



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

www.ci.mequon.wi.us

Department of Community Development
Taped and Televised

PLANNING COMMISSION

Regular Meeting

Monday, July 22, 2024

6:00 PM

Christine Nuernberg Hall

Agenda

1) Call to Order, Roll Call

- a) Approval of Minutes from June 24, 2024

2) Consent / Public Hearing

- a) Mohammad Imseitef. The applicant is seeking conditional use grant approval for an automotive service facility for the property located at 10650 N. Baehr Road, Suite A-B

3) Consent

- a) Ralph Morello and Judith A. Morella Revocable Trust. The applicant is seeking certified survey map approval to allow for a 2-lot land division for the property located at 10050 N. Range Line Road.
- b) Stantec for Minahan Children, LLC. The applicant is seeking minor request approval to allow for fill or excavation exceeding 1,000 C.Y. for the property located at 5700 W. Bonniwell Road.

4) Regular Business

- a) Nancy & Jim Bolton. The applicant is seeking certified survey map approval to allow for a 2-lot land division for the property located at 11352 N. Shorecliff Lane.
- b) Paul Reilly Company. The applicant is seeking minor request approval to allow for I-43 signage for the property located at 1100 W. Glen Oaks Lane.
- c) Sergio Rodriguez for Guzman Properties, LLC. The applicant is seeking building and site plan amendment approval to allow for improvements to the existing restaurant for the property located at 10352 N. Port Washington Road.
- d) Dan Beyer Architects for Commerce Street Holdings, Inc. The applicant is seeking building and site plan amendment approval to allow for improvements to the existing restaurant and recreational building for the property located at 5616 W. Donges Bay Road (Libby Montana's).

5) Policy

- 1) An Ordinance Amending Chapter 58 of the Mequon Municipal Code Relating to WDNR MS4 Stormwater Permit Conditions.

6) Announcements

The next meeting is Monday, September 23, 2024, at 6:00 p.m.

7) Adjourn

Dated: July 18, 2024

/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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PLANNING COMMISSION
Regular Meeting
Monday, June 24, 2024
6:00 PM
Christine Nuernberg Hall

Minutes

1) Call to Order, Roll Call

Present:

Chair Mayor Andrew Nerbun
Commissioner Bruce Barnes
Commissioner Dan Gentges
Commissioner Stephanie Hawley
Commissioner Rebecca Schaefer
Commissioner John Stoker
Commissioner Nancy Urbani
Commissioner Martin Choren - **Absent**

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

a) Approval of Minutes from May 20, 2024.

Action

Commissioner Hawley made a motion to approve the May 20, 2024, meeting minutes.
Commissioner Stoker seconded the motion.
A voice vote was taken; vote passed (7-0)

RESULT:	APPROVED [6 TO 0]
MOVER:	Stephanie Hawley, John Stoker
AYES:	Nerbun, Barnes, Gentges, Hawley, Stoker, Urbani, Schaefer
ABSENT:	Choren

2) Policy

Design Guidelines for Commercial Structures

Attachment: PC Minutes_06.24.24_DRAFT (9540 : Meeting Minutes from June 24, 2024)

Mayor Nerbun explained that the Port Washington Road design guidelines portfolio packet and scorecards are on the dais for the Commissioners to take home and the scorecards are due back on Monday, July 8th. It was mentioned that if anyone is unable to return them to City Hall, staff is available to pick them up on July 9th.

1) Distillery Text Amendments

City Attorney, Brian Sadjak, joined the meeting virtually and stated that the text amendment focused on distilleries within the Town Center (“TC”) district. He commented that a slightly corrected version from what was included in the packet was left on the dais for the Commissioners.

He briefly explained the following modifications to the text amendment:

1. An add to the Use Table regarding the limitation of 4,000 gross square feet of floor area. The change is to clarify that the limited space is for production only and not the total overall uses. The intent of the district is walkability and activity.
2. The Section 2 changes apply to any uses in the TC district. In the first paragraph it describes that 1st floor facades shall continue to maintain an open and transparent storefront and windows. This again applies to the intent of the district focus on activity, people and interest.

The Window Aea paragraph was incorrectly struck out on the version included in the packet and has been corrected to be included on the revised version.

3. Section 3 - The issue with the distilleries is related to inconsistencies with federal regulations compared to local code regulations. Local code regulations include:
 - Manufacturing and production of the distilled spirits
 - Retail sales
 - Tasting room
 - Ability to consume products
 - Indoor and outdoor event space

There were some concerns that federal regulations would not allow for all of these activities on the same footprint of a building.

The solution created is to continue to require micro distilleries to include all these activities (60% total floor area allotted for these elements) to be satisfied either on site as they are able to do so or at an offsite location within the TC zoning district. This is the main issue addressed in the text amendment modifications.

He mentioned that the remainder of the changes were clarified technical terms and some clean-up of the verbiage to be more consist with the code.

Action

Commissioner Stoker made a motion to approve the modified text amendment.

Commissioner Gentges seconded the motion.

A voice vote was taken; vote passed (7-0)

RESULT:	APPROVED AS AMENDED [7 TO 0]
MOVER:	John Stoker, Commissioner
SECONDER:	Dan Gentges, Commissioner
AYES:	Nerbun, Barnes, Gentges, Hawley, Schaefer, Stoker, Urbani
ABSENT:	Choren

3) Public Hearing

- a) Mawicke & Goisman, S.C. for FT 1, LLC. The applicant is seeking conditional use grant approval to allow for a nightclub for the property located at 11120 N. Weston Drive.

Action

Commissioner Stoker made a motion to open a public hearing.

Commissioner Schaefer seconded the motion.

A voice vote was taken; vote passed (7-0)

Public Comment

Bill Seifelt, Suite 310 - 11090 N. Weston Drive - he asked for clarification about the location of the distillery and expressed his concern about noise generated from the distillery and nightclub.

Action

Commissioner Hawley made a motion to close the public hearing.

Commissioner Urbani seconded the motion.

A voice vote was taken; vote passed (7-0)

Asst. Dir. Zader stated that the nightclub will be located in the northern building in the most southern tenant space. This is referred to as a nightclub due to the code language, but the operations are consistent with a bar. The majority of the retail sales will be located here, there will be a bar and some outdoor seating. Staff requests a plan of the outdoor seating, and a condition has been placed to limit the outdoor activity to 11 p.m.

There was a discussion about the closing hours of other establishments in the city and what would be allowed in the outdoor space.

Action

Commissioner Stoker made a motion to approve the conditional use grant per staff recommendations.

Commissioner Gentges seconded the motion.

A roll call vote was taken; vote passed (7-0)

RESULT: **APPROVED [UNANIMOUS]**
MOVER: John Stoker, Commissioner
SECONDER: Dan Gentges, Commissioner
AYES: Nerbun, Barnes, Gentges, Hawley, Schaefer, Stoker, Urbani
ABSENT: Choren

- b) Mawicke & Gosiman, S.C. for FT 1, LLC. The applicant is seeking conditional grant use approval to allow for a distillery for the property located at 10090 N. Weston Drive.

Action

Commissioner Stoker made a motion to open a public hearing.

Commissioner Hawley seconded the motion.

A voice vote was taken; vote passed (7-0)

Public Comment

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 (7-0)

Asst. Dir. Zader stated this conditional use grant needs the approval of the previously discussed text amendment. The proposed distillery will encompass all micro distillery functions listed in the text amendment discussion except for possibly the retail sales. Staff requested an outdoor seating plan for this location as well and it will also have the same hours allowed for the distillery.

Staff recommends approval.

Action

Commissioner Stoker made a motion to approve the conditional use grant contingent on final approval of the text amendment.

Commissioner Hawley seconded the motion.

A roll call vote was taken; vote passed (7-0)

RESULT: **APPROVED [7 TO 0]**
MOVER: John Stoker, Commissioner
SECONDER: Stephanie Hawley, Commissioner
AYES: Nerbun, Barnes, Gentges, Hawley, Schaefer, Stoker, Urbani
ABSENT: Parrish, Choren

4) Regular Business

- a) Trinity Lutheran Church. The applicant is seeking building and site plan amendment to allow for a new storage facility for the property located at 10729 W. Freistadt Road.

Planner Evan Hoier stated that this request is for a 40 x 60 storage barn to store lawn mowers, trailers and other equipment to maintain the historical society. It meets all the zoning requirements. The architecture proposed has a rural aesthetic and matches the neighboring area. He mentioned that the bridge will need to be removed as it is an unpermitted structure.

Action

Commissioner Schaefer made a motion to approve the item.

Commissioner Gentges seconded the motion.

A voice vote was taken; vote passed (7-0)

RESULT:	APPROVED [7 TO 0]
MOVER:	Rebecca Schaefer, Commissioner
SECONDER:	Dan Gentges, Commissioner
AYES:	Nerbun, Barnes, Gentges, Hawley, Schaefer, Stoker, Urbani
ABSENT:	Choren

- b) Point Real Estate for Orchards of Mukwonago, LLC. The applicant is seeking preliminary plat, development agreement and fill permit approval to allow for a 17-lot subdivision for the property located on the north side of Donges Bay Road approximately 800' west of Wauwatosa Road. (Burr Oak Reserve).

Planner Hoier stated this proposed development was before the Commission for concept plan approval in May 2022. The preliminary plat complies with all the concept plan conditions. There was a very slight change to the size of the lots by no more than 100 feet in width.

Mayor Nerbun reminded the Commission that this development is using 5 of the remaining 7 TDR credits and that he is pleased to see they are being used finally.

Engineering Director Kristen Lundeen answered questions from the Commission. She also confirmed that a crosswalk will be provided on Donges Bay Road. She explained that there will not be a turn left lane traveling east, but it does trigger the requirement for accel, decel and bypass lanes.

Commissioner Barnes expressed his concern for safety aimed at traffic heading east when cars are turning left into the proposed development. He suggests the applicant have a traffic impact analysis done to ensure that there is not a visibility or safety concern at this location. Mayor Nerbun stated the city will fix the road if there is an issue with the road and not expect the developer to be taxed with this road improvement.

Action

Commissioner Gentges made a motion to approve this item.

Commissioner Stoker seconded the motion.

A roll call vote was taken; vote passed (7-0)

RESULT:	APPROVED [7 TO 0]
MOVER:	Dan Gentges, Commissioner
SECONDER:	John Stoker, Commissioner
AYES:	Nerbun, Barnes, Gentges, Hawley, Schaefer, Stoker, Urbani
ABSENT:	Choren

5) Policy

1) 2025 City of Mequon Community Survey Topics

Director Kim Tollefson stated that the Public Welfare Committee is requesting ideas from every board and Commission to begin to discuss topics to be included on the 2025 community survey. They have just begun to vet vendors to manage the survey, so it is still early in the process.

She asked for there to be an open dialogue amongst the Commission about ideas for possible topics. She offered that she could share questions from previous surveys as well as the comprehensive plan and what common themes are present that may help generate ideas.

The Commission had a discussion about possible topics to present to the Public Welfare Committee including the following suggested topics:

- Public infrastructure and how to expand and utilize existing amenities such as the city pool, civic center, connections between different neighborhoods, the riverwalk area and city parks.
- Prioritization of capital improvement projects over the next 10 years.
- Identify ideal locations for active senior living housing.
- Preservation of agriculture land through TDR, agrihoods and alternative densities.
- Confirmation of total population while striving to maintain rural character, density and future development.

Mayor Nerbun commented there is time to continue to generate ideas through the summer months.

6) Announcements

The next meeting is Monday, July 22, 2024, at 6:00 p.m.

7) Adjourn

Action

Commissioner Stoker made a motion to adjourn the meeting.

Commissioner Gentges seconded the motion.

A voice vote was taken; vote passed (7-0)

The meeting adjourned at 7:17 p.m.

Respectfully Submitted,
Jac Zader



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Department of Community Development

TO: Planning Commission
FROM: EVAN HOIER, ASSOCIATE PLANNER
DATE: July 22, 2024
SUBJECT: Mohammad Imseitef. The applicant is seeking conditional use grant approval for an automotive service facility for the property located at 10650 N. Baehr Road, Suite A-B

Applicant:	Mohammad Imseitef
Status of Applicant:	Owner
Requested:	Conditional Use Grant
Existing Use:	Multi-Tenant Building
Existing Zoning:	B-5 (Light Industrial District)
Lot size:	6.95 Acres
Location:	10650 N. Baehr Road, Suite A-B
Tax Key Number:	#15-102-00-010.00
District:	#8

Background: The applicant is seeking conditional use grant approval for the operation of an automotive service facility at 10650 N Baehr Road, Units A and B. The parcel is zoned B-5, Light Industrial, which allows automotive service centers as a conditional use.

Conditional Use Grant:

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 operations of the proposed service facility will take place indoors. Services include: installation of automotive window tint, paint protection film, and ceramic coatings. The use should not have a negative impact on the public health, safety, or general welfare.

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

The Land Use Plan designates the site as Business Park. Surrounding properties are likewise zoned B-5 (Light Industrial). This use is low-intensity, compatible with the zoning designation, and in the spirit of the Light Industrial area.

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

The proposed activities of the use will fit the character of the surrounding area. The operating hours described in the project narrative are: 10:00AM to 7:00PM Monday through Saturday. Per the City's parking code, there needs to be at least three parking

spaces per indoor service bay plus one space per employee for the work shift with the largest number of employees. The applicant indicated to staff that there would be a maximum of two employees on-site at one time. There is also only one vehicle bay. This would call for a minimum number of 5 parking spaces. There are 8 parking spaces near both units A and B in the complex, which should be adequate for this use.

Staff Recommendation:

Since this proposal meets the zoning code and the land use plan, staff recommends approval of the conditional use grant based on the following conditions:

1. Staff review and approval of final floor plans prior to issuance of permits. The applicant shall submit such plan within 180 days of Planning Commission action or the required plan(s) shall be submitted to Planning Commission for additional review and action and subject to all necessary fees.
2. Signage for the use shall comply with the City sign code.
3. There shall be no parking of vehicles to be worked on outside.

Attachments:

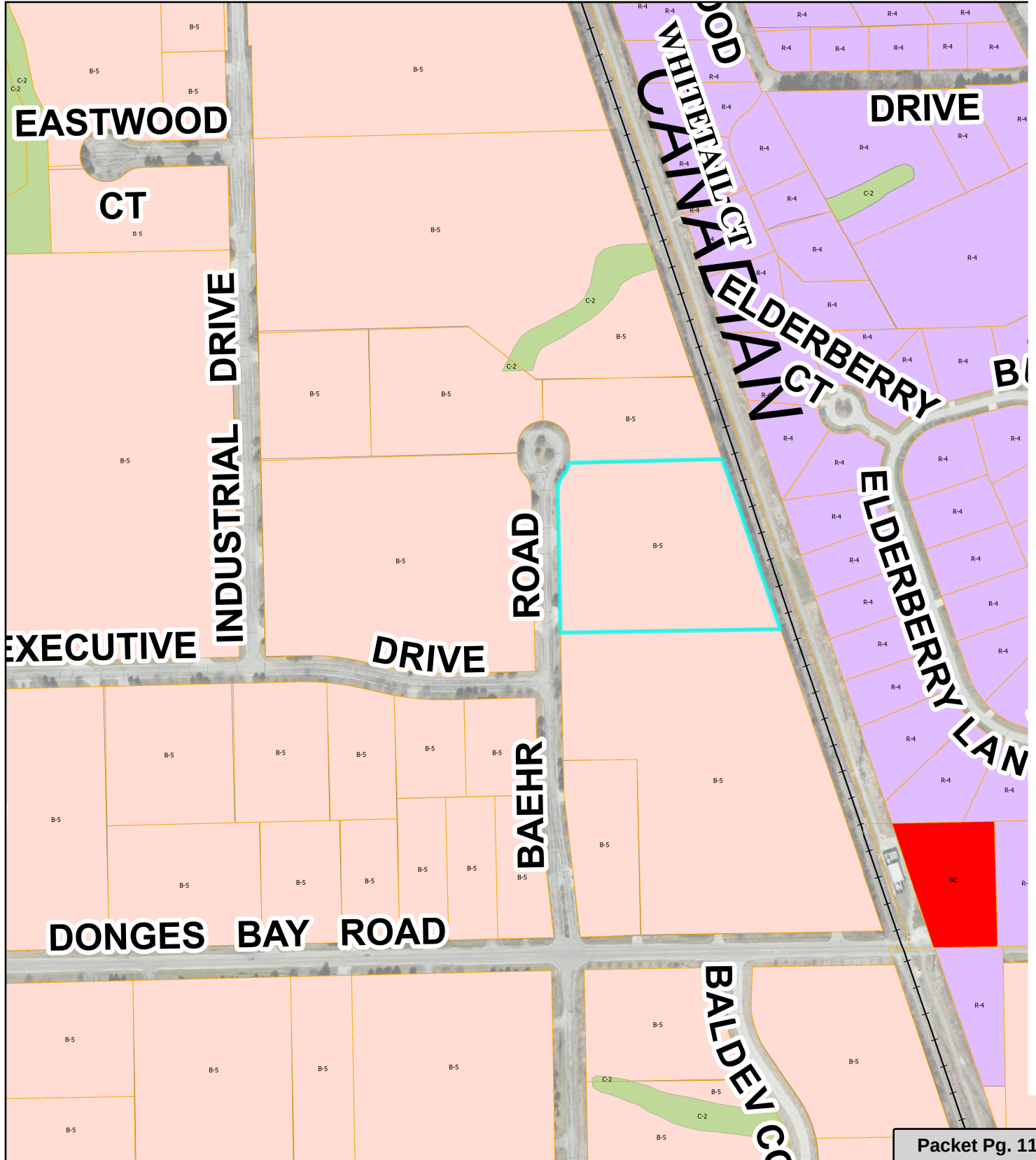
Packet Docs_Mohammand (PDF)

IMSEITEF CUG

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

2.a.a



Attachment: Packet Docs_Mohammad (9541 : Mohammad Imseitef)

Tint Studio is your premier destination for high-quality automotive services, specializing in window tinting, paint protection film, and ceramic coatings. We are dedicated to enhancing and protecting your vehicle with the utmost care and precision. Open six days a week, Monday through Saturday from 10 AM to 7 PM, we cater to car enthusiasts who seek the best for their vehicles. Our studio is closed on Sundays, ensuring our team is well-rested and ready to deliver exceptional service throughout the week.

Our Services

1. Automotive Window Tint At Tint Studio, we offer professional automotive window tinting that not only enhances the aesthetic appeal of your vehicle but also provides significant benefits. Window tinting helps to reduce glare and heat, ensuring a more comfortable driving experience. It also protects the interior of your car from harmful UV rays, which can cause fading and damage over time. Moreover, window tinting adds an extra layer of privacy and security, making it harder for potential thieves to see inside your vehicle.

2. Paint Protection Film Our paint protection film services are designed to preserve the pristine condition of your car's exterior. This clear, durable film is applied to the most vulnerable areas of your vehicle, such as the hood, fenders, side mirrors, and bumpers. Paint protection film shields your car from road debris, scratches, and minor abrasions, maintaining its showroom finish. By investing in this service, you can prolong the lifespan of your vehicle's paint job and enhance its resale value.

3. Ceramic Coatings Ceramic coatings provide a superior layer of protection for your car's paint. This liquid polymer is applied to the exterior surfaces of the vehicle, forming a chemical bond with the factory paint. The result is a glossy, hydrophobic finish that repels water, dirt, and other contaminants. Ceramic coatings make your car easier to clean and maintain while offering long-lasting protection against environmental damage. Although we outsource this service to a trusted partner shop, we ensure that our clients receive the highest quality ceramic coating application available.

Our Commitment to Safety and the Environment

At Tint Studio, we are committed to providing top-notch services while maintaining environmental responsibility. We avoid using harsh chemicals that could potentially disrupt the city's plumbing system. Instead, we utilize only water and baby shampoo for the application of our window tint and paint protection film. This gentle approach ensures a safe and effective installation process, free from harmful residues.

Focused Expertise

We pride ourselves on our specialization and expertise. Tint Studio does not engage in any mechanical work on vehicles. Our focus is solely on delivering exceptional window tinting, paint protection film, and ceramic coating services. This allows us to hone our skills and stay at the forefront of the industry, providing a premium service experience for high-end and brand-new vehicles.

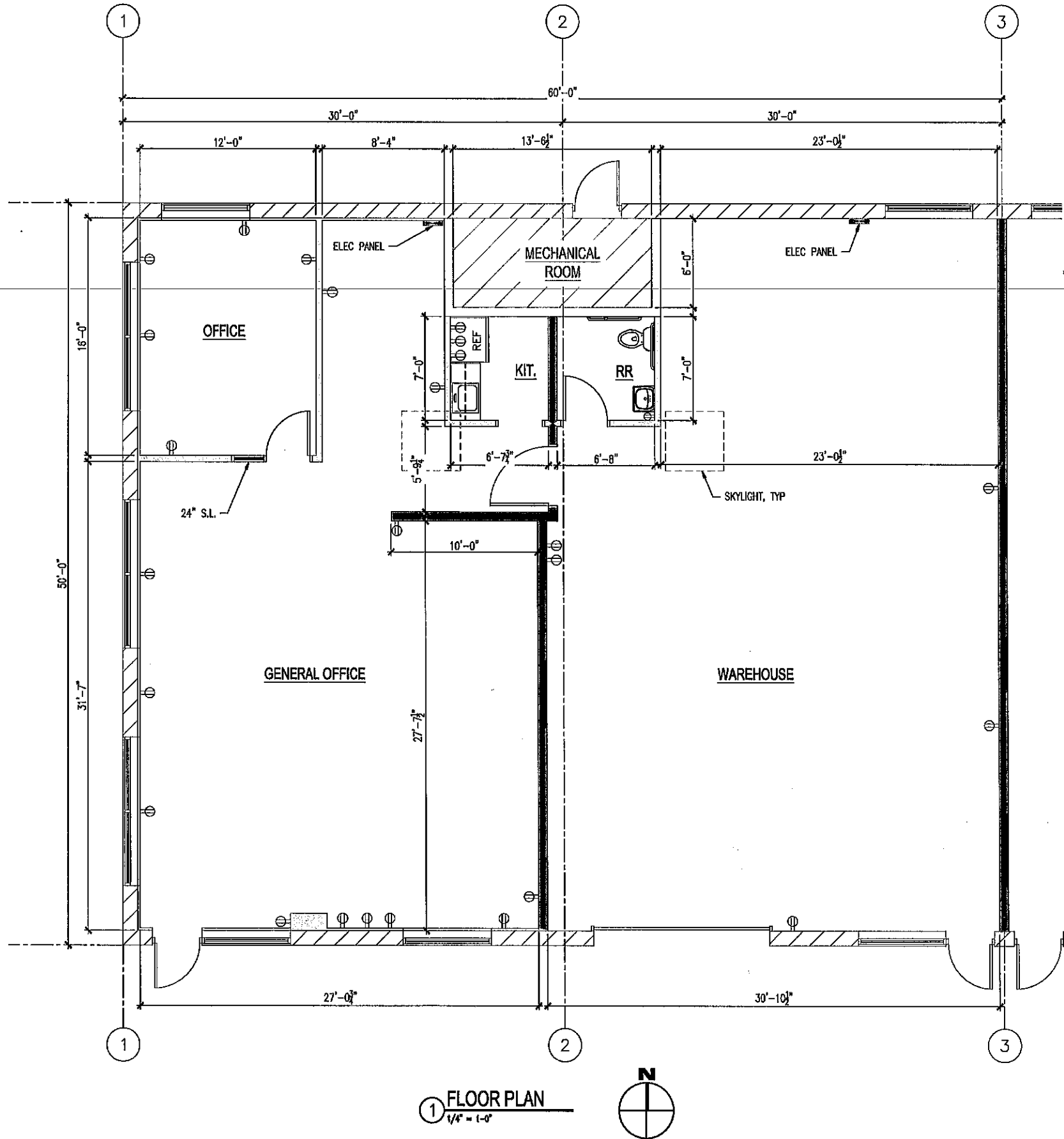
Our Mission

Our mission at Tint Studio is to offer a premium service experience that meets the high standards of our discerning clientele. We strive to enhance the appearance and longevity of your vehicle, ensuring you drive away with a sense of pride and satisfaction. Whether you own a luxury car, a sports car, or a brand-new vehicle, Tint Studio is dedicated to protecting and enhancing your investment with unparalleled care and expertise.

Visit Tint Studio today and discover the difference our specialized services can make for your vehicle. Experience the ultimate in automotive protection and aesthetics, and let us help you keep your car looking its best for years to come.

DISCLAIMER: THIS SPACE PLAN IS SUBJECT TO EXISTING FIELD CONDITIONS. THIS DRAWING IS PROPRIETARY AND THE EXCLUSIVE PROPERTY OF ST. JOHN PROPERTIES, INC. ANY DUPLICATIONS, DISTRIBUTION OR OTHER UNAUTHORIZED USE IS STRICTLY PROHIBITED. ALL FURNITURE AND APPLIANCES SHOWN ON PLAN ARE FOR VISUAL INFORMATION PURPOSES ONLY AND SHALL BE PROVIDED BY TENANT.

Copyright ©2024 St. John Properties, Inc. | C:\Users\John_Sherrod\OneDrive - St. John Properties, Inc\Documents\Architecture\07 Projects\2024\04-050_10650 Baeher C (M. Gredling)\Suite A-B\0401 MKE Floor Plan.dwg Plot Date: 6/20/24 3:58 PM dwg: jps generated



KEYPLAN

WALL TYPE LEGEND:

- EXISTING FULL HEIGHT SEPARATION WALL
- EXISTING PARTITION WALL
- DUPLEX RECEPTACLE
- ELECTRICAL PANEL



D&T MKE, LLC
MEQUON RESEARCH CENTER II
10650 N. BAEHR RD, STE A-B
MEQUON, WI 53092

DATE	ISSUED FOR

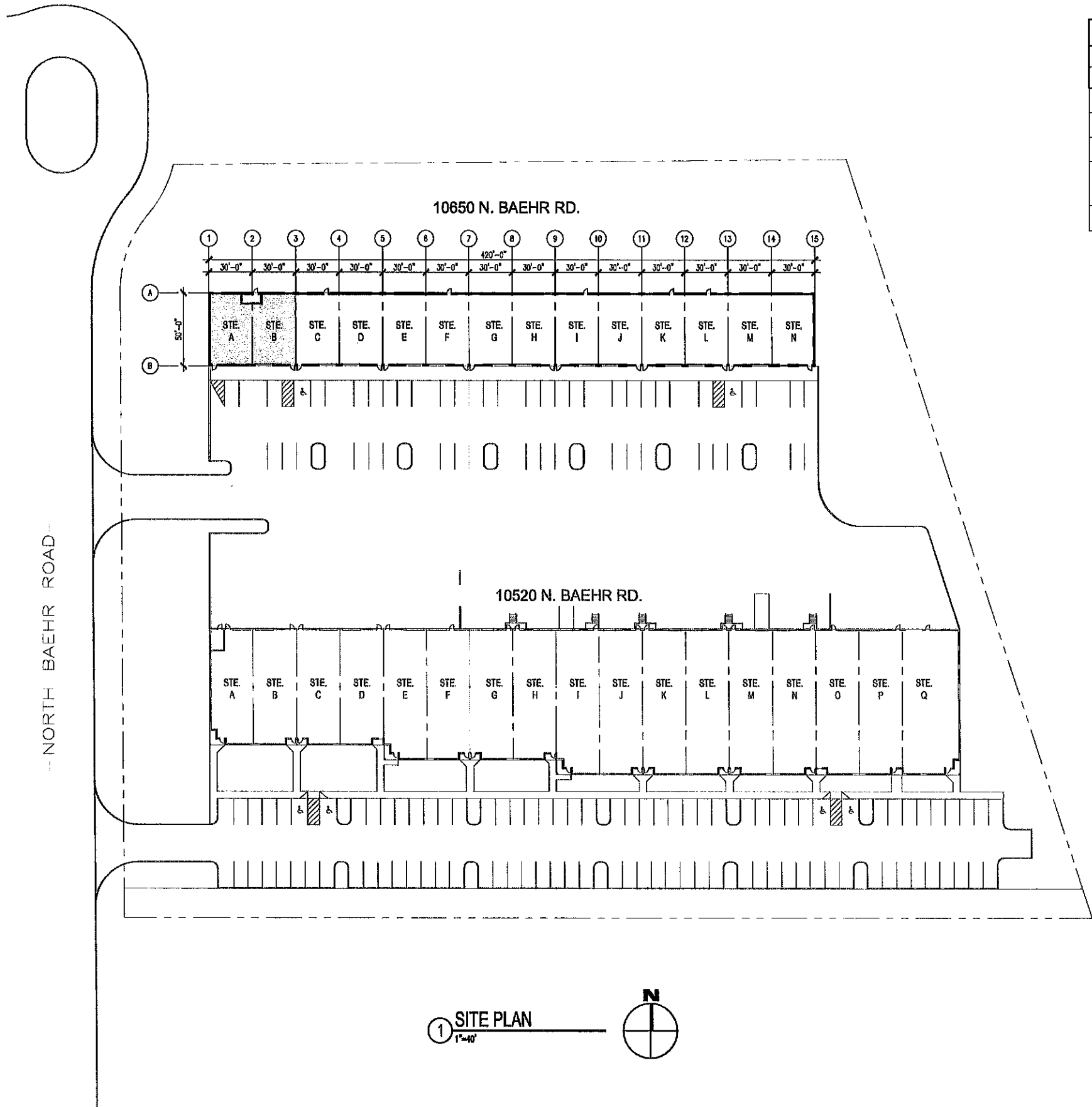
FLOOR PLAN

24-056 6.2024

A1.1

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Copyright ©2025 St. John Properties, Inc. | Design: ### Date: ### Drawn: ### Date: ### Project: 2025-04-035_10650 Baeher C (04 Overhaul) Suite A-B Unit ME Site Plan.dwg Last Modified: 6/20/24 Printed On: 6/20/24 4:00 PM By: jps general



CODE DATA - OVERALL BUILDING		
WISCONSIN ENROLLED COMMERCIAL CODE 2002		
CODE DATA	ALLOWABLE PER CODE	PROPOSED
USE AND OCCUPANCY (S-302)	B, F1, F2, S1, S2	B, F1, F2, S1, S2
CONSTRUCTION TYPE (T-601)	IIB	IIB
FIRE SUPPRESSION (CH. 9)	SPRINKLERED	SPRINKLERED
ALLOWABLE AREA W/ INCREASE FOR FRONTAGE AND SPRINKLER (S-508)	73625	21000
HEIGHT/STORIES (T-503)	55'-0"/2 STORIES (ASSUME 'F1' MOST RESTRICTIVE)	18'-8"/1 STORY

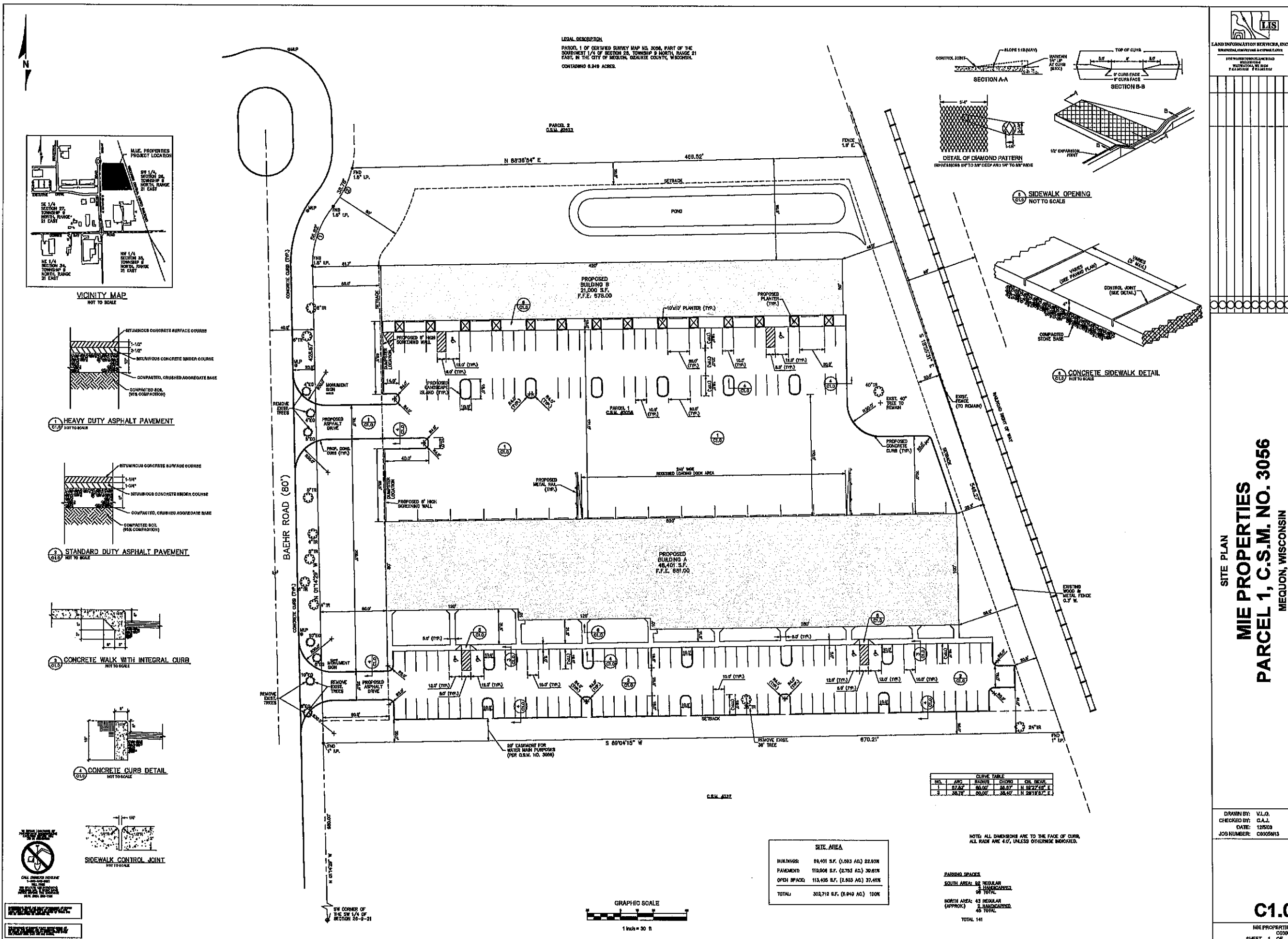


D&T MKE, LLC
MEQUON RESEARCH CENTER II
10650 N. BAEHR RD. STE A-B
MEQUON, WI 53092

DATE	ISSUED FOR

SITE PLAN	
24-058	6.20.24

C1.1



		2.a.a
CONDITIONAL USE GRANT AMENDMENT Articles of Agreement made and entered into this 22th day of July, by and between Tint Studio owners of the property located at 1650 N Baehr Road and the City of Mequon Planning Commission. Before the Planning Commission of the City of Mequon, Ozaukee County, Wisconsin, in regard to the premise located in Section 26, Range 21 East, in Township 9 North, Ozaukee County, State of Wisconsin, further described as follows: LEGAL DESCRIPTION Exhibit A-1 WHEREAS, the Zoning Code and Zoning District Map of the above named municipality, pursuant to State Statues, provide that the premises may not be used of right for the purpose hereinafter described but that upon petition such use may be approved by the municipality as a Conditional Use Grant in particular circumstances as defined by the standards in the Zoning Ordinance; and Petition therefore having been made, and public hearing held thereon, and the Planning Commission of the <u>City of Mequon</u> having determined that by reason of the particular nature, character, and circumstances of the proposed use, grant of such use upon the terms and conditions hereinafter prescribed would be consistent with the requirements of the Zoning Ordinance. Now, therefore, IT IS GRANTED, subject to compliance with the terms and conditions hereinafter stated that the Premises may be used for the purpose of a <u>automotive service facility</u>. GRANTED by action of the Planning Commission of the City of Mequon this 22th day of July 2024. Andrew Nerbun, Mayor, Planning Commission Chairperson Acknowledgment: STATE OF WISCONSIN))SS OZAUKEE COUNTY) Personally came before me, this ____ day of _____, 2024, the above named Andrew Nerbun, Mayor, to me known to be the person who executed the foregoing instrument and acknowledged the same. Notary Public, Ozaukee County, Wisconsin My Commission (expires) _____ Planning Commission Secretary Acknowledgment: STATE OF WISCONSIN))SS OZAUKEE COUNTY) Personally came before me, this ____ day of _____, 2024, the above named _____, Planning Commission Secretary, to me known to be the person who executed the foregoing instrument and acknowledged the same. Notary Public, Ozaukee County, Wisconsin My Commission (expires) _____ RETURN TO: City of Mequon 11333 North Cedarburg Road 60W Mequon, WI 53092 PARCEL NO.: 1402610000500		
		Attachment: Packet Docs_Mohammand (9541 : Mohammad Inseitef)
		Packet Pg. 17

The **CONDITIONS** of this Grant are:

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

- d. Other:
1. The applicant shall submit final floor plans within 60 days of Planning Commission action. Such final floor plans shall be subject to staff review and approval prior to issuance of permits. Approval shall be based on consistency with applicant’s application and the requirements of the Planning Commission’s approval. If final plans are not submitted within such time period, or the plans are not approved by staff, the plan(s) shall be submitted to Planning Commission for additional review and action and applicant shall be responsible for all city-imposed fees associated with such additional review.
 2. The permitted hours of operation are between 10:00 AM – 7:00 PM, Monday through Saturday.

Owner

Acknowledgment:

STATE OF WISCONSIN))SS
OZAUKEE COUNTY)
Personally came before me, this ____ day of
_____, 2024, the above named_____,
Owner, to me known to be the person who executed the
foregoing instrument and acknowledged the same.

Notary Public, Ozaukee County, Wisconsin

Receipt of a true Copy of this instrument
on behalf of the petitioner acknowledged
the _____ day of _____, 2024

Document drafted by: The City of Mequon, Wisconsin

Attachment: Packet Docs_Mohammand (9541 : Mohammad Imseitef)



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

www.ci.mequon.wi.us

Department of Community Development

TO: Planning Commission
FROM: EVAN HOIER, ASSOCIATE PLANNER
DATE: July 22, 2024
SUBJECT: Ralph Morello and Judith A. Morella Revocable Trust. The applicant is seeking certified survey map approval to allow for a 2-lot land division for the property located at 10050 N. Range Line Road.

Applicant:	Ralph Morello & Judith A. Morello Revocable Trust
Status of Applicant:	Owner
Requested:	Certified Survey Map
Existing Zoning:	R-2 (Rural Residential, 2-Acre)
Land Use Plan:	Rural Residential
Lot size:	5.47 Acres
Location:	10050 N. Rangle Line Road
Tax Key Number:	#15-031-07-015.00
District:	#4

Background:

The applicant is seeking approval for a 2-lot land division 10050 N Range Line Road. The current lot is 5.470 acres in size and is located on both sides of the private driveway servicing this existing property and 4 other lots. The proposed CSM would create 2 lots; Lot 1 would be 2.204 acres in size and would encompass the northeast corner of the existing lot to include the principal home and driveway. Lot 2 would be comprised of 3.275 acres and include the remainder of the existing lot on both the north and south sides of the private driveway.

R-2 District Standards:

The proposed certified survey map (CSM) is consistent with the R-2 standards including the minimum average lot width of 200 feet. Access to Range Line Road is shown via an existing private driveway currently serving a total of 5 lots. Both proposed lots meet the minimum lot size and can reasonably fit a 40x60 building pad. R-2 zoned lots require a 25 foot side and rear setback, which both lots can accommodate easily without making any structure on either proposed lot nonconforming. There are no wetlands or floodplain areas shown on the property.

Engineering Report:

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

The existing lots are located along a private driveway from Range Line Road. There are currently 5 lots that access the private driveway. The proposed CSM would add one lot accessing the driveway. The existing driveway is approximately 14 feet wide. The City of Mequon Standard Specifications for Land Development (SSLD) Section 3.2.9.A. reads, "private

driveways can serve a maximum of four (4) lots and extend up to 500 feet in length.” Section 3.2.9.C. reads, “A private roadway and shared private driveway shall have a minimum pavement width of 18 feet with two- (2) foot aggregate shoulders [and a] three- (3) foot clear zone.”

The applicant is requesting a waiver to Section 3.2.9.A. and 3.2.9.C. of the SSLD.

The existing driveway is non-conforming to the current SSLD requirements. If additional lots will connect to the existing access driveway, it will trigger the requirement that the driveway will be a private roadway and shall be built in accordance with the roadway standards outlined within the SSLD which requires 18-foot pavement width and a cul-de-sac. The CSM includes two existing parcels located in the middle of the five total parcels being served by the private driveway. If the private roadway requirements are enforced, the improvements would also impact the parcels located to the east and west of the CSM. The widening and cul-de-sac construction would impact those adjacent lots as well and may not be legally practicable.

If Section 3.2.9.A of the SSLD is waived, then the applicant shall widen the east-west portion of the driveway to 18 feet with two-foot stone shoulders. This option is more feasible due to the existing lot layout and site conditions.

Existing easements should be referenced by document number on the CSM. All lots shall include easements for access, sanitary sewer, and water main. New easements shall be created with associated easement declaration documents to cover any required easements for access or utilities.

