s), a development shall be subject to a 30 percent open space ratio.~~
- (2) No lot or parcel that was previously developed under a less restrictive open space ratio shall be deemed nonconforming due to lack of compliance with this current more restrictive open space ratio.
 - (l) *Lot width and lot length.* The minimum average lot width and minimum average lot length shall be 150 feet.
 - (m) *Off-street parking.* In accordance with applicable regulation set forth in section 58-441.
 - (n) *Minimum parking and driveway offset.* No driveway or parking area shall be located closer than 20 feet from a side or rear lot line unless specifically waived by the planning commission.
 - (o) *Minimum parking setback.* No driveway (excluding the portion of driveway required for road access) or parking area shall be located closer than 25 feet to the ultimate road right-of-way.

Sec. 58-296. B-3 office and service business district.

- (a) *Purpose.* The B-3 office and service district is intended to provide for individual or group office and special service uses where the office activity would be compatible with surrounding uses.
- (b) *General requirements.*
 - (1) Buildings shall be designed in individual or small groupings and shall not exceed 20,000 square feet per structure and exceed two stories in height west of Port Washington Road and shall not exceed 30,000 square feet per structure and three stories east of Port Washington Road. The commercial development shall be designed and sized in a manner which is architecturally, aesthetically and operationally harmonious with surrounding development.
 - (2) The office development shall be designed and sized in a manner which is architecturally, aesthetically and operationally harmonious with surrounding development.
 - (3) All business, servicing, processing or storage except for off-street parking or loading, shall be conducted within completely enclosed buildings unless specifically approved by the planning commission.
 - (4) The size and location of projects within the district shall be based upon such factors as justifiable community need, satisfactory traffic impact and its potential contribution to the welfare of the community.
 - (5) In approving or disapproving proposed locations for uses under this section the planning commission shall give due consideration to the character and suitability of development for the area in which any such use is proposed to be located and shall also base its decision on such evidence as may be presented to the city planning commission regarding traffic generation, ground water impact, sewage disposal impact, lighting, soil limitations and the emission of noise, smoke, dust or dirt, odorous or noxious gases attributed to the proposed use. The city planning commission, in applying the provisions of this section, shall in writing recite the particular facts upon which it bases its conclusion. The

applicant shall have an opportunity to present evidence contesting such unsuitability or propose adequate mitigation, if they so desire. Thereafter, the city planning commission may affirm, modify or withdraw its determination of unsuitability.

- (6) Site development shall be approved by the planning commission in accordance with this Code.
- (7) [Reserved.]
- (c) *Permitted uses.* *See chart*
- (1) ~~Professional office and services including, but not necessarily limited to, accounting, architectural, chiropractic, dental, medical, engineering and legal services.~~
- (2) ~~Business offices and services including, but not necessarily limited to, advertising agency, management consulting, manufacturing representatives, public relations, stenographic, travel agency and duplicating services.~~
- (3) ~~Financial, insurance and real estate offices and services including, but not necessarily limited to, financial institutions, security brokers, holding and investment companies, insurance agency, insurance carriers, governmental and public services.~~
- (d) *Permitted accessory uses.*
- (1) Garages for storage of vehicles used in conjunction with the operation of the business or for occupants of the premises.
- (2) Residential quarters for the owner/proprietor, located in the same building as the business, that were established prior to the effective date of this ordinance may be continued. Residential quarters shall not be allowed for office uses developed subsequent to the effective date of the ordinance from which this section is derived.
- (e) *Conditional uses.* Conditional uses shall include, but not necessarily be limited to the following: *See chart*
- (1) ~~Commercial child day care facilities.~~
- (2) ~~Studios for photography, painting, music, sculpture, dance or other recognized fine art.~~
- (3) ~~Residential quarters for the owner, proprietor, commercial tenant, employee or caretaker located in the same building as the business.~~
- (4) ~~Research and development facilities.~~
- (5) ~~Light assembly and/or warehouse if accessory to the principal use.~~
- (6) ~~Satellite dishes with appropriate screening.~~
- (7) ~~Public and/or private utilities, telecommunication installations, transmission and distribution lines, poles, and other accessories. Specific regulations related to wireless telecommunication installations shall be subject to this chapter. When a utility proposes a main inter-city transmission facility, the utility shall give notice to the city of such intention and of the date of hearing before the public service commission public and/or private utility installations less than three feet in height shall be subject only to City of Mequon staff approval and may be allowed subject to staff imposed conditions regarding, among other things, effective screening from public view with all season vegetation.~~
- (8) ~~Beauty aids and personal grooming services, including but not limited to facial, skin, hair and nail care services and ancillary therapeutic massages and the ancillary retail sale of related products.~~
- (9) ~~Sit-down restaurants subject to the following:~~
- a. ~~Restaurants shall be an occupant within a multi-tenant building and no stand-alone restaurants shall be permitted.~~

