11333 N. Cedarburg Road
Mequon, WI 53092
Phone: 262-236-2904
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www.ci.mequon.wi.us

Department of Community Development
Taped and Televised

**PLANNING COMMISSION**
**Regular Meeting**
**Wednesday, September 5, 2018**
**6:00 PM**
**Christine Nuernberg Hall**

**Agenda**

1) **Call to Order, Roll Call**

2) **Approval of Minutes from July 23, 2018**

3) **Consent**

   a) P2 Development Co. LLC for Foxtown Commons. The applicant is seeking landscape plan approval for a proposed 96-unit apartment building for the property located at 11127 N. Industrial Drive.

   b) Enclave at Mequon Preserve - Phase III. The applicant is seeking final plat approval for a 17 lot single-family subdivision for the final phase for The Enclave at Mequon Preserve located at 10729-10839 N. Wauwatosa Road.

   c) Poblocki Sign Company for Finastra. The applicant is seeking approval to allow for a building wall sign facing I-43 for the property located at 12080 N. Corporate Parkway (Finastra).

   d) Groth Design Group for Concordia University. The applicant is seeking building and site plan amendment approval for an expansion of 9,781 sq. ft. to the Kreft Center (music department) to add space for practice rooms, rehearsal and band areas for the property located at 12800 N. Lake Shore Drive (Concordia University).

   e) Ranch Court. The applicant is seeking final plat approval for a 6-lot single family subdivision located at 2100 Ranch Road.

4) **Regular Business**

   a) Irgens Partners, Inc. The applicant is seeking building and site plan and certified survey map approval for the construction of two 38,000 sq. ft. single-story, multi-tenant office buildings to be located at 12100 N. Corporate Parkway (East Mequon Corporate Center).

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

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

d) Paul Apfelbach for Fillinger Family. The applicant is seeking rezoning recommendation from R-1 to R-1/PUD and concept plan approval to allow for a 13-lot single-family subdivision on 70 acres located at the corner of Bonniwell and Riverland Roads (Riverland Estates).

e) Boulder Venture for Associated Bank. The applicant is seeking rezoning recommendation from B-2 to B-2/PUD and concept plan approval for two proposed developments to allow a financial institution and a fast food restaurant to share access, parking, storm water management and green space for the properties located at 11223 & 11249 N. Port Washington Road.

f) Gregory Thompson. The applicant is seeking building and site approval to allow for a proposed storage unit development (StorageShopUSA) for the property located at 5717 W. Donges Bay Road (located in the Donges Bay Corporate Park). The applicant has appealed previous conditions of approval from the April 9, 2018 Planning Commission meeting (items 14 and 17) to the City of Mequon Board of Appeals. The Board of Appeals has remanded the matter back to the Planning Commission.

g) Gregory Thompson Board of Appeals Documentation

**5) Announcements**

The next meeting is Monday, October 8, 2018 at 6:00 p.m.

**6) Adjourn**

Dated: September 4, 2018 /s/ Dan Abendroth, Chairman

Notice is hereby given that a quorum of other governmental bodies may be present at this meeting to present, discuss and/or gather information about a subject over which they have decision-making responsibility, although they will not take formal action thereto at this meeting.

Persons with disabilities requiring accommodations for attendance at this meeting should contact the City Clerk's Office at 262-236-2914, twenty-four (24) hours in advance of the meeting.

Any questions regarding this agenda may be directed to the Department of Community Development's Office at 262-236-2904, Monday through Friday, 8:00 AM – 4:30 PM

City of Mequon

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Department of Community Development

**TO:** **Planning Commission**

**FROM:** **JAC ZADER, ASSISTANT DIRECTOR COMMUNITY DEVELOPMENT**

**DATE:** **September 5, 2018**

**SUBJECT:** **PLANNING COMMISSION MEETING MINUTES from July 23, 2018**

# Memorandum

Attached please find the City of Mequon Planning Commission Meeting Minutes of July 23, 2018 for your review.

Attachments:
07.23.18 DRAFT (PDF)

City of Mequon

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Department of Community Development
Taped and Televised

**PLANNING COMMISSION**
**Regular Meeting**
**Monday, July 23, 2018**
**6:00 PM**
**Christine Nuernberg Hall**

**Minutes**

## 1) Call to Order, Roll Call

**Present:**
Chairman Dan Abendroth
Alderman Robert Strzelczyk
Commissioner Martin Choren
Commissioner Brian Parrish
Commissioner John Stoker
Commissioner James Schaefer
Commissioner Rebecca Schaefer
Commissioner Rick Lemke

a) Approval of Minutes

b) PLANNING COMMISSION MEETING MINUTES from June 11, 2018

**Action**
Commissioner Stoker made a motion to approve the June 11, 2018 minutes.
Commissioner J. Schaefer seconded the motion.
*A voice vote was called; vote passed (8-0)*

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

## 2) Public Hearing

a) City of Mequon Town Center No. 3 Tax Increment District Project Plan Amendment

**Action**
Commissioner Stoker made a motion to go into public hearing.
Ald. Strzelczyk seconded the motion.

Attachment: 07.23.18 DRAFT (3466 : Planning Commission Minutes from July 23, 2018)

*A voice vote was called; vote passed (8-0)*

**Action**
Commissioner Stoker made a motion to close the public hearing.
Ald. Strzelczyk seconded the motion.
*A voice vote was called; vote passed (8-0)*

Director Tollefson introduced Dawn Gunderson from Ehlers and Associates, the City's financial consultant, which has assisted the city with all of the tax increment districts. Ms. Tollefson explained that the item for action is a proposed amendment to the Town Center ("TC") TIF Project Plan which was created in 2008. In 2013 an amendment to the plan was made to not only allow for development incentives but to do a modest extension of the district boundaries (specifically for the lands around OutPost Natural Foods). In 2009, the city borrowed dollars for all of the original 2008 project expenditures that the city had hoped to make but all of those dollars have been used and there are no additional expenditures that can be made from the district and no further incentives can be made or projects completed that were originally intended. On June 4, 2018 the Common Council ("CC") discussed this issue in response to a request for an incentive from Foxtown. The Foxtown Commons project is estimated at about $50M in value. Under the incentive formula used for all TIF districts, the project would be eligible for about a $4.5M incentive and would operate under the "pay as you go" formula.

Ms. Tollefson stated that the Commission is being requested to hold the state mandated public hearing for the TIF Amendment Project Plan as well as to take action on the required Resolution that would then be forwarded to the CC to take action at their August meeting. If approved, the item will go back to the Joint Review Board for finalization. She stated that the TC TIF has had much success and the amendment would allow for funds to be available to complete some of the projects identified at the time the original TIF district was created.