The site is located within the City’s sewer service area and connection to the public sewer utility is required. There is currently sanitary sewer service available on the site. Laterals that will cross property lines shall be located within an easement allowing for construction and defining maintenance. Laterals, private interceptor mains or public main extensions shall conform to the SSLD.

Water connection shall conform to the Mequon Water Utility Water Connection Policy. The policy requires that new habitable buildings connect to water in the sewer service area. Properties without legal and practicable access to the main may qualify for an exemption, which requires an application and agreement. See the Water Connection Policy for more information.

The land division itself does not propose an increase in impervious surface. However, future improvements may trigger the MMSD requirement for green infrastructure. The owner will be required to provide green infrastructure conforming to MMSD Ch. 13 Rules prior to the issuance of a building permit if adding 5,000 square feet or more of impervious area. If green infrastructure is required, the buildings permit is also conditioned upon receipt of a stormwater maintenance and easement agreement and a drainage financial guarantee. Occupancy will not be granted until the green infrastructure measures are installed and certified.

The City will review lot grading plans during the building permit review process to ensure that the natural drainage pattern is being maintained and to ensure that home construction does not impede runoff from upstream. It is also the mechanism to determine if green infrastructure is required.

New driveway construction or other work may require a filling, excavation, and berms permit and/or an erosion control permit with the City.

Staff Recommendation:

Staff recommends approval of the 2-lot land division, subject to the following conditions:

1. No certified survey map shall be recorded after 180 days from the date of the Planning Commission approval.
2. The applicant shall provide staff with the original CSM documentation.
3. Existing easements shown on the face of the CSM shall include document numbers for reference.
4. All lots shall include easements for access, sanitary sewer and water main.
5. New and existing easements shall have associated easement declaration documents. A new access point would require a shared access easement. All easement documents are subject to review by the City attorney.
6. Engineering Division technical review and approval of the CSM is required.
7. Sewer connection is required and must conform to City ordinances, regional authorities and the SSLD.
8. Water connection shall conform to the Mequon Water Utility Water Connection Policy.
9. An additional driveway or existing driveway modifications may trigger runoff control requirements. For any home/driveway construction that exceeds 5,000 square feet of impervious area, each individual lot will be required to provide a green infrastructure plan meeting MMSD requirements. Alternatively, the developer could plan for a regional stormwater facility that meets City ordinances and MMSD Chapter 13. The green infrastructure improvements also require a Stormwater Maintenance and Easement Agreement, subject to City Attorney review and approval, and a drainage financial guarantee. Occupancy will not be granted until the green infrastructure measures are installed and certified.
10. Approval of a storm water management plan for the site in conformance to City ordinances and MMSD Chapter 13 if ½-acre of impervious surface is added, including execution of a Storm Water Management Maintenance and Easement Agreement with maintenance provisions for all proposed Best Management Practices (BMPs). Where applicable, the agreement should include maintenance of yard drains and sump pump discharge.
11. The applicant shall submit an electronic file for the proposed certified survey map in a format compatible with AutoCAD 2015 dwg or dxf in Wisconsin State Plane Coordinate system. South Zone (NAD 83).
12. A waiver to Section 3.2.9.A., and denial of a waiver request to Section 3.2.C. of the SSLD. This will require the existing east-west portion of the driveway pavement be widened to 18 feet to serve the created lot(s).

Attachments:

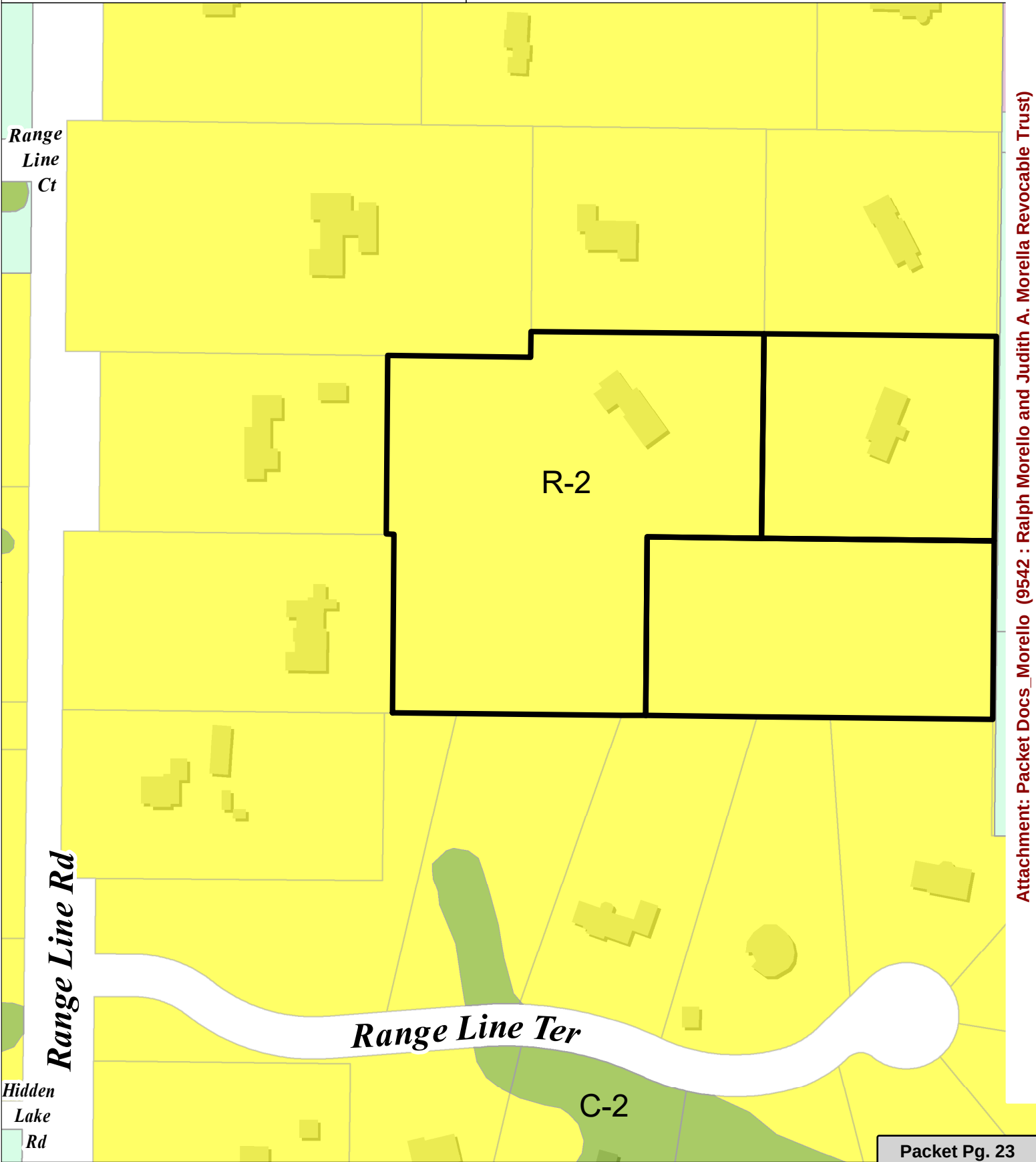
Packet Docs_Morello (PDF)

Morello CSM

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

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

3.a.a



Attachment: Packet Docs_Morello (9542 : Ralph Morello and Judith A. Morello Revocable Trust)

15-031-07-002.00

5.000 ACS

15-031-07-009.00
CSM #1288 LOT 4 DOC #0822874

2.220 ACS

15-031-07-005.00
CSM #1288 LOT 5 DOC #0822874

2.200 ACS

15-031-07-016.00

CSM #2457 LOT 1 DOC #0471031

2.380 ACS

15-031-07-015.00

CSM #2457 LOT 2 DOC #0471031

5.470 ACS

15-031-07-006.00

2.730 ACS

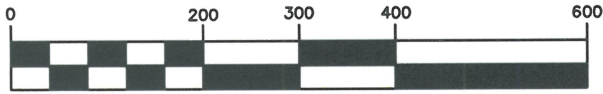
15-031-07-020.00

CSM #0106 LOT 2 DOC #0010034

2.860 ACS

CERTIFIED SURVEY MAP NO. _____

A DIVISION OF PARCEL 2 OF CERTIFIED SURVEY MAP NO. 2457, BEING A PART OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 31, TOWN 9 NORTH, RANGE 22 EAST, IN THE CITY OF MEQUON, OZAUKEE COUNTY, WISCONSIN.



SCALE 1" = 200'



www.thesigmagroup.com
1300 West Canal Street
Milwaukee, WI 53233
Phone: 414-643-4200
Fax: 414-643-4210

LEGEND

● - DENOTES 1.3" O.D. STEEL PIPE (FOUND)

() - DENOTES ALSO RECORDED AS

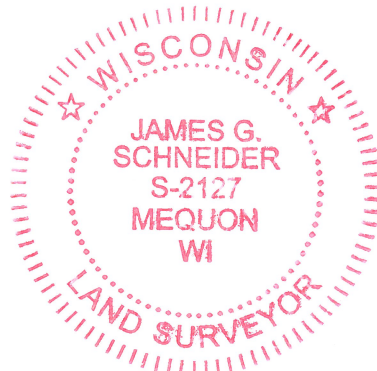
ALL BEARINGS REFERENCED TO GRID NORTH OF THE WISCONSIN STATE PLANE COORDINATE SYSTEM, SOUTH ZONE (WEST LINE OF THE NW. 1/4 OF SECTION 31-9-22 WHICH BEARS N1°00'53"W)

OWNERS :

RALPH & JUDITH MORELLO
10050 N. RANGE LINE RD.
MEQUON WI 53092

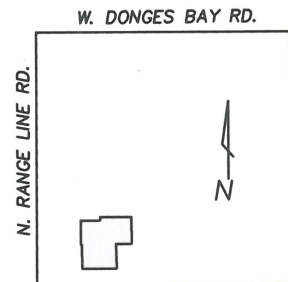
NOTES :

1. THIS PROPERTY IS ALSO SUBJECT TO EASEMENTS OF RECORD.
2. THIS PROPERTY IS PRESENTLY ZONED; R-2 (RURAL RESIDENTIAL DISTRICT)



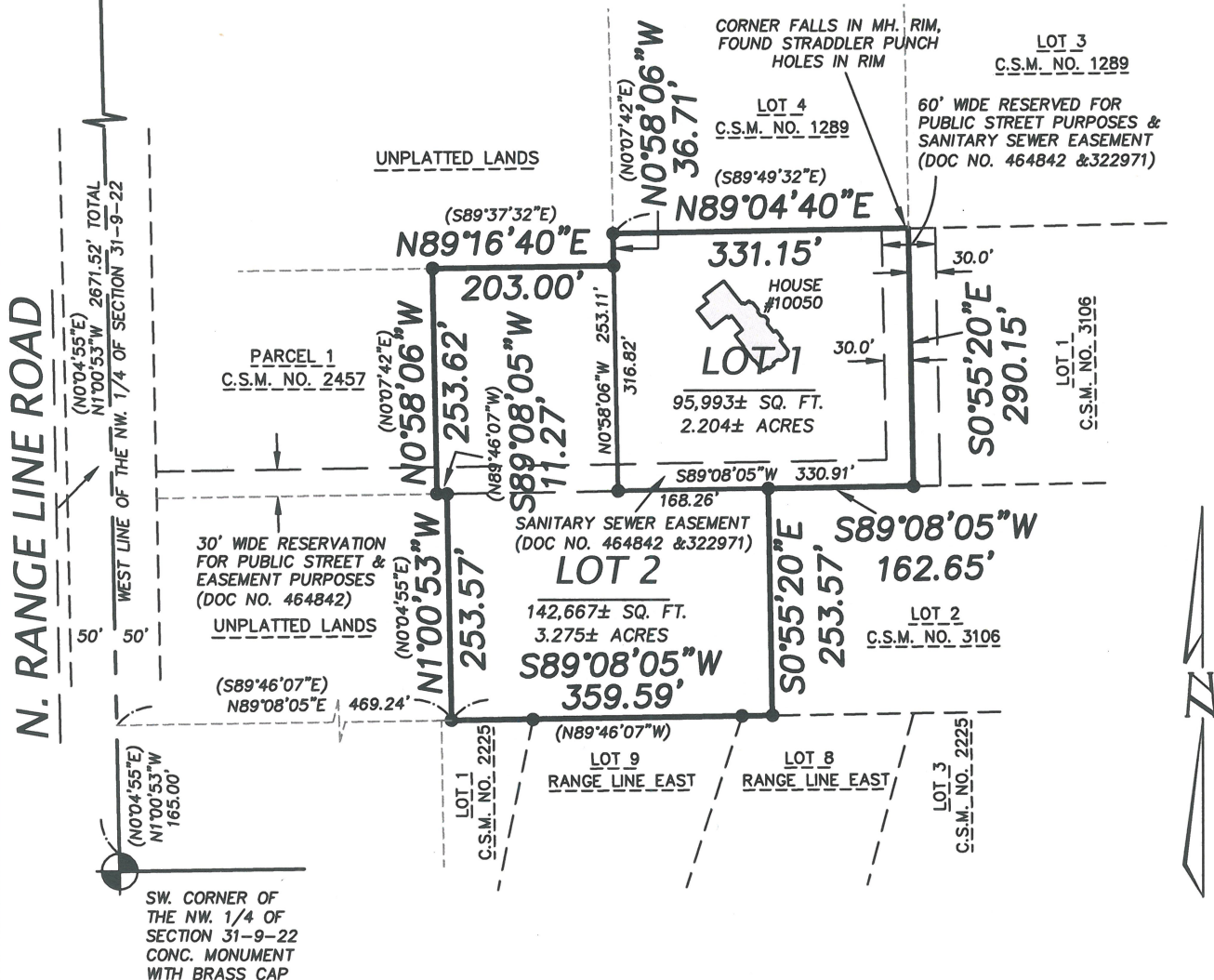
6-21-2024

NW. CORNER OF THE NW. 1/4 OF SECTION 31-9-22 CONC. MONUMENT WITH BRASS CAP



LOCATION MAP

NORTHWEST 1/4 SEC. 31-9-22
(SCALE 1"=2000')



CERTIFIED SURVEY MAP NO. _____

A DIVISION OF PARCEL 2 OF CERTIFIED SURVEY MAP NO. 2457, BEING A PART OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 31, TOWN 9 NORTH, RANGE 22 EAST, IN THE CITY OF MEQUON, OZAUKEE COUNTY, WISCONSIN.

SURVEYOR’S CERTIFICATE

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

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

Parcel 2 of Certified Survey Map No. 2457, being a part of the Southwest 1/4 of the Northwest 1/4 of Section 31, Township 9 North, Range 22 East, in the City of Mequon, Ozaukee County, Wisconsin, bounded and described as follows:

Commencing at the Southwest corner of the Northwest 1/4 of said Section 31; thence N1°00'53"W along the West line of said 1/4 Section, said line also being the centerline of Range Line Road, 165.00 feet to a point; thence N89°08'05"E, 469.24 feet to the Southwest corner of Parcel 2 of Certified Survey Map No. 2457, said point being the point of beginning of lands to be described; thence N1°00'53"W along the Westerly line of said Parcel 2, 253.57 feet; thence S89°08'05"W along the Westerly line of said Parcel 2, 11.27 feet; thence N0°58'06"W along the Westerly line of said Parcel 2, 253.62 feet to the Northwest corner of said Parcel 2; thence N89°16'40"E along the Northerly line of said Parcel 2, 203.00 feet; thence N0°58'06"W along the Northerly line of said Parcel 2, 36.71 feet; thence N89°04'40"E along the Northerly line of said Parcel 2, 331.14 feet to the Northeast corner of said Parcel 2; thence S0°55'20"E along the Easterly line of said Parcel 2, 290.15 feet; thence S89°08'05"W along the Easterly line of said Parcel 2, 162.65 feet; thence S0°55'20"E along the Easterly line of said Parcel 2, 253.57 feet to the Southeast corner of said Parcel 2; thence S89°08'05"W along the South line of said Parcel 2, 359.59 feet to the point of beginning.

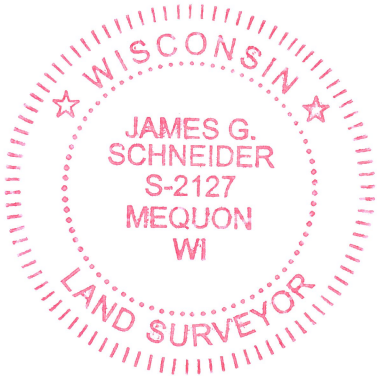
Said lands containing, 5.479 acres of land, more or less.

That I have made such survey, land division, and plat at the direction of Ralph Morello and Judith A. Morello Revocable Trust, OWNERS of said lands.

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

That I have complied with, Section 236.34 of the Wisconsin Statutes and the requirements of the City of Mequon, in surveying and mapping the same.

James G. Schneider S-2127 6-21-2024



This instrument was drafted by James G. Schneider

Attachment: Packet Docs_Morello (9542 : Ralph Morello and Judith A. Morella Revocable Trust)

CERTIFIED SURVEY MAP NO. _____

A DIVISION OF PARCEL 2 OF CERTIFIED SURVEY MAP NO. 2457, BEING A PART OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 31, TOWN 9 NORTH, RANGE 22 EAST, IN THE CITY OF MEQUON, OZAUKEE COUNTY, WISCONSIN.

OWNER'S CERTIFICATE

I, Ralph Morello, Trustee of the Ralph Morello and Judith A. Morello Revocable Trust, OWNER, do hereby certify: THAT I have caused the lands described in the foregoing certificate of James G. Schneider, Surveyor, to be surveyed, divided and mapped.

Witness

Ralph Morello, Trustee

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

STATE OF WISCONSIN)
OZAUKEE COUNTY)^{ss}

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

Notary Public

My Commission expires _____

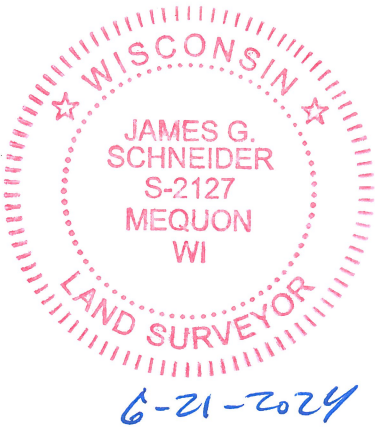
CITY OF MEQUON PLAN COMMISSION APPROVAL

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

Chairman

Secretary

This instrument was drafted by James G. Schneider



Ralph Morello - Land Division Request

Mequon July 2024 Planning Commission Meeting

July 2024

Request a land division to parcel 15-031-07-015.00 back to lot as it was when it was purchased in 1991
certified survey map submitted for approval

Ralph and Judith Morello buy home at 10050 N. Range Line Road

Sep 13, 1991

warranty deed (Document No. 449832) recorded for parcel 15-031-07-010.00

Nov 14, 1980

CSM 1289 (Document No. 322973) recorded - shows this parcel as Lot 1

Developer William Arpe granted easement by Price and Margaret Davis

May 22, 1992

access and utility agreement and easement (Document No. 464842) recorded

3. Use of Existing Driveway. "...Grantee agrees that in no event may the Driveway be used by more than three (3) additional lots divided from the Adjoining Property."

Ralph and Judith Morello buy land from William Arpe adjacent to 10050 N. Range Line Road and add it to existing home lot

Aug 19, 1992

warranty deed (Document No. 470877) recorded for parcel 15-031-07-001-00

warranty deed (Document No. 470879) recorded for parcel 15-031-07-003-00

Aug 21, 1992

CSM 2457 (Document 471081) recorded

shows lot with added land as parcel 2 (parcel 15-031-07-015.00)

Ralph and Judith Morello land division request approved by planning commission

Dec 9, 1996

page 8-9 of minutes - land division of parcel 15-031-07-015.00 into two lots approved

one parcel with home as bought in 1991 and second parcel with land bought in 1992

one year time limit for Ralph Morello to record the approved land division expired because the final Krug property land division was not recorded until Dec 11, 1998

CSM 3106 (Document No. 619954)

449832

VOL 714 PAGE 718

RECORDED

This Deed, made between Christopher L. Doerr and Kathleen J. Doerr, both single individuals, as tenants in common

and Ralph Morello and Judith A. Morello, husband and wife

Grantor,
_____, Grantee,
Witnesseth, That the said Grantor, for a valuable consideration

conveys to Grantee the following described real estate in Ozaukee
County, State of Wisconsin:

1991 SEP 13 PM 2:00

TRANSFER
REGISTER OF DEEDS
OZAUKEE COUNTY, WI \$2.085
FEE

RETURN TO
James R. Sommers
259 South Street
Waukesha, WI 53197-1136

Tax Parcel No: 15-031-07-010.00

Lot One (1) of CERTIFIED SURVEY MAP NO. 1289 recorded in the Ozaukee County Registry in Volume 6 of Certified Survey Maps on pages 264-266, inclusive, as Document No. 322973 and being a part of the Southwest 1/4 of the Northwest 1/4 of Section 31, Township 9 North, Range 22 East, in the City of Mequon, Ozaukee County, Wisconsin.

TOGETHER WITH easements for ingress and egress as shown on Certified Survey Map No. 764 recorded in the Ozaukee County Registry as Document No. 277992 and on Certified Survey Map No. 1289 recorded in the Ozaukee County Registry as Document No. 322973.

This is homestead property. *tenants in common
(is) (is not)

Together with all and singular the hereditaments and appurtenances thereunto belonging;

And Christopher L. Doerr and Kathleen J. Doerr, both single individuals, as *
warrants that the title is good, indefeasible in fee simple and free and clear of encumbrances except
municipal and zoning ordinances, recorded easements for public utilities serving
the property, recorded building and use restrictions and covenants, general taxes
levied in the year of closing,

and will warrant and defend the same.

Dated this 12th day of September, 1991

X Christopher L. Doerr (SEAL)

X Kathleen J. Doerr (SEAL)

* Christopher L. Doerr
(SEAL)

* Kathleen J. Doerr
(SEAL)

AUTHENTICATION

Signature(s) KATHLEEN J. DOERR

authenticated this 12th day of September, 1991

RICHARD D. SCHEPP
TITLE: MEMBER STATE BAR OF WISCONSIN

(If not,
authorized by § 706.06, Wis. Stats.)

THIS INSTRUMENT WAS DRAFTED BY

Karen A. Steinhardt for
Coldwell Banker Premier

(Signatures may be authenticated or acknowledged. Both
are not necessary.)

ACKNOWLEDGMENT

STATE OF WISCONSIN

Ozaukee County, ss.

Personally came before me this 11 day of
September, 1991 the above named
Christopher L. Doerr

Christopher L. Doerr

to me known to be the person who executed the
foregoing instrument and acknowledge the same.

Notary Public
My Commission is permanent (if not, state expiration
date: July 16, 1995)

*Names of persons signing in any capacity should be typed or printed below their signatures.

WARRANTY DEED

STATE BAR OF WISCONSIN
FORM No. 1--1982Wisconsin Legal Blank Co. Inc.
Milwaukee, Wis.

SHEET 2 OF 3 SHEETS

CERTIFIED SURVEY MAP NO. 1289

BEING A DIVISION OF PARCEL 2 OF CERTIFIED SURVEY MAP NO. 764, BEING A PART OF THE SW 1/4 OF THE NW 1/4 OF SECTION 31, T 9 N, R 22 E, IN THE CITY OF MEQUON, OZAUKEE COUNTY, WISCONSIN.

SURVEYOR'S CERTIFICATE
STATE OF WISCONSIN)
MILWAUKEE COUNTY (SS

I, KENNETH E BERKE, surveyor, do hereby certify and say:

THAT I have surveyed, divided and mapped a division of Parcel 2 of Certified Survey Map No. 764, being a part of the SW 1/4 of the NW 1/4 of Section 31, T 9 N, R 22 E, in the City of Mequon, Ozaukee County, Wisconsin, which is bounded and described as follows:

Commencing at the Southwest corner of said 1/4 Section; thence North 00°04'55" East along the West line of said 1/4 Section 418.57 ft. to a point; thence South 89°46'07" East 660.98 ft. to the point of beginning of the land to be described; running thence North 00° 07' 42" East along the East line of the West 1/2 of the SW 1/4 of said 1/4 Section 581.88 ft. to a point on the North line of the South 10 acres of the North 1/2 of the SW 1/4 of said 1/4 Section; thence South 89° 37' 52" East along the North line of the South 10 acres of the North 1/2 of the SW 1/4 of said 1/4 Section 661.46 ft. to a point on the West line of the East 1/2 of said 1/4 Section; thence South 00° 10' 28" West along the West line of the East 1/2 of said 1/4 Section 580.30 ft. to a point; thence North 89° 46' 07" West and parallel to the South line of said 1/4 Section 660.99 ft. to the point of beginning.
 Reserving a 30.00 ft. and a 60.00 ft. strip of land for public street purposes.

THAT I have made such survey, land division and map by the direction of CHRISTOFER DOERR and KATHLEEN J DOERR, his wife.

THAT I have fully complied with the provisions of Chapter 236 of the Wisconsin Statutes and the land division ordinances of the City of Mequon in surveying, dividing and mapping the same under Ordinance No. 59-56.

7/30/79
 Date

Kenneth E Berke
 Kenneth E Berke, Surveyor S 107

OWNER'S CERTIFICATE

AS OWNERS, we hereby certify that we caused the land described above to be surveyed, divided, mapped and dedicated as represented on this map in accordance with the provisions of Ordinance No. 59-56 of the City of Mequon, Wisconsin.

WITNESS our hands and seals this 13th day of August, 1979.

In The Presence of:

Will D. White
John L. Back

Christopher Doerr
 Christopher Doerr
Kathleen J Doerr
 Kathleen J Doerr



VOL

6 PAGE 266

SHEET 3 OF 3 SHEETS

CERTIFIED SURVEY MAP NO. 1289

BEING A DIVISION OF PARCEL 2 OF CERTIFIED SURVEY MAP NO. 764, BEING A PART OF THE SW 1/4 OF THE NW 1/4 OF SECTION 31, T 9 N, R 22 E, IN THE CITY OF MEQUON, OZAUKEE COUNTY, WISCONSIN.

STATE OF WISCONSIN)

CRAVKE :SS
MEQUON COUNTY (

PERSONALLY came before me this day the above named CHRISTOPHER DOERR and KATHLEEN J. DOERR, his wife, to me known to be the persons who executed the foregoing instrument and acknowledged the same.

William L. Bush (SEAL)

Notary Public, State of Wisconsin

My Commission Expires 5/17/81

My Commission is Permanent

RECORDED

Nov 14 3 45 PM '80

Unfiled
REGISTERED DEEDS
OZAUKEE COUNTY, WISC.



7/20/79

THIS INSTRUMENT WAS DRAFTED BY
KENNETH E HENKE, SURVEYOR

ACCESS AND UTILITY AGREEMENT
AND
EASEMENT

THIS AGREEMENT, made and effective as of the 18 day of May, 1992, by and between PRICE M. DAVIS and MARGARET R. DAVIS, husband and wife (hereinafter referred to as "Grantors"), and WILLIAM R. ARPE (hereinafter referred to as "Grantee").

WITNESSETH:

WHEREAS, Grantors have granted to Grantee an Option to Purchase (the "Option") that certain real property situated in the City of Mequon, County of Ozaukee, State of Wisconsin, more particularly described on Exhibit A attached hereto and made a part hereof (the "Option Property");

WHEREAS, Grantors have retained title to real property adjoining the Option Property, situated in the City of Mequon, County of Ozaukee, State of Wisconsin, more particularly described on Exhibit B attached hereto and made a part hereof (the "Retained Property");

WHEREAS, Grantee already holds title to the real property immediately south of the Option Property, situated in the City of Mequon, County of Ozaukee, State of Wisconsin, more particularly described on Exhibit C attached hereto and made a part hereof (the "Adjoining Property").

WHEREAS, one of the terms and conditions of the Option requires that Grantors grant to Grantee an easement for utilities and for ingress and egress across and under the Retained Property and the Option Property; and

WHEREAS, another term and condition of the Option requires that Grantors convey to Grantee the right to use an easement for access to Range Line Road for the benefit of the Option Property and the Adjoining Property.

NOW, THEREFORE, in consideration of the Option and also in consideration of the terms, conditions, covenants and mutual agreements hereinafter set forth, the parties hereto agree as follows:

1. Grant of Access Easement and Right-of-Way. Grantors hereby grant to Grantee a perpetual, non-exclusive easement and right-of-way (the "Access Easement"), without charge, upon, in and under the southerly thirty (30) feet of the Option Property and the Retained Property, for the full and free right and authority for Grantee and all of his guests and invitees of the Option Property and the Adjoining Property, to construct, use and maintain a driveway for the ingress and egress of motor vehicles and pedestrians.

2. Grant of Utility Easements.

(a) Grantors hereby grant to Grantee a perpetual, non-exclusive easement, without charge, upon, in, over and under the southerly thirty (30) feet of the Option Property and the Retained Property for the full and free right for Grantee to construct, operate, use, maintain and repair (including reconstruction) sewer, gas, electric, cable, telephone and any other type of utility.

(b) The utility easements granted in subparagraph 2(a) above shall be referred to herein as the "Utility Easements." Grantors and Grantee agree to execute any additional agreements that may be necessary, including, without limitation, agreements with third party utilities, in order to evidence the Utility Easements; provided any such additional agreements shall not conflict with the terms and conditions of this Agreement.

3. Use of Existing Driveway. Grantee shall have the right to use the existing driveway located on the Access Easement, without charge, except for the maintenance costs referred to in paragraph 4 below. Grantors and Grantee agree to execute any additional agreements that may be necessary in order to evidence the Access Easement; provided any such additional agreements shall not conflict with the terms and conditions of this Agreement. Unless otherwise provided, the driveway across the Access Easement is referred to herein as the "Driveway." Grantee agrees that in no event may the Driveway be used by more than three (3) additional lots divided from the Adjoining Property.

4. Maintenance. Grantors shall not be responsible for any costs or obligations incurred in connection with maintaining the Driveway, the Access Easement or the Utility Easements, including, without limitation, repair, reconstruction, snow and ice removal and improvements as may be necessary.

5. Right of Access. Grantors hereby authorize Grantee and his employees, contractors, subcontractors and agents, to enter upon the southerly thirty (30) feet of the Retained Property and the Option Property for the purposes of the constructing, operating, using, maintaining and repairing (including reconstructing) of the Driveway and the Utilities for and incidental to the easements granted hereunder. Grantee agrees that he shall repair and restore the Option Property and the Retained Property to substantially the same condition as existed immediately prior to any activity by Grantee on the Option Property or the Retained Property permitted pursuant to this Agreement. Further, Grantee shall indemnify, defend and hold Grantors harmless from any and all claims, whether from Grantee or third parties, for personal injury, property damage, obstruction of use of the Driveway or costs or fees for services rendered, including reasonable attorneys fees, which result from Grantee's activities permitted pursuant to this Agreement. Grantors further authorize Grantee to post a sign within the southerly thirty (30) feet of the Retained Property and

adjacent to the Driveway and North Range Line Road so as to be clearly visible to traffic on North Range Line Road, advertising the Option Property and/or the Adjoining Property as being for sale.

6. Term. The term of this Agreement and the easements granted hereunder shall be perpetual.

7. Restrictions. Grantee agrees that no residence shall be located closer than 75 feet from the east lot line of the Retained Property and that no driveway entrance shall be located less than 100 feet from the east lot line of the Retained Property.

8. Binding Effect. The easements granted herein shall run with the land and shall inure to the benefit of, and be binding upon, the parties hereto and their respective heirs, legal representatives and assigns, including, but without limitation, all subsequent owners of the Option Property and the Retained Property and all persons claiming under them. This Agreement shall not operate to convey to Grantee the fee to any part of the Option Property or the Retained Property, or to Grantors, after the exercise of the Option, the fee to any part of the Option Property.

9. Notices. Notices and demand required or permitted to be given hereunder shall be given by certified mail, return receipt requested, addressed to the parties to their principal residence or at such other address previously specified in writing to the other party.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement the day and year first above written.

GRANTORS:

Price M. Davis
Price M. Davis

Margaret R. Davis
Margaret R. Davis

STATE OF WISCONSIN)

MILWAUKEE COUNTY)

Personally came before me, this 17 day of May, 1992, the above-named PRICE M. DAVIS and MARGARET R. DAVIS, to me known to be the persons who executed the foregoing instrument and acknowledged the same.

[Signature]
Notary Public, State of Wisconsin
My commission: in permanent

[signatures continue on next page]

GRANTEE:

William R. Arpe
 William R. Arpe

STATE OF WISCONSIN)

MILWAUKEE COUNTY)

Personally came before me, this 18 day of May, 1992, the above-named WILLIAM R. ARPE, to me known to be the person who executed the foregoing instrument and acknowledged the same.

Barbara Ann Beene
 Notary Public, State of Wisconsin
 My commission: exp 5/23/93

This Instrument was Drafted by:

Daniel J. Minahan, Esq.

Return Recorded Copy To:

Daniel J. Minahan, Esq.
 Davis & Kuelthau, S.C. #22 -
 111 East Kilbourn Avenue, #1400
 Milwaukee, Wisconsin 53202

RECORDED

1992 MAY 22 PM 2:10

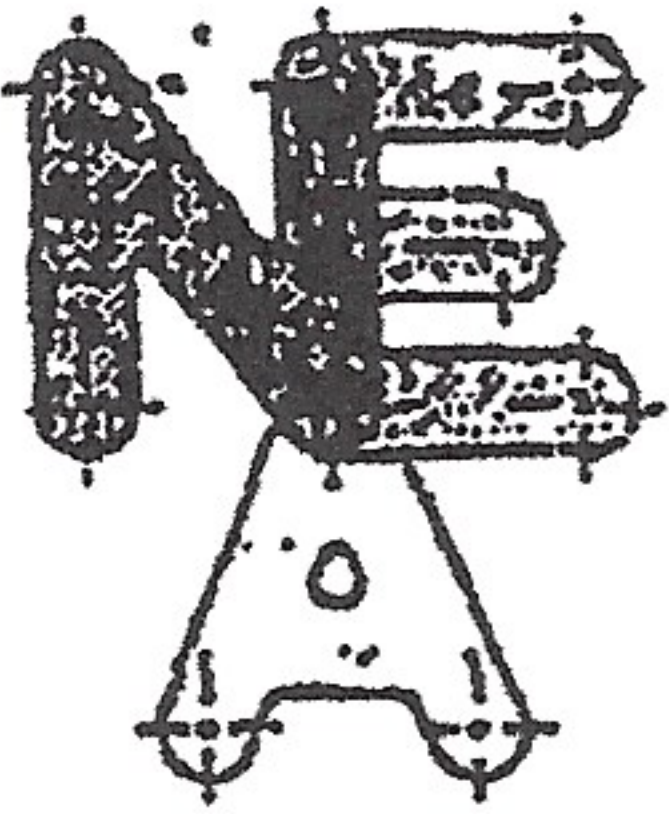
Ronald H. Vaigt
 REGISTER OF DEEDS
 MILWAUKEE COUNTY, WI

EM-2Davis.djm/plw

EXHIBIT A

EAST 203 FEET OF PARCEL 1 OF CERTIFIED SURVEY MAP NO. 764, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF SAID PARCEL 1; THENCE S 89°37'32" E ALONG THE NORTH LINE OF SAID PARCEL 1 408.20 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE S 89°37'32" E ALONG THE NORTH LINE OF SAID PARCEL 1 203.00 FEET TO THE NORTHEAST CORNER OF SAID PARCEL 1; THENCE S 00°07'42" W ALONG THE EAST LINE OF SAID PARCEL 1 253.11 FEET TO THE SOUTHWEST CORNER OF SAID PARCEL 1; THENCE S 89°46'07" W ALONG THE SOUTH LINE OF SAID PARCEL 1 203.00 FEET; THENCE N 00°07'42" E 253.62 FEET TO THE POINT OF BEGINNING, BEING A PART OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 31, TOWN 9 NORTH, RANGE 22 EAST, IN THE CITY OF MEQUON, OZAUKEE COUNTY, WISCONSIN.

jjj-ex-arpe.mdj

**Nienow Engineering Associates, Inc.**

Consulting Civil Engineers and Surveyors

7161 N. Port Washington Road

Milwaukee, WI 53217

Tel. 414-351-1620

FAX # 414-351-1623

EXHIBIT B

LEGAL DESCRIPTION

PREPARED FOR: BILL ARPE

THAT PART OF PARCEL 1 OF CERTIFIED SURVEY MAP NO. 764, BEING A PART OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 31, TOWN 9 NORTH, RANGE 22 EAST, IN THE CITY OF MEQUON, OZAUKEE COUNTY, WISCONSIN. BOUNDED AND DESCRIBED AS FOLLOWS:
COMMENCING AT THE NORTHWEST CORNER OF SAID PARCEL 1, THENCE S 89°37'32" E ALONG THE NORTH LINE OF SAID PARCEL 1, 408.20 FEET; THENCE S 00°07'42" W 253.62 FEET TO A POINT ON THE SOUTH LINE OF SAID PARCEL 1; THENCE N 89°46'07" W 407.99 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF N. RANGE LINE ROAD; THENCE N 00°04'55" E ALONG THE EASTERLY RIGHT-OF-WAY LINE OF SAID ROAD 254.76 FEET TO THE POINT OF BEGINNING.

PREPARED BY: MARK D. NESGOOD R.L.S.
DATED THIS 14TH DAY OF MAY, 1992

EXHIBIT C

Tax Parcel No: 15-031-07-003-00.

That part of the West One-half ($W\frac{1}{2}$) of the Northwest One-quarter ($NW\frac{1}{4}$) of Section numbered Thirty-one (31), in Township numbered Nine (9) North, Range numbered Twenty-two (22) East, in the City of Mequon, bounded and described as follows: Commencing at a point in the West line 165 feet North of the Southwest corner of said $\frac{1}{4}$ Section; thence East on a line which is parallel to the South line of said $\frac{1}{4}$ Section, 1324.23 feet to a point in the East line of the West $\frac{1}{2}$ of said $\frac{1}{4}$ Section; thence North along the East line of the West $\frac{1}{2}$ of said $\frac{1}{4}$ Section 253.57 feet to a point; thence West on a line which is parallel to the South line of said $\frac{1}{4}$ Section, 1325.14 feet to a point in the West line of said $\frac{1}{4}$ Section; thence South along the West line of said $\frac{1}{4}$ Section 253.57 feet to the place of beginning, EXCEPT the West 469.24 feet thereof.

DOCUMENT NO.

470877

STATE BAR OF WISCONSIN FORM 1—1982

WARRANTY DEED

VOL 767 PAGE 220

THIS SPACE RESERVED FOR RECORDING DATA

RECORDED

1992 AUG 19 AM 10:45

REGISTER OF DEEDS
OZAUKEE COUNTY, WI

TRANSFER

\$ 90⁰⁰

FEE

RETURN TO:

Ralph Morello

10050 N. Range Line Road
Mequon, WI 53092

Part of

Tax Parcel No: 15-031-07-001-00

This Deed, made between WILLIAM R. ARPEand RALPH MORELLO and JUDITH A. MORELLO, as tenants in
common,

Witnesseth, That the said Grantor, for a valuable consideration

conveys to Grantee the following described real estate in Ozaukee
County, State of Wisconsin:

The Easterly Two Hundred Three (203) feet of Parcel 1 of CERTIFIED SURVEY MAP NO. 764, recorded in the Ozaukee County Registry in Volume 3 of Certified Survey Maps on pages 190-192, as Document No. 277992 and being a part of the Southwest Quarter of the Northwest Quarter of Section 31, Township 9 North of Range 22 East, City of Mequon, Ozaukee County, Wisconsin.

Together with a non-exclusive easement over the Southerly 30 feet of Parcel One (1) of Certified Survey Map No. 764, designated as "Reserved for public street and easement purposes," for ingress and egress purposes.

*survey map, rights of others to use of street reservation for public street and easement purposes, together with obligations for maintenance thereof, and Access and Utility Agreement and Easement dated May 18, 1992, recorded May 22, 1992, in Volume 752 of Records, on Page 492, as Document No. 464842.

This is not homestead property.
(is) (is not)

Together with all and singular the hereditaments and appurtenances thereunto belonging;

And WILLIAM R. ARPE

warrants that the title is good, indefeasible in fee simple and free and clear of encumbrances except municipal and zoning ordinances, recorded easements for public utilities serving the property, recorded building and use restrictions and covenants, general taxes levied in the year of closing, ordinance recorded March 5, 1928, as Document No. 96333, easement recorded June 8, 1928, in Volume 1 on Page 309 of Easements, street easement reservations as shown on certified* and will warrant and defend the same.

Dated this 14 day of AUGUST, 1992

(SEAL)

William R. Arpe (SEAL)* William R. Arpe

(SEAL)

(SEAL)

AUTHENTICATION

Signature(s)

authenticated this _____ day of _____, 19____

TITLE: MEMBER STATE BAR OF WISCONSIN

(If not, _____
authorized by § 706.06, Wis. Stats.)

THIS INSTRUMENT WAS DRAFTED BY

Richard J. Rakita, Attorney(Signatures may be authenticated or acknowledged. Both
are not necessary.)