- b. ~~Restaurants shall not exceed 5,000 square feet in gross floor area or 50 percent of the total building size, whichever is less.~~
- c. ~~Only one restaurant shall be permitted per building.~~
- d. ~~Drive thru windows shall not be permitted.~~
- e. ~~Restaurants shall not be permitted if the property is also zoned as an LTD overlay.~~
- (10) Development that includes a proposed modification to one or more standard district regulation applicable to the base zoning district and located on a vacant parcel which is non-conforming to the required base zoning district standards for minimum lot size or minimum lot width.
- (11) Development that includes a proposed modification to one or more standard district regulation applicable to the base zoning district and located on an improved parcel with an existing structure in which parcel, or improvement, or both, are non-conforming to any of the required base zoning district standards.
- (12) Commercial use of historically significant structures not otherwise permitted.
- (f) *Lot size.* The minimum lot size shall have an area of not less than 1.5 acres.
- (g) *Building size/floor area ratio.* The building(s) floor area ratio shall not exceed 30 percent.
- (h) *Building height.* The height of any structure shall not exceed 42 feet unless otherwise allowed in accordance with section 58-418.
- (i) *Minimum building setback.* All structures within the B-3 district shall be set back from the ultimate road right-of-way as follows:
- (1) Freeways, 50 feet.
 - (2) All other streets and highways (excluding local streets), 65 feet, except when parking is proposed between the road and building the minimum setback shall be 95 feet.
 - (3) Local streets, 60 feet.
- (j) *Minimum building offset.* No building or structure, hereafter erected, shall be placed closer than 20 feet to a side or rear lot line. If, however, adjoining property is zoned residential, no commercial building or structure shall be placed closer than 30 feet to the adjoining residentially zoned lot line.
- (k) *Open space ratio.*
- (1) The open space ratio shall not be less than ~~30~~40 percent except as follows:
 - a. ~~Future additions to buildings that were approved by the planning commission prior to August 12, 1994, shall be subject to a 30 percent open space ratio.~~
 - Parcels located west of Port Washington Road shall be subject to the 40 percent open space ratio.**
 - b. Properties which were the subject of planned unit development zoning or development agreement approval prior to August 12, 1994, shall be subject to the contractual open space ratio approved by the city pursuant to such planned unit development zoning or development agreement.
 - c. ~~Construction of additional buildings on sites developed prior to August 12, 1994, shall be subject to a 30 percent open space ratio.~~
 - d. ~~Proposed redevelopment/reconstruction of sites developed prior to August 12, 1994, shall be subject to the 40 percent open space ratio if the redevelopment razes more than 50 percent of~~

~~the existing building(s). If the redevelopment does not raze more than 50 percent of the existing building(s), a development shall be subject to a 30 percent open space ratio.~~

- (2) No lot or parcel that was previously developed under a less restrictive open space ratio shall be deemed nonconforming due to lack of compliance with this current more restrictive open space ratio.
- (l) *Lot width and lot length.* The minimum average lot width and minimum average lot length shall be 150 feet.
- (m) *Off-street parking.* Off-street parking shall be in accordance with applicable regulation set forth in this chapter.
- (n) *Minimum parking and driveway offset.* No driveway or parking area shall be located closer than 20 feet from a side or rear lot line unless specifically waived by the planning commission.
- (o) *Minimum parking setback.* No driveway (excluding the portion of driveway required for road access) or parking area shall be located closer than 25 feet to the ultimate road right-of-way.
- (p) *Loading docks.* Loading docks shall generally not face a dedicated or reserved public street.
- (q) *Roof-mounted equipment.* Roof-mounted equipment shall be located, screened and/or painted to minimize visibility from streets and adjacent sites.
- (r) *Storage.* Garbage and refuse containers shall be screened from view from streets and adjacent sites.