It was discussed that there is misunderstanding in the public of the incentives programs and how they work. It was suggested that a one-page summary put placed on the city website that explains the incentive programs and the success that the city has had thus far.

**Action**
Ald. Strzelczyk made a motion to approve the item to recommend the amendment TIF project.
Commissioner R. Schaefer seconded the motion.
*A voice vote was called; vote passed (8-0)*

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

b) raSmith National for Mark and Lynn Leonard. The applicant is seeking rezoning recommendation from B-3 (Office and Service Business District) to IPS (Institutional and Public Service District), conditional use grant, building and site plan and certified survey map approval to allow for a single story hospital approx. 18,000 sq. ft. to be located at 11409 & 11421 N. Port Washington Road.

**Action**
Ald. Strzelczyk made a motion to open a public hearing.
Commissioner Choren seconded the motion.
*A voice vote was called; vote passed (8-0)*

Jack Mikkelson – 13025 N. Birch Creek Road –is the owner of the office building adjacent to the proposed project. He stated that the easement agreement is not in satisfactory form at the present time and that he has not yet agreed to the easement agreement for the combined driveway.

Scott Nyholm – owner of the properties just to the east of the Froedert Medical Center – he does not feel that this project is needed as there are plenty of medical buildings in that vicinity. He feels that there are too many empty buildings sitting vacant on Port Washington Road and he does not want to add more buildings. He would like the Commission to consider the future long term planning for the east side of town.

**Action**
Commissioner Stoker made a motion to open a public hearing.
Commissioner R. Schaefer seconded the motion.
*A voice vote was called; vote passed (8-0)*

Asst. Dir. Zader stated that this request is for a rezoning recommendation that will go to the CC in September as well as building and site plan, conditional use grant and certified survey map approvals which will be contingent upon the rezoning approval. He gave an overview of the staff report. He stated that staff is not supportive of the two waivers requested but in subsequent conversations, the applicant feels that they will be able to comply with the requirements. It is hoped that a shared easement can be obtained, but if not, a single access point will need to be approved before to moving forward. Staff would like to continue to work with the applicant regarding the building materials and colors. Mr. Zader stated that there have been some concerns from neighbors regarding noise from emergency vehicles. Staff does recommend approval according to the conditions in the report.

The applicant, Ryan Marks, stated that Froedert is aiming to meet needs locally 24/7. This project would house a 7-bed urgent care facility with full scan services available with 8 beds

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for overnight stays up to five nights. Mr. Marks explained that this would be a small scale, user-friendly comfortable facility. He explained that there will not be emergency vehicles directed to this facility. This will be the first one in the state; they have been successful in other states. He feels that the easement can be agreed upon with the neighbor. The applicant held a neighborhood meeting to inform the surrounding properties of their intentions. The intent of the design is to match the materials and colors of the building to those across the street at the Froedert Medical Center.

Mary Ellen Doll – 11348 N. Linnwood Lane – is opposed to the project but does not wish to speak.

Asst. Dir. Zader showed a map of the area of the residential properties located west of the proposed development. There was discussion about the trash area and the noise created and the hours of trash collection. He stated that a condition can be added that specifies allowed hours of trash collection.

**Action**
Commissioner Stoker made a motion to approve per the conditions in the staff report; trash collection only allowed from 7:00 am to 5:00 pm, a shared easement agreement must be in place, and must be required to enter into a PILOT agreement if not a taxable entity.
Commissioner Lemke seconded the motion.
*A roll call vote was called; vote passed (6-2; NO votes R. Schaefer, Ald. Strzelczyk)*

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|---|---|
| **RESULT:** | **APPROVED WITH CONDITIONS [6 TO 2]** |
| **MOVER:** | John Stoker, Commissioner |
| **SECONDER:** | Rick Lemke, Commissioner |
| **AYES:** | Abendroth, Choren, Parrish, Stoker, J. Schaefer, Lemke |
| **NAYS:** | Strzelczyk, R. Schaefer |

**3) Consent**

a) Gary Mueller. The applicant is seeking certified survey map approval for a 2 lot land division for the property located at 11711 N. Church Place.

**Action**
Commissioner Stoker made a motion to approve the three consent items
Commissioner J. Schaefer seconded the motion.
*A voice vote was called; vote passed (8-0)*

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

b) St. Francis Borgia Church. The applicant is seeking fill permit to allow for 8,900 C.Y. to fill in a low area of the cemetery for the property located at 7963 Pioneer Road.

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

c) John and Susan Bieberitz. The applicant is seeking fill permit to allow for 2,450 C.Y. of fill for construction of a new single family residence for the property located at 13822 N. Hawks Landing.

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

**4) Regular Business**

a) David Joyce. The applicant is seeking certified survey map approval for a 2 lot land division for the property located at 12037 W. Bonniwell Road.

Planner Vang stated this approval is for a 2- lot certified survey map. She explained that a previous 3-lot CSM had been approved. An access agreement by all three parties involved is required prior to approval as well as a soil report. Staff recommends approval subject to the conditions in the staff report.

The applicant, Lyle Joyce, stated that there are should not be easements to Lots 2 and 3. He explained that there are 60 acres between these two lots and Highland Road and there is access to these lands from Highland Road. The present access used is from Wausaukee Road. He feels there is no reason to have an easement across this land. He requested that the easement be dropped from the new land map.

Asst. Engineer, Bridget Henk, explained that there was a full search done and no recorded documents were found. The applicant did provide the title document that he referenced and those have been submitted to the City Attorney for his input and consideration whether or not that legally dissolved this access. Attorney Sajdak determined that it did not dissolve it. Staff

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offered that in order to dissolve that access the applicant would need to record another access easement for Lots 2 & 3. This would ensure all of the parcels have a legal access point.

There was discussion among the Commission on different options for finding a solution and ensuring protection of the city as well as helping to guide the applicant towards a favorable outcome for all.

**Action**
Ald. Strzelczyk made a motion to approve subject to staff conditions and with the condition that the shared access and maintenance agreement which includes proposed Lots 1 & 2 and the existing Lots 2 and 3 shown on CSM 3307. In the event the owners of Lots 2 & 3 (CSM 3307) abandon their rights to the easement, the agreement shall document and formally recognize such abandonment.
Commissioner Stoker seconded the motion.
*A voice vote was called; vote passed (8-0)*

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

b) City of Mequon. The applicant is seeking site plan amendment to allow for the reconstruction of the civic campus parking lot for the property located at 11333 N. Cedarburg Road.