ACKNOWLEDGMENT

STATE OF WISCONSIN

MILWAUKEE County.

ss.

Personally came before me this 14 day of
AUGUST, 1992 the above named
William R. Arpeto me known to be the person who executed the
foregoing instrument and acknowledge the same.Notary Public Richard J. Rakita County, Wis.
My Commission is permanent (if not, state expiration
date: 8/23, 1994.)

*Names of persons signing in any capacity should be typed or printed below their signatures.

WARRANTY DEED

STATE BAR OF WISCONSIN
FORM No. 1—1982Wisconsin Legal Blank Co. Inc.
Milwaukee, Wis.

470879

WARRANTY DEED

VOL. 767 PAGE 223

THIS SPACE RESERVED FOR RECORDING DATA

RECORDED

1992 AUG 19 AM 10:45

Ronald H. Voigt
 REGISTER OF DEEDS
 OZAUKEE COUNTY, WISCONSIN
 \$510.00
 FEE

RETURN TO: *Ralph Morello*
 10050 N. Range Line Road
 Mequon, WI 53092
 \$10

Part Of:
 Tax Parcel No: 15-031-07-003-00*

This Deed, made between WILLIAM R. ARPE
 _____, Grantor,
 and RALPH MORELLO and JUDITH A. MORELLO husband and wife,
 as tenants in common _____

_____, Grantee,
 Witnesseth, That the said Grantor, for a valuable consideration _____
 conveys to Grantee the following described real estate in Ozaukee
 County, State of Wisconsin:

That part of the Southwest 1/4 of the Northwest 1/4 of Section 31, Town 9 North, Range 22 East, in the City of Mequon, Ozaukee County, Wisconsin, bounded and described as follows: Commencing at the Southwest corner of said 1/4 Section, thence N 00°04'55" E along the West line of said 1/4 Section 165.00 feet; thence S 89°46'07" E 469.24 feet to the point of beginning; thence N 00°04'55" E 253.57 feet; thence S 89°46'07" E 360.00 feet; thence S 00°10'28" W 253.57 feet; thence N 89°46'07" W 359.59 feet to the point of beginning.

This is not homestead property.
 (is) (is not)

Together with all and singular the hereditaments and appurtenances thereunto belonging;
 And William R. Arpe
 warrants that the title is good, indefeasible in fee simple and free and clear of encumbrances except, municipal and zoning ordinances, recorded easements for public utilities serving the property recording building and use restrictions and covenants, general taxes levied in the year of closing.
 and will warrant and defend the same.

Dated this 14 day of August, 1992

_____, (SEAL)

William R. Arpe (SEAL)

* _____ (SEAL)

* William R. Arpe (SEAL)

* _____

* _____

AUTHENTICATION

Signature(s) _____

authenticated this _____ day of _____, 19____

TITLE: MEMBER STATE BAR OF WISCONSIN

(If not, _____
 authorized by § 706.06, Wis. Stats.)

THIS INSTRUMENT WAS DRAFTED BY

Donald A. Levy, Attorney at Law

(Signatures may be authenticated or acknowledged. Both are not necessary.)

ACKNOWLEDGMENT

STATE OF WISCONSIN

Ozaukee County, ss.

Personally came before me this 14 day of August, 1992 the above named William R. Arpe

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

* *Patricia G. Davis*
 Notary Public _____ County, Wis.
 My Commission is permanent. (If not, state expiration date: 8/14, 1992.)

*Names of persons signing in any capacity should be typed or printed below their signatures.

WARRANTY DEED

STATE BAR OF WISCONSIN
 FORM No. 1—1982

Wisconsin Legal Blank Co., Inc.
 Milwaukee, Wis.

RECORDED

1992 AUG 21 PM 1:40

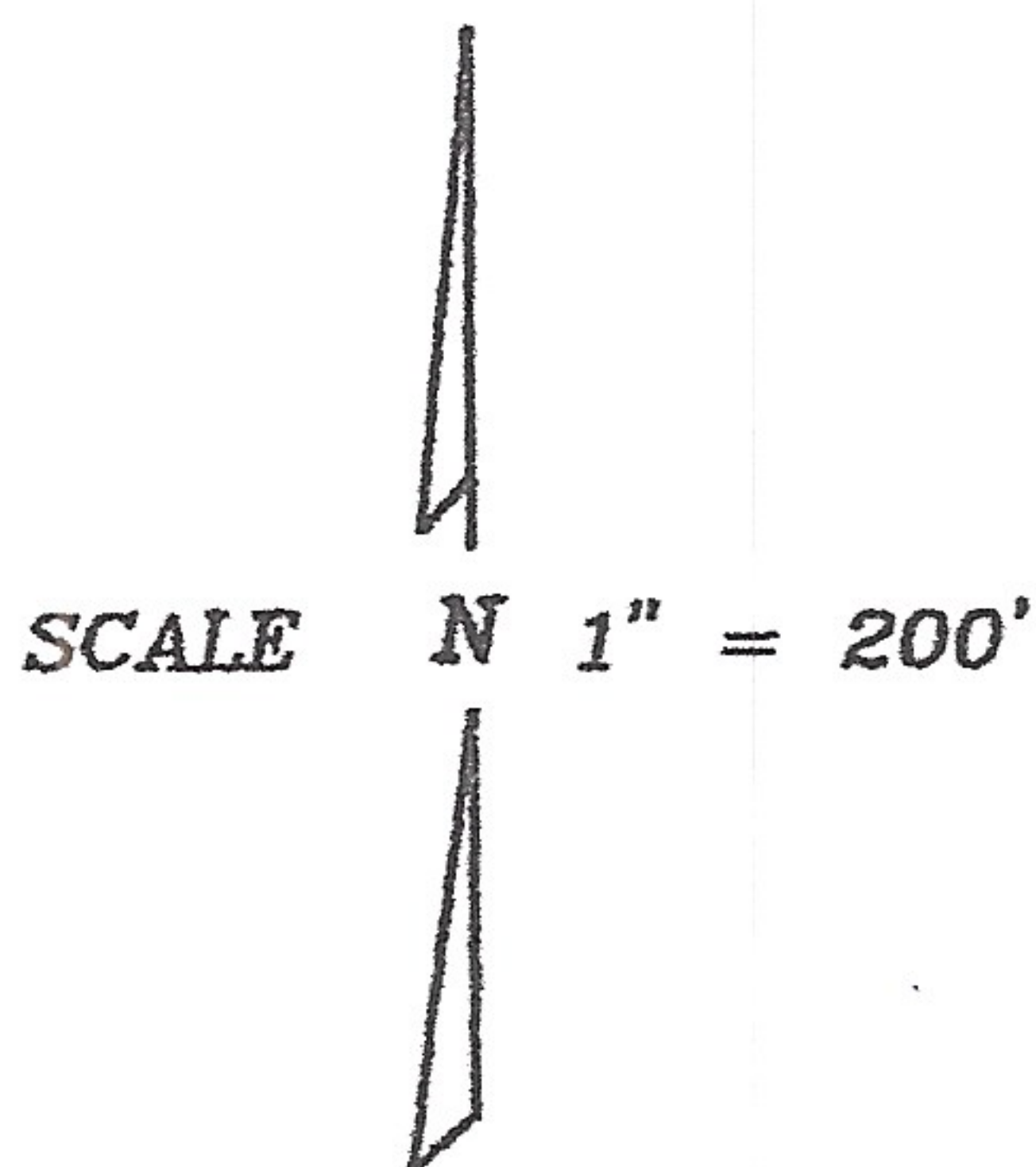
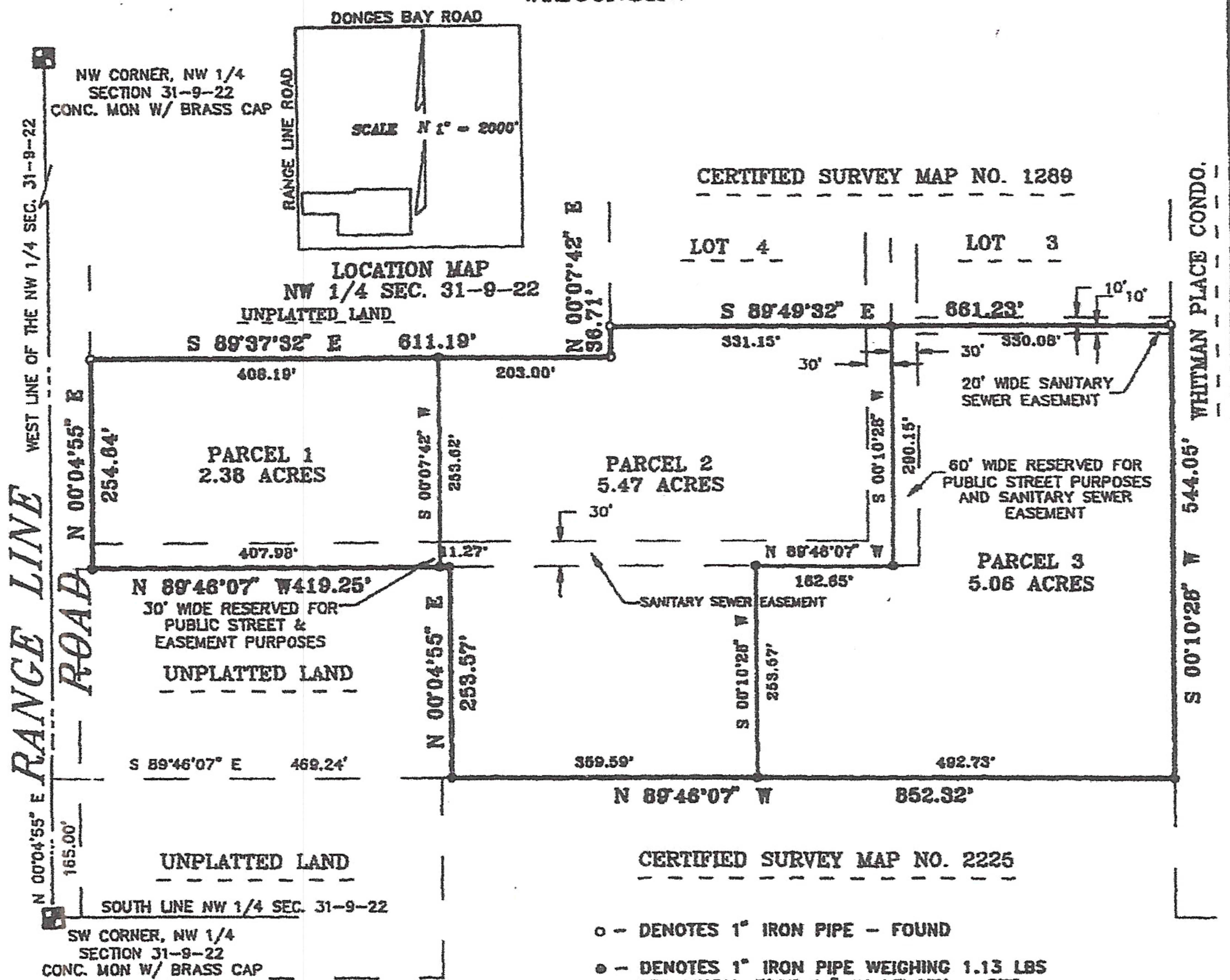
471081

Matthew E. West
REGISTER OF DEEDS
OZAUKEE COUNTY, WI

VOL 18 PAGE 51

CERTIFIED SURVEY MAP NO. 2457

BEING A REDIVISION OF PARCEL 1 OF CERTIFIED SURVEY MAP NO. 764 AND
LOTS 1 & 2 OF CERTIFIED SURVEY MAP NO. 1289 AND LANDS IN THE
SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 31, TOWN 9
NORTH, RANGE 22 EAST, IN THE CITY OF MEQUON, OZAUKEE COUNTY,
WISCONSIN.



MENOW ENGINEERING ASSOCIATES, INC.
CONSULTING ENGINEERS AND SURVEYORS
7101 N. PORT WASHINGTON ROAD
MILWAUKEE, WI 53217
414-351-1020
(FAX) 414-351-1023
PROJ. NO. 91556
N91556C2

GRAPHIC SCALE



WISCONSIN REGISTERED LAND SURVEYOR
MATTHEW E. WEST
S-1854

THIS INSTRUMENT WAS DRAFTED BY MATTHEW E. WEST

08-10-92

SHEET 1 OF 6

CERTIFIED SURVEY MAP NO. 2457

**BEING A REDIVISION OF PARCEL 1 OF CERTIFIED SURVEY MAP NO. 764 AND
LOTS 1 & 2 OF CERTIFIED SURVEY MAP NO. 1289 AND LANDS IN THE
SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 31, TOWN 9
NORTH, RANGE 22 EAST, IN THE CITY OF MEQUON, OZAUKEE COUNTY,
WISCONSIN.**

SURVEYOR'S CERTIFICATE

**STATE OF WISCONSIN) SS
MILWAUKEE COUNTY)**

**I, MATTHEW E. WEST, REGISTERED LAND SURVEYOR, DO HEREBY CERTIFY:
THAT I HAVE SURVEYED, DIVIDED AND MAPPED A REDIVISION OF PARCEL 1
OF CERTIFIED SURVEY MAP NO. 764 AND LOTS 1 & 2 OF CERTIFIED
SURVEY MAP NO. 1289 AND LANDS IN THE SOUTHWEST 1/4 OF THE
NORTHWEST 1/4 OF SECTION 31, TOWN 9 NORTH, RANGE 22 EAST, IN THE
CITY OF MEQUON, OZAUKEE COUNTY, WISCONSIN, BOUNDED AND DESCRIBED
AS FOLLOWS:**

**COMMENCING AT THE SOUTHWEST CORNER OF SAID 1/4 SECTION, THENCE
N 00°04'55" E, ALONG THE WEST LINE OF SAID 1/4 SECTION, 165.00
FEET; THENCE S 89°46'07" E, 469.24 FEET TO THE POINT OF
BEGINNING; THENCE N 00°04'55" E, 253.57 FEET; THENCE
N 89°46'07" W, 419.25 FEET TO A POINT ON THE EAST RIGHT-OF-WAY
LINE OF RANGE LINE ROAD; THENCE N 00°04'55" E ALONG THE EAST
RIGHT-OF-WAY LINE OF SAID ROAD, 254.64 FEET; THENCE S 89°37'32" E
611.19 FEET; THENCE N 00°07'42" E, 36.71 FEET; THENCE
S 89°49'32" E, 661.23 FEET; THENCE S 00°10'28" W, 544.05 FEET;
THENCE N 89°46'07" W, 852.32 FEET TO THE POINT OF BEGINNING.**

**THAT I HAVE MADE SUCH SURVEY AND LAND DIVISION BY THE DIRECTION
OF WILLIAM R. ARPE, RALPH MORELLO AND JUDITH A. MORELLO HIS WIFE,
ALVIN K. KRUG AND KATHRYN J. KRUG HIS WIFE, PRICE M. DAVIS, JR
AND MARGARET R. DAVIS HIS WIFE OWNERS OF SAID LAND.**

**THAT SUCH MAP IS A CORRECT REPRESENTATION OF ALL EXTERIOR
BOUNDARIES OF THE LAND SURVEYED AND THE LAND DIVISION THEREOF
MAKE.**

**THAT I HAVE FULLY COMPLIED WITH THE PROVISIONS OF CHAPTER 236 OF
THE WISCONSIN STATUTES, AND CHAPTER 3 OF THE CITY OF MEQUON CODE
OF ORDINANCES IN SURVEYING, DIVIDING AND MAPPING THE SAME.**

DATED THIS 10TH DAY OF August, 1992.



**WISCONSIN REGISTERED LAND SURVEYOR
MATTHEW E. WEST S-1854**

5. Rabbi Dovid Rapaport (con't)

Discussion:

Censky reminded Commission members that they granted preliminary approval at their September 11, 1995, meeting, for a four lot land division located at 2233 W. Mequon Road. Censky advised that since that time, the applicant has been working under the direction of the City Engineering Department to fulfill the terms of the Development Agreement and according to our Engineering Staff, he is now at a point where he can pursue final approval.

Action:

Commissioner Rakers moved approval of the final land division of the property located at 2233 W. Mequon Road subject to:

1. Engineering Department certification that all improvements are completed prior to the recording of the certified survey map;
2. Payment of the park and open space, sewer connection and inspection fees prior to the recording of the certified survey map;
3. Establishment of all necessary escrow accounts prior to the recording of the plat.

Commissioner Swain seconded, and the motion passed by a 7 to 0 roll call vote.

6. Ralph Morello

District 7 ; Key # 15-031-07-015.00; Zoning: R-2

Request:

Land Division Approval

Explanation:

The applicant is seeking approval to divide his existing 5.47 acre parcel of land located at 10050 N. Range Line Road into two lots.

Discussion:

Censky reported that the applicant is seeking Planning Commission approval to divide his existing 5.47 acre parent parcel of land located at 10050 N. Range Line Road into a 2.09 acre and a 3.38 acre parcel. Censky advised that access to these parcels will be from Range Line Road through an existing 30 foot private access easement/road reservation located across the adjoining property to the west. Censky reminded Commission members that City Attorney John DeStefanis recently opined that this same easement/reservation was sufficient for access for the Dr. Krug land division located directly east of this parcel.

Upon the Mayor's query, Censky responded that Mr. Morello does have an application appealing the Planning Commission's previous decision which granted approval to a similar land division of the Krug site, located directly east of the Morello property. Censky continued that this appeal will be heard at the Board of Appeals meeting in January.

6. Ralph Morello (con't)

Mr. Morello explained that he is looking only to divide his land if he loses the appeal. Morello continued that he is trying to save some time in seeking this approval, and if in the case he does lose the appeal and if this land division is granted, he will then sell his property. Mr. Morello noted that he won't be pursuing a survey of the land for a certified survey map until the outcome of the appeal is known. After some discussion regarding the introduction of a check and balance that might be included as part of the motion, the following motion was stated:

Action:

Commissioner Swain moved to approve the Morello land division subject to:

1. Payment of the \$600 park and open space fee prior to the recording of the certified survey map;
2. Submittal and Staff approval of a certified survey map;
3. Extending sewer service in accordance with Engineering Department regulations;
4. In the event the Krug property is not permitted to be divided, this land division shall not be divided without further review by the Planning Commission;
5. In the event the Krug property is allowed to be divided, which will ultimately be decided by another body, this property (the Morello property) shall be divided within one (1) year. If the property (the Morello property) is not divided within one (1) year, this approval for a land division shall become null and void, and any future interest in dividing the land would have to get Planning Commission approval.

Commissioner Rakars seconded, and the motion passed by a 7 to 0 roll call vote.

4. Richard Dobberfuhl

District 3 ; Key # 14-017-10-000.00; Zoning: R-2B & R-3

Request:

Land Division Approval

Explanation:

The applicant is seeking approval for the previously presented 1.158 acre land division of a 12.24 acre parent parcel of land located immediately west of Briarhills subdivision (i.e. immediately west of 12211 N. Briarhill Road).

Discussion:

Censky advised the Commission that the applicant is once again seeking approval to split a 1.158 acre parcel from his existing 12.24 acre parent parcel of land located immediately west of the Briarhills subdivision. Censky reminded Commission members that at their November 4, 1996, meeting this request was tabled pending the following:

CERTIFIED SURVEY MAP NO. _____

BEING A REDIVISION OF PARCELS 1 AND 2 OF CERTIFIED SURVEY MAP NO. 2939,
BEING A PART OF THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 31,
TOWN 9 NORTH, RANGE 22 EAST, IN THE CITY OF MEQUON, OZAUKEE COUNTY,
WISCONSIN.

SURVEYOR'S CERTIFICATE

STATE OF WISCONSIN)
MILWAUKEE COUNTY)

I, Mark D. Nesgood, Registered Land Surveyor, do hereby certify that I have surveyed, divided and mapped a Redivision of Parcels 1 and 2 of Certified Survey Map No. 2939, Being a Part of the Southeast 1/4 of the Northwest 1/4 of Section 31, Town 9 North, Range 22 East, in the City of Mequon, Ozaukee County, Wisconsin, bounded and described as follows:

Commencing at the Southwest corner of said 1/4 Section; thence N00°04'55"E along the West line of said 1/4 Section 165.00 feet; thence S89°46'07"E 828.83 feet to the point of beginning, said point also being the Southwest corner of said Parcel 2 of said Certified Survey Map; thence N00°10'28"E 253.57 feet; thence S89°46'07"E 162.65 feet; thence N00°10'28"E 290.15 feet; thence S89°49'32"E 330.08 feet; thence S00°10'28"W 544.05 feet; thence N89°46'07"W 492.73 feet to the point of beginning.

That I have made such survey and land division by the direction of Alvin K. Krug, Kathryn J. Krug his wife and William R. Arpe, owners of said land.

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

That I have fully complied with the provisions of Chapter 236 of the Wisconsin Statutes, and Chapter 3 of the City of Mequon Code of Ordinances in surveying, dividing and mapping the same.

Dated this 2nd day of DECEMBER, 19 98.



Mark D. Nesgood
Wisconsin Registered Land Surveyor
Mark D. Nesgood S-1967

CERTIFIED SURVEY MAP NO. _____

BEING A REDIVISION OF PARCELS 1 AND 2 OF CERTIFIED SURVEY MAP NO. 2939,
BEING A PART OF THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 31,
TOWN 9 NORTH, RANGE 22 EAST, IN THE CITY OF MEQUON, OZAUKEE COUNTY,
WISCONSIN.

OWNER'S CERTIFICATE

STATE OF WISCONSIN)
MILWAUKEE COUNTY)

We, Alvin K. Krug and Kathryn J. Krug his wife, do hereby certify that we have caused the land described on this plat to be surveyed, divided and mapped as represented on this plat in accordance with the regulations of the City of Mequon and Chapter 236 of the Wisconsin Statutes.

Witness the hand and seal of said owners this 3 day of DECEMBER, 1998.

In the presence of :



Alvin K. Krug



Kathryn J. Krug

STATE OF WISCONSIN)
COUNTY OF _____)

Personally came before me this 3 day of DECEMBER, 1998, the above named Alvin K. Krug and Kathryn J. Krug his wife, to me known to be the persons who executed the foregoing instrument and acknowledged the same.



Notary Public, State of Wisconsin
My commission expires 3/17/02

CERTIFIED SURVEY MAP NO. _____

BEING A REDIVISION OF PARCELS 1 AND 2 OF CERTIFIED SURVEY MAP NO. 2939,
BEING A PART OF THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 31,
TOWN 9 NORTH, RANGE 22 EAST, IN THE CITY OF MEQUON, OZAUKEE COUNTY,
WISCONSIN.

OWNER'S CERTIFICATE

STATE OF WISCONSIN)
MILWAUKEE COUNTY)

I, William R. Arpe, do hereby certify that I have caused the land described on this plat to be surveyed, divided and mapped as represented on this plat in accordance with the regulations of the City of Mequon and Chapter 236 of the Wisconsin Statutes.

Witness the hand and seal of said owners this 4th day of December, 19 98.

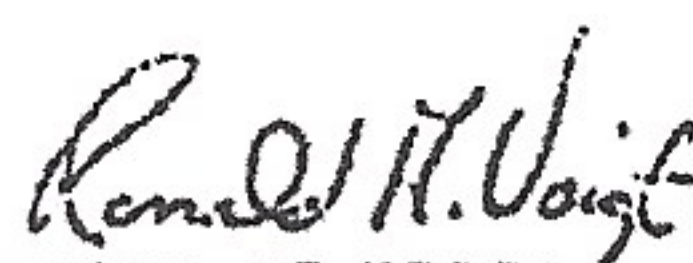
In the presence of :


William R. Arpe

RECORDED

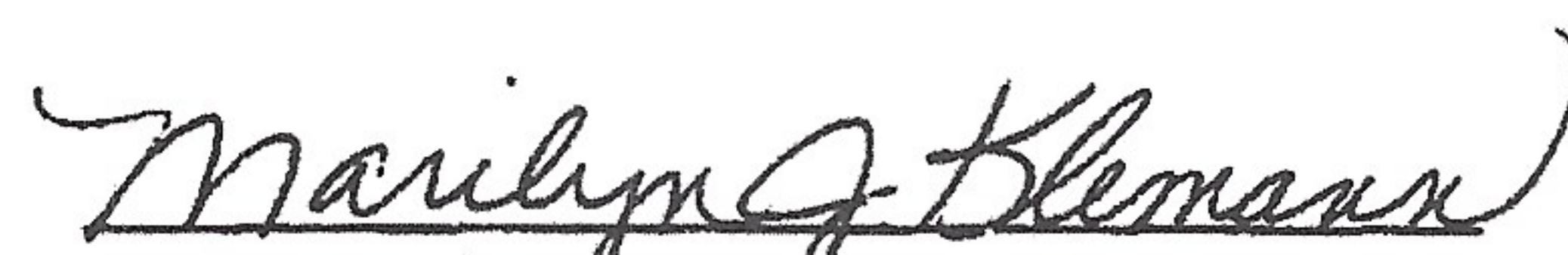
1998 DEC 11 AM 10:50

STATE OF WISCONSIN)
COUNTY OF MILWAUKEE)


REGISTER OF DEEDS
OZAUKEE COUNTY, WI

Personally came before me this 4th day of December, 19 98, the above named William R. Arpe, to me known to be the person who executed the foregoing instrument and acknowledged the same.




Notary Public, State of Wisconsin
My commission expires 03/17/02

THIS INSTRUMENT WAS DRAFTED BY MARK D. NESGOOD

SHEET 40F4

CONCEPT APPROVAL	☐
PRELIM. APPROVAL	☐
FINAL APPROVAL	☒
NOV 2 1998	
MEQUON PLAN COMMISSION	
TABLED ☐	DENIED ☐



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

www.ci.mequon.wi.us

Department of Community Development

TO: Planning Commission
FROM: EVAN HOIER, ASSOCIATE PLANNER
DATE: July 22, 2024
SUBJECT: Stantec for Minahan Children, LLC. The applicant is seeking minor request approval to allow for fill or excavation exceeding 1,000 C.Y. for the property located at 5700 W. Bonniwell Road.

Applicant:	Roy Wollner for Minahan Children, LLC
Status of Applicant:	Agent
Requested:	Minor Request for Fill or Excavation exceeding 1,000 C.Y.
Existing Use:	Residential
Existing Zoning:	R-1 (Rural Residential 5 Acres) OA (Agricultural Overlay)
Lot size:	39.75 Acres
Location:	5700 W. Bonniwell Road
Tax Key Number:	#14-002-11-000.00
District:	#1

Background:

The applicant is requesting approval for fill/excavation of approximately 3,300 cubic yards for a landscape pond near the west side of the property. Planning Commission approval is required for fill/excavation exceeding 1,000 cubic yards. The applicant also intends to pave a portion of existing gravel driveway.

Engineering Report:

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

There are no right-of-way or access changes proposed with the application. The owner is proposing to pave a small section of an existing gravel driveway.

Wetlands are present in the area where the pond is proposed. For wetland fill or disturbance, a permit from the WDNR and Army Corps of Engineers concurrence is required. The applicant has completed and submitted an assured wetland delineation. The applicant has also submitted a WDNR permit for wetland fill and ruling from the Army Corps of Engineers that the impacted wetland is not federally protected. Wetland fill also removes the requirement for the wetland protective area, or buffer.

There are no sewer or water utility impacts with this application.

The improvements must conform to City, MMSD, and DNR storm water regulations. The applicant submitted a storm water management plan (SWMP) report that the City will review. A drainage financial guarantee and a storm water maintenance and easement agreement will be required for the Best Management Practices implemented.

A filling, excavation, and berms permit is required. The total amount of filling and excavation is anticipated to exceed 1,000 cubic yards and is estimated at 3,300 cubic yards. A haul route shall be provided for staff approval. The haul route and haul route bond are intended to protect City streets from the increase in the amount of hauled material.

The area indicated as “proposed fill area” on sheet C2.01 does not show any elevation information. If this area is intended to be permanently filled, contours must be shown for review by engineering staff. Berms and grading must conform to the Mequon Standard Specifications for Land Development which define a maximum berm height of 4.5 feet. If this area is a temporary stockpile, proper erosion control measures must be included.

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.

Staff Recommendation:

Planning staff recommends approval of the minor request for fill (excavation) exceeding 1,000 cubic yards based on the following conditions:

1. Engineering Division review and approval of the individual grading, drainage, and erosion control plans in conformance to City ordinances and the Standard Specifications for Land Development.
2. Conformance to City, MMSD, and DNR storm water regulations. If a storm water management plan is required, the City will require approval of a storm water management plan for the site in conformance to City ordinances and MMSD Chapter 13, including execution of a Storm Water Management Maintenance and Easement Agreement with maintenance provisions for all proposed BMPs. The agreement must include maintenance of all BMPs.
3. The City Engineer will require in accordance with City ordinance 58-677(b) that the applicant deposit an escrow or letter of credit to guarantee a good faith execution of the approved control plan and any permit conditions. The escrow / letter of credit shall be in an amount equal to 125% of the estimated cost of construction and maintenance of the storm water management practices and the City will release the portion of the Financial Guarantee less any costs incurred by the city to complete installation of practices, upon submission of a certification in accordance with 58-678(h). If the “proposed fill area” is for temporary soil stockpiling, the stockpile must be removed from the site prior to Financial Guarantee release.
4. Application for and approval of a City Filling and Excavation Permit. A haul route and bond will be required.

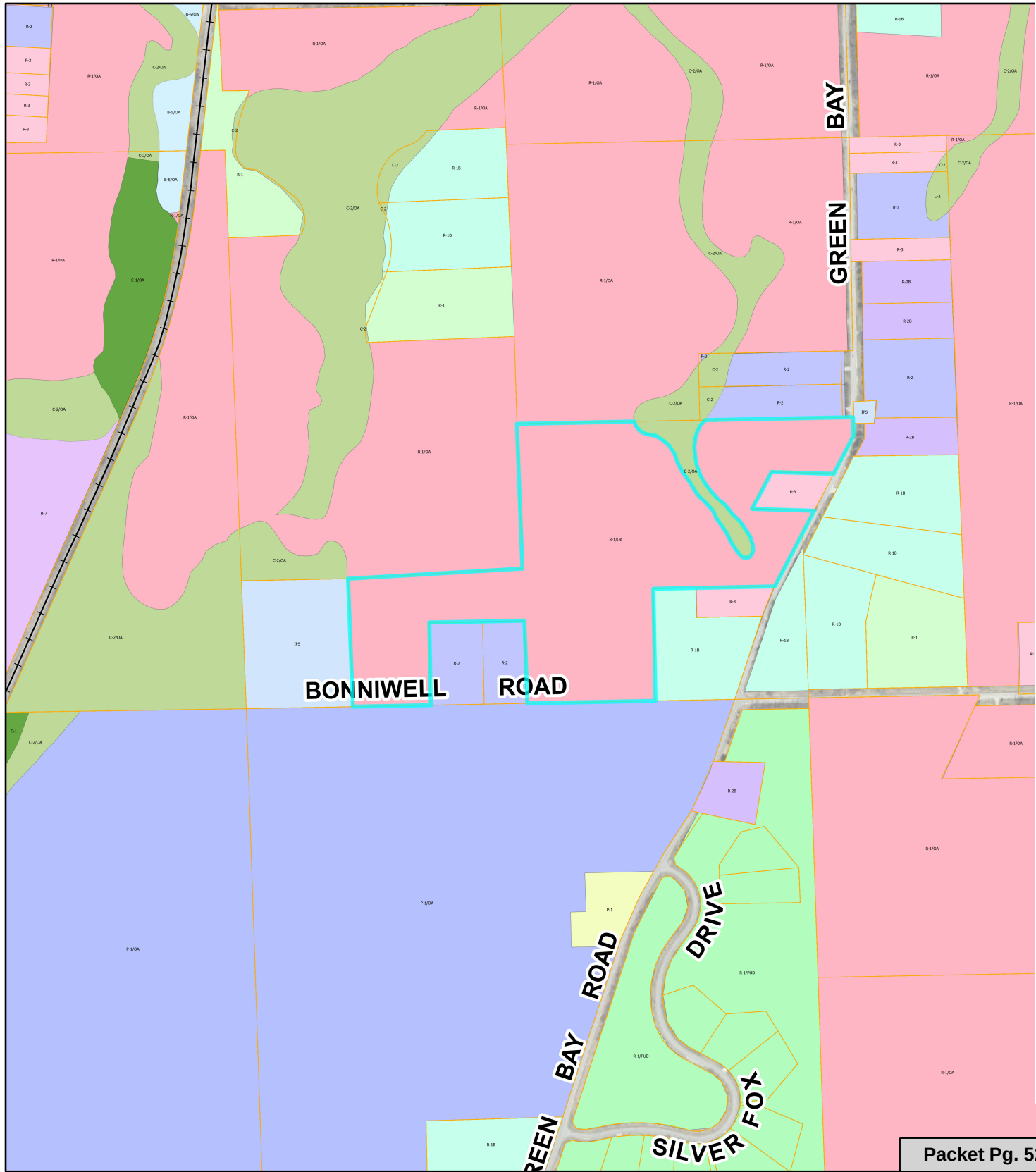
Attachments:

Packet Docs_Minahan (PDF)

MINAHAN CHILDREN FILL

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

3.b.a

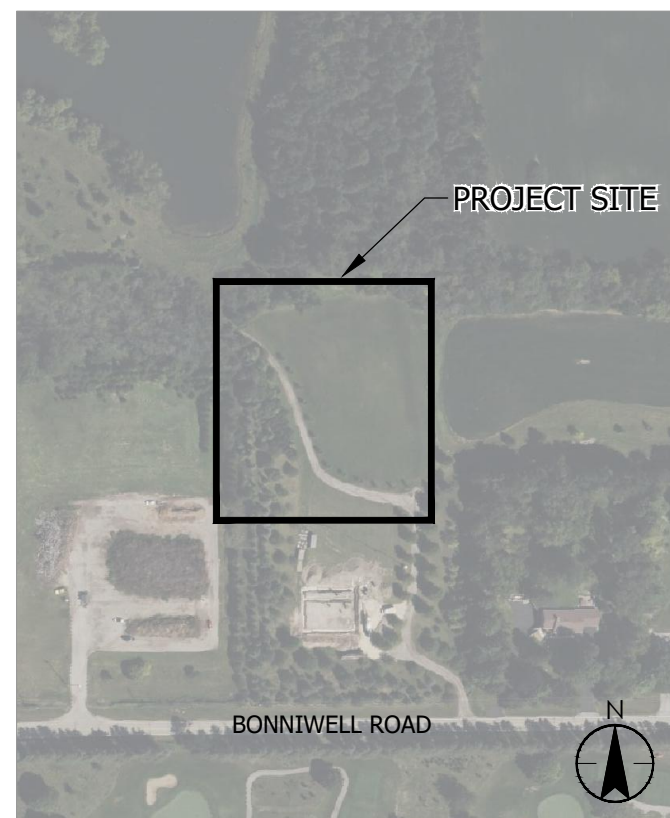


Attachment: Packet Docs_Minahan (9543 : Stantec for Minahan Children, LLC)

A map showing the project location. A yellow line represents Cedarburg Rd, running vertically. A horizontal road intersects it, labeled 'Rd'. To the right of Cedarburg Rd is a large green area labeled 'Mee-Kwon Park Golf Course'. Further north, there are several blue areas representing water bodies. A black square with an arrow points to a specific location on the map, labeled 'PROJECT LOCATION'. A north arrow is in the bottom right corner.

VICINITY MAP

NO SCALE



LOCATION MAP

NO SCALE

LIST OF DRAWINGS

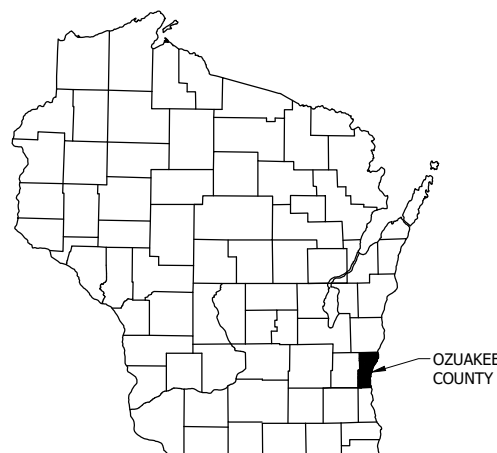
G0.01	TITLE SHEET
G0.02	LEGEND
C1.01	EXISTING CONDITIONS PLAN
C2.01	EROSION CONTROL PLAN
C3.01	GRADING PLAN
C3.02	POND CROSS SECTIONS
C3.03	DRIVEWAY CROSS SECTIONS
C3.04	CONSTRUCTION DETAILS

THE LOCATIONS OF EXISTING UTILITY INSTALLATIONS AS SHOWN ON THIS PLAN ARE APPROXIMATE. THERE MAY BE OTHER UNDERGROUND UTILITY INSTALLATIONS WITHIN THE PROJECT AREA THAT ARE NOT SHOWN.

STANTEC ASSUMES NO RESPONSIBILITY FOR DAMAGES, LIABILITY OR COSTS
RESULTING FROM CHANGES OR ALTERATIONS MADE TO THIS PLAN WITHOUT
WRITTEN CONSENT OF STANTEC.

THESE DRAWINGS HAVE BEEN PREPARED BASED ON INFORMATION PROVIDED BY OTHERS. STANTEC HAS NOT VERIFIED THE ACCURACY AND/OR COMPLETENESS OF THIS INFORMATION AND SHALL NOT BE RESPONSIBLE FOR ANY ERRORS OR OMISSIONS WHICH MAY BE INCORPORATED HEREIN AS A RESULT.

NO	REVISION	DATE
SURVEY		C
DRAWN		
DESIGNED		
CHECKED		
APPROVED		
PROJ. NO.		193
SHEET NUMBER		



EXISTING TOPOGRAPHIC SYMBOLS

- INDICATES FOUND 1" IRON PIPE
- INDICATES SET 1" IRON PIPE
- + INDICATES FOUND CHISELED CROSS
- ⊕ SANITARY MANHOLE
- ⚡ SANITARY CLEANOUT OR VENT
- ⊗ M.I.S. MANHOLE
- ⊙ UNKNOWN MANHOLE
- ⊗ STORM MANHOLE
- ⊙ INLET (ROUND)
- ⊠ INLET (SQUARE)
- ⌒ CURB INLET
- ⌒ STORM SEWER END SECTION
- ⌒ GAS VALVE
- ⌒ GAS METER
- ⌒ WATER VALVE
- ⌒ HYDRANT
- ⊗ WATER MANHOLE
- ⊙ WATER SERVICE CURB STOP
- ⌒ WELL HEAD
- ⌒ STAND PIPE
- ⊗ WALL INDICATOR VALVE
- ⌒ POST INDICATOR VALVE
- ⌒ LIGHT POLE
- ⌒ SPOT/YARD LIGHT
- ⌒ UTILITY POLE
- ⌒ GUY POLE
- ⌒ GUY WIRE
- ⊗ ELECTRIC MANHOLE
- ⊗ ELECTRIC PEDESTAL
- ⊗ ELECTRIC METER
- ⊗ TELEPHONE MANHOLE
- ⊗ TELEPHONE PEDESTAL
- ⊗ CABLE PEDESTAL
- ⊗ CONTROL BOX
- ⊗ FIBER OPTIC SIGN
- ⊗ TRAFFIC LIGHT
- ⊗ COMMUNICATION MANHOLE
- ⊗ BOLLARD
- + SOIL BORING/MONITORING WELL
- ⌒ WATER SURFACE
- ⌒ WETLANDS FLAG
- ⌒ MARSH
- ⌒ FLAGPOLE
- ⌒ PARKING METER
- ⌒ SIGN
- ⌒ MAILBOX
- ⌒ RAILROAD CROSSING SIGNAL
- ⌒ HANDICAP SPACE
- ⌒ CONIFEROUS TREE
- ⌒ DECIDUOUS TREE

_____ S _____	SANITARY SEWER
_____ FM _____ FM _____ FM _____	FORCE MAIN
_____ STO _____	STORM SEWER
_____ W _____	WATERLINE
_____ G _____	MARKED GAS MAIN
_____ SK _____ SK _____	SKIMMER MAIN
_____ E _____	MARKED ELECTRIC
_____ OHU _____ OHU _____	OVERHEAD WIRES
_____ T _____	MARKED TELEPHONE
_____ TV _____	MARKED CABLE TV LINE
_____ FO _____	MARKED FIBER OPTIC
_____ X _____	FENCE

STANDARD SYMBOLS

DETAIL BUBBLE 

SECTION BUBBLE 

DETAIL TAG: 1
C100 DETAIL TAG
SCALE: N.T.S.

TITLE TAG: TITLE TAG
SCALE: N.T.S.