Sec. 58-297. B-4 business park district.

- (a) *Purpose.* The B-4 business park district is intended to provide for the development of an attractive and aesthetically mixed grouping of both office and limited light industrial uses in a planned park-like setting.
- (b) *General requirements.*
 - (1) Buildings shall not exceed 40,000 square feet of gross floor area **except as approved as a PUD.**
 - (2) The development shall be designed and sized in a manner which is architecturally, aesthetically and operationally harmonious with surrounding development.
 - (3) All business, servicing, processing or storage except for off-street parking or loading, shall be conducted within completely enclosed buildings unless specifically approved by the planning commission.
 - (4) The business park shall be improved with underground utilities.
 - (5) Vehicular circulation within the business park shall be oriented to internal circulation drives with limited access provided to city streets.
 - (6) No external nuisance which is offensive by reason of odors, lighting, smoke, fumes, dust, vibrations, noise, pollution or hazardous by reason of excessive danger of fire or explosion shall be permitted.
 - (7) Project elements such as architecture, landscaping, lighting, signage, access, circulation, parking and utilities shall be designed and constructed in a coordinated manner.
 - (8) In approving or disapproving proposed locations for uses under this subsection the planning commission shall give due consideration to the character and suitability for development of the area in which any such use is proposed to be located and shall also base its decision on such evidence as may be presented to the city planning commission regarding traffic generation, heavy vehicular traffic, ground water impact, sewage disposal impact, soil limitations and the emission of noise, smoke, dust or dirt, odorous or noxious gases attributed to the proposed use. The following uses may be allowed if the planning commission determines that the use would not be detrimental to the character of the

surrounding area and/or would not generate a significant adverse impact relative to the above mentioned elements.

- (9) Site development shall be approved by the planning commission in accordance with this chapter.
- (10) [Reserved.]
- (c) *Permitted uses.* *See chart*
- (1) ~~Professional offices and services including, but not limited to, accounting, architectural, chiropractic, dental, medical, engineering and legal services.~~
 - (2) ~~Business offices and services including, but not necessarily limited to, advertising agency, management consulting, manufacturing representatives, public relations, stenographic, travel agency and duplicating services.~~
 - (3) ~~Financial, insurance and real estate offices and services including, but not necessarily limited to, financial institutions, security brokers, holding and investments, insurance agency, insurance carriers, governmental and public services.~~
- (d) *Permitted accessory uses.* Garages for storage of vehicles used in conjunction with the operation of the business or for occupants of the premises.
- (e) *Conditional uses.* Conditional uses shall include, but not necessarily be limited to, the following: *See chart*
- (1) ~~Light manufacturing.~~
 - (2) ~~Processing.~~
 - (3) ~~Wholesaling.~~
 - (4) ~~Distribution.~~
 - (5) ~~Research and development.~~
 - (6) ~~Printing and publication.~~
 - (7) ~~Warehousing.~~
 - (8) ~~Barbershops and beauty salons.~~
 - (9) ~~Bookstores.~~
 - (10) ~~Commercial child day care facilities.~~
 - (11) ~~Restaurants (not including fast food facilities).~~
 - (12) ~~Florists (not including greenhouses).~~
 - (13) ~~Gift shops.~~
 - (14) ~~Pharmacies.~~
 - (15) ~~Studios for photography, painting, music, sculpture, dance or other recognized fine art.~~
 - (16) ~~Automobile service facilities.~~
 - (17) ~~Satellite dishes.~~
 - (18) ~~Public and/or private utilities, telecommunication installations, transmission and distribution lines, poles, and other accessories. Specific regulations related to wireless telecommunication installations shall be subject to this chapter. When a utility proposes a main inter-city transmission facility, the utility shall give notice to the city of such intention and of the date of hearing before the public service commission. Public and/or private utility installations less than three feet in height shall be subject only~~