Asst. Dir. Zader stated that the proposed new design was included in the staff report. He stated that 43 parking spaces will be added for a total of 181 parking stalls. He talked about a few of the features that are included in the new design: many pedestrian-friendly devices will be added (sidewalks, paving markings, etc.), the orientation of the stalls will be changed to east-west, pervious pavers will be added, landscaping will be added and the lighting will be changed. Staff recommends approval per the conditions in the staff report.

The benefits and maintenance of the pavers were discussed by Asst. Eng. Henk. She explained that the city is utilizing a MMSD Green Solutions Grant which provides a portion of the funding to incorporate green solutions into the parking lot. Ms. Henk explained that the pavers act as a storm water management quality and quantity device. The pavers are treated differently than asphalt and how they are laid when being installed is important and they need to be plowed with a rubber blade. She also explained that in terms of maintenance that chips are periodically added to the pavers and they need to be cleared out regularly.

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

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

c) Irgens Partners, LLC. The applicant is seeking building and site plan and certified survey map approval for the construction of two 38,000 sq. ft. single-story multi-tenant office buildings to be located at 12100 N. Corporate Parkway (East Mequon Corporate Center).

This item was cancelled, the applicant withdrew their application.

d) Lakeside Development Company for I.S. Corp. The applicant is seeking building and site plan amendment approval to add a 13 foot tall, 37' x 10' sized industrial generator for the property located at 10235 N. Port Washington Road.

Ald. Strzelczky recused himself from this item.

Asst. Dir. Zader stated that there is a request to add a 2,000 KW generator in the existing parking area. Staff was not comfortable approving this at a staff level based on the size and possible sound concerns. He reviewed the staff report and stated that due to nearby residential properties there is a condition of no more than 65 decimals at the property line. This is will be checked at the time of installation and if it does exceed that amount, additional sound dampening or landscaping will be required to get in compliance. There will be regularly testing which will be conducted between 10:00 a.m. - 2:00 p.m. Staff does recommend approve subject to the conditions in the staff report.

The applicant, agent Brain Scheive from Lakeside Development Company and Mike Weber, owner of IS Corp, stated that the generator will be receded two feet into the ground and that they are taking measures to help screen the generator; it will be located behind a fence and there will be added landscaping (Arborvitae).

**Action**
Commissioner Parrish made a motion to approve the item.
Commissioner Stoker seconded the motion.
*A voice vote was called; vote passed (7-0) (Ald. Strzelczyk rescued himself)*

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| **RESULT:** | **APPROVED [7 TO 0]** |
| **MOVER:** | Brian Parrish, Commissioner |
| **SECONDER:** | John Stoker, Commissioner |
| **AYES:** | Abendroth, Choren, Parrish, Stoker, J. Schaefer, R. Schaefer, Lemke |
| **RECUSED:** | Strzelczyk |

e) Fahim Beg for Clark Gas Station. The applicant is seeking building and site plan amendment to allow for a building expansion to the C-store for the property located at 10355 N. Port Washington Road.

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Planner Vang reviewed the staff report and stated that the request is for final building and site plan amendment approval to add onto the C-store at the Clark Gas Station. They are requesting an off-set waiver from the west property line which staff does approve with the condition that the landscaping be maintained and brought into compliance with the previously approved landscape plan. Staff also supports the open space ratio waiver due to the small size of the lot and the addition of the landscape plan.

Ms. Vang stated there was some discrepancy regarding the building plans. New plans were submitted this evening. Staff recommends that the pillars be the same height as the top of the windows and that the brick be extended around the building onto the west elevation as well. A few on site compliance issues need to be addressed. Staff does recommend approval based on the conditions in the staff report.

The applicant, Fahim Beg, is in agreement to comply with the recommendations and requirements by staff.

**Action**
Commissioner J. Schaefer made a motion to approve the item.
Commissioner Choren seconded the motion.
*A voice vote was called; vote passed (8-0)*

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

f) Kieffer Signs Inc., for Shopko Optical. The applicant is seeking approval for a proposed sign for Shopko Optical for the property located at 10930 N. Port Washington Road (Mequon Pavilions).

Planner Vang stated that the applicant is seeking a sign waiver for the design of a sign that does not meet the master sign plan ("MSP") for a tenant located in the Mequon Pavilions. Staff does not support the design of the channel letters on top of a proposed green aluminum backer panel. Staff does approve the white channel letters which match many of the other tenant signs and is compliant with the MSP. This wall faces Port Washington Road with high visibility.

The applicant, Julie Lohrstorfer with Keiffer Signs and Donna Capichano with Shopko, stated that Shopko is currently rebranding and the green and white colors are very important to them. They stated that Mequon is the first free standing optical store. Their understanding is that as long as the colors are part of a national brand they would be acceptable. Brixmor signed a lease with Shopko Optical which included their signage so they were under the understanding that their signs were approved.

Feedback from the Commission was supportive of staff and they feel that the sign is too large

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

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

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

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

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

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

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

Attachment: 07.23.18 DRAFT (3466 : Planning Commission Minutes from July 23, 2018)

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

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

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

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

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

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

**5) Announcements**

a) Moratorium Study Update

Staff provided update in the packet.

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

**6) Adjourn**

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

Respectfully Submitted,

*Jac Zader*

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Attachment: 07.23.18 DRAFT (3466 : Planning Commission Minutes from July 23, 2018)

City of Mequon

11333 N. Cedarburg Rd
Mequon, WI 53092-1930
Phone: 262-236-2902
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Department of Community Development

**TO:** **Planning Commission**

**FROM:** **JAC ZADER, ASSISTANT DIRECTOR COMMUNITY DEVELOPMENT**

**DATE:** **September 5, 2018**

**SUBJECT:** **P2 Development Co. LLC for Foxtown Commons. The applicant is seeking landscape plan approval for a proposed 96-unit apartment building for the property located at 11127 N. Industrial Drive.**

| | |
|---|---|
| Applicant: | P2 Development Co., LLC |
| Status of Applicant: | Agent |
| Requested Action: | Landscape Plan |
| Existing Zoning: | Town Center (TC) |
| Existing Land Use Plan: | Town Center (TC) |
| Lot size: | 4 acres |
| Location: | 11127 N. Industrial Drive |
| Tax Key: | #14-027-01-013.00 |
| District: | #4 |

**Background:** The applicant requests landscaping plan approval for the Foxtown Commons apartment building located at 1127 N Industrial Drive. The 96 unit apartment building was approved as part of the mixed use PUD on January 9, 2018. Since the Planning Commission did not receive review comments from the landscape architect, the landscape plan was tabled at the June 11, 2018 meeting.