NEW TOPOGRAPHIC SYMBOLS

-  BOLLARD
-  SANITARY CLEANOUT
-  MANHOLE
-  SANITARY OR STORM LIFT STATION
-  STORM SEWER BEEHIVE CATCH BASIN
-  STORM SEWER CATCH BASIN
-  STORM SEWER FLARED END SECTION
-  STORM SEWER OUTLET STRUCTURE
-  STORM SEWER OVERFLOW STRUCTURE
-  CURB BOX
-  FIRE HYDRANT
-  WATER REDUCER
-  VALVE
-  RIP RAP
-  DRAINAGE FLOW
-  PEDESTRIAN RAMP

EXISTING TOPOGRAPHIC LINES

- | | |
|---|---------------------|
|  | RETAINING WALL |
|  | FENCE - BARBED WIRE |
|  | FENCE - CHAIN LINK |
|  | FENCE - DECORATIVE |
|  | FENCE - STOCKADE |
|  | FENCE - WOOD |
|  | FENCE - ELECTRIC |
|  | GUARD RAIL |
|  | TREE LINE |
|  | WETLAND |

SURVEY LINES

- | | |
|---|------------------------|
|  | BOUNDARY |
|  | NEW CENTERLINE |
|  | EXISTING CENTERLINE |
|  | EXISTING EASEMENT LINE |
|  | NEW EASEMENT LINE |
|  | FLOOD PLAIN BOUNDARY |
|  | EXISTING LOT LINE |
|  | NEW LOT LINE |
|  | EXISTING RIGHT-OF-WAY |
|  | NEW RIGHT-OF-WAY |
|  | SETBACK LINE |

NEW UTILITY LINES

-
- FM FM FM
- FORCE MAIN
- > > > >
- SANITARY SEWER
- → → → → →
- SANITARY SERVICE
-
- STORM SEWER DRAIN TILE
- >> >> >>
- STORM SEWER
- | | | | |
- WATER MAIN
- | | | | |
- WATER SERVICE
- [Hatched Area]
- PIPE CASING

FUTURE UTILITY LINES

-
- | | |
|-----------------------|-----------------------|
| — FM — FM — FM — | FORCE MAIN |
| — > — > — > — > — | SANITARY SEWER |
| ⇒ ⇒ ⇒ ⇒ ⇒ ⇒ ⇒ ⇒ ⇒ | SANITARY SERVICE |
| - - - - - | STORM SEWER DRAINTILE |
| — >> — >> — >> — | STORM SEWER |
| — — — — | WATER MAIN |
| - - - - - - | WATER SERVICE |
| > [Hatched Box] > | PIPE CASING |

CONCRETE CURB AND GUTTER

- EXISTING
NEW
FUTURE
DEMOLITION

GRADING INFORMATION

-
- EXISTING CONTOUR MINOR
 EXISTING CONTOUR MAJOR
 NEW CONTOUR MINOR
 NEW CONTOUR MAJOR
 NEW GRADING LIMITS / SLOPE LIMITS
 NEW SPOT ELEVATION
 EXISTING SPOT ELEVATION
 RUN:RISE (SLOPE)

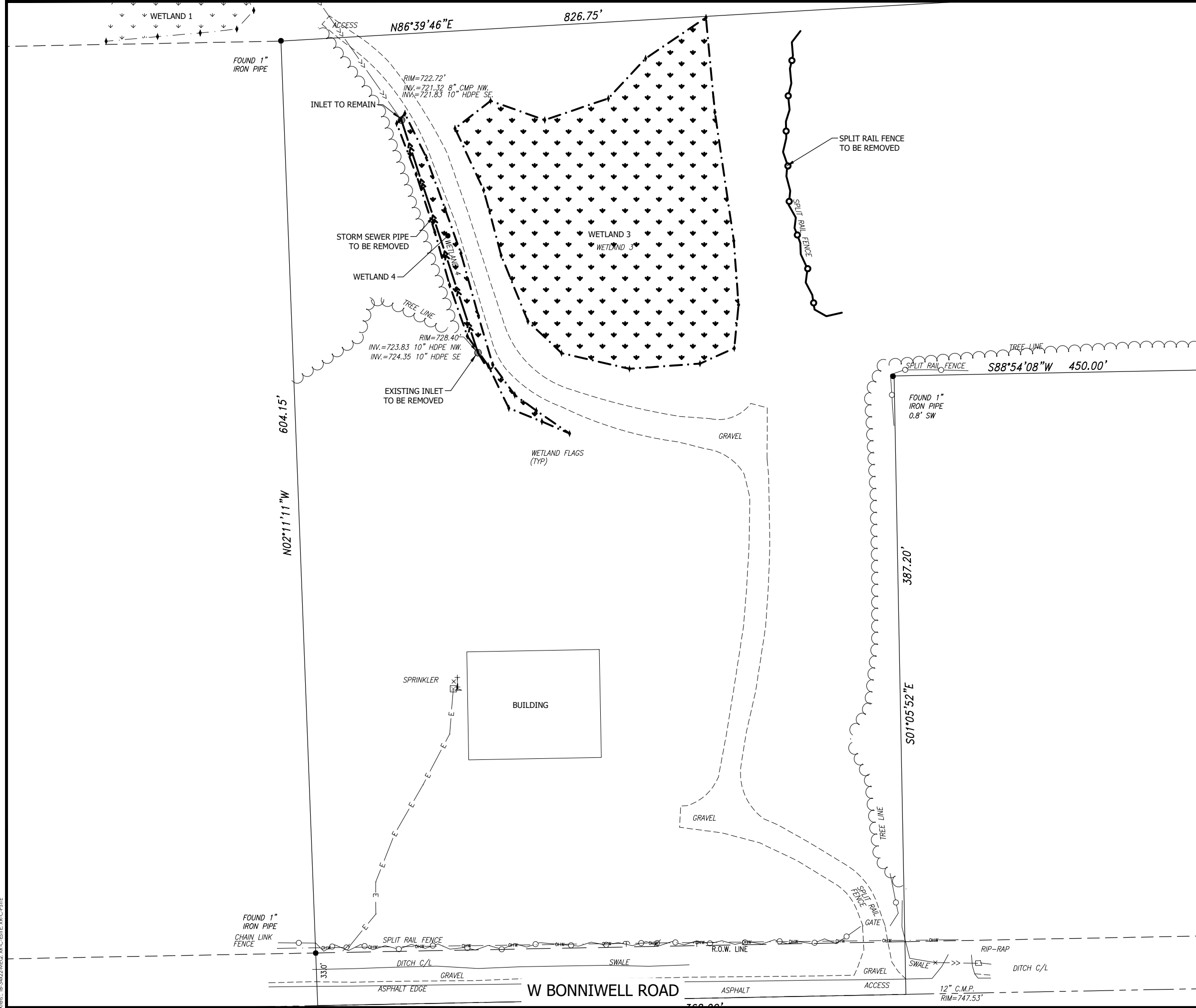
ABBREVIATIONS

- | | | | |
|---------|--------------------------------|-----------|------------------------------------|
| AADT | AVERAGE ANNUAL DAILY TRAFFIC | GB | GRADE BREAK |
| ACG | AGGREGATE | GR | GRADE |
| AD | ALGEBRAIC DIFFERENCE | GUT | GUTTER |
| ADT | AVERAGE DAILY TRAFFIC | GV | GATE VALVE |
| AVE | AVENUE | HD | HEAVY DUTY |
| AVG | AVERAGE | HDPE | HIGH-DENSITY POLYETHYLENE PIPE |
| B/P | BOTTOM OF PIPE | HGL | HYDRAULIC GRADE LINE |
| BC | BACK OF CURB | HORIZ | HORIZONTAL |
| BIT | BITUMINOUS | HP | HIGH POINT |
| BM | BENCHMARK | HPT | HIGH POINT |
| BOP | BEGINNING OF PROJECT | HWL | HIGH WATER LEVEL |
| BOT | BOTTOM | HWY | HIGHWAY |
| BV | BUTTERFLY VALVE | HYD | HYDRANT |
| BVC | BEGIN VERTICAL CURVE | I | INTERSECTION ANGLE |
| BVCE | BEGIN VERTICAL CURVE ELEVATION | ID | INSIDE DIAMTER |
| BVCS | BEGIN VERTICAL CURVE STATION | INV | INVERT |
| C&G | CURB & GUTTER | IP | IRON PIPE |
| C/L | CENTERLINE | K | CURVE COEFFICIENT |
| CB | CATCH BASIN | L | LENGTH OF CURVE |
| CC | CONCRETE CORNER | L.H.T.O. | LEFT HAND TOURNOUT |
| C-C | CENTER TO CENTER | LAT | LATERAL |
| CF | CUBIC FEET | LP OR LPT | LOW POINT |
| CIP | CAST IRON PIPE | MAX | MAXIMUM |
| CJ | CONSTRUCTION JOINT | MGD | MILLION GALLONS PER DAY |
| CL | CLASS | MH | MANHOLE (SANITARY) |
| CMP | CORRUGATED METAL PIPE | MIN | MINIMUM |
| CO | CLEAN-OUT | MISC | MISCELLANEOUS |
| CONC | CONCRETE | MJ | MECHANICAL JOINT |
| CP | CONTROL POINT | MON | MONUMENT |
| CV | COMPACTED VOLUME | N | NORTH |
| D | DEGREE OF CURVATURE | NE | NORTHEAST |
| DEPT | DEPARTMENT | NIC | NOT IN CONTRACT |
| DIA | DIAMETER | NTS | NOT TO SCALE |
| DIM | DIMENSION | NW | NORTHWEST |
| DIP | DUCTILE IRON PIPE | NWL | NORMAL WATER LEVEL |
| DWG | DRAWING | OC | ON CENTER |
| E | EAST | OD | OUTSIDE DIAMTER |
| E/L | EASEMENT LINE | P | POLE |
| EBS | EXCAVATION BELOW SUBGRADE | P/L | PROPERTY LINE |
| EL/ELEV | ELEVATION | PC | POINT OF CURVE |
| ELEC | ELECTRIC | PCC | COMPOUND CURVE |
| EOP | END OF PROJECT | PE | PRIVATE ENTRANCE |
| ESAL | EQUIVALENT SINGLE AXEL LOAD | PI | POINT OF INTERSECTION |
| ESMT | EASEMENT | PL | PROPERTY LINE |
| EST | ESTIMATE | PM | PARCEL MAP |
| EVC | END VERTICAL CURVE | POB | POINT OF BEGINNING |
| EVCE | END VERTICAL CURVE ELEVATION | PP | POWER POLE |
| EVCS | END VERTICAL CURVE STATION | PPVC | PERFORATED POLYVINYL CHLORIDE PIPE |
| EW | END WALL | PRC | POINT OF REVERSE CURVE |
| EX | EXISTING | PROP | PROPOSED |
| F.O. | FIELD ORDER | PRVC | POINT OF REVERSE VERTICAL CURVE |
| F/F | FACE TO FACE | PT | POINT OF TANGENT |
| FE | FIELD ENTRANCE | PVC | POLYVINYL CHLORIDE PIPE |
| FES | FLARED END SECTION | PVI | POINT OF VERTICAL INTERSECTION |
| FF | FINISHED FLOOR | PVMT | PAVEMENT |
| FG | FINISHED GRADE | | |
| FL | FLOW LINE | | |
| FM | FORCE MAIN | | |

HATCH PATTERNS

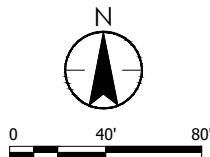
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|---|---------------------|---|---------------------|---|----------------------|
|  | CONCRETE |  | CONCRETE |  | CONCRETE
DWY/WALK |
|  | ASPHALT
ROAD/DWY |  | ASPHALT
ROAD/DWY |  | ASPHALT
ROAD/DWY |
|  | GRAVEL |  | GRAVEL | | |

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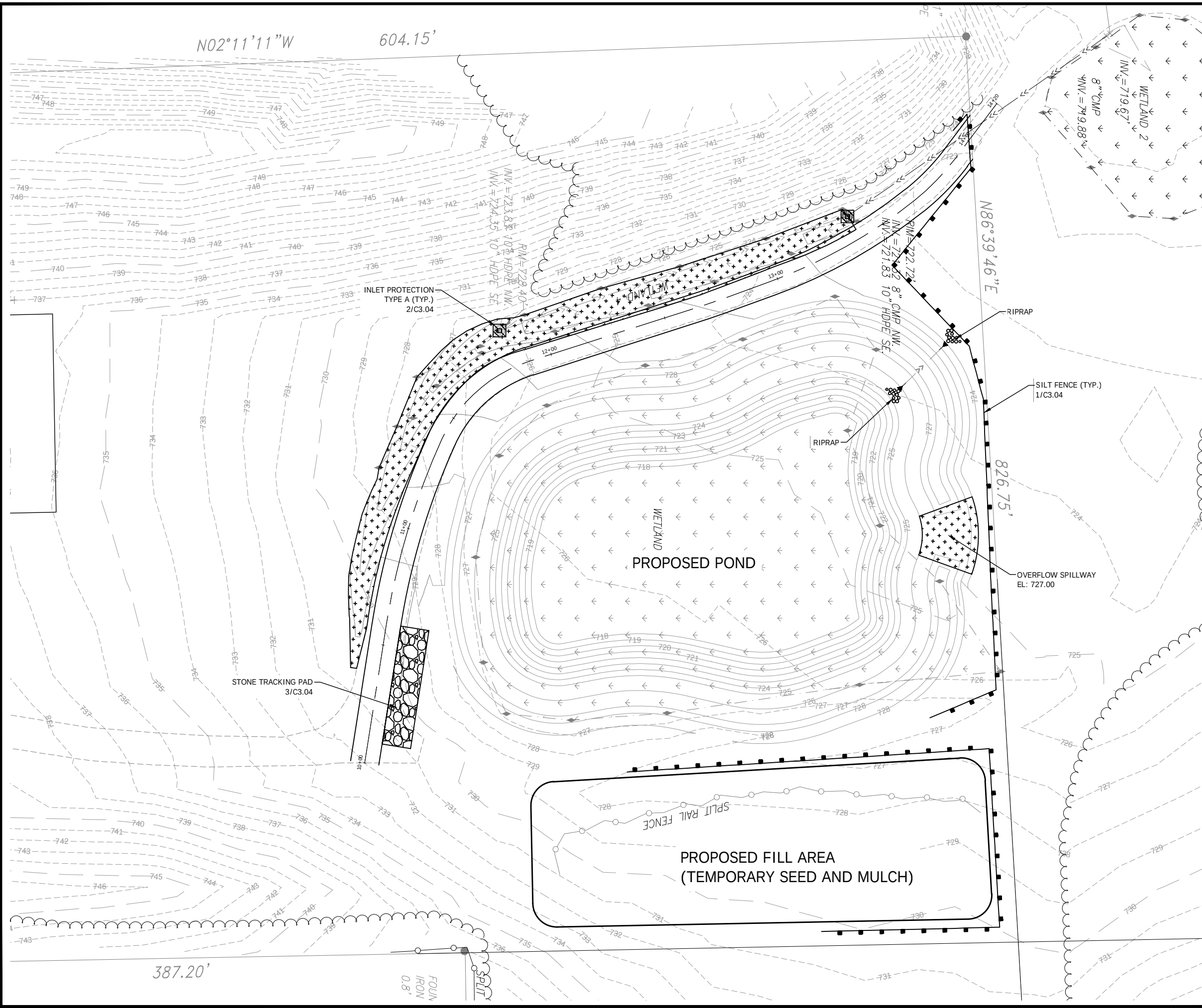


NOTES:

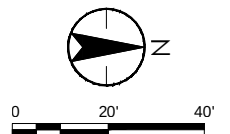
1. WETLANDS 3 AND 4 DETERMINED NON-FEDERAL AND EXEMPTION RECEIVED FROM WISCONSIN DEPARTMENT OF NATURAL RESOURCES (WDNR).
2. SITE WAS SURVEYED BY CHAPUT LAND SURVEYS



Plot Date: 06/21/2024 - 8:34am
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Vscale: 10 34-00 M E C V B C E S T E V B C D R I T E



	SILT FENCE
	RIP RAP
	INLET PROTECTION
	CLASS 1 TYPE B EROSION MAT WITH WISDOT #40 SEED MIX
	TRACKING PAD



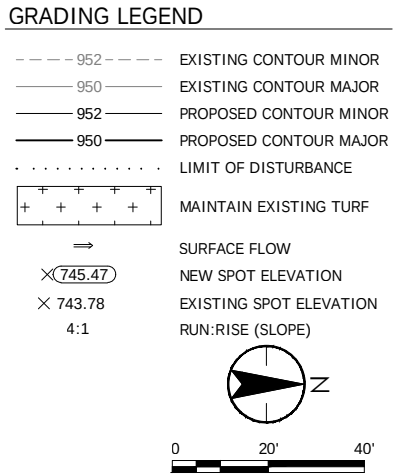
NO	REVISION	DATE			
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CHECKED					
APPROVED					
PROJ. NO.			193708646		
SHEET NUMBER					

Packet Pg. 56

MINAHAN CHILDREN LLC
6.5 ACRE POND SITE
CITY OF MEQUON, WISCONSIN

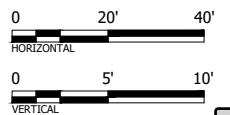
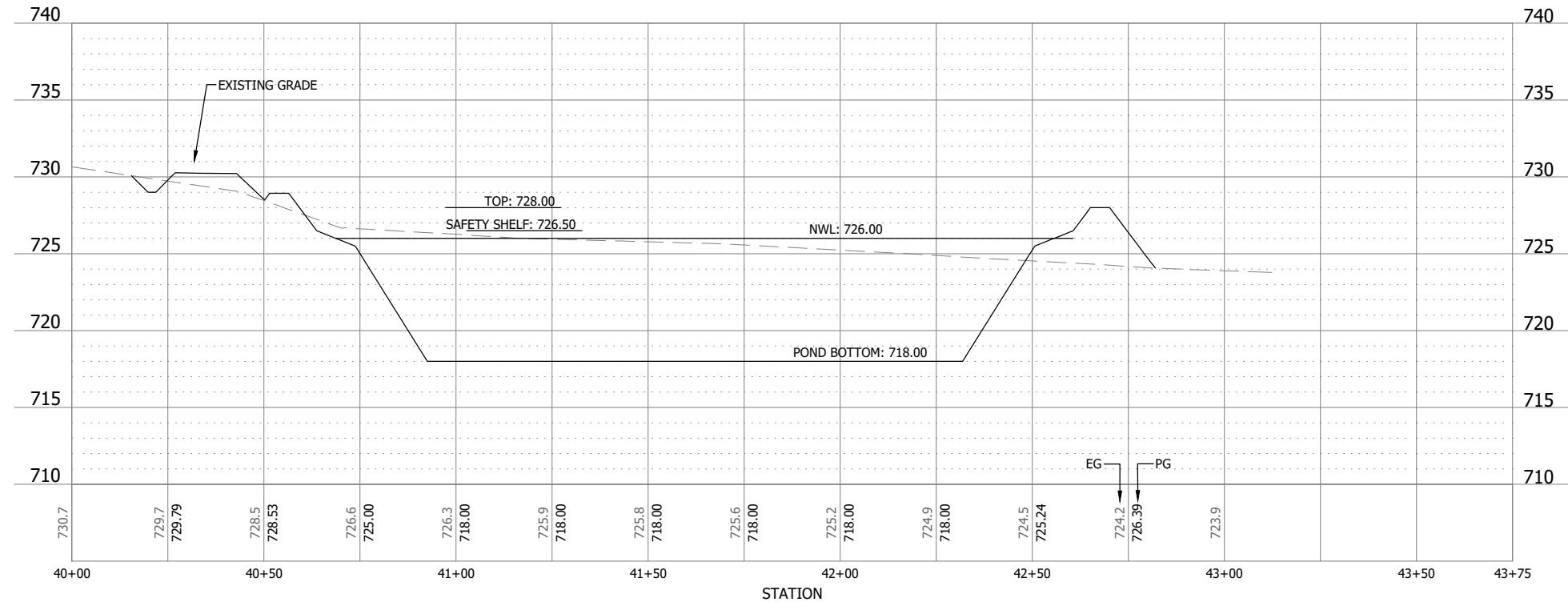
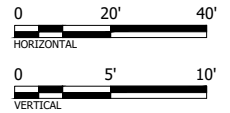
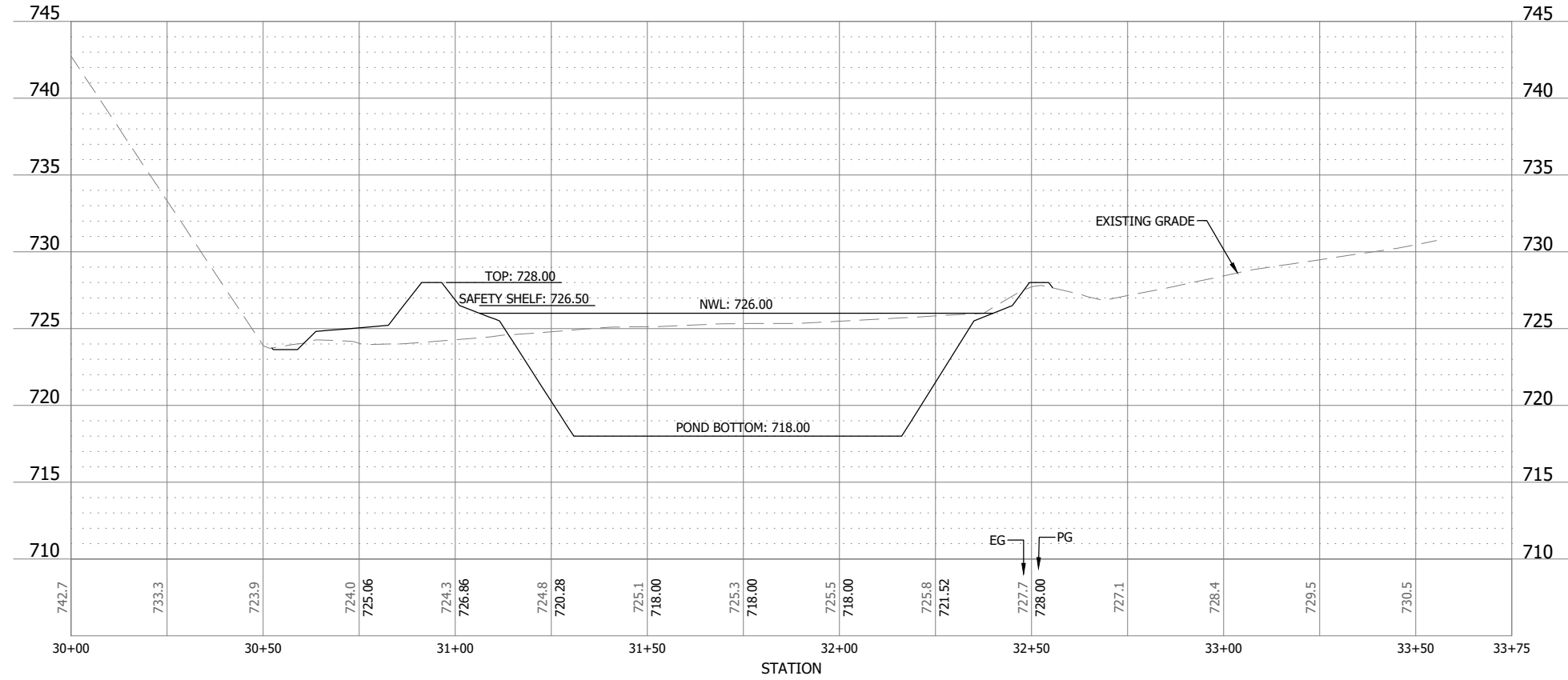
Attachment: Packet Docs_Minahan (9543 : Stantec for Minahan Children, LLC)

Plot Date: 06/21/2024 - 8:44am
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Xrefs: TB-34K2-MEQ, XR-C-ESITE, XR-C-PSITE, SEEPAGE COLLAR, Pond Edge



THE CONTRACTOR SHALL VERIFY AND BE RESPONSIBLE FOR ALL DIMENSIONS. DO NOT SCALE THE DRAWING. ANY ERRORS OR OMISSIONS SHALL BE REPORTED TO STANTEC WITHOUT DELAY. REPRODUCTION OR USE FOR ANY PURPOSE OTHER THAN THAT AUTHORIZED BY STANTEC IS FORBIDDEN.

Plot Date: 06/20/2024 - 2:03pm
Drawing name: I:\1\193708646\03_data\gis_cadd\cadd\sheet\193708646 C300.dwg
User: B-3422\MEQ_XPC-STATE_KKC-STATE-STEP\AGE COLLAR, Pond Edge



3.b.a

Stantec
12880 N. Corporate Parkway, Suite 200

NOT FOR CONSTRUCTION

MINAHAN CHILDREN LLC
6.5 ACRE POND SITE
CITY OF MEQUON, WISCONSIN
Attachment: Packet Docs_Minahan (9543 : Stantec for Minahan Children, LLC)

NO.	REVISION	DATE

SURVEY

DRAWN

DESIGNED

CHECKED

APPROVED

PROJ. NO.

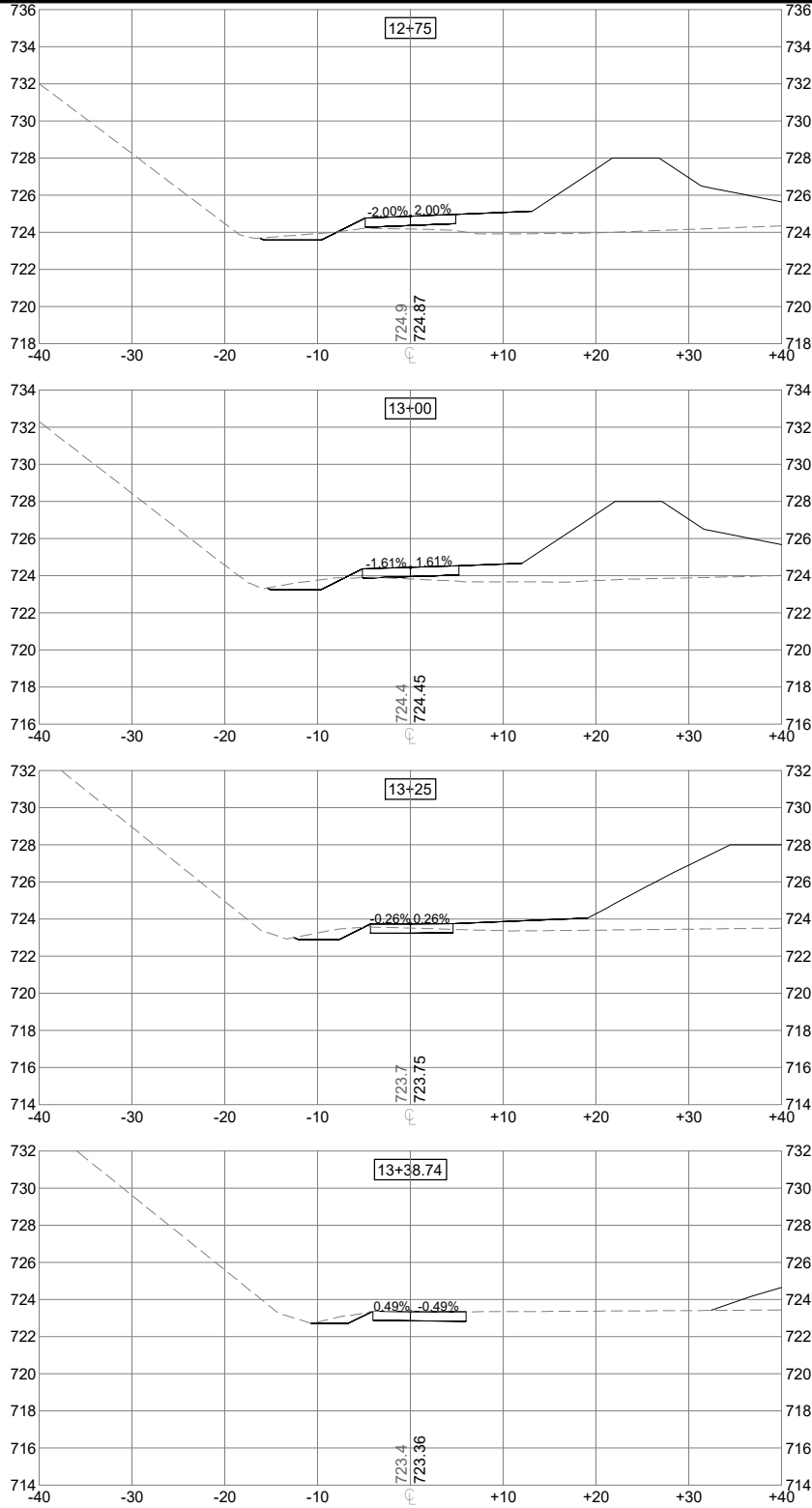
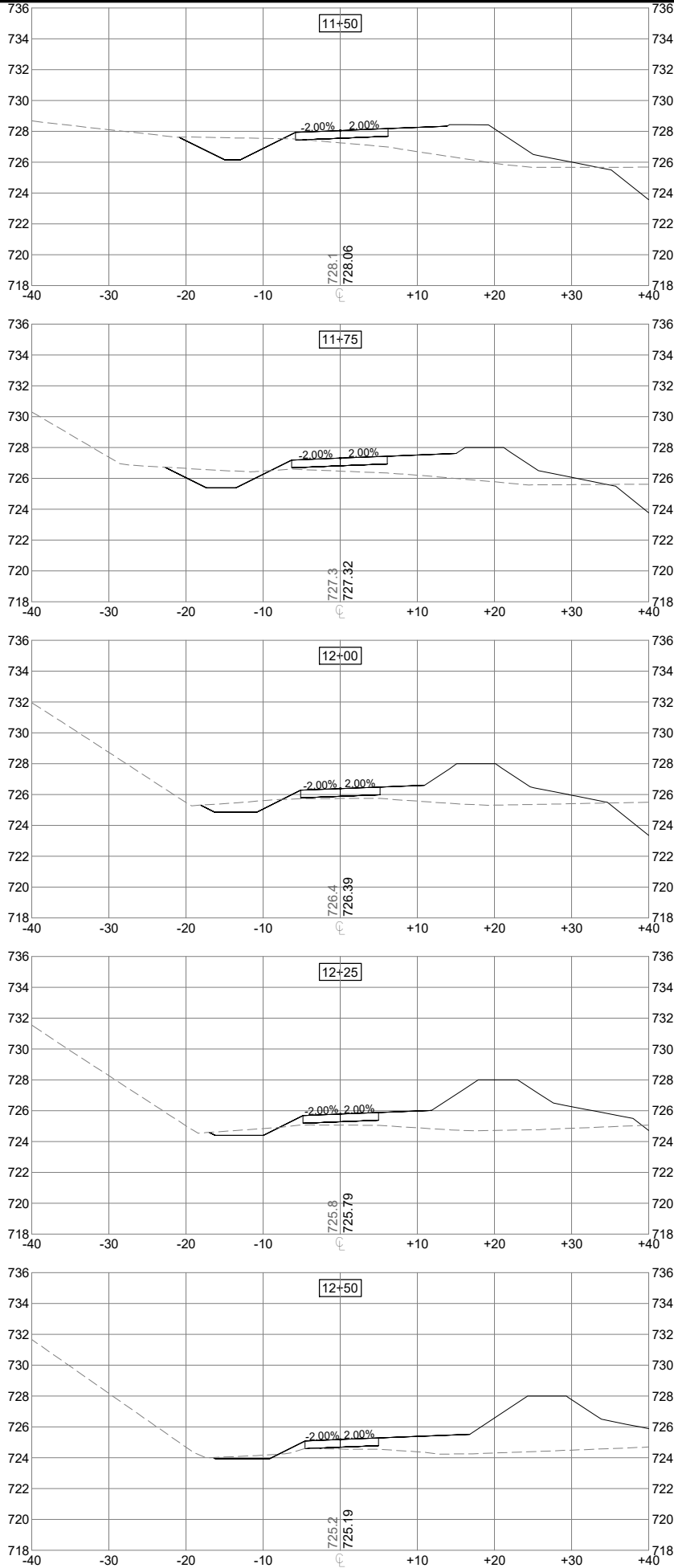
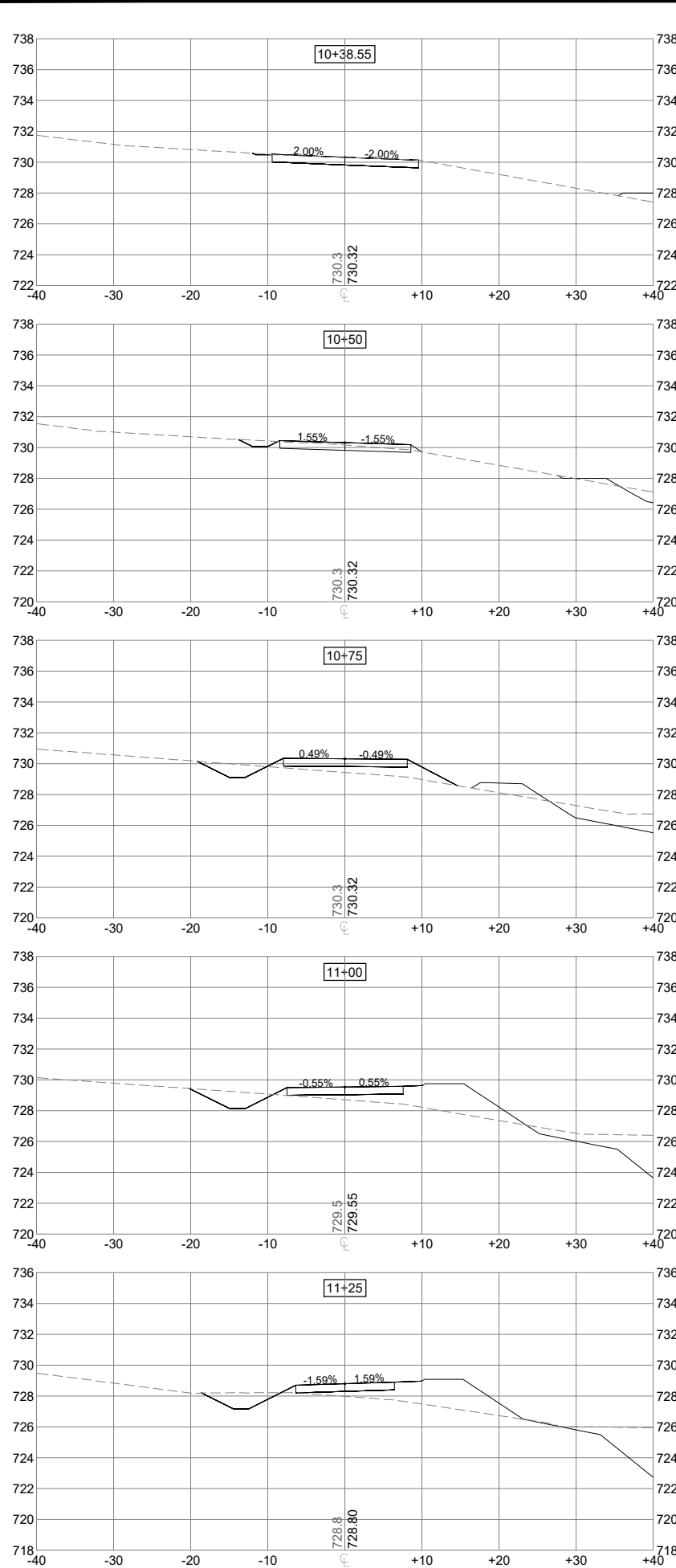
193708646

SHEET NUMBER

Packet Pg. 58

THE CONTRACTOR SHALL VERIFY AND BE RESPONSIBLE FOR ALL DIMENSIONS. DO NOT SCALE THE DRAWING. ANY ERRORS OR OMISSIONS SHALL BE REPORTED TO STANTEC WITHOUT DELAY. STANTEC SHALL NOT BE RESPONSIBLE FOR ANY ERRORS OR OMISSIONS IN THE PRODUCTION OR USE FOR ANY PURPOSE OTHER THAN THAT AUTHORIZED BY STANTEC. IS FORBIDDEN.

Plot Date: 06/20/2024 - 2:03pm
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User: JRC-EST; XC-C-BROK



3.b.a



12880 N. Corporate Parkway, Suite 200

NOT FOR CONSTRUCTION

MINAHAN CHILDREN LLC
6.5 ACRE POND SITE
CITY OF MEQUON, WISCONSIN

Attachment: Packet Docs_Minahan (9543 : Stantec for Minahan Children, LLC)

NO	REVISION	DATE

SURVEY

DRAWN

DESIGNED

CHECKED

APPROVED

PROJ. NO.

193708446

SHEET NUMBER

Packet Pg. 59

Plot Date: 06/20/2024 - 2:05pm
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Xrefs: TB-34-22-MEQ, XR-C-ESTI, XR-C-ESTI, SEE PAGE COLLAR, Pond Edge

- Packet Pg. 60



Chapter 13 Stormwater Management Plan Worksheet

General information

Municipality	ME - MEQUON	<i>Dropdown field</i>
Project name	Bonniwell Farms Landscape Pond	
Project address	5700 W Bonniwell Road, Mequon WI. 53097	
Watershed	MILWAUKEE RIVER	<i>Dropdown field</i>
Green Infrastructure (GI) or Best Management Practice (BMP) Used on Site	Grass Swale	

Site details

Total site area (acres)	5.25	ac
Total disturbance (acres)	1.02	ac
Added impervious area (acres)	0.79	ac
Development or redevelopment?	Redevelopment	

If you need to convert sq-ft to acres:

Enter sq-ft

Type this value on the left where needed

0.00

Redevelopment

Does the redevelopment add more than 0.5 acres of impervious area?

Yes

Procedure used

Volumetric Design Procedure

2-year

100-year

Volumetric Design Procedure

Existing conditions volume (cu-ft)

83,331 355,518 cu-ft

Proposed conditions volume (cu-ft)

81,639 347,949 cu-ft

Or

If you need to convert ac-ft to cu-ft:

Enter ac-ft

Type this value on left where needed.

0

State of Wisconsin
DEPARTMENT OF NATURAL RESOURCES
1027 W St. Paul Ave.
Milwaukee, WI, 53233

Tony Evers, Governor

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



April 25th, 2024

WIC-SE-2024-46-00195

Minahan Children, LLC
Attn: Daniel Minahan
1536 East Goodrich Lane
Fox Point, WI 53217
[sent electronically]

RE: Nonfederal Wetland Exemption Determination for an area described as Wetlands W3 and W4 located in the SW 1/4 of the SW 1/4, Section 2, Township 09 North, Section 21 East in the City of Mequon, Ozaukee County.

Dear Mr. Minahan:

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

According to 281.36 (4n), Wis. Stats., a nonfederal urban wetland is a wetland that is not federally jurisdictional. Projects impacting nonfederal wetlands in urban areas must be less than 1 acre of total impact per parcel. Mitigation will be required for impacts greater than 10,000 sq ft up to 1 acre. The applicant must have a nonfederal jurisdictional determination from the Army Corps of Engineers along with a map of the wetland(s) involved. In addition, DNR must also consider whether the nonfederal wetland is a rare and high quality wetland as defined in s 281.36(4n), Wis. Stat.

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

- The request narrative including project scope and purpose
- Site location map and photographs that show different angles and views of the wetland
- Botanical survey results
- Wetland delineation information
- Mitigation summary worksheet

Below is a summary of our findings:

Request Narrative

According to the request narrative the total wetland impacts will be 0.64 acres of wet meadow wetland. The purpose of this project is to construct a landscape pond.

Site Location and Photographs

The site location confirms that the wetland is located in an urban area. Wetland photographs show W3 and W4 currently maintained as mown lawn areas.

Botanical Survey

The botanical survey demonstrates that the wetland is not a rare and high quality wetland.

Wetland Delineation Information

The wetland delineation shows the boundary of the delineated wetlands and describe both W3 and W4 as isolated shallow depressions in the study area.

Stormwater Compliance Information

The documentation demonstrated that the project will be completed in compliance with applicable WPDES stormwater permits and stormwater ordinances adopted under s. 59.693, 60.627, 61.354, or 62.234, Wis. Stats.

Attachment: Packet Docs_Minahan (9543 : Stantec for Minahan Children, LLC)

Mitigation Summary Worksheet

The mitigation summary worksheet indicates that mitigation is required pursuant to s. 281.36(3r), Wis. Stat. The worksheet indicates the total amount of fresh wet meadow to be impacted is 0.58 acres (W3) + 0.06 acres (W4) = 0.64 acres total. The non-federal reduction of 0.23 acres put mitigation as required for 0.41 acres, and at a 1.2:1 ratio the total mitigation purchase required was 0.49 acre. Mitigation for the project was accomplished through the purchase of 0.49 sedge meadow credits from the Barnes Prairie Wetland Mitigation Bank.

Conclusion

Based upon the documentation provided above, the project meets the eligibility criteria pursuant to s. 281.36 (4n), State Stat., and applicable mitigation requirements have been satisfied. You are able to proceed with this project. If you have any questions or would like to schedule a meeting to discuss this approval, please call me at (414) 430-7129 or email michelle.soderling@wisconsin.gov.