~~to City of Mequon staff approval and may be allowed subject to staff imposed conditions regarding, among other things, effective screening from public view with all season vegetation.~~

- ~~(19) Theatres.~~
- ~~(20) Structures greater than 40,000 square feet in size and/or greater than two stories in height.~~
- ~~(21) Development that includes a proposed modification to one or more standard district regulation applicable to the base zoning district and located on a vacant parcel which is non-conforming to the required base zoning district standards for minimum lot size or minimum lot width.~~
- ~~(22) Pet day-cares and kennels pursuant to the specific requirements set forth in division 11.~~
- ~~(23) Fitness centers.~~
- ~~(24) Development that includes a proposed modification to one or more standard district regulation applicable to the base zoning district and located on an improved parcel with an existing structure in which parcel, or improvement, or both, are non-conforming to any of the required base zoning district standards.~~
- ~~(25) Convention or conference center.~~
- (f) *Lot size.* The minimum lot size shall have an area of not less than ~~one~~ 1.5 acre.
- (g) *Building size/floor area ratio.* The building(s) floor area ratio shall not exceed 30 percent.
- (h) *Building height.* The height of any structure shall not exceed 42 feet unless otherwise allowed in accordance with section 58-418.
- (i) *Minimum building setback.* All structures within the B-4 district shall be set back from the ultimate road right-of-way as follows:
- (1) Freeways, 50 feet.
 - (2) All other streets and highways (excluding local streets), 65 feet, except when parking is proposed between the road and building the minimum setback shall be 95 feet.
 - (3) Local streets, 60 feet.
- (j) *Minimum building offset.* No building or structure, hereafter erected, shall be placed closer than 20 feet to a side or rear lot line. If, however, adjoining property is zoned residential, no building or structure shall be placed closer than 30 feet to the adjoining residentially zoned lot line.
- (k) *Open space ratio.*
- (1) The open space ratio shall not be less than ~~30~~ 40 percent except as follows:
 - a. ~~Future additions to buildings that were approved by the planning commission prior to August 12, 1994, shall be subject to a 30 percent open space ratio.~~
 - b. Properties which were the subject of planned unit development zoning or development agreement approval prior to August 12, 1994, shall be subject to the contractual open space ratio approved by the city pursuant to such planned unit development zoning or development agreement.
 - c. ~~Construction of additional buildings on sites developed prior to August 12, 1994, shall be subject to a 30 percent open space ratio.~~
 - d. ~~Proposed redevelopment/reconstruction of sites developed prior to August 12, 1994, shall be subject to the 40 percent open space ratio if the redevelopment razes more than 50 percent of~~

~~the existing building(s). If the redevelopment does not raze more than 50 percent of the existing building(s), a development shall be subject to a 30 percent open space ratio.~~