**Landscape Plan:**
Based on a review of the landscaping proposal completed by the city's landscape architect consultant, staff will require the applicant submit a revised plan that will address the following issues:

- All conifer trees shall be 7 feet in height
- Final location and species of street trees along Industrial Road shall be determined as part of the overall final road design.

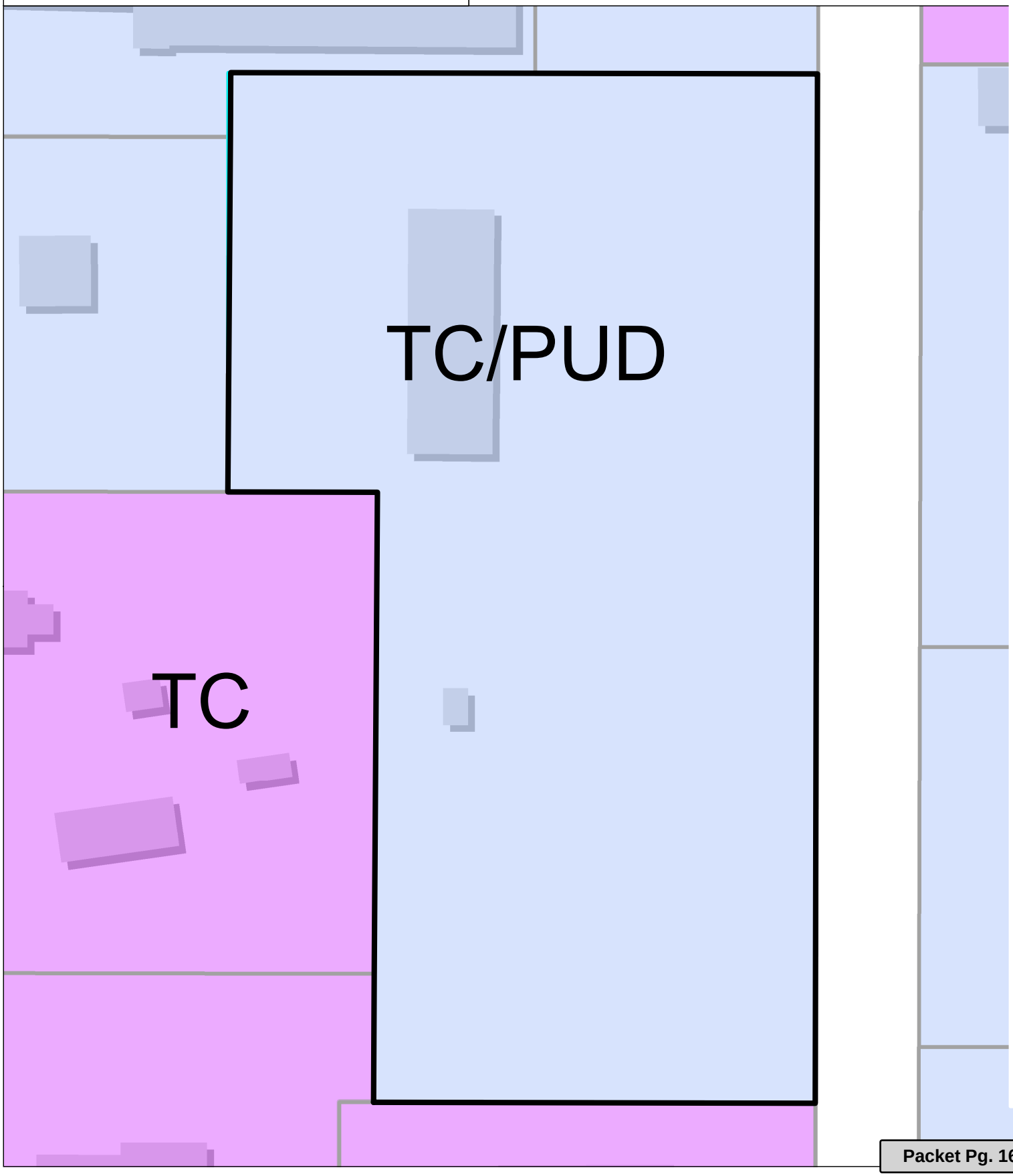
**Staff Recommendation:** Planning staff recommends **approval** of the landscaping plan subject to the following conditions:

1. A landscaping escrow equal to 125% of the improvement costs for installation of landscaping by a licensed contractor and an escrow equal to 25% of the landscape contract cost to insure that landscaping that dies within three (3) years of installation will be replaced by the applicant.
2. All conifer trees shall be 7 feet in height
3. Final location and species of street trees along Industrial Road shall be determined as part of the overall final road design.
4. Street tree cost and installation shall be the responsibility of the developer.

Attachments:
PacketDocs (PDF)

# P2 Development Co., LLC for Foxtown Commons

| | | | |
|---|---|---|---|
| AC | Arrival Corridor | LTD | Limited Use |
| A-1 | Agricultural Preserve | OA | Agricultural Overlay |
| A-2 | General Agricultural | PUD | Planned Unit Development Overla |
| B-1 | Neighborhood Business | P-1 | Park & Recreation |
| B-2 | Community Business | R-1 | Single-Family Residential (5 Ac. Min.) |
| B-3 | Office & Service Business | R-1B | Single-Family Residential (2.5 Ac. Min.) |
| B-4 | Business Park | R-2 | Single-Family Residential (2.0 Ac. Min.) |
| B-5 | Light Industrial | R-2B | Single-Family Residential (1.5 Ac. Min.) |
| B-6 | Rural Industrial | R-3 | Single-Family Residential (1.0 Ac. Min.) |
| B-7 | Rural Business | R-4 | Single-Family Residential (3/4 Ac. Min.) |
| C-1 | Shoreland/Wetland Conservancy | R-5 | Single-Family Residential (1/2 Ac. Min.) |
| C-2 | General Conservancy | R-6 | Single-Family Residential (4 du/Ac) |
| CGO | Central Growth Overlay | RM | Multi-Family Residential |
| FFO | Flood Fringe Overlay | TC | Town Center |
| FW | Floodway | TDR | Transfer of Development Rights |
| IPS | Institutional & Public Service | | |




Attachment: PacketDocs (3467 : P2 Development Co. LLC for Foxtown Commons)

QUAM ENGINEERING, LLC 1519 E Washington St, Suite A, West Bend, WI 53095 (262) 338-6641