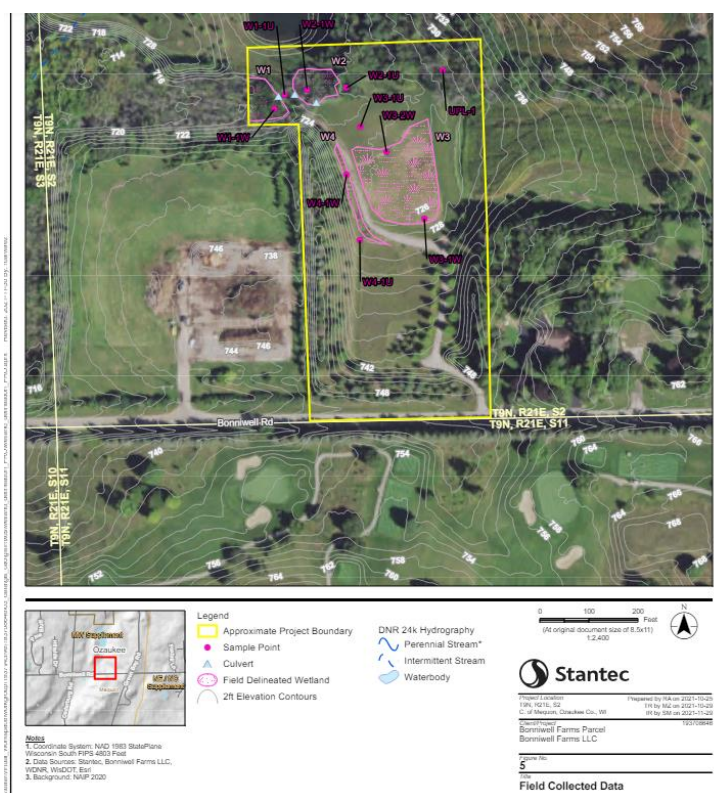
Sincerely,

Michelle Soderling

Michelle Soderling
Water Management Specialist

Email CC: Erica Gerloski, Stantec

Enclosure: Wetland Boundary Map





DEPARTMENT OF THE ARMY
ST. PAUL DISTRICT, CORPS OF ENGINEERS
180 FIFTH STREET EAST, SUITE 700
ST. PAUL, MN 55101-1678

Regulatory File No. 2022-00064-MWM

Stantec
c/o Brian Lennie
12075 N Corporate Parkway, Suite 200
Mequon, Wisconsin 53092

Dear Mr. Lennie:

This letter regards an approved jurisdictional determination for Wetland 3 and 4 on the Bonniwell Farms site. The project site is in Section 2, Township 9 North, Range 21 East, Ozaukee County, Wisconsin. The review area for our jurisdictional determination is identified on the enclosed figures, labeled 2022-00064-MWM Page 1 of 1 through 2 of 2.

The review area contains no waters of the United States subject to Corps of Engineers (Corps) jurisdiction. Therefore, you are not required to obtain Department of the Army authorization to discharge dredged or fill material within this area. The rationale for this determination is provided in the enclosed Approved Jurisdictional Determination form. This determination is only valid for the review area described. You are also cautioned that the area of waters described on the enclosed Jurisdictional Determination form is approximate and is not based on a precise delineation of aquatic resources.

If you object to this approved jurisdictional determination, you may request an administrative appeal under Corps regulations at 33 CFR 331. Enclosed you will find a Notification of Appeal Process (NAP) fact sheet and Request for Appeal (RFA) form. If you request to appeal this determination, you must submit a completed RFA form to the Mississippi Valley Division Office at the address shown on the form.

In order for an RFA to be accepted by the Corps, the Corps must determine that it is complete, that it meets the criteria for appeal under 33 CFR 331.5, and that it has been received by the Division Office within 60 days of the date of the enclosed NAP. It is not necessary to submit an RFA form to the division office if you do not object to the determination in this letter.

This approved jurisdictional determination may be relied upon for five years from the date of this letter. However, the Corps reserves the right to review and revise the determination in response to changing site conditions, information that was not considered during our initial review, or off-site activities that could indirectly alter the extent of wetlands and other resources on-site. This determination may be renewed at the end of the five year period provided you submit a written request and our staff are able to verify that the limits established during the original determination are still accurate.

Attachment: Packet Docs_Minahan (9543 : Stantec for Minahan Children, LLC)

Regulatory Branch (File No. 2022-00064-MWM)

If you have any questions, please contact Morgan Wirth-Murray in our Brookfield office at (651) 290-5855 or Morgan.M.Wirth-Murray@usace.army.mil. In any correspondence or inquiries, please refer to the Regulatory file number shown above.

Sincerely,

A handwritten signature in black ink, appearing to be 'JS' with a stylized flourish.

Joey Shoemaker
Chief, Wisconsin East Branch

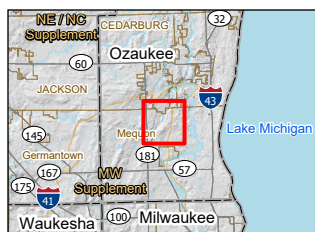
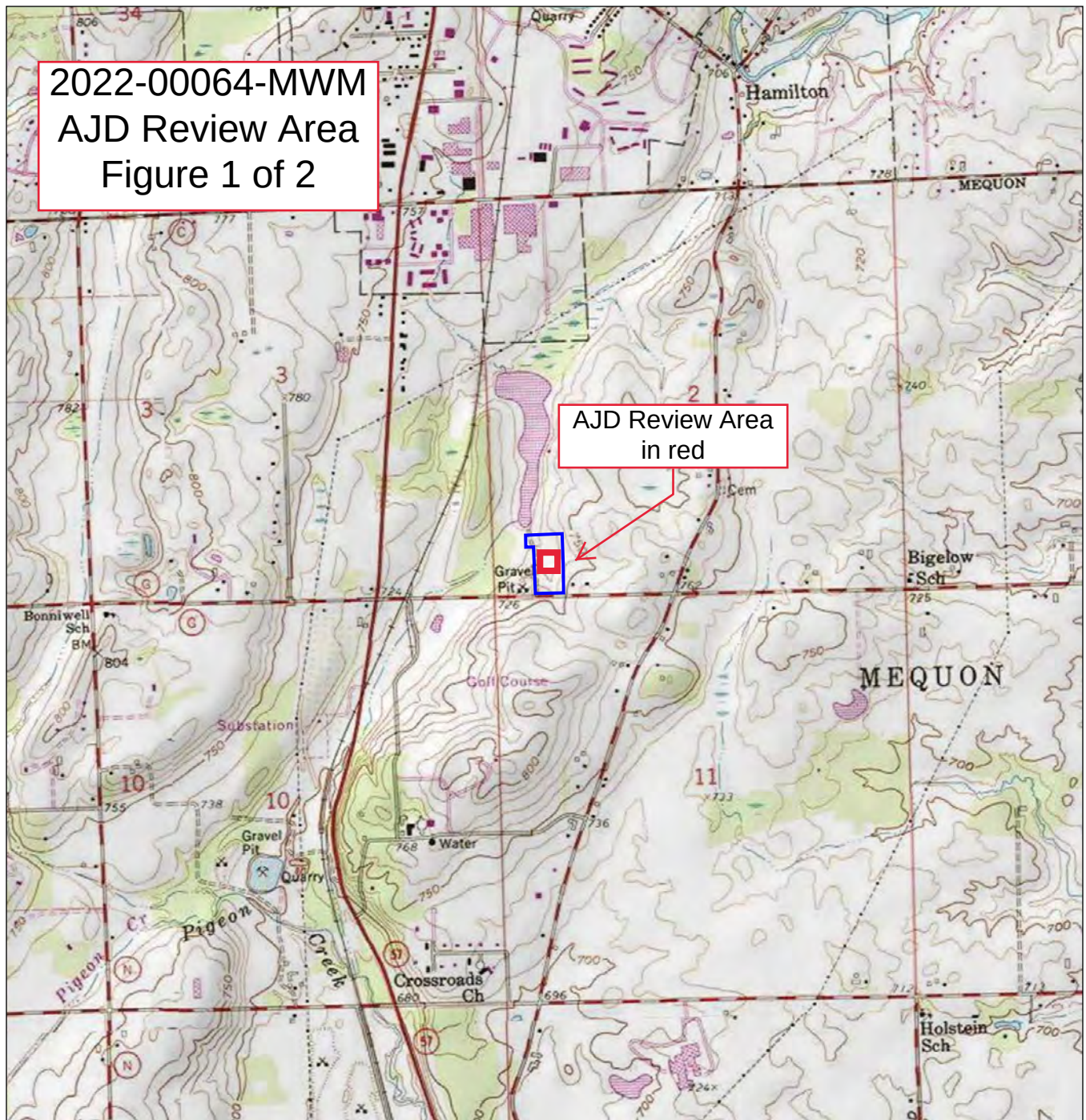
Enclosures

cc:

Erica Gerloski, Stantec
Ryan Pappas, WDNR

Attachment: Packet Docs_Minahan (9543 : Stantec for Minahan Children, LLC)

2022-00064-MWM
AJD Review Area
Figure 1 of 2



Legend

Approximate Project Boundary

0 1,000 2,000 Feet
(At original document size of 8.5x11)
1:24,000



Project Location T9N, R21E, S2
C. of Mequon, Ozaukee Co., WI

Prepared by RA on 2021-10-25
TR by MZ on 2021-10-29
IR by SM on 2021-11-29

Client/Project Bonniwell Farms Parcel
Bonniwell Farms LLC

193708646

Figure No.

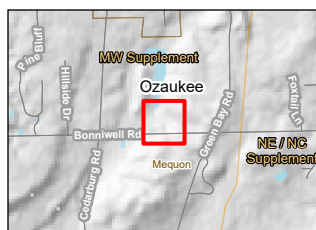
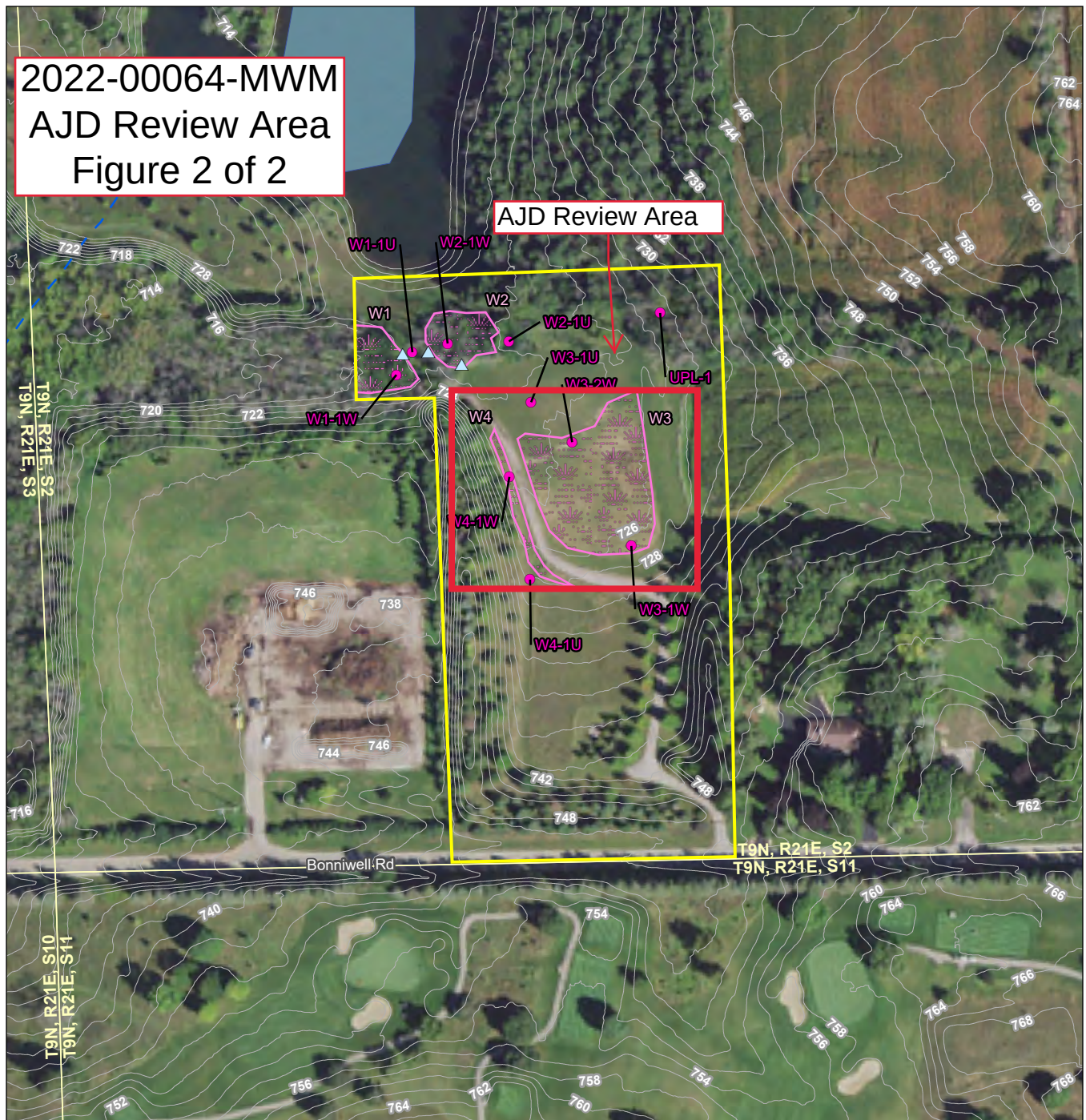
1

Title
Project Location and Topography

Page 1 of 1

Disclaimer: This document has been prepared based on information provided by others as cited in the Notes section. Stantec has not verified the accuracy and/or completeness of this information and shall not be responsible for any errors or omissions which may be incorporated herein as a result. Stantec assumes no responsibility for data supplied in electronic format, and the recipient accepts full responsibility for verifying the accuracy and completeness of the data.

2022-00064-MWM AJD Review Area Figure 2 of 2



Notes

1. Coordinate System: NAD 1983 StatePlane Wisconsin South FIPS 4803 Feet
2. Data Sources: Stantec, Bonniwell Farms LLC, WDNR, WisDOT, Esri
3. Background: NAIP 2020

Legend

- Approximate Project Boundary
- Sample Point
- ▲ Culvert
- Field Delineated Wetland
- 2ft Elevation Contours

- DNR 24k Hydrography
- ~ Perennial Stream*
- - - Intermittent Stream
- Waterbody

0 100 200 Feet
(At original document size of 8.5x11)
1:2,400



Project Location
T9N, R21E, S2
C. of Mequon, Ozaukee Co., WI

Prepared by RA on 2021-10-25
TR by MZ on 2021-10-29
IR by SM on 2021-11-29

Client/Project
Bonniwell Farms Parcel
Bonniwell Farms LLC

193708646

Figure No.
5

Title
Field Collected Data

*No Features Within Data Frame

Page 1 of 1

Disclaimer: This document has been prepared based on information provided by others as cited in the Notes section. Stantec has not verified the accuracy and/or completeness of this information and shall not be responsible for any errors or omissions which may be incorporated herein as a result. Stantec assumes no responsibility for data supplied in electronic format, and the recipient accepts full responsibility for verifying the accuracy and completeness of the data.

APPROVED JURISDICTIONAL DETERMINATION FORM
U.S. Army Corps of Engineers

This form should be completed by following the instructions provided in Section IV of the JD Form Instructional Guidebook.

SECTION I: BACKGROUND INFORMATION

A. REPORT COMPLETION DATE FOR APPROVED JURISDICTIONAL DETERMINATION (JD): April 19, 2022

B. ST PAUL, MN DISTRICT OFFICE, FILE NAME, AND NUMBER: 2022-00064-MWM Bonniwell Farms, Wetland 3 and 4

C. PROJECT LOCATION AND BACKGROUND INFORMATION:

State: Wisconsin County/parish/borough: Ozaukee City: Mequon

Center coordinates of site (lat/long in degree decimal format): Lat. 43.266223° N, Long. -87.981377° W. Universal

Transverse Mercator: 16

Name of nearest waterbody: Unnamed tributary to Pigeon Creek (WBIC 20700)

Name of watershed or Hydrologic Unit Code (HUC): 0404000306

- ☒ Check if map/diagram of review area and/or potential jurisdictional areas is/are available upon request.
☐ Check if other sites (e.g., offsite mitigation sites, disposal sites, etc...) are associated with this action and are recorded on a different JD form.

D. REVIEW PERFORMED FOR SITE EVALUATION (CHECK ALL THAT APPLY):

- ☒ Office (Desk) Determination. Date: March 17, 2022
☐ Field Determination. Date(s):

SECTION II: SUMMARY OF FINDINGS

A. RHA SECTION 10 DETERMINATION OF JURISDICTION.

There are no “*navigable waters of the U.S.*” within Rivers and Harbors Act (RHA) jurisdiction (as defined by 33 CFR part 329) in the review area.

B. CWA SECTION 404 DETERMINATION OF JURISDICTION.

There are no “*waters of the U.S.*” within Clean Water Act (CWA) jurisdiction (as defined by 33 CFR part 328) in the review area.

1. Waters of the U.S.: N/A

2. Non-regulated waters/wetlands (check if applicable):¹

- ☒ Potentially jurisdictional waters and/or wetlands were assessed within the review area and determined to be not jurisdictional. Explain: **The review area contains 2 aquatic resources (labeled as W3 and W4 on Figure) that are isolated wetlands with no surface or shallow subsurface connection to any waters of the U.S. including the nearest aquatic resource which is an unnamed tributary to Pigeon Creek located approximately 300 feet to the northwest. A gravel road intersects Wetland 3 and 4.. Wetland 3 is east and adjacent to gravel access road within a topographic depression on the landscape and Wetland 4 is west of the gravel road in a minor topographic depression. The wetland boundary is contained within the review area and completely surrounded by upland. The review area is generally flat with a minor slope to the northwest. Aerial photos from most years do not show a wetness signature beyond the wetland boundaries. A sewer grate is present in the northern-most point of Wetland 4, a subsurface connection to an aquatic resource cannot be traced. These wetlands do not border, neighbor, nor are contiguous with another water of the U.S. They are not separated from other waters of the United States (WOUS) by man-made dikes, barriers, or berms. No inlet or outlet structures are located within Wetland 3. The surrounding land use consists of agriculture fields. Due to the size and position on the landscape, Wetland 3 and 4 provide limited habitat functions to WOUS and surrounding areas and provides no ecological connection.**

Theses aquatic resources do not support a link to interstate foreign commerce; are not known to be used by interstate or foreign travelers for recreation or other purposes; do not produce fish or shellfish that could be taken and sold in interstate or foreign commerce; and are not known to be used for industrial purposes by industries in interstate commerce. Therefore, the Corps has determined these aquatic features are not regulated by the Corps under Section 404 of the Clean Water Act.

SECTION III: CWA ANALYSIS

¹ Supporting documentation is presented in Section III.F.

- A. TNWs AND WETLANDS ADJACENT TO TNWs: N/A
- B. CHARACTERISTICS OF TRIBUTARY (THAT IS NOT A TNW) AND ITS ADJACENT WETLANDS (IF ANY): N/A
- C. SIGNIFICANT NEXUS DETERMINATION: N/A
- D. DETERMINATIONS OF JURISDICTIONAL FINDINGS. THE SUBJECT WATERS/WETLANDS ARE (CHECK ALL THAT APPLY): N/A
- E. ISOLATED [INTERSTATE OR INTRA-STATE] WATERS, INCLUDING ISOLATED WETLANDS, THE USE, DEGRADATION OR DESTRUCTION OF WHICH COULD AFFECT INTERSTATE COMMERCE, INCLUDING ANY SUCH WATERS (CHECK ALL THAT APPLY): N/A

F. NON-JURISDICTIONAL WATERS, INCLUDING WETLANDS (CHECK ALL THAT APPLY):

- ☐ If potential wetlands were assessed within the review area, these areas did not meet the criteria in the 1987 Corps of Engineers Wetland Delineation Manual and/or appropriate Regional Supplements.
- ☒ Review area included isolated waters with no substantial nexus to interstate (or foreign) commerce.
- ☒ Prior to the Jan 2001 Supreme Court decision in "SWANCC," the review area would have been regulated based solely on the "Migratory Bird Rule" (MBR).
- ☐ Waters do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction. Explain:
- ☐ Other (explain, if not covered above):

Provide acreage estimates for non-jurisdictional waters in the review area, where the sole potential basis of jurisdiction is the MBR factors (i.e., presence of migratory birds, presence of endangered species, use of water for irrigated agriculture), using best professional judgment (check all that apply):

- ☐ Non-wetland waters (i.e., rivers, streams): linear feet width (ft).
- ☐ Lakes/ponds: acres.
- ☐ Other non-wetland waters: acres. List type of aquatic resource: .
- ☒ Wetlands: Wetland 3 (0.58 acres) Wetland 4 0.06 acres.

Provide acreage estimates for non-jurisdictional waters in the review area that do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction (check all that apply):

- ☐ Non-wetland waters (i.e., rivers, streams): linear feet, width (ft).
- ☐ Lakes/ponds: acres.
- ☐ Other non-wetland waters: acres. List type of aquatic resource: .
- ☐ Wetlands: acres.

SECTION IV: DATA SOURCES.

A. SUPPORTING DATA. Data reviewed for JD (check all that apply - checked items shall be included in case file and, where checked and requested, appropriately reference sources below):

- ☒ Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant: Wetland delineation completed by Stantec Consulting services on November 30, 2021.
- ☒ Data sheets prepared/submitted by or on behalf of the applicant/consultant.
- ☐ Office concurs with data sheets/delineation report.
- ☐ Office does not concur with data sheets/delineation report.
- ☐ Data sheets prepared by the Corps:
- ☐ Corps navigable waters' study:
- ☐ U.S. Geological Survey Hydrologic Atlas:
- ☐ USGS NHD data.
- ☐ USGS 8 and 12 digit HUC maps.
- ☒ U.S. Geological Survey map(s). Cite scale & quad name: Topography map: USGS 7.5' Topographic Quadrangles included in the wetland delineation
- ☒ USDA Natural Resources Conservation Service Soil Survey. Citation: Soil Survey and Drainage Classification Data: NAIP 2020 included in the wetland delineation
- ☐ National wetlands inventory map(s). Cite name:
- ☒ State/Local wetland inventory map(s): Wisconsin Wetland Inventory, included in wetland delineation
- ☐ FEMA/FIRM maps:
- ☐ 100-year Floodplain Elevation is: (National Geodetic Vertical Datum of 1929)
- ☒ Photographs: ☒ Aerial (Name & Date): Aerial photos from 2006, 2008, 2010, 2013, 2016, 2017, 2018, and 2020 included in wetland delineation
- or ☒ Other (Name & Date): Site photos included in wetland delineation
- ☐ Previous determination(s). File no. and date of response letter:

- ☐ Applicable/supporting case law:
- ☐ Applicable/supporting scientific literature:
- ☒ Other information (please specify): Wisconsin Historic Aerial Imagery Finder, aerial photos from 1937

B. ADDITIONAL COMMENTS TO SUPPORT JD: N/A

NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND REQUEST FOR APPEAL

Applicant: Brian Lennie, Stantec		File No.: MVP-2022-00064-MWM	Date: April 19, 2022
Attached is:			See Section below
	INITIAL PROFFERED PERMIT (Standard Permit or Letter of permission)		A
	PROFFERED PERMIT (Standard Permit or Letter of permission)		B
	PERMIT DENIAL		C
X	APPROVED JURISDICTIONAL DETERMINATION		D
	PRELIMINARY JURISDICTIONAL DETERMINATION		E

SECTION I - The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at <http://usace.army.mil/inet/functions/cw/cecwo/reg> or Corps regulations at 33 CFR Part 331.

A: INITIAL PROFFERED PERMIT: You may accept or object to the permit.

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **OBJECT:** If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the district engineer. Your objections must be received by the district engineer within 60 days of the date of this notice, or you will forfeit your right to appeal the permit in the future. Upon receipt of your letter, the district engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the district engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.

B: PROFFERED PERMIT: You may accept or appeal the permit

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **APPEAL:** If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

C: PERMIT DENIAL: You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

D: APPROVED JURISDICTIONAL DETERMINATION: You may accept or appeal the approved JD or provide new information

- **ACCEPT:** You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice, means that you accept the approved JD in its entirety, and waive all rights to appeal the approved JD.
- **APPEAL:** If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

Attachment: Packet Docs_Minahan (9543 : Stantec for Minahan Children, LLC)

E: PRELIMINARY JURISDICTIONAL DETERMINATION: You do not need to respond to the Corps regarding the preliminary JD. The Preliminary JD is not appealable. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also you may provide new information for further consideration by the Corps to reevaluate the JD.

SECTION II - REQUEST FOR APPEAL or OBJECTIONS TO AN INITIAL PROFFERED PERMIT

REASONS FOR APPEAL OR OBJECTIONS: (Describe your reasons for appealing the decision or your objections to an initial proffered permit in clear concise statements. You may attach additional information to this form to clarify where your reasons or objections are addressed in the administrative record.)

ADDITIONAL INFORMATION: The appeal is limited to a review of the administrative record, the Corps memorandum for the record of the appeal conference or meeting, and any supplemental information that the review officer has determined is needed to clarify the administrative record. Neither the appellant nor the Corps may add new information or analyses to the record. However, you may provide additional information to clarify the location of information that is already in the administrative record.

POINT OF CONTACT FOR QUESTIONS OR INFORMATION:

If you have questions regarding this decision and/or the appeal process you may contact:

U.S. Army Corps of Engineers
Attn: Morgan Wirth-Murray
250 N Sunnyslope Road Suite 296
Brookfield, Wisconsin 53005

If you only have questions regarding the appeal process you must also contact the Division Engineer through:

Administrative Appeals Review Officer
Mississippi Valley Division
P.O. Box 80 (1400 Walnut Street)
Vicksburg, MS 39181-0080
601-634-5820 FAX: 601-634-5816

RIGHT OF ENTRY: Your signature below grants the right of entry to Corps of Engineers personnel, and any government consultants, to conduct investigations of the project site during the course of the appeal process. You will be provided a 15 day notice of any site investigation, and will have the opportunity to participate in all site investigations.

_____ Signature of appellant or agent.	Date:	Telephone number:
---	-------	-------------------

Attachment: Packet Docs_Minahan (9543 : Stantec for Minahan Children, LLC)

State of Wisconsin
DEPARTMENT OF NATURAL RESOURCES
910 Hwy 54 E
Black River Falls, WI, 54615

Tony Evers, Governor

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



3.b.a

066/18/2024

Minahan Children, LLC
Daniel Minahan
1536 East Goodrich Lane
Fox Point, WI 53217

GP-SE-2024-46-01954

Dear Daniel Minahan:

This letter accepts your application for Pond-landscape near Unnamed (WBIC 5571837), located in the SW 1/4, SW 1/4, Section 02, Township 09N, Range 21E, City of Mequon, Ozaukee County.

Our field staff are currently evaluating your proposal. Depending on the amount of information you provided and the complexity of your project, you may be asked to provide additional information so that a complete evaluation can be made. We will notify you of the final disposition of your application as soon as we complete our review.

If you have not already done so, please contact the Ozaukee County and local municipal zoning offices to determine if a local permit is also required for your project. I have forwarded a copy of your application to the U.S. Army Corps of Engineers. They will advise you directly as to whether their regulations apply to your project.

If you want to review the submitted application, please visit the DNR water permit tracking page on ePermitting at <https://permits.dnr.wi.gov/water/SitePages/Permit%20Search.aspx> and search for any of the following:

- Applicant name
- Docket Number: GP-SE-2024-46-01954
- ePermitting number: WP-GP-SE-2024-46-X06-13T10-55-04.

If you have any questions, please contact your local Water Management Specialist, Stacey Carlson at (715) 896-1256 or email Stacey.Carlson@wisconsin.gov.

Sincerely,

Michael Pleimling
Waterway and Wetland Permit Intake Specialist

Email CC:

Stacey Carlson, Water Management Specialist
Sparrow Niman, Stantec
USACE Project Manager

Attachment: Packet Docs_Minahan (9543 : Stantec for Minahan Children, LLC)



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

www.ci.mequon.wi.us

Department of Community Development

TO: Planning Commission
FROM: EVAN HOIER, ASSOCIATE PLANNER
DATE: July 22, 2024
SUBJECT: Paul Reilly Company. The applicant is seeking minor request approval to allow for I-43 signage for the property located at 1100 W. Glen Oaks Lane.

Applicant:	Paul Reilly Company
Status of Applicant:	Owner
Requested:	Minor Request
Existing Use:	Single-Tenant Office Building
Existing Zoning:	B-4 (Business Park District) C-2 (General Conservancy District)
Land Use Plan:	Community Commercial
Lot size:	2.20 Acres
Location:	1100 W. Glen Oaks Lane
Tax Key Number:	#15-017-11-006.00
District:	#5

Background:

The applicant is seeking a sign waiver to allow for a larger wall sign facing Interstate 43 at 1100 West Glen Oaks Lane. The applicant has approval for a smaller version of the signage dated June 24th, but would like to pursue a larger version.

Analysis:

Under Section 62-12(b)(3) *Signs facing I-43*, the total square area of wall signage per building is limited to 65% of linear feet of the building wall and shall not project more than ten inches from the wall to which the sign is to be affixed.

According to the City's GIS mapping tool, the building wall in question is 33 feet in width. The approved version of the signage measured 20.06 square feet in area (60% of wall width). The applicant's original version, and the one of which a waiver is being requested for, measures 51.33 square feet in area (155% of building width). This greatly exceeds the 65% maximum for area.

Staff visited the site on July 16th for site compliance and further analysis. The proposed location of the signage would be occasionally blocked by semi-trucks in the loading area. Paul Reilly also parks some of its work equipment and vehicles and has tall grass plantings along the rear of the property between the proposed signage area and Interstate 43.

Based on the evidence above, staff does not believe that allowing a larger sign than the code permits would be beneficial for either passersby or the business itself. The degree that the larger

signage would be over the maximum set forth in the ordinance is not warranted. The parking and landscaping to the rear of the site would also make a sign of any size on the building harder to see. There is no unique hardship to waive the requirement in the sign code.

Staff Recommendation:

Staff recommends denial of the sign waiver.

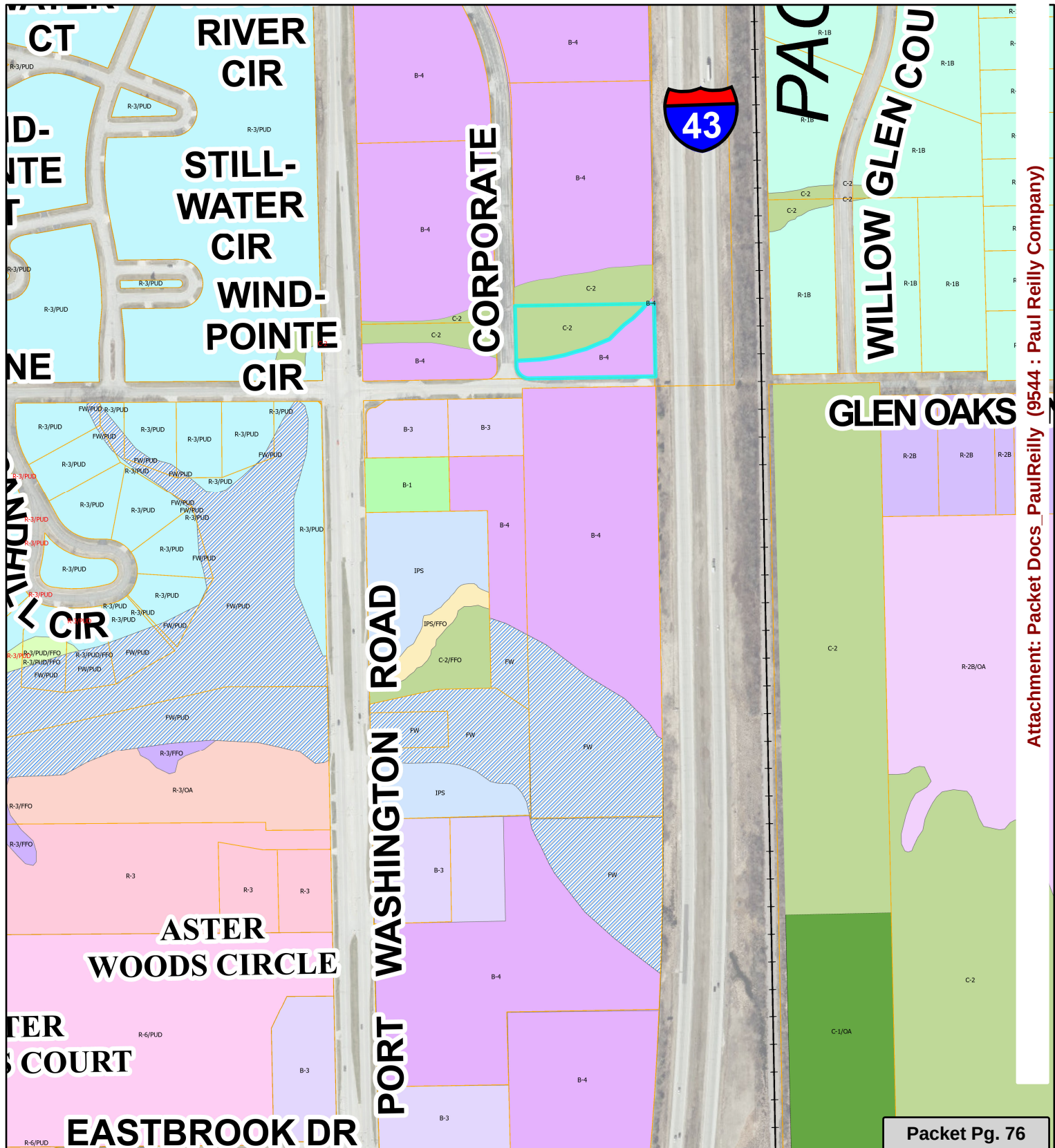
Attachments:

Packet Docs_PaulReilly (PDF)

PAUL REILLY SIGN

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

4.a.a



Attachment: Packet Docs_PaulReilly (9544 : Paul Reilly Company)

Paul Reilly Company

1100 Glen Oaks
Mequon, WI 53092



21700 DORAL ROAD
WAUKESHA WI 53186
262.432.1330
www.innovative-signs.com

Front Elevation



BUILD

3D RENDERING



Customer

Paul Reilly Company
Sun Prairie - Front Elevation

DateProject Manager

4/5/2024Brad H.

Order #Designer

EST - 13458Nick M.

Trim CapSurveyor

ReturnAcrylic Faces

Black

Return DepthMounting

Standard 3"

- ☐ Raceway
- ☐ Flush Mount

Materials & Specifics

Channel Letters - Halo Lit
- White LED's
- Green Illumination on Lower Logo

Colors

- ☒ Black
- ☒ Green







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

www.ci.mequon.wi.us

Department of Community Development

TO: Planning Commission
FROM: EVAN HOIER, ASSOCIATE PLANNER
DATE: July 22, 2024
SUBJECT: Sergio Rodriguez for Guzman Properties, LLC. The applicant is seeking building and site plan amendment approval to allow for improvements to the existing restaurant for the property located at 10352 N. Port Washington Road.

Applicant:	Sergio Rodriguez
Status of Applicant:	Owner
Requested:	Building and Site Plan Amendment
Existing Use:	Restaurant
Existing Zoning:	B-2 (Community Business District)
Land Use Plan:	B-2
Lot size:	0.65 Acres
Location:	10352 N. Port Washington Road
Tax Key Number:	#15-032-06-002.00
District:	#7

Background:

The applicant is seeking building and site plan approval for the building located at 10352 North Port Washington Road. The subject property is the former Sobelman's restaurant which is intended to reopen as a Mexican restaurant. The parcel is currently zoned B-2 (Community Business), of which a restaurant is a conditional use. For further operation of this use, a conditional use grant from the Planning Commission is required. This application is only for improvements to the site and building.

Proposed Building Design:

The building improvements proposed by the applicant include the following:

1. New exterior building material.
 - a. Maroon/brown stucco siding for majority of building
 - b. Wood edge trim colored terra cotta orange
 - c. Wood accent trim along windows and rooflines colored bright red
2. Existing roofing material colored a dark green
3. Removal and replacement of certain doors and windows.
4. Removal of ground level and second story porch decks on west elevation.

Exterior building material. The edges of the building are proposed to have wood siding trim colored a terra cotta orange. Accent trim around the windows, doors, and roofline is proposed to be a red wood siding. The remainder of the elevation of the building is proposed to be a maroon/brown stucco.

Windows and Doors. Placement of the doors and windows will remain the same, for the most part. The porch and door towards the front of the building would be removed and replaced with a singular window surrounded by stucco, breaking up the terra cotta orange edge trim. The new front façade entrance will be on the south section of the building with windows installed to the right of the new entrance. The window left of the door on the north elevation is to be removed. The two narrow windows on the first floor of the north elevation will be replaced with square windows to match the window to the left.

Roofing material. The plans provided by the applicant show the existing roofing material to remain, but appears on the plan set with a darker green color. Staff is not sure if the shingles are to be replaced.

ANALYSIS: The stucco material used for the siding does not fair well in colder climates like Wisconsin and is likely to fall into disrepair in a short period of time. This could prove to be an ongoing concern for the City with constant need for stucco repairs. The color patterns are not compatible with other buildings on Port Washington Road and no element of branding should influence the style of building being constructed or renovated. The removal of the 2-story porch element should be reconsidered. This element enhancing the building's architecture and provides a necessary front façade and orientation facing Port Washington Road.

Staff does not support the use of stucco, and does not support the colors utilized for the exterior of the building nor the roof color. In addition, there are multiple locations on the building where walls remain blank or windows are of a different style than others on the building. It is the policy of the City that windows on buildings should match or be compatible with the pattern of others. Adding panes to the larger proposed windows would help resolve this issue.

Landscape Plan:

No additional landscaping or lighting has been proposed for the site at this time. Much of this site does not meet Section 58-564. This section regulates the landscaping of commercial sites. For the site to come into compliance, the following standards must be met or elements shall be added to meet the spirit and intent of the following standards:

1. Street trees every 30 feet along the right-of-way.
2. At least 10% of the interior parking lot shall be landscaped.
3. At least 30% of the parking lot shall be shaded within 10 years of planting.
4. Dumpsters located and screened in accordance with city approval.

Along with required landscaping from Section 58-564, additional landscaping and screening should be installed on the areas of the building fronting Port Washington Road and Donges Bay. Small plantings to should be installed around the base of the building from the porch element to the door on the Donges Bay elevation and from the porch element to the end of the proposed

fence feature on the Port Washington Road elevation. These plantings would improve the aesthetic value of the building and soften its proximity to the road.

Site Plan:

The current state of the parking lot does not have many potholes that damage the aesthetic value of the site, but bringing this parking lot back to par would go a long way in improving the look of the site. There are several cracks with weeds growing through them on the periphery of the parking lot. Resealing and restriping of the parking lot is recommended as a condition of building and site plan approval.

No further changes to the site have been proposed by the applicant.

Site Compliance:

There is an active enforcement case for the building and site maintenance conditions that began in spring of 2023. The application received for building and site plan review is in part a response to the City's enforcement action. The citations issued require the following actions:

- Cleanup of refuse on property.
- Removal of discarded tires on property.
- Renovation of siding falling into disrepair.
- Overgrowth of weeds and plantings.

After review of the site conditions on July 8th, there is noticeable significant damage to the chain-link fencing surrounding the dumpster. Landscaping areas between the two parking levels are currently heavily overgrown with weeds and gives the site an unkempt appearance. Active enforcement procedures will remain in effect and additional citations will be issued. The owner is scheduled to appear in municipal court for these matters on August 3rd.

Engineering Report:

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

The site is located on the southeast corner of Donges Bay Road and North Port Washington Road. The plans do not propose changes to the driveway or parking lot. The two existing driveway access points to Donges Bay Road are 24-feet wide and were installed with the WisDOT project in 2022. No modifications are needed to the access points with this application. The driveway access points do not conform to the required spacing per City Ordinance, but compliance cannot be achieved without full reconfiguration and consolidation of the two independent parking lots and the reduction to one access point.

The driveway access to Donges Bay Road meets spacing requirements from the intersection. Acceleration and deceleration and a bypass lane are not required by the Mequon Standard Specifications for Land Development (SSLD).

The Planning Commission required the property at the northeast corner of Donges Bay Road and North Port Washington Road (ReFresh Medi-spa) to dedicate right-of-way due to streetscaping, future sidewalk changes, and potentially a future right-turn lane on Donges Bay Road. It is not

feasible for this property to dedicate right-of-way at the ultimate right-of-way width due to the location of the building. This would also create an unachievable building setback and offset.

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 building is currently serviced by public sewer and water.

No impervious surface is proposed to be added with this application, so storm water requirements will not be triggered.

Driveway or other site modifications may require a filling, excavation, and berms permit, and/or an erosion control permit with the Engineering Division.

Staff Summary:

Staff cannot make a reasonable or accurate recommendation based on the issues stated above. The proposed building design is not desirable to have at such a prominent corner of the City and there are several questions about the design still unanswered. No landscape plan for the site has been proposed, which is needed for approval. Also, no further site alterations have been proposed. The ongoing enforcement case also needs to be addressed by the applicant before moving forward. Based on these circumstances, the building and site plan approval should be tabled.