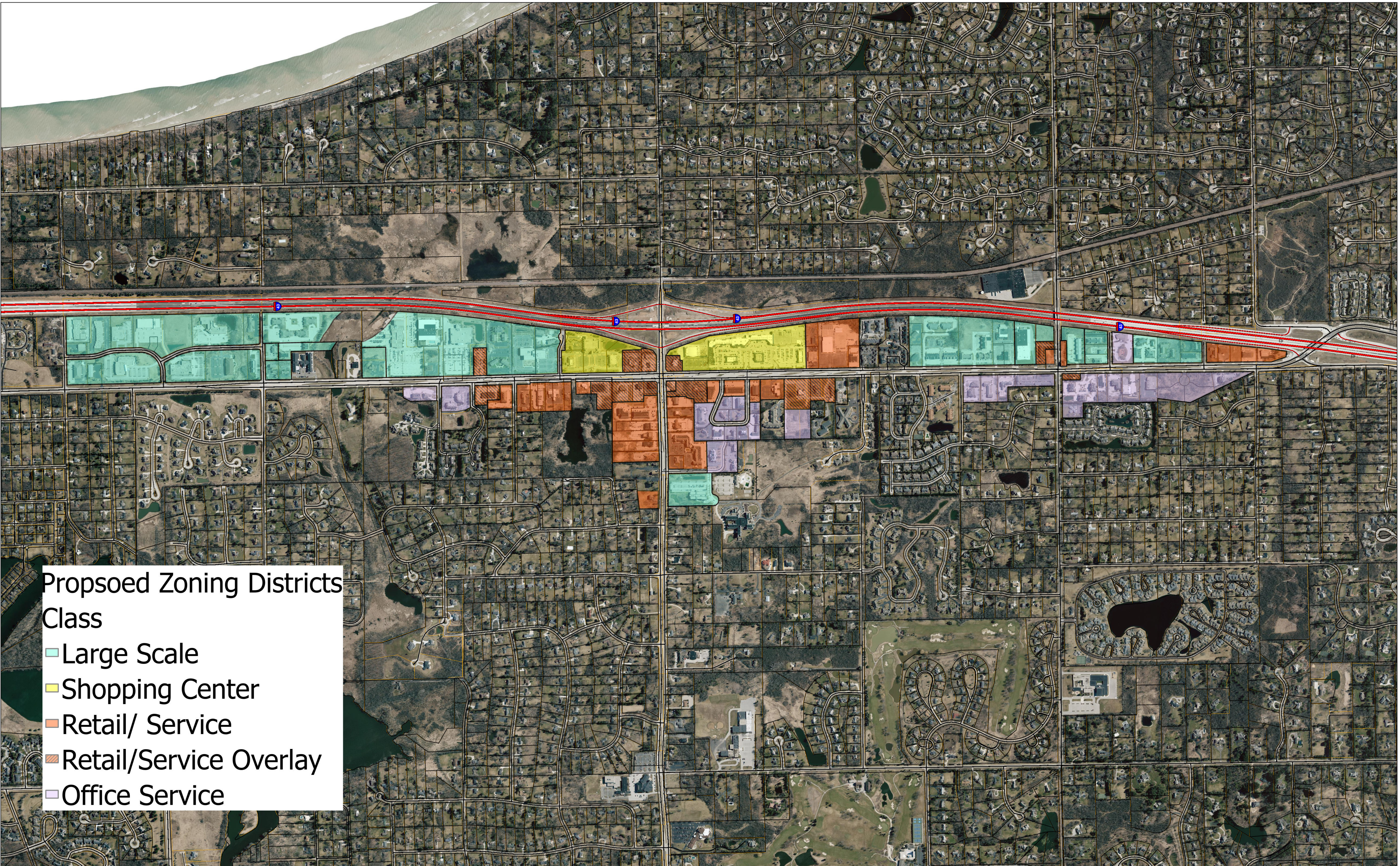
- (2) No lot or parcel that was previously developed under a less restrictive open space ratio shall be deemed nonconforming due to lack of compliance with this current more restrictive open space ratio.
- (l) *Lot width and lot length.* The minimum average lot width and minimum average lot length shall be 150 feet.
- (m) *Off-street parking.* Off-street parking shall be in accordance with applicable regulation set forth in this chapter.
- (n) *Minimum parking and driveway offset.* No driveway or parking area shall be located closer than 20 feet from a side or rear lot line unless specifically waived by the planning commission.
- (o) *Minimum parking setback.* No driveway (excluding the portion of driveway required for road access) or parking area shall be located closer than 25 feet to the ultimate road right-of-way.
- (p) *Loading docks.* Loading docks shall generally not face a dedicated or reserved public street.
- (q) *Roof-mounted equipment.* Roof-mounted equipment shall be located, screened and/or painted to minimize visibility from streets and adjacent sites.
- (r) *Storage.* Garbage and refuse containers shall be screened from view from streets and adjacent sites.