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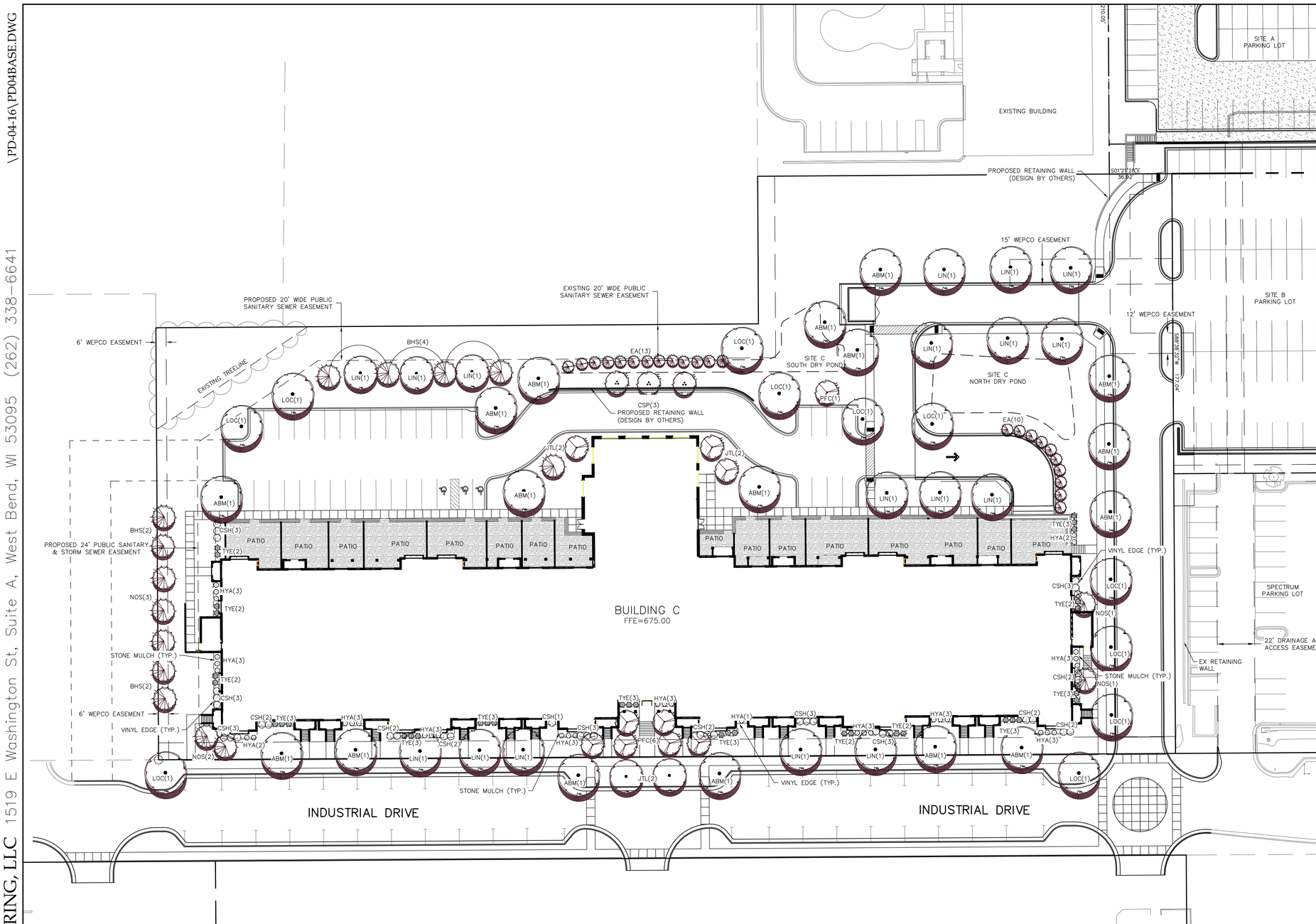


0 30 60

NOTE: BEARINGS ARE REFERENCED TO THE WISCONSIN STATE PLANE COORDINATE SYSTEM(SOUTH ZONE),

| | | | | |
|---|---|---|---|---|
| | | | Canopy/Tall Deciduous Trees | |
| ABM | 17 | 2" | Autumn Blaze Maple | BB |
| LIN | 17 | 2" | Green Spire Linden | BB |
| LOC | 11 | 2" | Sunburst Honey Locust | BB |
| Total | 45 | | | |
| | | | Low Deciduous Trees | |
| CSP | 3 | 1 ½" | Cleveland Select Pear | BB |
| JTL | 6 | 1 ½" | Japanese Tree Lilac | BB |
| PFC | 7 | 1 ½" | Prairie Fire Crab | BB |
| Total | 16 | | | |
| | | | Tall Evergreen Trees | |
| BHS | 8 | 4' | Black Hills Spruce | BB |
| NOS | 7 | 4' | Norway Spruce | BB |
| Total | 15 | | | |
| | | | Deciduous Shrubs | |
| CSH | 36 | 18" | Cool Splash Honey Suckle | POT |
| HYA | 38 | 18" | Hydrangea Annabelle | POT |
| Total | 72 | | | |
| | | | Evergreen Shrubs | |
| EA | 23 | 5' | Emerald Arborvitae | BB |
| TYE | 36 | 18" | Taunton Yew | POT |
| Total | 59 | | | |

NOTES:

1) Lawn areas seeded (Madison Parks seed mix), fertilized, and mulched with straw.
2) Drainage swales and lawns with slopes steeper than 3/1 shall be mulched with erosion control fabric (installed per manufacturer's specifications).
3) Planting beds to be mulched 3' wide with #2 washed stone to a depth of 3" over weed barrier fabric.
4) Individual trees and shrub groupings in lawn areas to receive shredded hardwood bark mulch plant rings (4' diameter) spread to a depth of 3"
5) Designated planting beds to be separated from lawn areas with 5" black vinyl edge.

GREEN SPACE = 45,000 FT²
ONE 2" TREE PER 1000 FT² = 45 TREES: TREES PROVIDED = 45
TWO SHRUBS PER 1000 FT² = 90 SHRUBS: SHRUBS PROVIDED = 131
ROAD FRONTAGE = 560FT/30FT =19 TREES: TREES PROVIDED = 19

FOXTOWN APARTMENTS

LANDSCAPE PLAN
DATED: MAY 16, 2018

C-105

QUAM ENGINEERING, LLC
Residential and Commercial Site Design Consultants
1519 E Washington Street, Suite A; West Bend, Wisconsin 53095
Phone (262) 338-6641; www.quamengineering.com

Attachment: PacketDocs (3467 : P2 Development Co. LLC for Foxtown Commons)

July 14st, 2018

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

Dear Ms. Tollefson:

I appreciate the opportunity to assist the City of Mequon with landscape architectural review services. The following is a review of the landscape submittal for Foxtown Common, a proposal for a commercial development located on Industrial Dr. This is the first review of the landscape plan dated 06/25/18. The landscape plans were submitted by Quam Engineering.