Recommendation:

Staff recommends tabling of the building and site plan approval

Attachments:

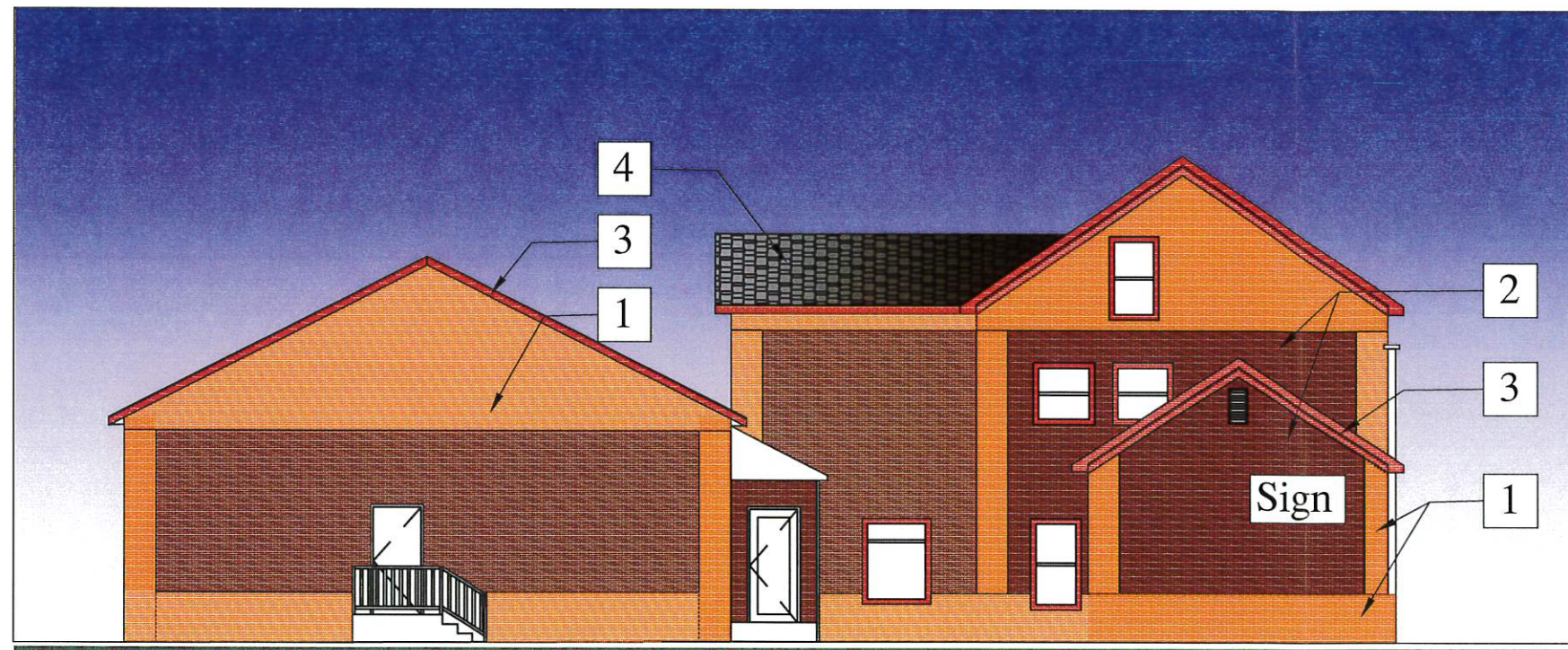
Packet Docs_MexRest (PDF)

MEXICAN
RESTAURANT BSPA

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
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B-3	Office & Service Business	R-1	Single-Family Residential (5 Ac. Min.)
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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.)
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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

4.b.a





East Elevation

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

0 4 8 16 Feet



North Elevation -Dongers Bay Rd

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

Remodel For:

Mexican Restaurant

10352 N Port Washington Road
Mequon, WI 53092

06.23.2024.A

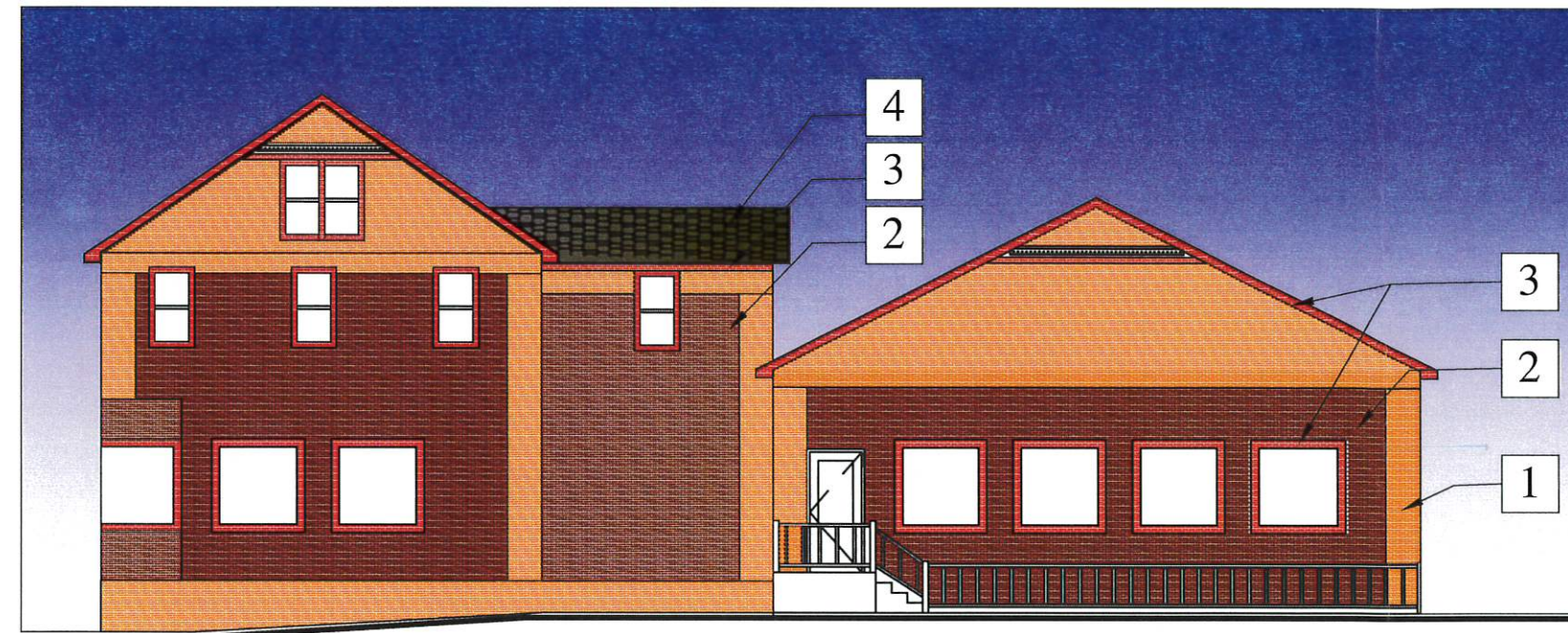
Elevation Notes

- 1 Edge Trim/Accent Color
- 2 Stucco Field Color
- 3 Accent Trim - Gutters, Windows, Doors
- 4 Roofing - Shingles

Remodel For:
Mexican Restaurant

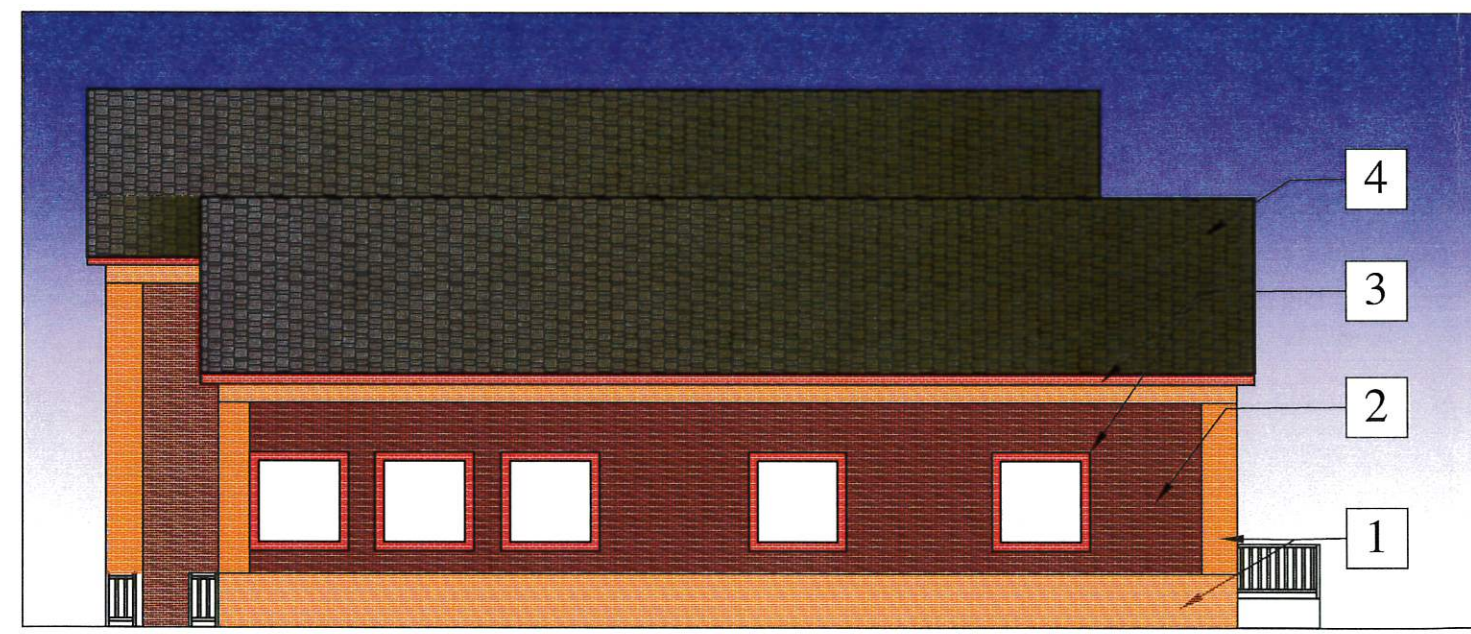
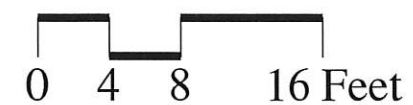
10352 N Port Washington Road
Mequon, WI 53092

06.23.2024.A



West Elevation - Port Washington Drive

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

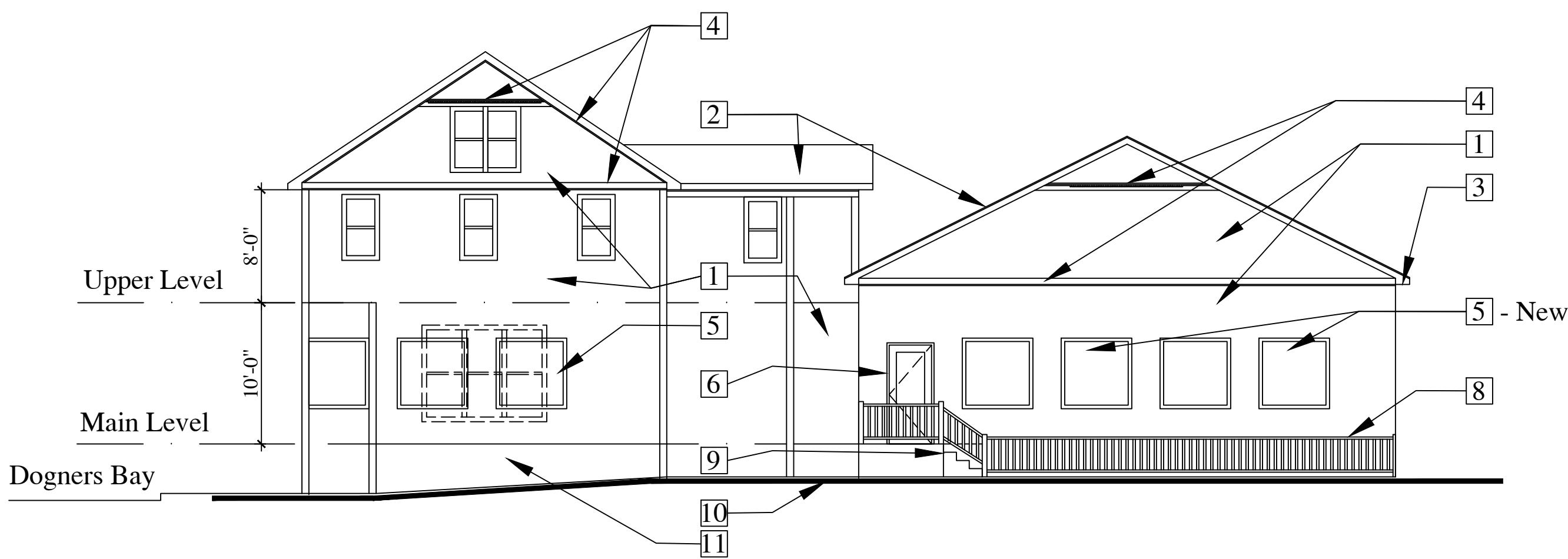


South Elevation

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

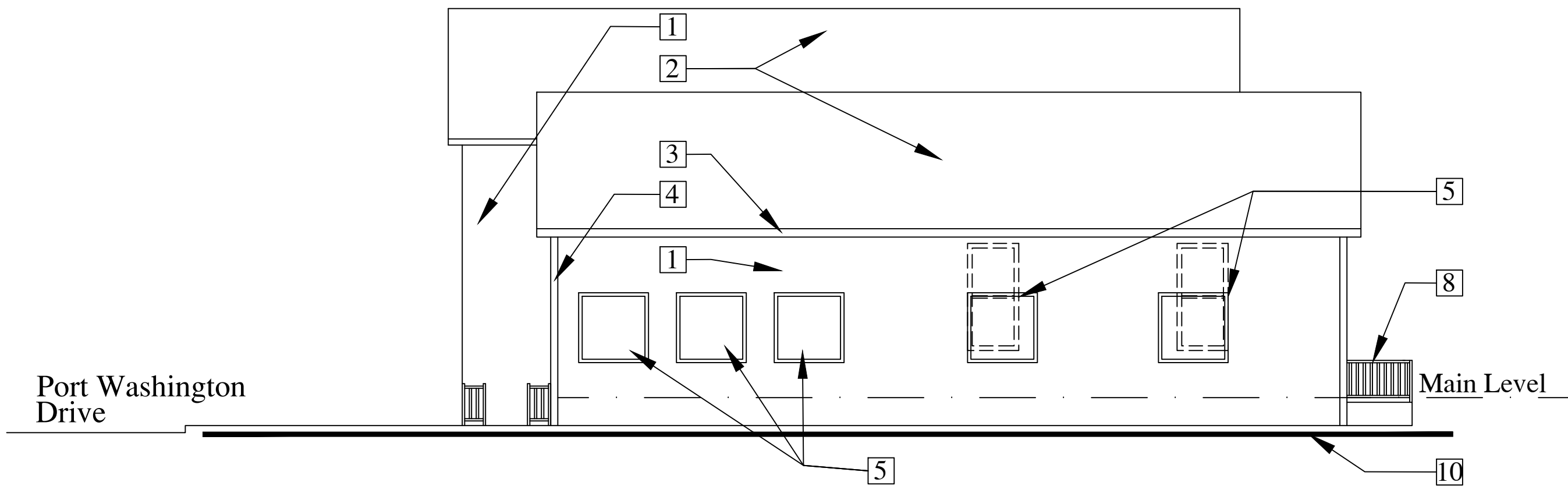
Elevation Notes

- 1 Edge Trim/Accent Color
- 2 Stucco Field Color
- 3 Accent Trim - Gutters, Windows, Doors
- 4 Roofing - Shingles



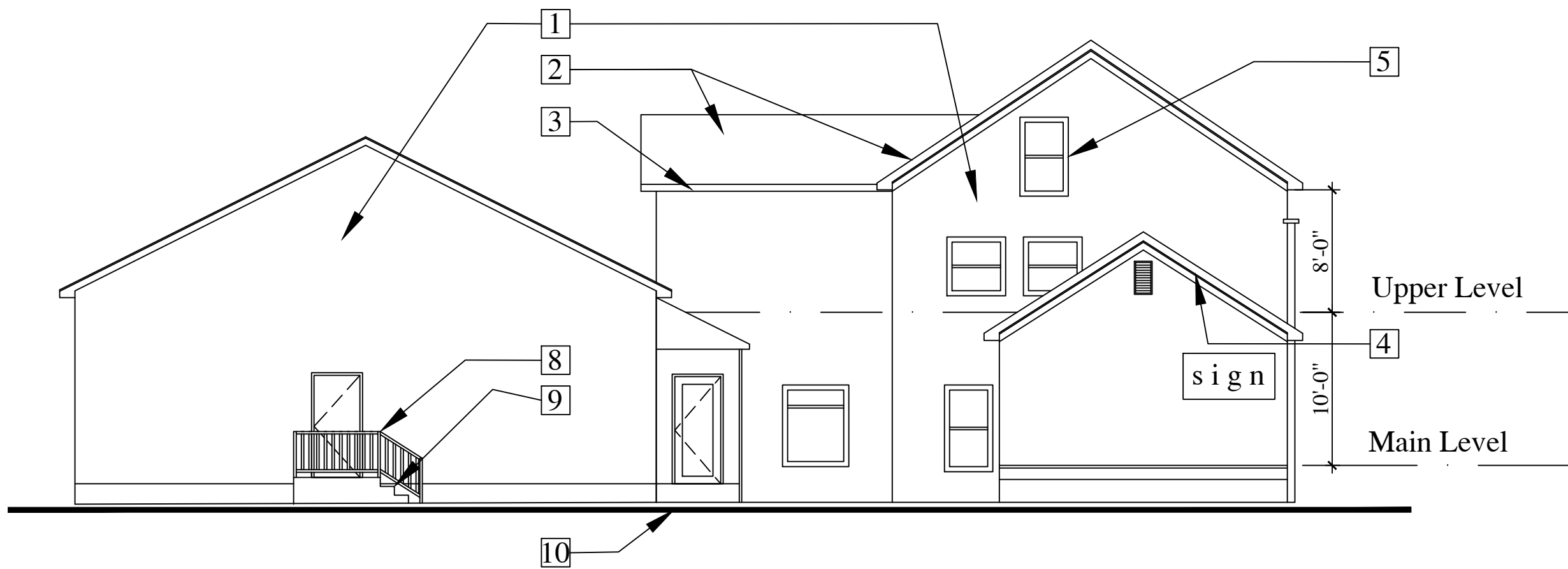
West Elevation - Port Washington Drive-

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



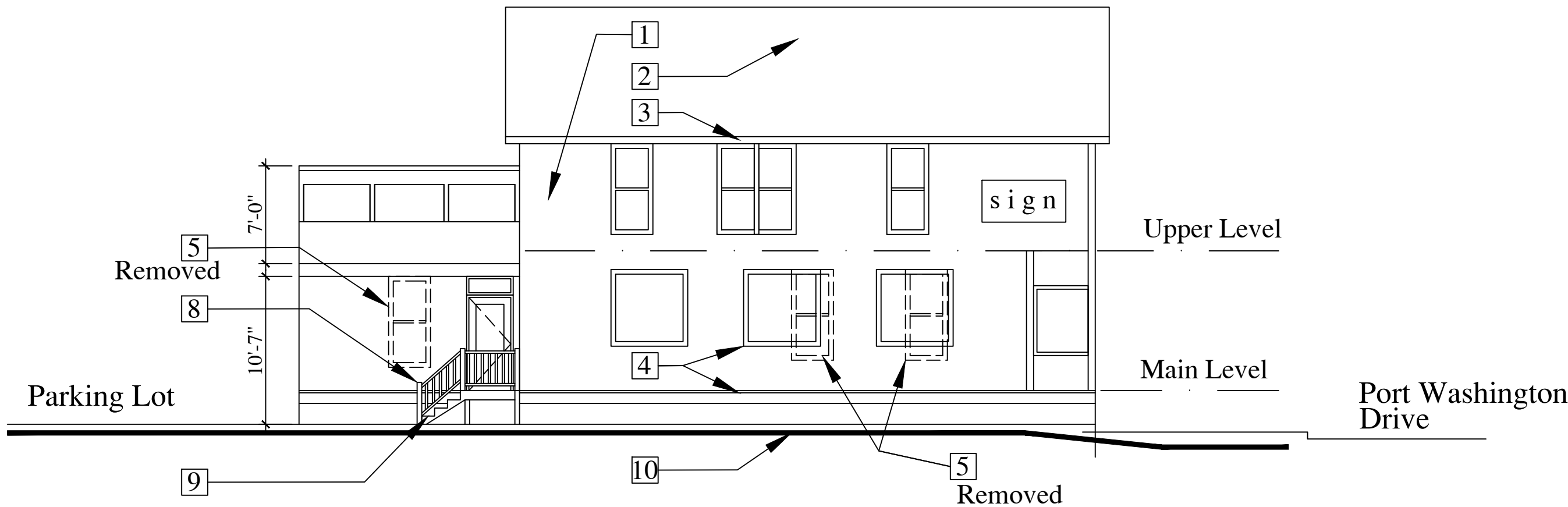
South Elevation

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



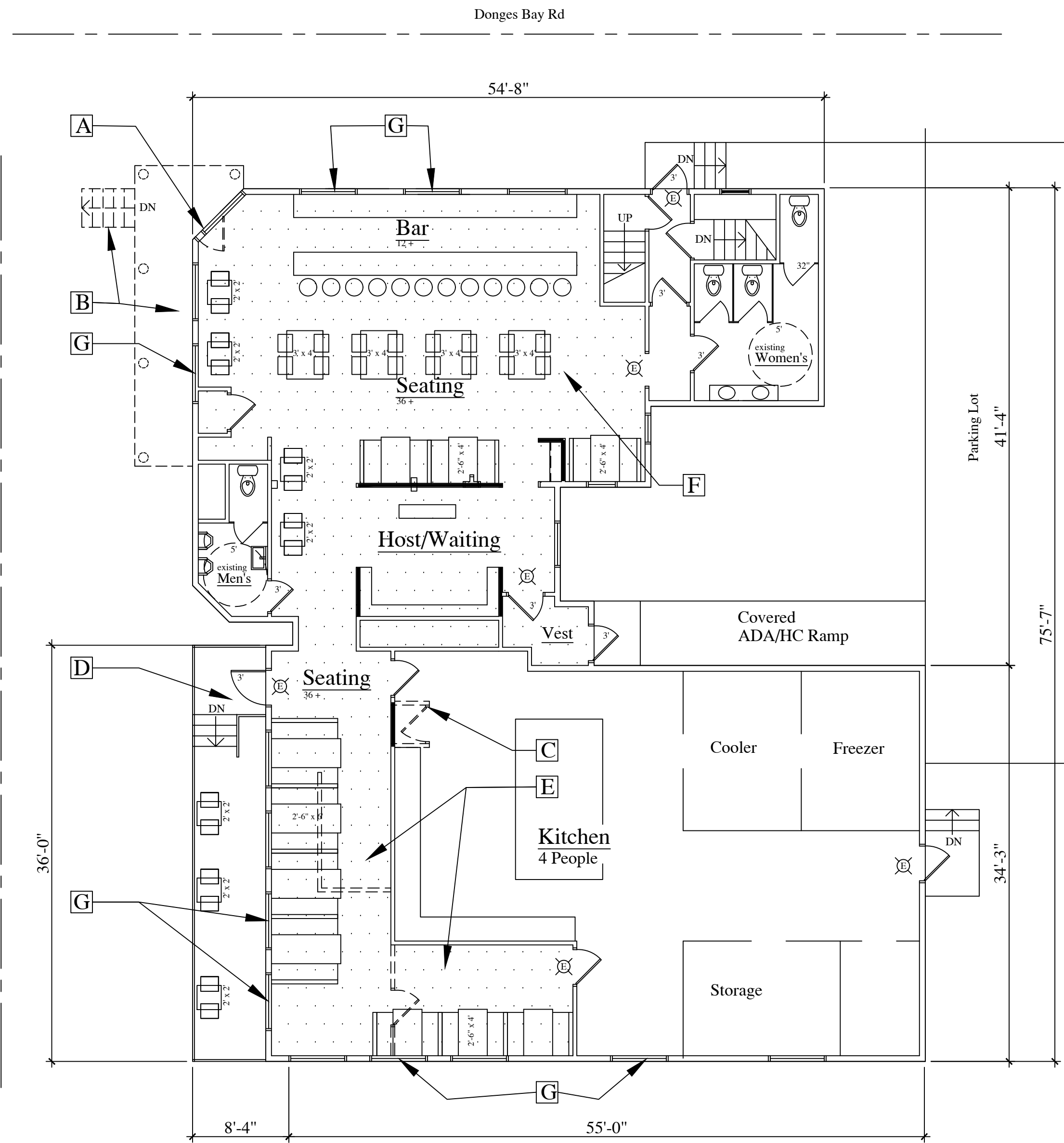
East Elevation - Existing No Change -

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



North Elevation -Dogners Bay Rd -

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



Remodeled Floor Plan

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

0 4 8 16 Feet

Plan Notes

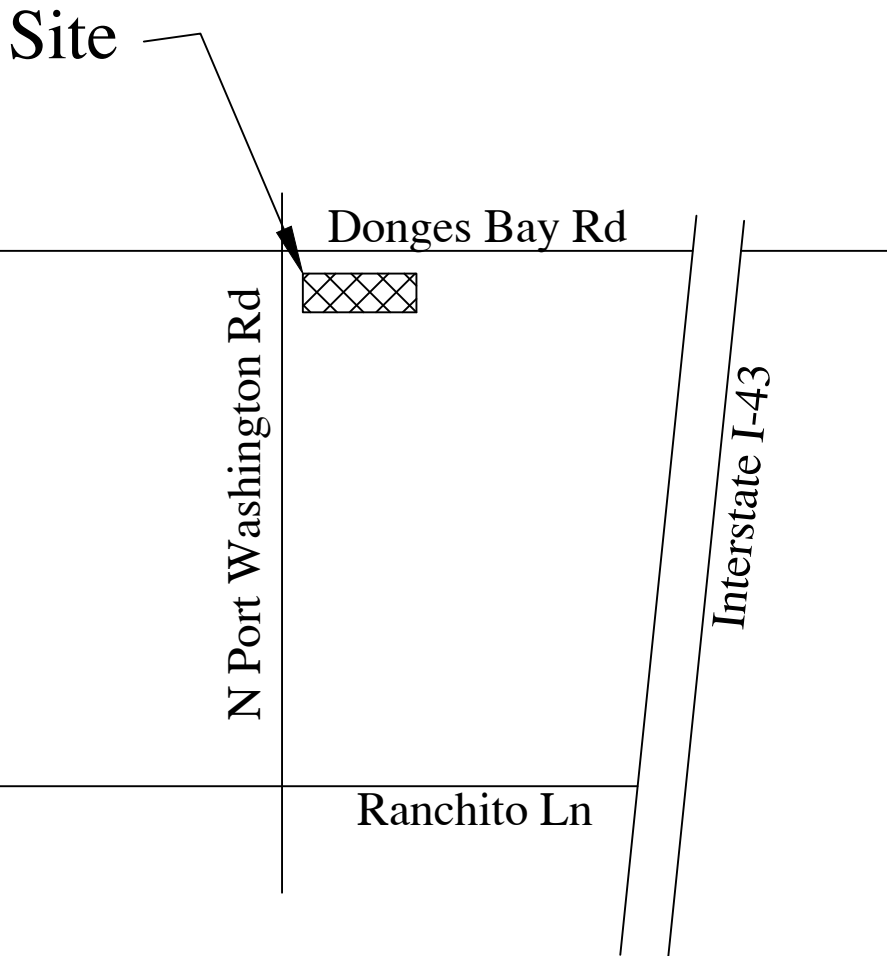
- A Remove Door/Window Fill Void w/ Batt Insul - New Window
- B Remove Existing Porch/Steps & Restore Exterior
- C Remove Wall and Door - New Wall
- D New Conc Patio with Screen Fence
- E New Seating Area
- F Remodeled Bar/Dining Area
- G New Clad Insul Wood Windows w/ Clear Glass Set in Wood Frame

Elevation Notes

- 1 New Stucco Finish over Insulatoin
- 2 Roofing - Shingles
- 3 Pre Finish Metal Soffit and Gutters D.S
- 4 Trim/Accents
- 5 Clad Insul Wood Windows w/ Clear Glass Set In Wood Frame; 5'H x 5'W
- 6 Insulated Door and Frame w/ Clear Insul Glass
- 7 Hand Railing 36" Above Line of Nosing w/ 2x6 Posts
- 8 36" High Fence
- 9 Solid Risers & Treads (3) 2x12 Stringers, typ
- 10 Grade
- 11 Existing Porch - Removed
- 12 Existing Awning - Replaced with New Awning

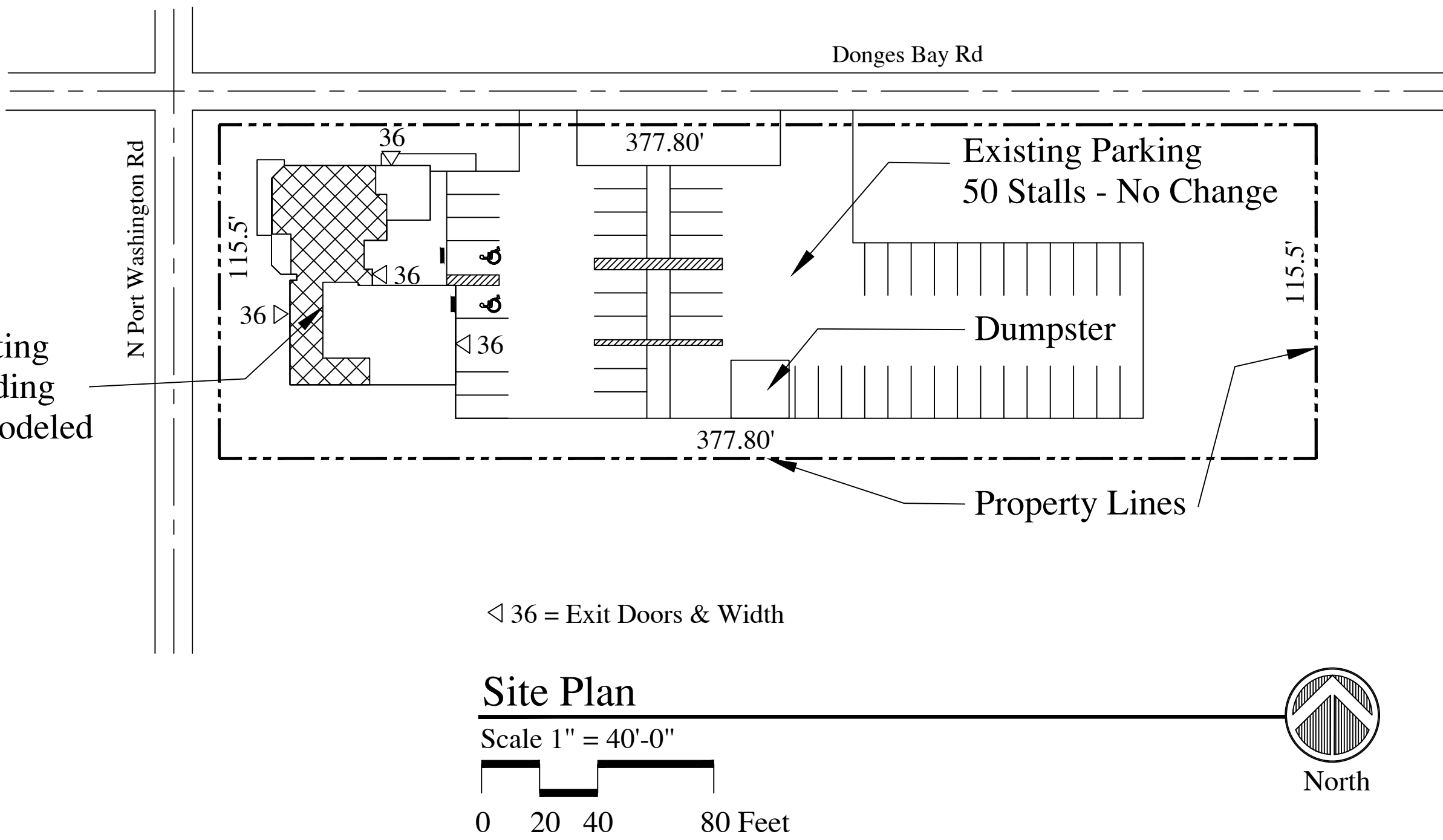
Project Information - IBC 2015 WI -

- Use: Group A-2; Restaurant - Bar - Tavern (Section 303.2) = No Change in Use
- Construction Type: VB, Wood Framed, Un-Protected, Non-Sprinkled
- Max SF Allowed: 6,000 SF Allowed; (Table 506.2); Non-Sprinkled Existing SF = 3,726 SF < 6,000 SF (ok)
- Number of Occupants: Customers = 92 +/- (Section 1004.1.1) Employees = 8 +/-
- Exit Width: Fixed Seats = 92 + 8 (staff) = 100 People (Section 1004.6) 100 x 0.2 = 20" Required (Section 1005.3.2) Existing Exit width = 144" > 20" Required (ok)
- Exit Distances: 200' max allowed: 150" +/-
- Plumbing Fixtures: 100 / 2 = 50 People per Toilet Room (Table 2902.1) Men: (1) WC + (2) Urinals = 75/each + 40/each = 155 (ok) Women: (3) WC = 75/each = 225 (ok) (1) Lav per 75 people required; (1) required per Toilet Room. (2) Lavs in Women & (1) Lav in Men (ok)



Site Location Map - Mequon, WI

- No Scale-



< 36 = Exit Doors & Width

Site Plan

Scale 1" = 40'-0"

0 20 40 80 Feet

Coordinate Any & All Dimensions, Layouts, Materials & Construction With The Owners Prior To Any & All Construction

Tom W. Meiklejohn, III AIA

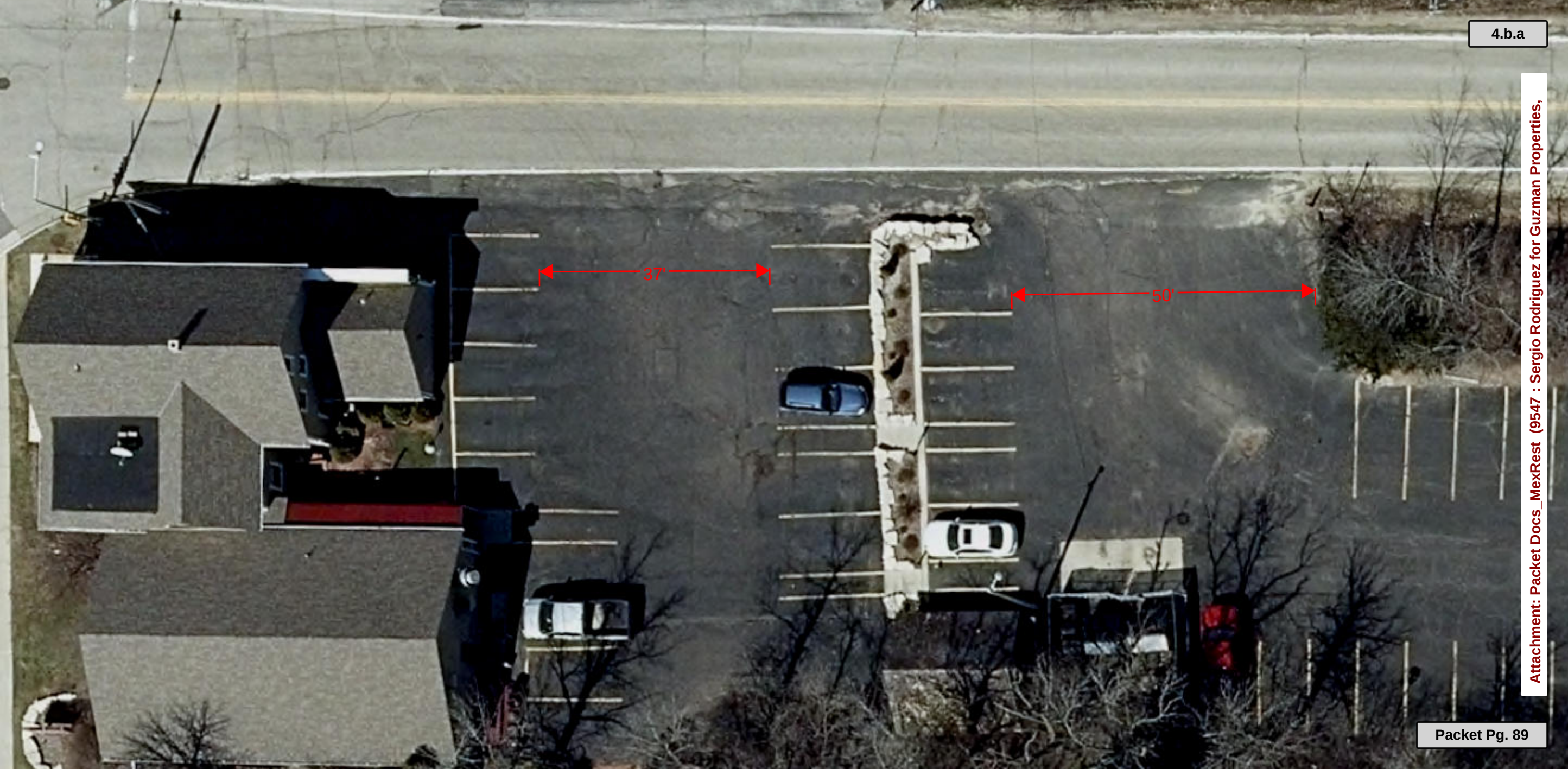
A R C H I T E C T
13 East First Street
Fond du Lac, Wisconsin
(920) 923-3163
twm3arch@gmail.com

Remodel For:
Mexican Restaurant

10352 N. Port Washington Rd
Mequon, WI 53092

2024.05

1 of 1







Attachment: Packet Docs_MexRest (9547 : Sergio Rodriguez for Guzman Properties, LLC)



Attachment: Packet Docs_MexRest (9547 : Sergio Rodriguez for Guzman Properties, LLC)



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

www.ci.mequon.wi.us

Department of Community Development

TO: Planning Commission
FROM: JAC ZADER, ASSISTANT DIRECTOR COMMUNITY DEVELOPMENT
DATE: July 22, 2024
SUBJECT: Dan Beyer Architects for Commerce Street Holdings, Inc. The applicant is seeking building and site plan amendment approval to allow for improvements to the existing restaurant and recreational building for the property located at 5616 W. Donges Bay Road (Libby Montana's).

Applicant:	Dan Beyer Architects for Commerce Street Holdings
Status of Applicant:	Offer to Purchase
Requested:	Building and Site Plan Amendment
Existing Use:	Restaurant with Indoor Rec Facility
Existing Zoning:	NC (Neighborhood Commercial)
Land Use Plan:	NC
Lot size:	2.20 Acres
Location:	5616 W. Donges Bay Road
Tax Key Number:	#14-050-06-120.00
District:	#6

Background:

The applicant is requesting building and site plan amendment for the parcel located at 5616 W Donges Bay Road. The site is currently occupied as a restaurant (Libby Montana's) with an indoor recreational facility (sand volleyball). The applicant is requesting to make upgrades to the restaurant and convert the sand volleyball courts into a mini hockey rink. The mini-ice rink will be used for youth hockey and high school practice as well as adult 4x4 and 5x5 leagues.

Site Plan Amendment:

The proposed plan shows changes to the site related to the conversion of the sand volleyball courts to the hockey rink including a 1,580 square foot addition on the north elevation and two mechanical equipment pads on the west side of the building. The plans also show a small addition that will connect the two existing buildings together and a new entrance vestibule. Other changes to the site include modifications to the outdoor seating and new parking lot islands. Staff is supportive of all the proposed changes.

Planning Commission cannot authorize, at this time, the proposed structural connection between the two buildings. Section 58-293 (b) (1) states that "*Buildings shall be designed in individual or small groupings and shall not exceed 20,000 square feet per structure, nor exceed two stories in height, except as approved as a planned unit development*". Since the size of the buildings when combined would result in an approximately 23,000 square feet it cannot be approved without a PUD application. After discussions with the applicant, they would prefer action on all the other proposed improvements, and if successful, will return for a PUD

request. They are also requesting feedback regarding the proposed connection and whether there are any issues or objections from the Commission.

With the proposed changes to the site plan, the total number of parking spaces on site has been reduced from 139 to 116 stalls. The code requires 120 stalls based on the use of the facility and the number of employees. Staff concurs with the applicant that there will be overlap between users of the ice rink and the restaurant, which help address the shortfall of the parking requirements. In addition, the applicant has agreed to not schedule adult hockey leagues to occur on Friday or Saturday night when the restaurant will likely see peak demand.

On the west elevation, the patio area is being improved with new seating and an outdoor bar. The rendering shows an active space with outdoor seating adjacent to the front and side of the building that is located on property owned by WE Energies. The area is adjacent to the Interurban Trail and would make a nice location for outdoor activities as well as a bike rack and other trail amenities. Staff would encourage the applicant to work with the owner of the property to develop a formal agreement and plan for the space. If these efforts are successful, staff approval of any plan for the area will be required.