Code	Description	B-2 (Retail/Service)	B-3 (Office/Service)	B-4 (Large Scale)	Shopping Center	Retail Overlay	
441110	New Car Dealers	NP	NP	C	NP	NP	
4413	Automotive Parts, Accessories, and Tire Stores	NP	NP	NP	NP	NP	
442	Furniture and Home Furnishing Stores	P	NP	NP	P	NA	
443	Electronics and Appliance Stores	P	NP	NP	P	NA	
444	Building Material and Garden Equipment and Supplies Dealers	P	NP	NP	P	NA	
4451	Grocery Stores	P	NP	C	P	NA	
4453	Beer, Wine and Liquor	P	NP	NP	P	NA	
446	Health and Personal Care Stores	P	NP	C**	P	NA	** No drive thru
447	Gasoline Stations	NP	NP	NP	NP	C	
448	Clothing and Clothing Accessories Stores	P	NP	NP	P	NA	
451	Sporting Goods, Hobby, Book, and Music Stores	P	NP	NP	P	NA	
452	General Merchandise Stores	NP	NP	NP	C	NP	
4531	Florists	P	NP	P*	P	NA	* as part of multi-tenant building
4532	Office Supplies, Stationary, and Gift Stores	P	NP	NP	P	NA	
45391	Pet and Pet Supplies Stores	P	NP	NP	P	NA	
512131	Theaters	NP	NP	C	NP	NP	
52	Finance and Insurance	P*	P*	P**	P**	NA	* drive thru in rear **no drive thru allowed
5312	Offices of Real Estate Agents and Brokers	NP	P	P	NP	NA	
53132	Offices of Real Estate Appraisers	NP	P	P	NP	NA	
5411	Legal Services	NP	P	P	NP	NA	
5412	Accounting, Tax Preparation, Bookkeeping, and Payroll Services	NP	P	P	NP	NA	
5413	Architectural, Engineering, and Related Services	NP	P	P	NP	NA	
541410	Interior Design Services	NP	P	P	NP	NA	
541430	Graphic Design Services	NP	P	P	NP	NA	
5415	Computer Systems Design and Related Services	NP	P	P	NP	NA	
5416	Management, Scientific, and Technical Consulting Services	NP	P	P	NP	NA	
5418	Advertising, Public Relations, and Related Services	P	P	P	NP	NA	
541921	Photography Studios	P	P	P	P	NA	
541940	Veterinary Services	C	NP	C	C	NA	
6211	Offices of Physicians	P	P	P	P	NA	
6212	Offices of Dentist	P	P	P	P	NA	
6213	Office of Other Health Practioners	P	P	P	P	NA	
621493	Urgent Care and Emergency Centers	C	NP	C	NP	NA	
624410	Child day care facilities	C	C	C*	NP	NA	* as part of multi-tenant building
713940	Fitness and Recreational Sports Centers	P	C	C	P	NA	
72111	Hotels and motels	NP	NP	C	NP	NP	
7221	Full-Service Restaurants	C	C*	C	P	NA	*specific criteria
7222	Limited Service eating places	C	NP	C	P	NA	
7222	Limited Service eating places with drive thru	NP	NP	NP	NP	C	
722213	Snack and Nonalcoholic Beverage Bars	P	P*	P*	P	NA	* as part of multi-tenant building
722410	Drinking Places (Alcoholic Beverages)	C	NP	NP	C	NA	
811111	General Automotive Repair	NP	NP	NP	NP	C	
811192	Car Washes	NP	NP	NP	NP	C	
81211	Hair, Nail, and Skin Care Services	P	P	P*	P	NA	* as part of multi-tenant building
812210	Funeral Homes and Funeral Services	NP	C	NP	NP	NP	
81232	Dry Cleaning	C	C*	C*	C	NA	* as part of multi-tenant building
812910	Pet Daycare and Kennels	C	NP	C*	C	NA	*specific criteria
	Banquet or Reception Hall	C	NP	NP	NP	NA	
	Convention or Conference Center	NP	NP	C	NP	NP	
	Resale shops	C	NP	NP	C	NA	
	Research and Development	NP	NP	C	NP	NP	
	Light Manufacturing	NP	NP	C	NP	NA	
	Processing	NP	NP	C	NP	NA	
	Wholesaling	NP	NP	C	NP	NA	
	Distribution	NP	NP	C	NP	NA	
	Warehousing	NP	NP	C	NP	NA	

Attachment: Copy of Use Chart_01.17.25 (10276 : Port Washington Road Zoning)

Land use change to Residential





Proposed Zoning Districts

Class

- Large Scale
- Shopping Center
- Retail/ Service
- Retail/Service Overlay
- Office Service