The nature of this review will be to assess the landscape plan for completeness; the plan must address both, aesthetic design and buffering that addresses the site/location. The landscape plan will be assessed how the proposed plant palette and proposed plant density addresses the Planning Commission's request for greater buffering/treatments at the following site zones/adjacencies: 1.Street Frontage Zone; 2.Property Line Buffer Zone; 3.Out-Lot Zones; 4.Open Space Zone; 5. Detention/Retention Basins; 6. Loading Dock Buffer; 7. Refuse/Recycle station buffer.

***General Overview:*** Dated 06/25/18 the plan sheet is titled: C-105, Landscape Plans.

- The plan is NOT sealed or signed by a WI RLA, as required by code. Provide.
- The overall proposed Landscape sheet is at 30 scale. The plan sheet is clean and the information is discernable.
  - The plan failed to provide an complete plant schedules, with: common name, scientific name, size specified and the total quantities, as required. See specific notes below regarding the proposed plant sizes and stated quantities. Amend Plant Schedule.
  - The plan correctly provides the location of the ROW Street trees. I assume the ROW plantings are being reviewed by the city forester. Also, the City of Mequon does not distinguish between Ornamental trees and Non-ornamental trees. The required proposed caliper size is below the standards enforced on other Industrial Drive corridor applications. ( see size comments below, Amend plans accordingly.)
  - The plan provides minimal planting notes, directions or standards to the landscape contractor. Notes help define the designer's intent, as well as, protect the owner from defective work and, or which contractor(s) have responsibility for what construction areas.
- The submittal specifies seed TURF, but it fails to provide a seeding plan with: the rate of application of the interim turf/erosion control seeding mix. Plans should be amended, to indicate: 1. Sod/seeding area SYD. Currently seeding is proposed, amend plans to specify: 1.type of seed mix, 2. rate of application, 3. fertilizer type, 4. fertilizer application rates, 5. number of total proposed applications <seed & fertilizer>, Define which contractor is responsible for fine grading and define the performance level of the finished surface prior to seeding. 6. The City of Mequon applies a performance criteria for approving TURF acceptance. 7. The OWNER accepts multiple seeding may be required to meet the performance requirements of turf. 8. Failure to meet the TURF performance



Attachment: PacketDocs (3467 : P2 Development Co. LLC for Foxtown Commons)

criteria is grounds for withholding permit of occupancy, or bonding requirements. 9. Failure to implement seeding without enough time to establish a turf that meets the performance criteria, is the OWNER's responsibility. The City has the right to require the execution of fine grading and turf implementation until the performance standards are met. 10. The OWNER may wish to apply SOD if fine grading is not complete to enable the seed turf establishment.

❖ Erosion control seeding will not meet the performance requirements of the City of Mequon's staff.

❖ ***Landscape Schedule Review:***

➢ **Outline of the <u>proposed plant types</u> and quantities:**

- Six deciduous Tree Species, (Total proposed deciduous trees – 61)
- Two Coniferous Tree Species, (Total proposed conifer trees –15)
- Two Deciduous Shrub Species, (Total proposed decid. shrubs –72
- Two Coniferous Shrub Species, (Total proposed conifer shrubs --72)
- Zero Perennials, Bulbs/corms, Groundcover Species, (Total proposed groundcovers/perennials –0)
- Zero Decorative Grass species, (Total proposed grasses – 0)
- Zero vines - (Total proposed vines --0)

## *Plant Schedule Comments:*

♦ The species proposed have the ability to perform in the local soils.

♦ The schedule must have the genus/species information added. There are thousands of plans with similar common names. Plus, having the genus/specie information is the only way to ensure the OWNER is getting what is paid for.

♦ The plan shows a proposed dry pond. Provide a seeding plan for the basin, with: the rate of application of the interim turf/erosion control seeding mix. Plans should be amended, to indicate: 1. Sedge/seeding area SYD. 2.type of seed mix, 3. rate of application, 4. fertilizer type, 5. fertilizer application rates, 6. number of total proposed applications <seed & fertilizer>, Define which contractor is responsible for fine grading and define the performance level of the finished surface prior to seeding. 7. The City of Mequon applies a performance criteria for approving TURF acceptance. 8. The OWNER accepts multiple seeding may be required to meet the performance requirements of turf. 9. Failure to meet the ground cover performance requirements, may result in failure to secure a building occupancy permit.

♦ The proposed planting plan will meet the 30% shade coverage at the P-lot requirement.

♦ The proposed plant palettes are commonly reused throughout Ozaukee Co. None of the proposed plants are listed in the 2017 Wisconsin NCRS Invasive prohibited or regulated lists. The Cool Splash Honeysuckle is not the invasive species taking over Mequon's woodlands. But it is aggressively suckering, the plan will need to be placed in planters with well-defined edges. As the plant exceeds the planter edge definition it will require pruning/removal.

♦ Plant schedule fails to define the type of Turf information, as previously commented. Please provide the requested TURF information. It helps the contractor's understand the requirements of the job and helps drive competitive pricing for the owner. The plan references a commercial seed on sheet C105. As previously observed, the City of Mequon has a performance based turf acceptance. Seeded turf

Attachment: PacketDocs (3467 : P2 Development Co. LLC for Foxtown Commons)

will require long term watering, multiple fertilizer applications and often, multiple over seeding applications to meet the performance levels required. Failure to meet the turf performance requirement may result in a delay of the Certificate of occupancy.

- **Recommended Revisions to the Planting Schedule, includes:**
  1) Please add planting notes.
  2) As required for the past several years – I would recommend the proposed plant sizes to be revised to the following size standards:
     - The plant schedule shall be amended to specify all:
       - All Deciduous trees shall have a minimum 3.5 inch caliper @ 16" above the root ball
       - The Conifer tree shall have a minimum 7ft height (to the top lateral branch, not to the top of the central leader) above the rootball. The pendulous conifer shall have a full form, per the proposed code.
     - Per ANSI z 60.1, the plantings shall meet height equivalency consistent of the stated caliper. Planting instruction: Trees selected may meet caliper requirements, but failing to meet height requirements, or root ball size requirements will be rejected by the city for cause.
     - The plant schedule quantiles match the graphic representation of the proposed layout.