Building Plan Amendment:

The proposed plan shows a number of upgrades to both of the existing buildings. The restaurant building will be painted white with new asphalt shingles. The plan states that only a portion of the building's roof will be getting new shingles. Currently, there are three different types of shingles on the building in different states of condition and of different colors. Staff is recommending that all of the asphalt roofing be replaced with dimensional shingles at this time. There is a new entry addition on the east elevation that will incorporate new masonry columns and new roof canopy with aluminum storefront doors. On the west elevation there will be a new retaining wall and steel railing as part of the changes to the outdoor space. As stated above, the addition that connects the two buildings cannot be approved at this time,

The addition to the ice rink is shown to be constructed of the same metal panels on the existing building and painted to match. The plan also shows a new storefront entryway system that will be located in the existing opening as well as infilling the existing windows on the east and west elevation with matching metal panels.

Landscaping Plan Amendment:

The plan shows the addition of several parking lot islands throughout the site. The site does not comply with the 30% open space ratio or the 10% landscape island requirement. Staff worked with the applicant to address the shortfall and is supportive of the proposed changes. While the proposal falls short of compliance with the current code requirements, staff was concerned with eliminating too many parking stalls based on the demand of the proposed use. The proposed plan strikes a balance between the different code requirements. Staff will require a full landscaping plan that will address the following issues:

- Trees in the existing and new parking lot islands
- Screening of all mechanical equipment
- Additional landscaping along the front of the site

Staff Recommendation:

Planning staff recommends approval of the building and site plan based on the following condition(s):

1. Staff review and approval of final floor plans prior to issuance of permits. The applicant shall submit such plan within 180 days of Planning Commission action, or the required plan(s) shall be submitted to Planning Commission for additional review and action and subject to all necessary fees.
2. Signage for the use shall comply with the sign code and require sign permits.
3. The proposed addition that connects the two buildings cannot be approved with PUD approval.
4. The adult skate leagues shall not take place on Friday or Saturday evenings.
5. Any modified or new site lighting shall be reviewed and approved by staff.
6. All asphalt shingles shall be replaced on the restaurant building.
7. Staff review and approval of a landscape plan that addresses the following:
 - Trees in the existing and new parking lot islands
 - Screening of all mechanical equipment
 - Additional landscaping along the front of the site

Attachments:

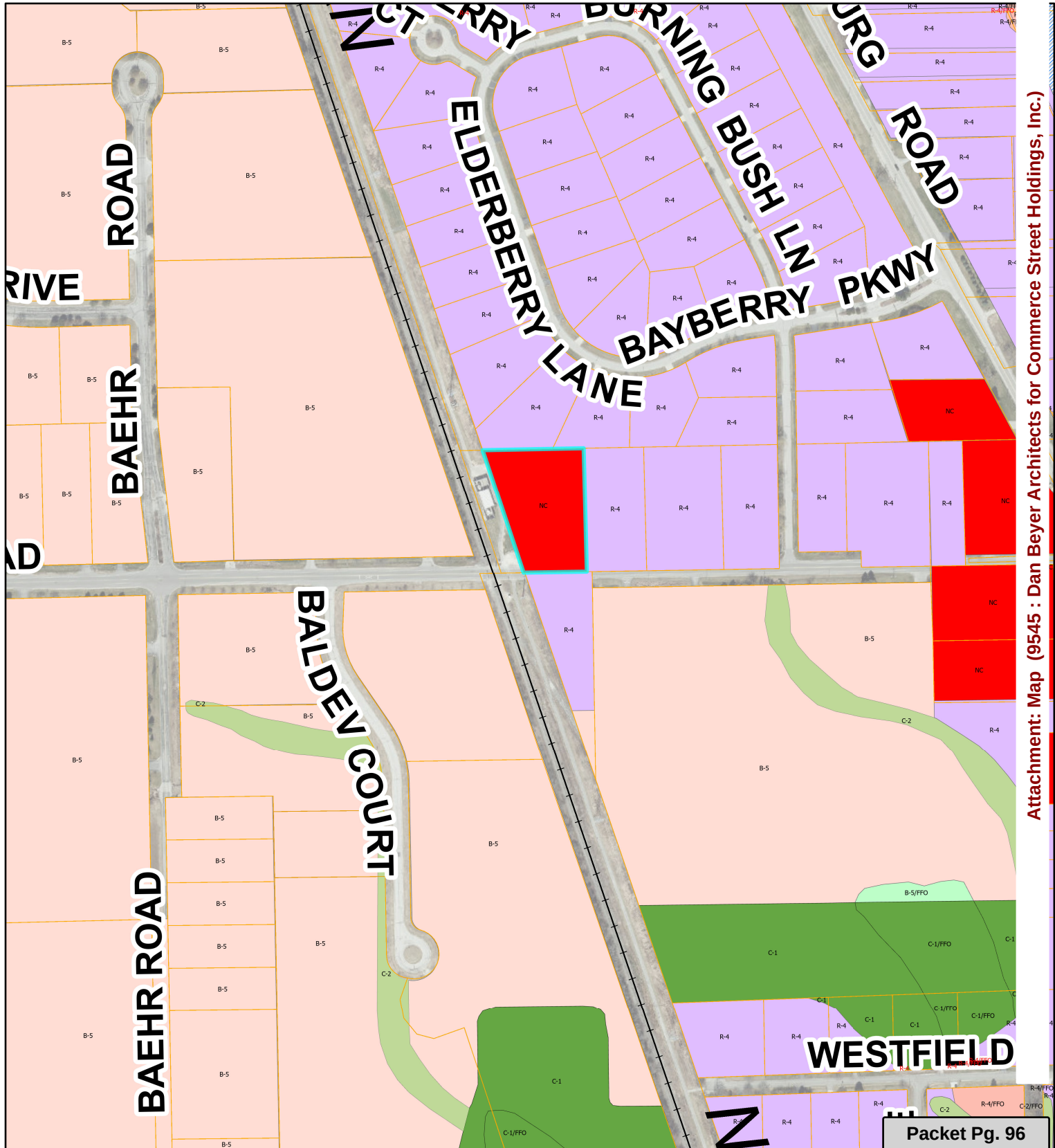
Map (PDF)

Packet Docs_Libbys_07.22.24 (PDF)

LIBBY MONTANA BSPA

4.c.a

AC	Arrival Corridor	IPS	Institutional & Public Service
A-1	Agricultural Preserve	NC	Neighborhood Commercial
A-2	General Agricultural	OA	Agricultural Overlay
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FFO	Flood Fringe Overlay	RM	Multi-Family Residential
FW	Floodway	TC	Town Center
IPS	Institutional & Public Service	TDR	Transfer of Development Rights



Attachment: Map (9545 : Dan Beyer Architects for Commerce Street Holdings, Inc.)

LIBBY MONTANA'S SITE – REDEVELOPMENT
City Of Mequon, Plan Commission
June 24, 2024

PLAN OF OPERATIONS

The Development being proposed for the current Libby Montana's property is a hockey themed restaurant with an attached ice rink that will be used by youth teams leagues. The sport of hockey in the United States has been steadily growing over the last decade with USA Hockey reporting an increase of over 10% of kids youth leagues under 18 years of age. And, as any parent of a youth hockey player will tell you, it is increasingly becoming harder and harder for these youth teams to find time for practice and games in the region.

This new venue looks to capitalize on this increased participation and, following the example of some other venues in the area that are available for different sports, such as The Rock in Franklin, and the Bavarian Bierhaus in Glendale, the facility will offer a restaurant and entertainment place to cater to the ice rink visitors. The restaurant is an important part of the development and will be the major revenue generator of the facility that will, in essence, subsize a significant portion of operating costs of the ice rink.

RESTAURANT

The restaurant will be run by the experienced operators who manage and operate The Stillery in Grafton and Richfield. These operators have a track record of creating family friendly places that offer a slightly upscale experience without feeling stuffy or expensive approachable and fresh menus that caters to a variety of consumers. The menu offered at the venue will be a mix of upscale bar food and craft beer.

The venue will draw from a variety of groups: people coming to enjoy the good food being offered any night of the week, workers from the adjacent business and industrial park, families who will grab some dinner before, during, or after their children's practice or games, a space for riders of the Inter-urban trail to take a break during their ride, and youth teams who are looking for a space to hold private events and birthday parties. The interior dining room will be completely renovated to update the space and make critical alterations that will improve the efficiency and atmosphere of the dining areas. In addition, a new exterior patio will be added to the west of the building that will provide a relaxing space that will have space for eating, relaxing and games.

The restaurant space is approximately 7,000 sf and will have a dining room seating approximately 120 – 140 people, space for private events for approximately 40-50 people, and a patio that will hold 50 -60 people. The operations will have 30-50 restaurant employees, and its hours will be from Monday through Friday, from 11am-10pm, Saturday from 8am to midnight, and Sunday from 8am to 9pm.

It is anticipated that the revenue generated by the restaurant will be 90% of the gross revenue of the entire property.

ICE RINK

The current volleyball courts will be renovated to provide for an ice rink that will include refrigerated ice sheet, locker rooms, with practice shooting areas. The 14,000sf building will have one ice rink that because of the constraints of the building, will be smaller than a regulation hockey

rink. The space will have its mechanical systems upgraded to provide the cooling and de-humidification required for this type of space, and will provide a small addition for the ice maintenance equipment and Zamboni.

Because the ice rink is smaller than a regulation size hockey rink, it will cater to youth teams and area high schools that are need of places to practice that are in a reasonable time of the day. The facility anticipates it will hold youth teams practices and league games, high school practices, and small sided adult leagues.

The ice rink will have one full time employee and one part time employee and will be open on Monday through Friday from 4pm – 9pm, Saturday 8am through 10:00pm, and Sunday from 8am through 8pm.

Site & Parking

As mentioned above, the improvements to the site will include adding a larger patio on the west side of the building. This patio will have seating, fire pits and a bar that will be accessible directly from the patio. This new space will have games that families and kids can play and will be a pleasant space to hang out 9 months of the year. This space will also take advantage of the proximity of the Inter-Urban bike trail that is directly to the west and will provide spaces for bicyclists to relax after a long ride or a place to meet at the start of a group ride.

In addition, landscape improvements will be made, including providing new landscaping at the main entrance of site of Donges Bay, new landscaping in the existing parking lot, and landscape screening at the new mechanical equipment pads to the west.

With the new landscaping areas at the parking lot, the total number of parking stall provided will be 107 stalls including 3 accessible stalls. While this is below the required amount of parking from the Zoning Code, we are confident it is adequate based on the following:

- The Restaurant will have seats for approximately 200 - 250 at the restaurant, and we anticipate a need for restaurant parking to be around one stall per 3-4 customer seats, or a total of approximately 60 – 80 stalls.
- The majority of the time the Ice Rink will require around 25 – 30 stalls based on the following scenarios:
 - For a youth team practice, we expect a maximum of two youth teams practicing at the same time. With each team comprised of 10-15 kids, and with some car-pooling, we would expect around 12 stalls required per team or around 20-25 stalls.
 - For a high school team practice, we would expect a high school team to have around 20 players, and with carpooling, will require between 15-20 parking stalls.
 - For adult leagues, because of the size of the rink, the adult teams will likely be smaller teams, (4v4 or 5v5) and therefore will have between 8-10 players per team. With this, the two teams will require around 20 parking stalls.
- In all scenarios above, we expect to have overlap between the restaurant parking and the ice rink parking, therefore reducing further the number of stalls needed to serve the facility.

We believe that this project will transform this property, providing an important facility for kid's athletic programs and a fun, family-centered restaurant.

5616 W DONGES BAY ROAD
MEQUON, WI 53092

07/09/2024

DBA PROJECT # 2405-005

APPLICANT:
COMMERCE STREET HOLDINGS LLC
260 EAST HIGHLAND AVENUE, SUITE 402
MILWAUKEE, WI 53202

ARCHITECT:
DAN BEYER ARCHITECTS

CONTACT: DANIEL BEYER
225 EAST ST. PAUL AVENUE, SUITE 303
MILWAUKEE, WI 53202
TEL. (414) 239-8267

SHEET INDEX

T000	TITLE SHEET
---	SURVEY
A020	ARCHITECTURAL SITE PLAN
A200	NEW WORK PLAN - OVERALL
A400	EXTERIOR ELEVATIONS



SE AERIAL VIEW
FOR REFERENCE ONLY

PROJECT DESCRIPTION

THE PROJECT IS LOOKING TO UPDATE THE EXISTING RESTAURANT SPACE, ADD A NEW EXTERIOR PATIO AND ENTRANCE, CONVERT THE EXISTING VOLLEYBALL RECREATIONAL BUILDING TO AN ICE HOCKEY PRACTICE RINK, AND CONSTRUCT AN ADDITION ON THE RECREATIONAL BUILDING TO ACCOMMODATE MECHANICAL EQUIPMENT FOR THE ICE RINK.

THE SCOPE OF THE WORK RELATED TO THE RESTAURANT BUILDING INCLUDES THE FOLLOWING:

- UPDATE THE EXTERIOR WITH NEW PAINT SCHEME AND OTHER FACADE UPDATES;
- ADD A NEW ENTRANCE TO THE EXISTING RESTAURANT FACING THE PARKING LOT;
- RENOVATE THE INTERIOR OF THE RESTAURANT SPACE WITH NEW BAR, AN UPDATED COMMERCIAL KITCHEN, AND NEW FINISH UPDATES;
- EXPAND THE PATIO SO THAT IT RUNS ALONG THE ENTIRE WEST SIDE OF THE BUILDING;
- CREATE A NEW PATIO SPACE TO BE PROXIMATE TO THE NEW BAR AND THE OUTDOOR PATIO;
- PROVIDE NEW GAS FIRE PITS AND LIGHTING TO THE OUTDOOR PATIO SPACE;
- PROVIDE A NEW ENCLOSED CONNECTION BETWEEN THE RESTAURANT AND ICE RINK;
- RENOVATE THE INTERIOR OF THE BUILDING TO ACCOMMODATE MECHANICAL EQUIPMENT.

THE SCOPE OF THE WORK RELATED TO THE ICE RINK BUILDING INCLUDES THE FOLLOWING:

- CONVERT THE FLOOR INTO A SUITABLE ICE RINK WITH A REFRIGERATED CONCRETE SLAB;
- PROVIDE A NEW ADDITION TO THE BUILDING ON THE NORTH SIDE TO ACCOMMODATE MECHANICAL EQUIPMENT FOR THE ICE RINK AND BUILDING;
- ADD AN EXTERIOR EQUIPMENT PAD ON THE WEST SIDE FOR THE ICE RINK AND BUILDING;
- ADD NEW AND ACCESSIBLE TOILET ROOMS AND LOCKER ROOMS TO THE BUILDING;
- FINISH THE EXISTING WINDY CORRIDOR WITH NEW FINISHES AND ADD NEW METAL PANELING;
- PAINT THE ENTIRE BUILDING A CONSISTENT AND UNIFORM COLOR.

SUMMARY OF ZONING

LEGAL DESCRIPTION, SEE SURVEY

KNOWN AS 9616 W. DONGES BAY ROAD, IN THE CITY OF MEQUON, OZAUKEE COUNTY, WISCONSIN

LOT 12, BLOCK 6, ASSESSOR'S PLAT OF CITY OF MEQUON, BEING IN THE SW 1/4 OF SECTION 26, TOWNSHIP 9 NORTH, RANGE 21 EAST, IN THE CITY OF MEQUON, OZAUKEE COUNTY, WISCONSIN

58-293 NEIGHBORHOOD COMMERCIAL DISTRICT

TABLE 58-293-1

FOOD AND BEVERAGE - SIT-DOWN RESTAURANTS: PERMITTED USE
INDOOR RECREATION AND AMUSEMENT FACILITIES: PROHIBITED, EXISTING NON-COMPLIANT

GENERAL REQUIREMENTS

(b) (1) BUILDING AREA SHALL NOT EXCEED 20,000 SQUARE FEET PER STRUCTURE NOR TWO STORIES.
TWO BUILDINGS ON ONE LOT - 22,745SF

ICE RINK

EXTG NORTH BUILDING - APPROXIMATELY 13,084SF, 1-STORY BUILDING
ADDITIONS - APPROXIMATELY 1,678SF
TOTAL BUILDING AREA = 14,762SF

RESTAURANT

EXTG SOUTH BUILDING - APPROXIMATELY 1,477SF, 1-STORY BUILDING WITH
PARTIAL 2-STORY
ADDITIONS - APPROXIMATELY 485SF
TOTAL BUILDING AREA = 7,962SF (1 DOESN'T INCLUDE PARTIAL 2-STORY)

(e) BUILDING SIZE / FLOOR AREA RATIO SHALL NOT EXCEED 30%.
LOT AREA = 91,461SF X 0.3 = 27,438SF
TOTAL BUILDING AREA = APPROXIMATELY 22,745SF = 25%

(f) BUILDING HEIGHT SHALL NOT EXCEED 42'-0"

(g) MINIMUM BUILDING SETBACK FROM ULTIMATE ROAD RIGHT-OF-WAY:
HIGHWAYS 50'-0"
NON-COMPLIANT EXISTING CONDITION
LOCAL STREETS 30'-0"

(h) MINIMUM BUILDING OFFSET:
30'-0" TO REAR OR SIDE YARD WHEN ADJOINING PROPERTY IS ZONED RESIDENTIAL

(i) (1) OPEN SPACE RATIO SHALL NOT BE LESS THAN 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.
OPEN SPACE RATIO 40% = 36,584SF X 0.4 = 14,634SF
OPEN SPACE RATIO 30% = 27,438SF
TOTAL OPEN SPACE = 23,284SF = 25%
OPEN SPACE RATIO IS NOT BEING DECREASED

(l) MINIMUM PARKING AND DRIVEWAY OFFSET:
20'-0" FROM SIDE OR REAR OF LOT
NON-COMPLIANT EXISTING CONDITION

(m) MINIMUM PARKING SETBACK:
15'-0" FROM "ULTIMATE RIGHT OF WAY"

58-441

PARKING REQUIREMENTS

DIMENSIONAL REQUIREMENT:

STALL WIDTH 10'
STALL DEPTH 18'
PARKING AISLE WIDTH TWO-WAY (90 DEGREE), 25'
ONE-WAY TRAFFIC (60 DEGREE), 18'
DRIVEWAY TWO-WAY, 22'
DUE TO EXISTING SITE CONSTRAINTS WE PROPOSE THE FOLLOWING:
- ONE WAY (90 DEGREE) GREATER THAN 10' FOR THE MAJORITY OF THE LOT
- NORTHWEST CORNER TWO WAY (90 DEGREE) AT 20', MAINTAINING EXISTING CONDITIONS
5' WIDTH IN LIEU OF 12'

a) PARKING SPACES FOR VEHICLES BY HANDICAPPED PERSONS.
THERE SHALL BE A MINIMUM OF ONE STALL WITH PARKING AREAS CONTAINING UP TO 50 STALLS.
b) STALLS SHALL MEASURE 12 BY 18'.
DUE TO EXISTING SITE CONSTRAINTS WE PROPOSE THE FOLLOWING:
5' WIDTH IN LIEU OF 12'

(i) REQUIRED NUMBER OF STALLS

1.7. HEALTH AND ATHLETIC CLUBS: ONE SPACE PER THREE PERSONS THAT CAN BE ACCOMMODATED AT THE SAME TIME AND ONE SPACE PER EMPLOYEE.
PER OPERATIONS WRITEUP: THE OWNER ANTICIPATES 24 CHILDREN, 48 PARENTS, 2 COACHES AND 1 EMPLOYEE AT THE LARGEST EVENT. 75 PERSONS / 3 = 25 STALLS REQUIRED.

g. 5. RESTAURANT, STANDARD: ONE SPACE PER 100 SQUARE FEET OF GROSS FLOOR AREA PLUS ONE SPACE PER EMPLOYEE FOR THE WORK STAFF WITH THE LARGEST NUMBER OF EMPLOYEES.
7,923SF / 100SF = 95 STALLS WITH FACTORING 15 EMPLOYEES FOR LARGEST SHIFT

TOTAL NUMBER OF STALLS REQUIRED BY ZONING = 120 STALLS
TOTAL NUMBER OF STALLS PROVIDED = 116 STALLS, 3 BEING HANDICAPPED

58-564

LANDSCAPING, SCREENING, BERING, AND POND

(b) RETENTION OF EXISTING TREES
NO EXISTING TREES ARE PROPOSED TO BE REMOVED.

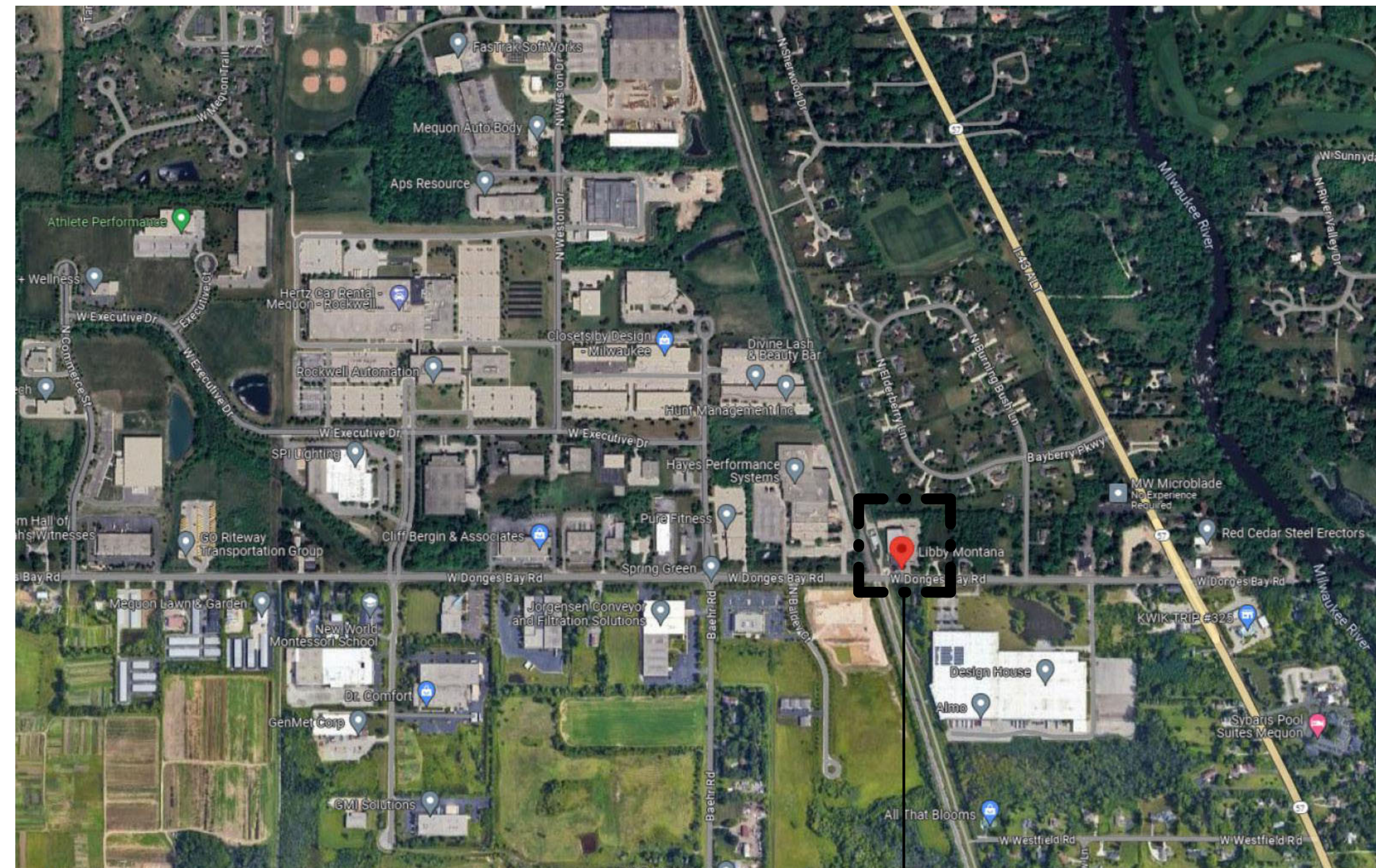
(c) PARKING LOT LANDSCAPING - SHALL HAVE AT LEAST 10 PERCENT OF INTERIOR PARKING AREA LANDSCAPED.

INTERIOR PARKING LOT AREA = 42,560 X 10% = 4,256SF
EXISTING PARKING LOT LANDSCAPE AREA = 1,216SF
PROPOSED PARKING LOT LANDSCAPE AREA = 1,260SF
TOTAL PARKING LOT LANDSCAPE AREA = 3.37% > 3%
* NOTE: THIS DOES NOT INCLUDE ADDITIONAL LANDSCAPING AT STREET FRONTAGE, TRASH ENCLOSURE, AND MECHANICAL EQUIPMENT PADS

(d) PARKING LOT LANDSCAPING: MINIMUM 30% OF THE PARKING AREA WILL BE SHADED DURING SUMMER GROWTH WITH TEN YEAR TREES.
PARKING LOT IS CURRENTLY BORDERED BY LARGE TREES AT THE NORTH, EAST, AND SOUTH SIDES. IT IS ALSO BORDERED BY THE BUILDING ON THE WEST SIDE. WE FEEL THIS IS COMPARABLE WITH THE CURRENT BUILDING AND PLANTING LANDSCAPE. DESPITE OF THIS WE DO PROPOSED ADDING ONE TREE AT THE PRIMARY ENTRANCE.

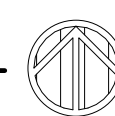
(e) (3) SCREENING: WHERE A NON-RESIDENTIAL ADJOINS A SINGLE-FAMILY RESIDENTIAL SITE, A SOLID WALL OR FENCE, VINE COVERED FENCE, OR COMPACTED VEGETATIVE SCREEN NOT LESS THAN 4 1/2" NOR MORE THAN 6 FEET IN HEIGHT, SHALL BE LOCATED ADJOINING THE PROPERTY LINE EXCEPT IN A REQUIRED FRONT YARD.
THE EXISTING SITE IS BORDERED BY LARGE TREES AT THE NORTH AND EAST LOT LINES ADJOINING SINGLE-FAMILY RESIDENTIAL SITES. WE'RE NOT CURRENTLY PROPOSING ANY ADDITIONAL SCREENING AT THIS TIME.

(e) (4) SCREENING: DUMPSTERS SHALL BE LOCATED AND SCREENED IN ACCORDANCE WITH CITY APPROVAL.



LOCATOR MAP

NO SCALE



DAN BEYER ARCHITECTS
225 E. ST. PAUL AVE, STE 300
MILWAUKEE WI, 53202
414-239-8267

CONSULTANTS:

NOT FOR CONSTRUCTION

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DESIGN DEVELOPMENT PURPOSES
ONLY. THEY ARE NOT TO BE USED FOR
REGULATORY APPROVAL, PERMIT, OR
CONSTRUCTION PURPOSES.

LIBBY MONTANA'S REDEVELOPMENT

55616 W DONGES BAY ROAD
MEQUON, WI 53092

SHEET TITLE:

REVISIONS

[illegible]

SCALE	VARIES
PROJECT NUMBER	2405-005
SET TYPE	PLAN COMMISSION
DATE ISSUED	07/09/2024
SHEET NUMBER	T000

PLAT OF SURVEY

Known as 5616 W. Donges Bay Road, in the City of Mequon, Ozaukee County, Wisconsin.

Lot 12, Block 6, Assessor's Plat of the City of Mequon, being in the SW 1/4 of Section 26, Township 9 North, Range 21 East, in the City of Mequon, Ozaukee County, Wisconsin.

Survey No. 169390-SMC
Prepared For: Barrett Lo Visionary Development

Notes:

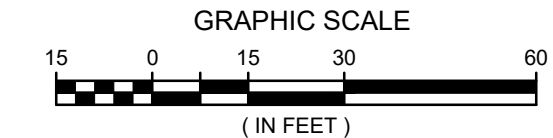
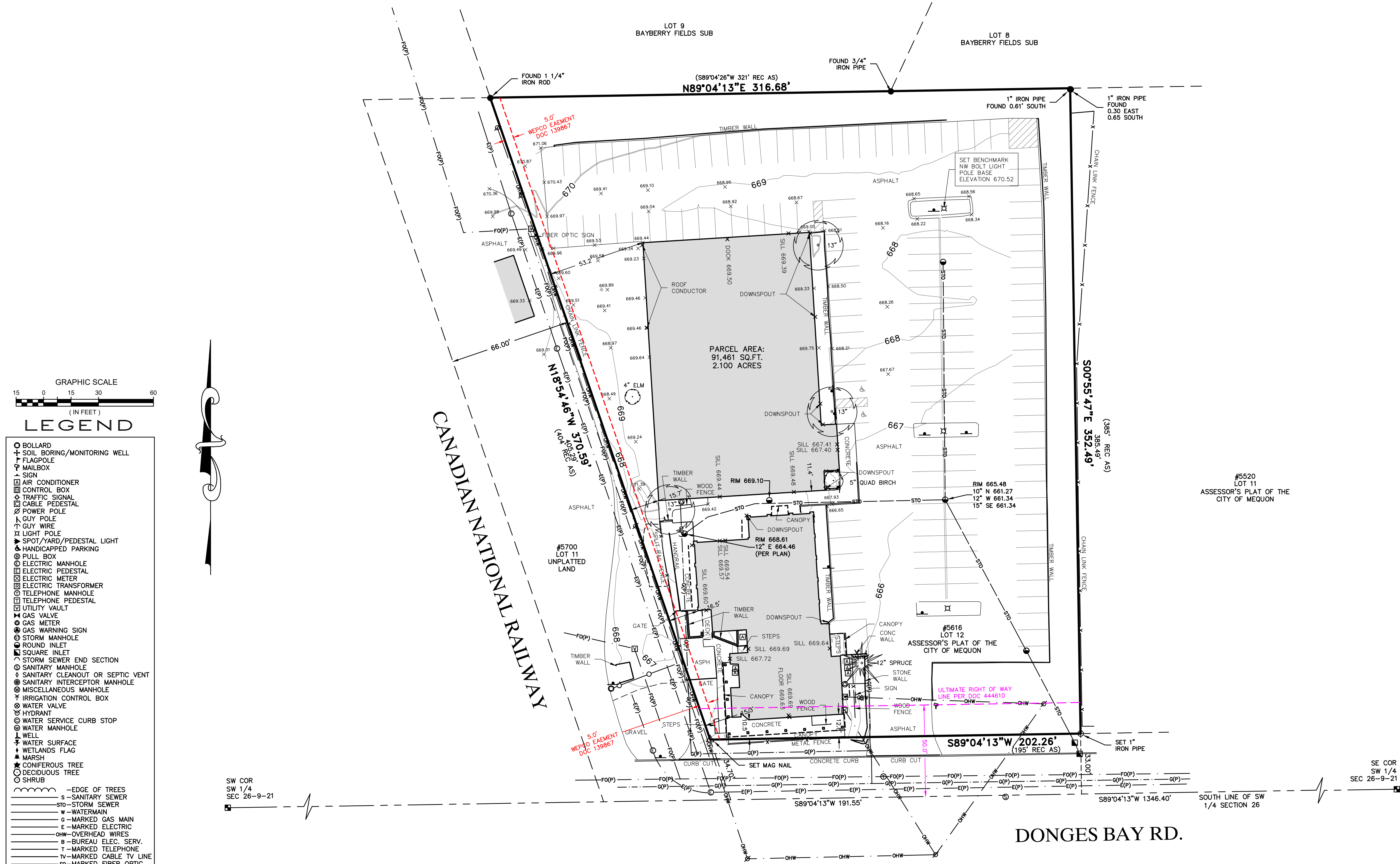
Recorded easements, if any, are not shown.

Horizontal bearings reference NAD83 (2011). Bearings are based on the South line of the SW 1/4 of Section 26-9-21, which bears S89°04'13"W.

Elevations are based on NAVD88 datum. Starting benchmark - Southwest corner of Section 26, Elevation 667.24'

No underground utilities were marked.

Sanitary and Water laterals are not shown.



LEGEND

- BOLLARD
- ⊕ SOIL BORING/MONITORING WELL
- ⚑ FLAGPOLE
- ✉ MAILBOX
- ⊖ SIGN
- ⊖ AIR CONDITIONER
- ⊖ CONTROL BOX
- ⊖ TRAFFIC SIGNAL
- ⊖ CABLE PEDESTAL
- ⊖ POWER POLE
- ⊖ GUY POLE
- ⊖ GUY WIRE
- ⊖ LIGHT POLE
- ⊖ SPOT/YARD/PEDESTAL LIGHT
- ⊖ HANDICAPPED PARKING
- ⊖ ELECTRIC MANHOLE
- ⊖ ELECTRIC PEDESTAL
- ⊖ ELECTRIC METER
- ⊖ ELECTRIC TRANSFORMER
- ⊖ TELEPHONE MANHOLE
- ⊖ TELEPHONE PEDESTAL
- ⊖ UTILITY VAULT
- ⊖ GAS VALVE
- ⊖ GAS METER
- ⊖ GAS WARNING SIGN
- ⊖ STORM MANHOLE
- ⊖ ROUND INLET
- ⊖ SQUARE INLET
- ⊖ STORM SEWER END SECTION
- ⊖ SANITARY MANHOLE
- ⊖ SANITARY CLEANOUT OR SEPTIC VENT
- ⊖ SANITARY INTERCEPTOR MANHOLE
- ⊖ MISCELLANEOUS MANHOLE
- ⊖ IRRIGATION CONTROL BOX
- ⊖ WATER VALVE
- ⊖ HYDRANT
- ⊖ WATER SERVICE CURB STOP
- ⊖ WATER MANHOLE
- ⊖ WELL
- ⊖ WATER SURFACE
- ⊖ WETLANDS FLAG
- ⊖ MARSH
- ★ CONIFEROUS TREE
- DECIDUOUS TREE
- SHRUB
- EDGE OF TREES
- S—SANITARY SEWER
- STO—STORM SEWER
- W—WATERMAIN
- G—MARKED GAS MAIN
- E—MARKED ELECTRIC
- OHW—OVERHEAD WIRES
- B—BUREAU ELEC. SERV.
- T—MARKED TELEPHONE
- TV—MARKED CABLE TV LINE
- FO—MARKED FIBER OPTIC
- (P)—UTILITY PER PLAN
- INDICATES EXISTING CONTOUR ELEVATION
- INDICATES EXISTING SPOT ELEVATION

DIGGERS HOTLINE: TICKET NO. 2024-23-13309

THE UNDERGROUND UTILITY INFORMATION AS SHOWN HEREON IS BASED, IN PART, UPON INFORMATION FURNISHED BY UTILITY COMPANIES AND THE LOCAL MUNICIPALITY. WHILE THIS INFORMATION IS BELIEVED TO BE RELIABLE, ITS ACCURACY AND COMPLETENESS CANNOT BE GUARANTEED NOR CERTIFIED TO.

(P) INDICATES PIPE SIZES PER RECORD PLANS. OTHER PIPE SIZES ARE ESTIMATED. NO PIPE SIZES SHOULD BE RELIED UPON WITHOUT FURTHER VERIFICATION.

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CREATIVITY BEYOND ENGINEERING
16745 W. Bluemound Road
Brookfield, WI 53005-5938
(262) 781-1000
rasmith.com



ARCHITECTURAL SITE PLAN KEY			
	PROPERTY LINE		INTERIOR PARKING LOT
	SETBACK LINE		EXISTING LANDSCAPING AT PARKING LOT
	EASEMENT LINE		PROPOSED LANDSCAPING AT PARKING LOT
	BUILDING AREA - EXISTING RESTAURANT		PROPOSED LANDSCAPING OUTSIDE OF PARKING LOT
	BUILDING AREA - ADDITION RESTAURANT		EXISTING GRASS
	BUILDING AREA - EXISTING ICE RINK		PROPOSED GRASS
	BUILDING AREA - ADDITION ICE RINK		NEW ENTRANCE / WALK / PATIO

SUMMARY OF ZONING	
LEGAL DESCRIPTION, SEE SURVEY KNOWN AS 5616 W. DONGES BAY ROAD, IN THE CITY OF MEQUON, OZAUKEE COUNTY, WISCONSIN LOT 12, BLOCK 6, ASSESSOR'S PLAT OF CITY OF MEQUON, BEING IN THE SW 1/4 OF SECTION 26, TOWNSHIP 9 NORTH, RANGE 21 EAST, IN THE CITY OF MEQUON, OZAUKEE COUNTY, WISCONSIN	
58-283 NEIGHBORHOOD COMMERCIAL DISTRICT TABLE 58-283.1 FOOD AND BEVERAGE - SIT-DOWN RESTAURANTS: PERMITTED USE INDOOR RECREATION AND AMUSEMENT FACILITIES: PROHIBITED, EXISTING NON-COMPLIANT	
GENERAL REQUIREMENTS (b) (1) BUILDING AREA SHALL NOT EXCEED 20,000 SQUARE FEET PER STRUCTURE NOR TWO STORIES. TWO BUILDINGS ON ONE LOT - 22,724SF ICE RINK EXTG NORTH BUILDING - APPROXIMATELY 13,084SF, 1-STORY BUILDING ADDITIONS - APPROXIMATELY 1,676SF TOTAL BUILDING AREA = 14,762SF RESTAURANT EXTG SOUTH BUILDING - APPROXIMATELY 7,477SF, 1-STORY BUILDING WITH PARTIAL 2-STORY ADDITIONS - APPROXIMATELY 485SF TOTAL BUILDING AREA = 17,962SF (* DOES NOT INCLUDE PARTIAL 2-STORY)	
(e) BUILDING SIZE / FLOOR AREA RATIO SHALL NOT EXCEED 30%. LOT AREA = 91,461SF X 0.3 = 27,438SF TOTAL BUILDING AREA = APPROXIMATELY 22,724SF = 28%	
(f) BUILDING HEIGHT SHALL NOT EXCEED 42'-0"	
(g) MINIMUM BUILDING SETBACK FROM ULTIMATE ROAD RIGHT-OF-WAY: HIGHWAYS 50'-0" NON-COMPLIANT EXISTING CONDITION LOCAL STREETS 30'-0"	
(h) MINIMUM BUILDING OFFSET: 30'-0" TO REAR OR SIDE YARD WHEN ADJOINING PROPERTY IS ZONED RESIDENTIAL	
(i) (1) OPEN SPACE RATIO SHALL NOT BE LESS THAN 40 PERCENT EXCEPT AS FOLLOWS: 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. OPEN SPACE RATIO 40% = 91,461SF X 0.4 = 36,584SF OPEN SPACE RATIO 30% = 27,438SF TOTAL OPEN SPACE = 23,243SF = 25% OPEN SPACE RATIO IS NOT BEING DECREASED	
(j) MINIMUM PARKING AND DRIVEWAY OFFSET: 20'-0" FROM SIDE OR REAR LOT NON-COMPLIANT EXISTING CONDITION	
(m) MINIMUM PARKING SETBACK: 15'-0" FROM "ULTIMATE RIGHT OF WAY"	
58-441 PARKING REQUIREMENTS (4) DIMENSIONAL REQUIREMENT: STALL WIDTH, 10' STALL DEPTH, 18' PARKING AISLE WIDTH TWO-WAY (90 DEGREE), 25' ONE-WAY TRAFFIC (90 DEGREE), 18' DRIVEWAY TWO-WAY, 22' DUE TO EXISTING SITE CONSTRAINTS WE PROPOSE THE FOLLOWING: - ONE WAY (90 DEGREE) GREATER THAN 18' FOR THE MAJORITY OF THE LOT - NORTHWEST CORNER TWO WAY (90 DEGREE) AT 20', MAINTAINING EXISTING CONDITIONS - 9' WIDTH IN LIEU OF 12'	
(5) PARKING SPACES FOR USE BY HANDICAPPED PERSONS: THERE SHALL BE A MINIMUM OF ONE STALL WITHIN PARKING AREAS CONTAINING UP TO 50 STALLS. a. STALLS SHALL MEASURE 12' BY 18' b. DUE TO EXISTING SITE CONSTRAINTS WE PROPOSE THE FOLLOWING: - 9' WIDTH IN LIEU OF 12'	
(10) REQUIRED NUMBER OF STALLS: HEALTH AND ATHLETIC CLUBS: ONE SPACE PER THREE PERSONS THAT CAN BE ACCOMMODATED AT THE SAME TIME AND ONE SPACE PER EMPLOYEE. PER OPERATIONS WRITEUP: THE OWNER ANTICIPATES 24 CHILDREN, 48 PARENTS, 2 COACHES, AND 1 EMPLOYEE AT THE LARGEST EVENT. 75 PERSONS / 3 = 25 STALLS REQUIRED.	
g. 5. RESTAURANT, STANDARD: ONE SPACE PER 100 SQUARE FEET OF GROSS FLOOR AREA PLUS ONE SPACE PER EMPLOYEE FOR THE WORK SHIFT WITH THE LARGEST NUMBER OF EMPLOYEES. 7,923SF / 100SF = 95 STALLS WITH FACTORING 15 EMPLOYEES FOR LARGEST SHIFT NUMBER OF STALLS REQUIRED BY ZONING = 120 STALLS ANTICIPATED SHARED PARKING STALLS BETWEEN RESTAURANT AND ICE RINK = 10 STALLS TOTAL NUMBER OF STALLS REQUIRED BY ZONING = 110 STALLS TOTAL NUMBER OF STALLS PROVIDED = 116 STALLS, 3 BEING HANDICAPPED	
58-564 LANDSCAPING, SCREENING, BERMING, AND PONDS (b) RETENTION OF EXISTING TREES NO EXISTING TREES ARE PROPOSED TO BE REMOVED.	
(c) PARKING LOT LANDSCAPING - SHALL HAVE AT LEAST 10 PERCENT OF INTERIOR PARKING AREA LANDSCAPED. INTERIOR PARKING LOT AREA = 42,560 X 10% = 4,256SF EXISTING PARKING LOT LANDSCAPE AREA = 2,125SF PROPOSED PARKING LOT LANDSCAPE AREA = 1,290SF TOTAL PARKING LOT LANDSCAPE AREA = 3,375 = 8% * NOTE: THIS DOES NOT INCLUDE ADDITIONAL LANDSCAPING AT STREET FRONTAGE, TRASH ENCLOSURE, AND MECHANICAL EQUIPMENT PADS	
(d) PARKING LOT SHADING: MINIMUM 30% OF THE PARKING AREA WILL BE SHADED DURING SUMMER GROWTH WITHIN TEN YEARS. PARKING LOT IS CURRENTLY BORDERED BY LARGE TREES AT THE NORTH, EAST, AND SOUTH SIDES. IT IS ALSO BORDERED BY THE BUILDING ON THE WEST SIDE. WE FEEL THIS IS ACCOMPLISHED WITH THE CURRENT BUILDING AND PLANTING LAYOUT. DESPITE OF THIS WE DO PROPOSE ADDING ONE TREE AT THE PRIMARY ENTRANCE.	
(e) (3) SCREENING: WHERE A NON-RESIDENTIAL ADJOINS A SINGLE-FAMILY RESIDENTIAL SITE, A SOLID WALL OR FENCE, VINE COVERED FENCE, OR COMPACTED VEGETATIVE SCREEN NOT LESS THAN 4 1/2' NOR MORE THAN 6 FEET IN HEIGHT, SHALL BE LOCATED ADJOINING THE PROPERTY LINE EXCEPT IN A REQUIRED FRONT YARD. THE EXISTING SITE IS BORDERED BY LARGE TREES AT THE NORTH AND EAST LOT LINES ADJOINING SINGLE-FAMILY RESIDENTIAL SITES. WE'RE NOT CURRENTLY PROPOSING ANY ADDITIONAL SCREENING AT THIS TIME.	
(e) (4) SCREENING: DUMPSTERS SHALL BE LOCATED AND SCREENED IN ACCORDANCE WITH CITY APPROVAL.	