- ***Zone Review/Comments:***

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

  - **Street Frontage Zone**:
    The Proposed ROW Code requires 1 tree per each 35 CL length of:
    - Industrial Dr. ROW & the Eastern Access Drive: Both meet the proposed street frontage code.

  - **Parking Lot:**
    **Proposed Parking Lot Interior Zone**.
    - A) The parking meets the 25'setback/buffer.
    - B) There are limited proposed interior landscape islands, but P-lot perimeter is well addressed. The plan meets the interior P-lot 30% shade requirement.
    - C) Lastly, the proposed retaining wall, adjacent to the east PL entrance needs to be defined. I am unsure why there are no plantings addressing the proposed structure. I would recommend providing a variety of perennials, ornamental grasses and vines to address the wall.
      **Plan meets code.**

    **Parking Periphery Buffer**: The proposed Landscape Code requires 1 tree per 30 linear feet of parking adjacent to Private Drive/ROW's (not counting street trees). **Plan meets code.**

    **Property Line Buffer:** the plan fails address the much of the northern PL edge. Much of it has a 20' sewer easement. Although, I am unsure why the NW corner of the parcel < which all turf> has no trees proposed? The plan fails to meet the code along this section of the PL. I believe a minimum of 8 trees are required along this segment of PL. **- Plan**

Attachment: PacketDocs (3467 : P2 Development Co. LLC for Foxtown Commons)

**fails to meet new code requirements, but comes close to meeting the proposed code; - Enforcement is per staff & P&Z Board decision.**

**Building Foundation Plantings –** The proposal is a minimalist / no/low maintenance design. The proposal does provide a minimum treatment at all four sides of the foundation design. I would suggest the following revisions to the west foundation planters: Expand the planters and infill with shrubs, perennials and various bulbs/ ornamental grasses to provide customer's an increased aesthetic treatment and an increase in seasonal variation and movement The palette should provide seasonal color, texture and variety through all four seasons. **Plan meets the new code requirements, but a little effort will bring the proposal into equilibrium with the foundation treatments already prevalent throughout the Industrial Drive corridor; - Enforcement is per staff & P&Z Board decision.**

- **Loading Dock:** N/A. None shown on plans.
- **Trash Enclosure:** The Refuse/Recycle bin is not shown on site. I will assume P&Z is requiring interior handling of all refuse/recycle materials. "In case the plan is amended to include an external refuse bin", the proposed code requires either a fully opaque plant buffer of trees and shrub groupings or, a 6' height screen structure (using proposed building materials) is required. **Unknown if the plan meets the standards, no refuse handling shown.**

- ***Additional Landscape Observations:***

It is this reviewer's opinion, the Planning Commission/City Staff should require: 1) revise the deciduous tree sizes to the stipulated minimum, 2) readdress/ expand the buffering and planting (minimally) along the NW PL, 3) expand the planting treatment along the Western side of the building, to include an expanded foundation planter width and incorporation of Perennials, ornamental grasses. 4) Address the turf/pond seed /treatment notes requirements, 5) define the proposed retaining wall and provide planting treatments to capitalize on the elevation difference.

Lastly, I would continue to request the Planning Commission and City Staff ask for incorporation of an expanded pallet of zone appropriate deciduous & conifers: trees and shrubs, as well as, perennials, bulbs, corms, and ornamental grasses though out the areas of strong public interface.

This concludes the landscape review of the Foxtown Commons submittal. I hope City of Mequon planning staff and the commission finds the information presented and recommendations useful.

Sincerely,

M. Terry Higgins

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

Attachment: PacketDocs (3467 : P2 Development Co. LLC for Foxtown Commons)

City of Mequon

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

www.ci.mequon.wi.us

Department of Community Development

**TO:** **Planning Commission**

**FROM:** **JAC ZADER, ASSISTANT DIRECTOR COMMUNITY DEVELOPMENT**

**DATE:** **September 5, 2018**

**SUBJECT:** **Enclave at Mequon Preserve - Phase III. The applicant is seeking final plat approval for a 17 lot single-family subdivision for the final phase for The Enclave at Mequon Preserve located at 10729-10839 N. Wauwatosa Road.**

| | |
|---|---|
| Applicant: | Veridian Homes |
| Status of Applicant: | Owner |
| Requested: | Final Plat –Phase III |
| Existing Zoning: | R-3 (Single Family 1 Acre)<br>Central Growth Overlay |
| Lot size: | 51 acres |
| Location: | 10729 – 10839 N. Wauwatosa Road |
| Tax Key: | #14-028-03-009.00 |
| District: | #4 |

**Background:** The applicant is requesting final plat approval for the third phase of The Enclave subdivision located at 10729-10839 N Wauwatosa Road. The second phase consists of 17 of the 50 lots that make up the conservation subdivision. The preliminary plat was approved in March of 2015.

**Final Plat:**
The developer requests final plat approval for the third phase of the subdivision which includes 17 single-family lots. Lots range in size from .42 to .65 acres in size. The proposed final plat is consistent with the preliminary plat approved in 2015. As a condition of approval, the applicant will be required to amend the Common Area Maintenance and Access Agreement to include the third phase. The final plat for Phase I was approved in July of 2016 and included 17 lots. The final plat for Phase II was approved in June of 2017 and included 16 lots.

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

The utilities, including sanitary sewer and water main, have been installed and inspected. The storm water conveyance including storm sewer and open ditches have been installed and inspected. The storm water detention pond has been constructed and a certification report has been provided by a licensed professional engineer. Record drawings of the stormwater management, grading, and sanitary sewer have been received and comments provided to the developer. Record drawings of the storm sewer and watermain have not been received, but are in progress.

A punch list has been prepared and submitted to the developer. All of the punch list items are minor. The applicant shall meet with City field staff to address any remaining punchlist items. Staff identified that there are some catch basins that require adjusting, road signs are required to be installed, and street trees are required to be installed. Mass grading, restoration and submittal of a grading record drawing is required prior to final plat.

The Development Agreement specifies that easements are to be provided on the plat for WE Energies, AT&T, cable TV and other utilities for provision of services in the subdivision. The developer shall provide proof of payment in full for the installation of the utilities prior to final plat.

The developer intends to reallocate the Wauwatosa Road sanitary sewer extension special assessment. Individual home connections cannot be made to the public sanitary sewer system until the special assessment is paid or reallocated.