DAN BEYER ARCHITECTS
225 E ST. PAUL AVE, STE 303
MILWAUKEE WI, 53202
414-239-8267

CONSULTANTS:

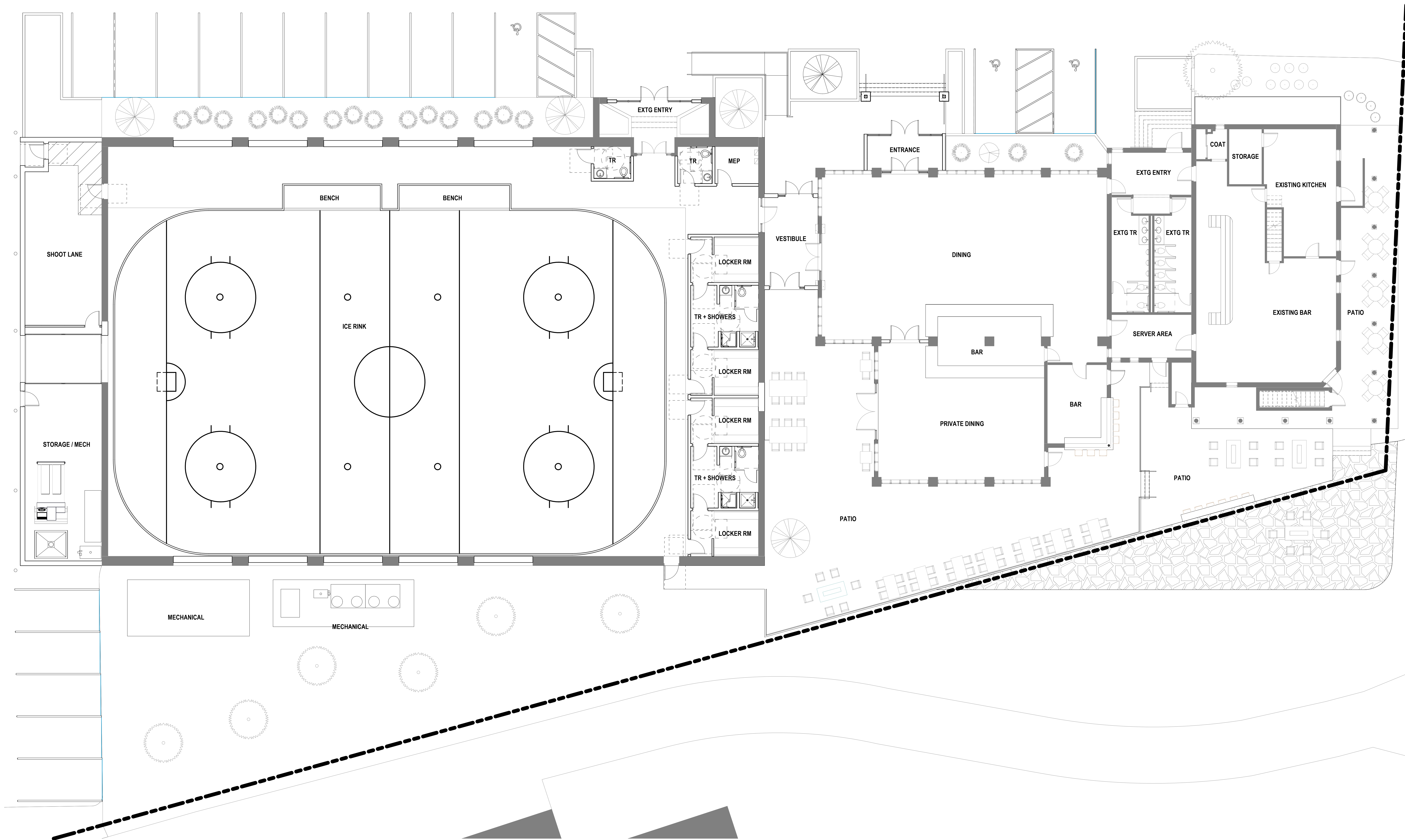
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LIBBY MONTANA'S REDEVELOPMENT
5616 W DONGES BAY ROAD
MEQUON, WI 53092
SHEET TITLE: ARCHITECTURAL SITE PLAN

SCALE: VARIES
PROJECT NUMBER: 2405-005
SET TYPE: PLAN COMMISSION
DATE ISSUED: 07/09/2024
SHEET NUMBER: A020

4.c.b
301
Attachment: Packet Docs - Libbys 07.22.24 (0545: Dan Beyer Architects for Commerce Street Holdings, Inc.)
Packet Pg. 101

1 ARCHITECTURAL SITE PLAN
Scale: 1/16" = 1'-0"



DAN BEYER ARCHITECTS
225 E ST. PAUL AVE, STE 303
MILWAUKEE WI, 53202
414-239-8267

CONSULTANTS:

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LIBBY MONTANA'S REDEVELOPMENT
5616 W DONGES BAY ROAD
MEQUON, WI 53092
SHEET TITLE:
NEW WORK PLAN - OVERALL

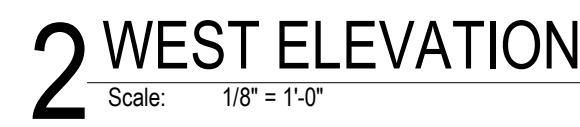
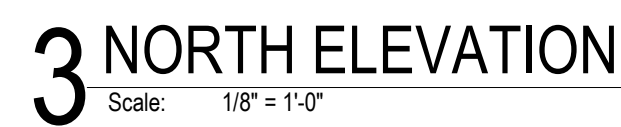
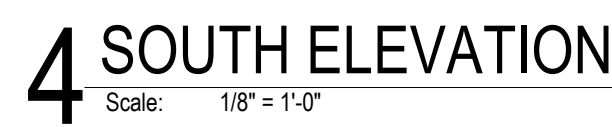
REVISIONS:

SCALE	VARIES
PROJECT NUMBER	2405-005
SET TYPE	PLAN COMMISSION
DATE ISSUED	07/09/2024
SHEET NUMBER	A200

4.c.d
301

Attachment: Packet Docs_Libbys_07.22.24_08545 : Dan Beyer Architects for Commerce Street Holdings, Inc.)

Packet Pg. 102



LIBBY MONTANA'S REDEVELOPMENT

EXTERIOR

Packet Pg.



AERIAL

LIBBY MONTANA'S - REDEVELOPMENT



EXTERIOR IMAGES

LIBBY MONTANA'S - REDEVELOPMENT



RENDERING - SE AERIAL



RENDERING - OUTDOOR SPACE



RENDERING - ENTRANCE



RENDERING - SE



RENDERING - SW AERIAL



RENDERING - SW



www.ci.mequon.wi.us

11333 N. Cedarburg Road
Mequon, WI 53092-1930
Phone: 262-236-2934
Fax: 262-242-9655

Office of Engineering

TO: Planning Commission
FROM: Cole McCraw, Assistant City Engineer
DATE: July 22, 2024
SUBJECT: An Ordinance Amending Chapter 58 of the Mequon Municipal Code
Relating to WDNR MS4 Stormwater Permit Conditions

Background

The Wisconsin Department of Natural Resources (WDNR) issued a new Municipal Separate Storm Sewer System (MS4) permit to the City in 2022. These permits regulate storm water discharges from municipalities into waters of the state and are mandated by the Clean Water Act, as the Milwaukee River is listed as an impaired waterway. Regulations are reflected in City Ordinances. Mequon's stormwater ordinances are found in Chapter 58 - Planning and Development Regulations. Changes to this section require Planning Commission approval and a public hearing, which will be held at the second reading by the Common Council.

The primary goal of the MS4 permit is to improve water quality by reducing the amount of pollutants carried by stormwater runoff into rivers, lakes, and other water bodies. This helps to protect aquatic ecosystems, public health, and the overall environment. The most recent permit is posted on the City website [here](https://www.ci.mequon.wi.us/sites/default/files/fileattachments/public_works/page/1041/mequon_theinsville_ms4_permit_8.1.22_7.31.2027.pdf) [<https://www.ci.mequon.wi.us/sites/default/files/fileattachments/public_works/page/1041/mequon_theinsville_ms4_permit_8.1.22_7.31.2027.pdf>](https://www.ci.mequon.wi.us/sites/default/files/fileattachments/public_works/page/1041/mequon_theinsville_ms4_permit_8.1.22_7.31.2027.pdf).

Analysis

MS4 permits are reissued every five years to keep up with new water quality standards. The current 2022 permit contains requirements to:

1. Revise and adopt illicit discharge, erosion control, and post-construction stormwater management ordinances. (Sections II.C.1.d, II.D.1.d, and II.E.1.f)
2. Remove barriers to green infrastructure (Section II.E.4)

City staff reviewed current ordinances and proposed updates to meet the above requirements. Furthermore, the 1,000 Friends of Wisconsin group provided the City with an ordinance review in 2014 to remove barriers to green infrastructure. Staff has included those comments in the update as well. Please note that these changes are required to meet the permit conditions described above.

Staff also included updates to better enforce the MMSD Chapter 13 Green Infrastructure (GI) Plan requirement as it relates to residential home construction. For homes adding 5,000 square feet of impervious surface and not located in a subdivision with a stormwater management plan, the owner is required to install GI. The update will require property owners to install and have the GI certified prior to issuance of occupancy and within 18 months of building permit issuance. Mequon's MS4 permit will require more stringent storm water requirements in the future which will warrant additional changes to City ordinances. This may include more impactful additional requirements on development and redevelopment standards to further reduce total suspended solids discharge and reduce total phosphorus discharge.

Please note that the updates will be reviewed by the City Attorney prior to the Common Council meeting.

Fiscal Impact

The fiscal impact of the code change is neutral to the City. There may be additional costs to developers or landowners to comply with the state mandates.

Staff Recommendation

Staff recommends that the Planning Commission review and approve the ordinance update for recommendation to Common Council, subject to any clerical, technical and/or legal changes deemed necessary and appropriate by the City Attorney.

Attachments:

CH_58 - Tracked Changes (PDF)

COMMON COUNCIL
OF THE
CITY OF MEQUON

An Ordinance Amending Chapter 58 of the Mequon Municipal Code Relating to WDNR MS4
Stormwater Permit Conditions

Approved by: Andrew Nerbun, Mayor

Date Approved: July 22, 2024

I certify that the foregoing Ordinance was adopted by the Common Council of the City of Mequon, Wisconsin, at a meeting held on July 22, 2024.

Caroline Fochs, City Clerk

Published: _____

CITY OF MEQUON CODE OF ORDINANCES
Chapter 58 - PLANNING AND DEVELOPMENT REGULATIONS

TRACKED CHANGES

Sec. 58-673. 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:

Agricultural land use means use of land for planting, growing, cultivating, and harvesting of crops for human or livestock consumption and pasturing or yarding of livestock.

Average annual rainfall means a calendar year of precipitation, excluding snow, which is considered typical. In this article for nonpoint source pollution loadings, the following year and location has been selected as average annual rainfall: Milwaukee, 1969 (March 28—December 6).

Best management practices (BMPs) means structural or non-structural measures, practices, techniques or devices, as approved by the Wisconsin department of natural resources (WDNR), that are employed to avoid or minimize sediments or pollutants carried in runoff to waters of the state or, to manage the rate or volume of runoff.

Bioswale means a vegetated, mulched, or xeriscaped channel that provides treatment and retention as it moves stormwater from one place to another.

City engineer means any person working in the capacity of the city engineer or any person designated to represent the city engineer.

Cleaning means removing and disposing of debris in an approved manner and location versus flushing which would wash debris off a roadway and onto the shoulder or into the ditch and watercourse.

Commercial land use means the use of land for the retail or wholesale of goods or services.

Control measure means a practice or combination of practices to control erosion and attendant pollution.

Control plan means a written description of the number, locations, sizes and other pertinent information of control measures designed to meet the requirements of this article submitted by the applicant, or a qualified representative, for review and approval by the city engineer.

Critical Time means the period starting at the time of peak rainfall intensity with a duration equal to the time of concentration of the watershed.

Detention storage is the temporary holding or storage of stormwater in reservoirs, under predetermined and controlled conditions, with the rate of discharge regulated by installed outflow devices.

Downspout Disconnection means rerouting of rooftop drainage pipes to drain rainwater to rain barrels, cisterns, or permeable areas instead of the storm sewer.

Erosion means the detachment and movement of soil, sediment or rock fragments by water, wind, ice or gravity.

Final stabilization means that all land disturbing construction activities at the construction site have been completed and that a uniform, perennial, vegetative cover has been established, with a density of at least 70 percent of the cover, for the unpaved areas and areas not covered by permanent structures, or employment of equivalent permanent stabilization measures.

Financial guarantee means an escrow, performance bond, maintenance bond, surety bond, irrevocable letter of credit, or similar guarantees submitted to the city by the responsible party to assure that requirements of the ordinance are carried out in compliance with the stormwater management plan.

Flushing means washing debris off a roadway and onto the shoulder or into the ditch and watercourse.

Green Infrastructure means a runoff management system that uses vegetation, soils, and natural processes to mimic nature's ability to soak up and store storm water. Example green infrastructure BMPs include downspout disconnection, rainwater harvesting, rain gardens, planter boxes, bioswales, permeable pavements, green alleys and streets, green parking, green roofs, urban tree canopy, amended soils, and land conservation.

Green Roof means a roof covered with growing media and vegetation that enables rainfall infiltration and evapotranspiration of storm water.

Illicit connections is defined as either of the following: Any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the storm drain system including but not limited to any conveyances which allow any non-stormwater discharge including sewage, process wastewater, and wash water to enter the storm drain system and any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by an authorized enforcement agency or, any drain or conveyance connected from a commercial or industrial land use to the storm drain system which has not been documented in plans, maps, or equivalent records and approved by an authorized enforcement agency.

Illicit discharge means any direct or indirect non-stormwater discharge to the storm drain system, except as exempted in this chapter.

In-Fill Area means an undeveloped area of land located within an existing urban sewer service area, surrounded by development or development and natural man-made features where development cannot occur. "In-fill" does not include any undeveloped area that was part of a larger new development for which a notice of intent to apply for a storm water permit in accordance with Wis. Adm. Code Chm NR 216 Subch. III was required to be submitted after October 1, 2004.

Land developing activity means activities associated and in conjunction with the construction of buildings, roads, parking lots, paved storage areas, and utilities (including sanitary and storm sewer, water, electric, gas, telephone, cable, etc.) and similar facilities.

Land disturbing activity means any manmade change of the land surface including removing vegetative cover, excavating, filling, and grading, but not including agricultural land uses such as planting, growing, cultivating and harvesting of crops.

Land user means any person operating, leasing, renting or having made other arrangements with the landowner by which the landowner authorizes use of land.

Landowner means any person holding title to or having an interest in land.

Maintenance Declaration means a legal document that provides for long-term maintenance of stormwater management practices.

Municipal separate storm sewer system (MS4) is defined as the conveyance or system of conveyances including roads with drainage systems, streets, catchbasins, curbs, gutters, ditches, constructed channels or storm drains.

Peak flow is the maximum rate of flow of water at a given point in a channel, watercourse, or conduit resulting from a predetermined storm or flood.

Permeable Surfacing means improved surfaces that infiltrate, treat, and/or store rainwater where it falls. Permeable surfacing may be constructed from pervious concrete, porous asphalt, permeable interlocking pavers, and several other materials.

Planter Box means an urban rain garden with vertical walls and open or closed bottoms that collect and absorb runoff from sidewalks, pavements, and other impervious surfaces.

Pre-settlement condition is the undeveloped condition or natural grade and vegetated state of the land that existed prior to European settlement.

Protective area is an area of land that commences at the top of the bank of lakes, streams and rivers, or at the delineated boundary of wetlands, that serves to reduce the velocity of flow, filter and infiltrate runoff prior to entering the waters.

Rain Garden means a shallow, vegetated basin that collects and absorbs runoff from rooftops, pavements, and other impervious surfaces.

Rainwater Harvesting means collecting and storing rainfall for later use.

Redevelopment means areas where development is replacing older development. For the purposes of this ordinance a site is considered a redevelopment site when all of the following are met: the site has an existing building, parking lot, or other impervious area and the site is in a zoning district other than agricultural or residential.

Runoff is the portion of rainfall, melted snow or irrigation water that flows across the ground surface.

Runoff Release Rate means the volume of storm water flowing off of development per unit of time and area.

Sediment is solid material, both mineral and organic, that is in suspension, is being transported, or has been moved from its site of origin.

Site means the entire area included in the legal description of the land on which the land disturbing or land development activity is proposed in the permanent application. This may or may not include more than the area being disturbed.

Storm probability is the likelihood a storm of a given duration and intensity that can be expected to be equaled or exceeded in any given 365-day period. A one-percent/24-hour storm event would have a one-percent probability of occurring in any given year. The one-percent probability storm is equivalent to the previously defined 100-year storm.

Time of Concentration means the time required for the point furthest from the outlet of the watershed to contribute to flow at the outlet of the watershed.

(Code 1957, § 3.17(3); Ord. No. 2004-1117, § I, 12-20-2004; Ord. No. 2015-1453, § II, 7-14-2015; Ord. No. 2017-1511, § I, 1-9-2018)

Cross reference(s)—Definitions generally, § 1-2.

Sec. 58-674. Land disturbing activities subject to erosion, sediment, on-site detention and runoff control.

- (a) General requirement. Any owner, occupant or user who undertakes, commences, or performs land disturbing activities; or who permits another person to do the same, on land subject to this section, shall be made to comply with this section. Agricultural land uses are exempt from this section unless state and county agencies fail to gain compliance with accepted standards. Unless more stringent criteria is specified in this section, all property development disturbing one or more acres or that increases impervious surface by one-half acre or more must comply with this section.
- (b) Land disturbing activities subject to erosion and sediment control are as follows:
 - (1) All subdivisions, land divisions, condominium developments and/or the construction of residential, commercial, industrial or institutional buildings.
 - (2) All grading, removal of protective ground cover or vegetation, excavation, land filling or other land disturbing activity affecting a surface area of 4,000 square feet or more.
 - (3) Any excavation or filling or a combination of excavation and filling.
 - (4) Any street, highway, road, or bridge construction, enlargement, relocation or reconstruction.

- (5) Any laying, repairing, replacing or enlarging of an underground pipe or facility for a distance of 300-feet or more.
- (c) Land disturbing activities subject to on-site detention and runoff control are as follows:
- (1) Development having a gross aggregate area of one acre, or more; or developments of less than one acre if they are part of a larger common plan of development or sale within City jurisdiction; or
 - (2) Development that involves the increase of one-half acre or more of impervious surface; or
 - (3) Developments where, in the opinion of the city engineer, the runoff from the activity will exceed the safe capacity of the existing drainage facilities and/or receiving water body; or cause undue channel erosion; or increase water pollution by scour and transport of particles; or negatively impact the downstream property.
- (d) Development or redevelopment that will increase impervious surface by an area equal to or greater than 5,000 square feet but less than 21,780 square feet (one-half acre), on a net basis, shall include green infrastructure as required by MMSD Rules Chapter 13: Surface Water and Stormwater. If the new impervious surface is within a residential subdivision for which MMSD has approved a stormwater runoff management plan, then no additional stormwater runoff management is required.
- (e) Erosion and sediment control regulations for lands not otherwise subject to this section. Any owner, occupant or user who permits erosion, sediment deposits, tracking or dropping of dirt on adjacent land, public streets or bodies of water from land not otherwise subject to this section, shall be deemed in violation of this section and subject to the penalties provided in chapter 2 of this Code of Ordinances.
- (Code 1957, § 3.17(4); Ord. No. 98-965, 9-17-1999; Ord. No. 2004-1117, § I, 12-20-2004; Ord. No. 2022-1625, § I, 8-10-2022)

Sec. 58-675. Standards, specifications and design criteria.

- (a) *Site erosion control.* Plans will not be approved nor permits issued unless erosion and sedimentation leaving the site during and after the land disturbance will not exceed that which would have been eroded if the land had been left in its undisturbed state and are controlled in accordance with procedures established within the most current version of the standard specifications for land development in the City of Mequon, the Wisconsin department of natural resources (WDNR) Stormwater Management Technical Standards, the Wisconsin Stormwater Manual, the Soil Conservation Service Technical Guide, and the Ozaukee County Land Conservation Guidelines. In addition to these guidelines, the following requirements apply:
- (1) All activities on the site shall be conducted in a logical sequence to minimize the area of unstabilized soil at any one time. Limits of disturbance must be demarcated prior to the commencement of land disturbance activity and remain throughout construction.
 - (2) Unstabilized soil may not be left over the winter months. If construction is not anticipated to be completed in the existing season, temporary annual seed or sod, or equivalent control measures approved by the city engineer must be installed prior to September 30 on all areas that have bare soil.
 - (3) All disturbed ground left exposed and inactive for seven or more calendar days shall be stabilized by seeding and mulching or sodding, or other equivalent control measure approved by the city engineer.
 - (4) For sites with more than one acre disturbed at one time, or if a channel originates in the disturbed area, one or more sedimentation basins, or other erosion control measures approved by the city engineer, shall be constructed to minimize channelized flow and erosion. The control measures shall be constructed to the specifications as outlined in the above referenced publications.
 - (5) For sites with less than one acre disturbed at one time, filter fences, straw bales, or equivalent control measures approved by the city engineer, shall be placed along the perimeter of all undisturbed side slope and down slope sides of the site. If a channel or area of concentrated runoff passes through the

- site, erosion control measures, including protective areas as defined in this article shall be employed to ensure that no sediment reaches the channel.
- (6) Any soil or dirt storage shall not be located with a down slope drainage length across a fully vegetated area of less than 25 feet to a roadway, drainage channel, or body of water. If remaining for more than 30 days, the soils should be stabilized with mulch, vegetative cover, tarps or other means. Erosion from soils in existence less than 30 days shall be controlled by placing straw bales, filter fence barrier, or other erosion control measures approved by the city engineer, around the soils.
 - (7) Erosion control measures shall remain in place and be maintained until such time when construction has been completed and final stabilization has been established.
- (b) *Drain inlet protection.* All storm drain inlets shall be protected during the construction and vegetation growth periods with a straw bale, filter fabric, or equivalent barrier meeting accepted design criteria, standards and specifications as outlined in the above referenced publications.
 - (c) *Site dewatering.* Water pumped from the site shall be treated by temporary sedimentation basins, grit chambers, sand filters, or other controls designed to limit discharge of total suspended solids (TSS) to 40 mg/l for the highest dewatering pumping rate. Water may not be discharged in a manner that causes erosion of the site or receiving channels, or in any manner that may cause damage to property as a result of concentrated water flow.
 - (d) *Tracking.* Each site shall have graveled roads, access drives and parking areas of sufficient width and length to prevent sediment from being tracked onto public or private roadways. Any sediment reaching a public or private road shall be removed by street cleaning (not flushing) before the end of each workday. Construction of a gravel/stone tracking area shall comply with the most current versions of the WDNR Stormwater Management Technical Standards, the Wisconsin Stormwater Manual and Mequon standard specifications.
 - (e) *On-site detention and runoff control.* Activities subject to on-site detention and runoff control regulation under the ordinance from which this article is derived shall comply with the following standards:
 - (1) The one-percent/24-hour storm; ten-percent/24-hour storm; and 50-percent/24-hour storm peak rate of runoff after the proposed and finalized development activities may not exceed the peak rate of runoff which would have resulted from the one-percent/24-hour storm; ten-percent/24-hour storm; and 50-percent/24-hour storm event respectively occurring over the site with the land in its pre-settlement condition.
 - a. For redevelopment, by design, the one-percent/24-hour storm; ten-percent/24-hour storm; and 50-percent/24-hour storm peak rate of runoff after the proposed and finalized development activities may not exceed the peak rate of runoff which would have resulted from the one-percent/24-hour storm; ten-percent/24-hour storm; and 50-percent/24-hour storm event respectively occurring over the site with the land in its existing condition. Redevelopments are exempt from the pre-settlement requirements.
 - b. The maximum pre-settlement runoff curve numbers being no greater than:
 - 30 for hydrologic soil group A,
 - 55 for hydrologic soil group B,
 - 70 for hydrologic soil group C,
 - 77 for hydrologic soil group D.
 - (2) Where on-site detention is required for runoff control, the detention facilities shall safely contain the runoff of a one-percent/24-hour storm event of any duration and safely pass/release the detained water at the rates as defined in subsection (e)(1) above through a v-notch weir control structure or other outlet control device as approved by the city engineer.

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- (3) Compliance with the latest edition of the state resources conservation practice standard for wet detention basin design shall be used as a guide and set the minimum standards for the construction of all stormwater detention facilities.
 - (4) All stormwater runoff calculations and detention basin design shall be performed by a professional engineer licensed in the state to practice in the respective field.
 - (f) *Total suspended solids (TSS)*. BMPs shall be designed, installed and maintained to control suspended solids carried in runoff as follows:
 - (1) For new development, by design, reduce to the maximum extent practicable, the total suspended solid load by 80 percent, based on the average annual rainfall, as compared to no runoff management controls.
 - (2) For redevelopment, by design, reduce to the maximum extent practicable, the total suspended solid load by 40 percent, based on the average annual rainfall, as compared to no runoff management controls.
 - (g) *Infiltration*. BMPs shall be designed, installed and maintained to infiltrate runoff so that post-development infiltration volume shall be at least that of the pre-settlement infiltration volume based on the average annual rainfall. The city engineer may determine exceptions based on site history, land use and soil conditions.
 - (h) *BMP design*. All BMPs shall be designed and stamped by a professional engineer licensed in the state to practice in the respective field, applying the most current technology and information available as accepted by the WDNR or the Milwaukee metropolitan sewerage district (MMSD) and approved by the city engineer. BMPs may not be altered from the original city approved design without prior written approval by the city engineer.
 - (i) *Protective areas*. A set-back distance of natural, vegetated areas of land, that are the greatest of the following widths as measured horizontally from the top of the channel or delineated wetland boundary to the closest impervious surface, shall exist to protect the following resource waters. However, in this subsection, "protective area" does not include any area of land adjacent to any stream enclosed within a pipe or culvert, such that runoff cannot enter the enclosure at this location.
 - (1) For outstanding resource waters and exceptional resource waters, ~~and for wetlands in areas of special natural resource interest as specified in Wis. Admin. Code § NR 103.04,~~ 75 feet.
 - (2) For perennial and intermittent streams identified on a United States geological survey 7.5-minute series topographic map, or a county soil survey map, whichever is more current, 50 feet.
 - (3) For lakes, 50 feet.
 - (4) For highly susceptible wetlands, 50 feet. Highly susceptible wetlands include the following types: Calcareous fens, sedge meadows, open and coniferous bogs, low prairies, coniferous swamps, lowland hardwood swamps, and ephemeral ponds. ~~other forested wetlands, fresh wet meadows, shallow marshes, deep marshes and seasonally flooded basins. Wetland boundary delineations shall be made in accordance with Wis. Admin. Code § NR 103.08(1m). This subsection does not apply to wetlands that have been completely filled in accordance with all applicable state and federal regulations. The protective area for wetlands that have been partially filled in accordance with all applicable state and federal regulations shall be measured from the wetland boundary delineation after fill has been placed.~~
 - (5) For less susceptible wetlands, ten percent of the average wetland width, but no less than ten feet nor more than 30 feet. Less susceptible wetlands include degraded wetlands dominated by invasive species such as reed canary grass, cultivated hydric soils, and any gravel pits, dredged material, or fill material disposal sites that take on the attributes of a wetland.
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- (6) In this section, determinations of the extent of the protective area adjacent to wetlands shall be made on the basis of the sensitivity and runoff susceptibility of the wetland in accordance with the standards and criteria in Wis. Admin. Code § NR 103.03.
- (7) For concentrated flow channels with drainage areas greater than 130 acres, ten feet.
- (8) Wetland boundary delineation shall be made in accordance with s. Wis. Adm. Code [NR] 103.08(1m). This paragraph does not apply to wetlands that have been completely filled in compliance with all applicable state and federal regulations. The protective area for wetlands that have been partially filled in compliance with all applicable state and federal regulations shall be measured from the wetland boundary delineation after fill has been placed. Where there is a legally authorized wetland fill, the protective area standard need not be met in that location.
- (9) Notwithstanding (1) through (7) above, the greatest protective area width shall apply where rivers, streams, lakes, and wetlands are contiguous.
- (j) Construction Site Waste. Construction site operators shall manage waste such as discarded building materials, concrete truck washout, chemicals, litter, and sanitary waste at the construction site so to reduce adverse impacts to waters of the state.

(Code 1957, § 3.17(5); Ord. No. 98-965, 9-17-1999; Ord. No. 2004-1117, § I, 12-20-2004; Ord. No. 2017-1511, § II, 1-9-2018)

Sec. 58-676. Application and issuance of permits.

No landowner or land user may commence land disturbance activity or land developing activity, as those terms are defined and used in section 58-675 of this chapter, without receiving prior approval of a control plan for the site and a permit from the city engineer. At least one landowner or land user, controlling or using the site and desiring to undertake a land disturbing or land developing activity subject to this section shall submit an application for a permit and a control plan and pay an application fee to the city engineer. By submitting an application, the applicant is authorizing the city engineer to enter the site to obtain information required for the review of the control plan.

- (1) *Content of control plan required.* For land disturbing activities covering one acre or more.
 - a. Site boundaries and adjacent lands.
 - b. A map showing existing topography of the proposed site and 200 feet onto adjacent properties. Site contour interval shall be a two-foot minimum.
 - c. Vegetative cover and soil type.
 - d. Limits of 100-year floodplain and all watercourses, whether or not it is affected by the proposed development.
 - e. Location and dimensions of stormwater drainage systems and natural drainage patterns on and 200 feet adjacent to the site.
 - f. Locations and dimensions of existing; utilities, structures, roads, highways, paving, lot lines and outlots.
 - g. Proposed conditions of the site shall include:
 - 1. Locations and dimensions of all proposed land disturbing activities, including finished topography at a minimum ~~two feet~~two-foot intervals.
 - 2. Location and dimensions of all temporary soil and dirt stockpiles.

3. Location and dimensions of all construction site best management practice control measures necessary to meet the requirements of this section. All construction details should be shown on the plan.
 4. Location, dimensions and description of all channels, pipes, structures, basins or reservoirs, or other conveyances proposed to carry runoff to the nearest adequate outlet, including applicable design assumptions and computations. The applicable design discharge rate, in cubic feet per second, for each structure, pipe, channel, or conveyance. Design flow velocity for all channels and outlets shall be indicated.
 5. Areas to be sodded or seeded and mulched or otherwise stabilized with vegetation, describing type of final vegetative cover, including the location and type of all vegetated stormwater management measures. Type and quality of mulch and method of anchoring shall be indicated, as well as seeding mixtures, rates, lime and fertilizer application rate for temporary or permanent seeding.
 6. Schedule of anticipated starting and completion date of each land disturbing and land developing activity including the installation of construction site best management practice control measures needed to meet the requirements of this section.
 7. Provisions for maintenance of the construction site best management practice control measures during construction.
- (2) *Content of control plan required.* For land disturbing activities covering less than one acre, but meeting applicability requirements provided in this section of this chapter an erosion control plan statement, with an included map illustrating existing and proposed topography, areas of disturbance and erosion control measures, shall be submitted to briefly describe the site and erosion controls that will be used to meet the requirements of this section.
- (3) *Review of control plan.*
- a. Within 30 days of receipt of the application, control plan, or control plan statement and fee, the city engineer shall review the application and control plan to determine if the requirements of this section are met. The city engineer may request comments from other departments or agencies. If the requirements of this section are met, the city engineer shall approve the plan, inform the applicant and issue a permit upon receipt of the fee payment.
 - b. If the conditions are not met, the city engineer shall inform the applicant in writing and may either require additional information or disapprove the plan. Within 15 days of receipt of needed information, the city engineer shall again determine if the plan meets the requirements of this section. If the plan is disapproved, the city engineer shall inform the applicant in writing of the reasons for the disapproval.

(Code 1957, § 3.17(6); Ord. No. 2004-1117, § I, 12-20-2004)

Sec. 58-677. Permits.

- (a) *Duration.* Permits shall be valid for a period of 180 days, or the length of a building permit, whichever is longer. The city engineer may extend the period one or more times for up to a total of 180 days. The city engineer may require additional control measures as a condition of the extension if they are necessary to ensure compliance with the requirements of this section. If proposed conditions change, and are deemed significant, the city engineer has the authority to declare the permit null and void. The city engineer shall notify the applicant in writing within 15 days of the decision and will request that another permit be submitted with the revised control plan.
- (b) *Drainage financial guarantee.*
 - (1) *Establishment of the guarantee.*

- a. The city engineer shall require the submittal of a financial guarantee, the form and type of which shall be acceptable to the city.
 - b. The financial guarantee shall give the city the authorization to use the funds to complete the stormwater management practices if the responsible party defaults or does not properly implement the approved stormwater management plan, upon written notice to the responsible party by the city that the requirements of this ordinance have not been met.
 - c. For land disturbing activities listed in section 58-674(c): The financial guarantee shall be in an amount equal to 125 percent of the estimated cost of construction and maintenance of the stormwater management practices, as determined by the city, during the period which the designated party in the maintenance agreement has maintenance responsibility. The applicant shall provide to the city engineer the estimated costs of construction and maintenance which shall be calculated, stamped and signed by a professional engineer registered in the State of Wisconsin.
 - d. For land disturbing activities listed in section 58-674(d): The financial guarantee shall be in the amount listed in the annual fee resolution.
- (2) *Conditions for release.*
- a. The city shall release the portion of the financial guarantee established under this section, less any costs incurred by the city to complete installation of practices, upon submission of a certification in accordance with section 58-678(h). The city may make provisions for a partial pro-rata release of the financial guarantee based on the completion of various development stages.
 - b. The city shall release the portion of the financial guarantee established under this section to assure maintenance of BMPs, less any costs incurred by the city, at such time that the responsibility for practice maintenance is passed on to another entity via an approved maintenance [declaration](#) agreement.
- (c) *Permit conditions.*
- (1) Land disturbing activities may not commence until all conditions of the permit and items on the control plan are carried out, inspected and approved by the city engineer.
 - (2) The city engineer must be notified 48 hours prior to commencing land disturbing activities.
 - (3) The city engineer shall be notified after control measures are installed, and prior to land disturbing activities so that he may conduct a field inspection to confirm that all proposed measures are installed according to the control plan. Written authorization to proceed with land disturbing activities must be obtained from the city engineer prior to commencement of construction.
 - (4) Written permission shall be obtained from the city engineer prior to modifying the control plan.
 - (5) All control measures as identified in the approved control plan shall be installed by the applicant.
 - (6) All road drainage systems, stormwater drainage systems, control measures and other facilities identified in the control plan shall be maintained by the applicant.
 - (7) Any siltation or erosion damage to adjoining surfaces and drainage ways resulting from land developing or disturbing activities shall be repaired by the applicant.
 - (8) Erosion control measures [and limits of disturbance](#) shall be inspected by the applicant, and necessary repairs made after each rain of one-half inches or more and at least once a week.
 - (9) The city engineer, or an agent thereof, shall be allowed to enter the site for the purpose of inspecting compliance with the control plan or for performing any work necessary to bring the site into compliance with the control plan.
 - (10) A copy of the control plan shall always be kept on site.

- (11) Upon written notification by the city engineer, the applicant shall remove specified erosion control measures after the site has been deemed stabilized.

(d) *Inspection.*

- (1) The city engineer shall inspect construction sites at least once ~~a month~~ every 45 days for active sites, 60 days for inactive sites, or after a rainfall of one-half inch or more during the period starting March 1 and ending October 31, and at least two times during the period starting November 1 and ending February 28 to ensure compliance with the control plan.
- (2) If land disturbing or land development activities are being carried out without a permit, the city engineer shall have authority to enter the land pursuant to the provisions of Wis. Stats. § 66.0119.

(e) *Enforcement.*

- (1) The city engineer may post a stop work order if:
- Any land disturbing or land developing activity regulated under this section is being undertaken without a permit.
 - The control plan is not being implemented in a good faith manner.
 - The conditions of the permit are not being met.
 - Control measures and limits of disturbance are not being maintained in a good faith manner.
- (2) If the permittee does not cease the activity or comply with the control plan or permit conditions within seven days, the city engineer may revoke the permit.
- (3) If the landowner or land user where no permit has been issued does not cease the activity within seven days, the city engineer may request the city attorney to obtain a cease and desist order.
- (4) The city engineer or board of appeals may retract the stop work order or the revocation.
- (5) Five work days after posting a stop work order, the city engineer may issue a notice of intent to the permittee or landowner or land user of the city engineer's intent to perform work necessary to comply with this section. The city engineer may go on the land and commence the work five working days from issuing the notice of intent. The cost of the work performed by the city engineer, plus interest is to be billed to the permittee or the landowner. In the event a permittee or landowner fails to pay the amount due, the clerk shall enter the amount due on the tax rolls and collect as a special assessment against the property pursuant to Wis. Stats. § 66.60(16).
- (6) Within 18 months of building permit issuance and prior to issuance of the certificate of occupancy, submission of a certification in accordance with section 58-678(h) and acceptance by the city engineer is required.
- ~~(6)(7)~~ Any person violating any of the provisions of this ordinance shall be subject to a forfeiture as provided in chapter 2 of this Code of Ordinances, and the city may recover all attorneys' fees, court costs, and other expenses associated with enforcement of this section, including sampling and monitoring expenses. Each day a violation exists shall constitute a separate offense. Any financial penalties issued to the City by regulatory bodies due to any person violating the provisions of this ordinance, the person shall be subject to a forfeiture in amount of the financial penalties.

(Code 1957, § 3.17(7); Ord. No. 90-708, 5-8-1990; Ord. No. 2002-1044, § I(A), 6-11-2002; Ord. No. 2004-1117, § I, 12-20-2004; Ord. No. 2015-1453, § III, 7-14-2015; Ord. No. 2022-1625, § III, 8-10-2022)

Sec. 58-706. Notification of spills.

Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting or may result in illegal discharges or pollutants discharging into stormwater, the

storm drain system, or water of the U.S. said person, shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of hazardous materials, said person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of non-hazardous materials, said person shall notify the city in person or by phone or facsimile no later than the next business day. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the city within three business days of the phone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least ~~three~~five years. If the spill threatens waters of the state, the spill hotline should be notified at 1-800-943-0003.

(Ord. No. 2004-1117, § I, 12-20-2004)