**Staff Recommendation:**
Staff recommends **approval** of the final plat subject to the following conditions:

1. Any technical corrections identified by staff shall be made to the final plat.
2. Common Council approval of the Final Plat.
3. All open space features shall be installed prior to Common Council action on the Final Plat.
4. Developer to provide proof of payment in full of the installation of utilities (WE Energies, AT&T, Cable T.V. and others).
5. Final legal documents, including the Common Area Maintenance and Access Agreement, are subject to City Attorney review and approval prior to recording.
6. City Engineer certification that the terms of the Development Agreement have been complied with and that the plat is ready for recording.
7. Payment of all necessary fees and or escrows, including L.O.C. for landscaping requirements.
8. All buildings shall maintain a minimum building setback of 30’ from the interior public road right-of-way, a minimum 15’ offset from the side, 20’ from the rear.
9. Architectural design of residential buildings shall comply with the Architectural Board’s publication entitled “Guidelines for Residential Structures” and are subject to the Architectural Review Board.
10. Execution of a Storm Water Facilities and Easement Agreement.
11. Completion of construction punchlist items.
12. Record drawing submittal, review and approval for all public utilities and mass grading.

Attachments:
PacketDocs (PDF)

# Enclave At Mequon Preserve Phase III

| | | | |
|---|---|---|---|
| AC | Arrival Corridor | LTD | Limited Use |
| A-1 | Agricultural Preserve | OA | Agricultural Overlay |
| A-2 | General Agricultural | PUD | Planned Unit Development Overlay |
| B-1 | Neighborhood Business | P-1 | Park & Recreation |
| B-2 | Community Business | R-1 | Single-Family Residential (5 Ac. Min.) |
| B-3 | Office & Service Business | R-1B | Single-Family Residential (2.5 Ac. Min.) |
| B-4 | Business Park | R-2 | Single-Family Residential (2.0 Ac. Min.) |
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| B-6 | Rural Industrial | R-3 | Single-Family Residential (1.0 Ac. Min.) |
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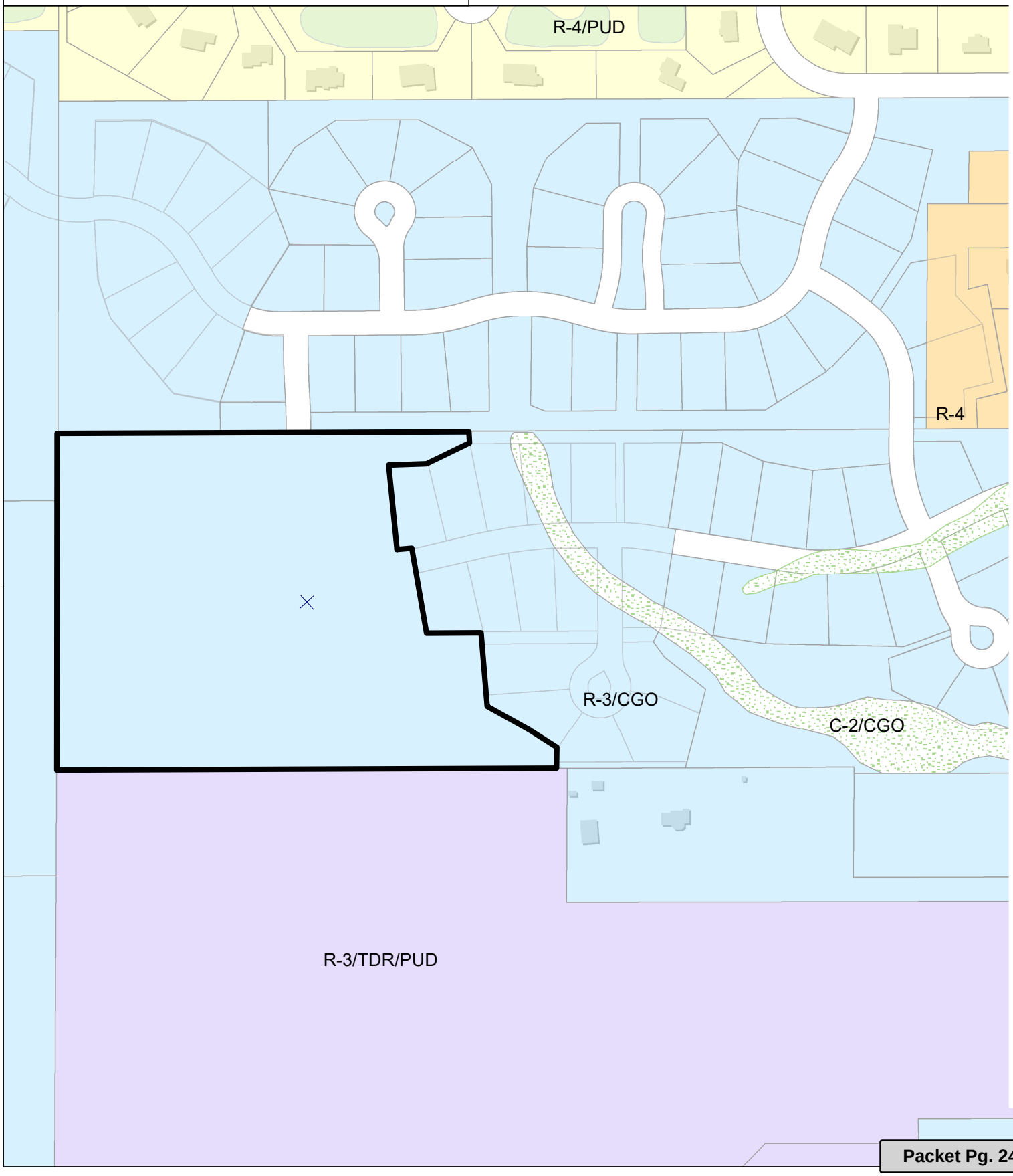
| C-1 | Shoreland/Wetland Conservancy | R-5 | Single-Family Residential (1/2 Ac. Min.) |
| C-2 | General Conservancy | R-6 | Single-Family Residential (4 du/Ac) |
| CGO | Central Growth Overlay | RM | Multi-Family Residential |
| FFO | Flood Fringe Overlay | TC | Town Center |
| FW | Floodway | TDR | Transfer of Development Rights |
| IPS | Institutional & Public Service | | |




Attachment: PacketDocs (3481 : Enclave at Mequon Preserve-Phase III)

SHEET 1 OF 3 SHEETS | VOL. PG.

There are no objections to this plat with respect to Secs. 236.15, 236.16, 236.20 and 236.21(1) and (2), Wis Stats. as provided by s. 236.12, Wis. Stats.

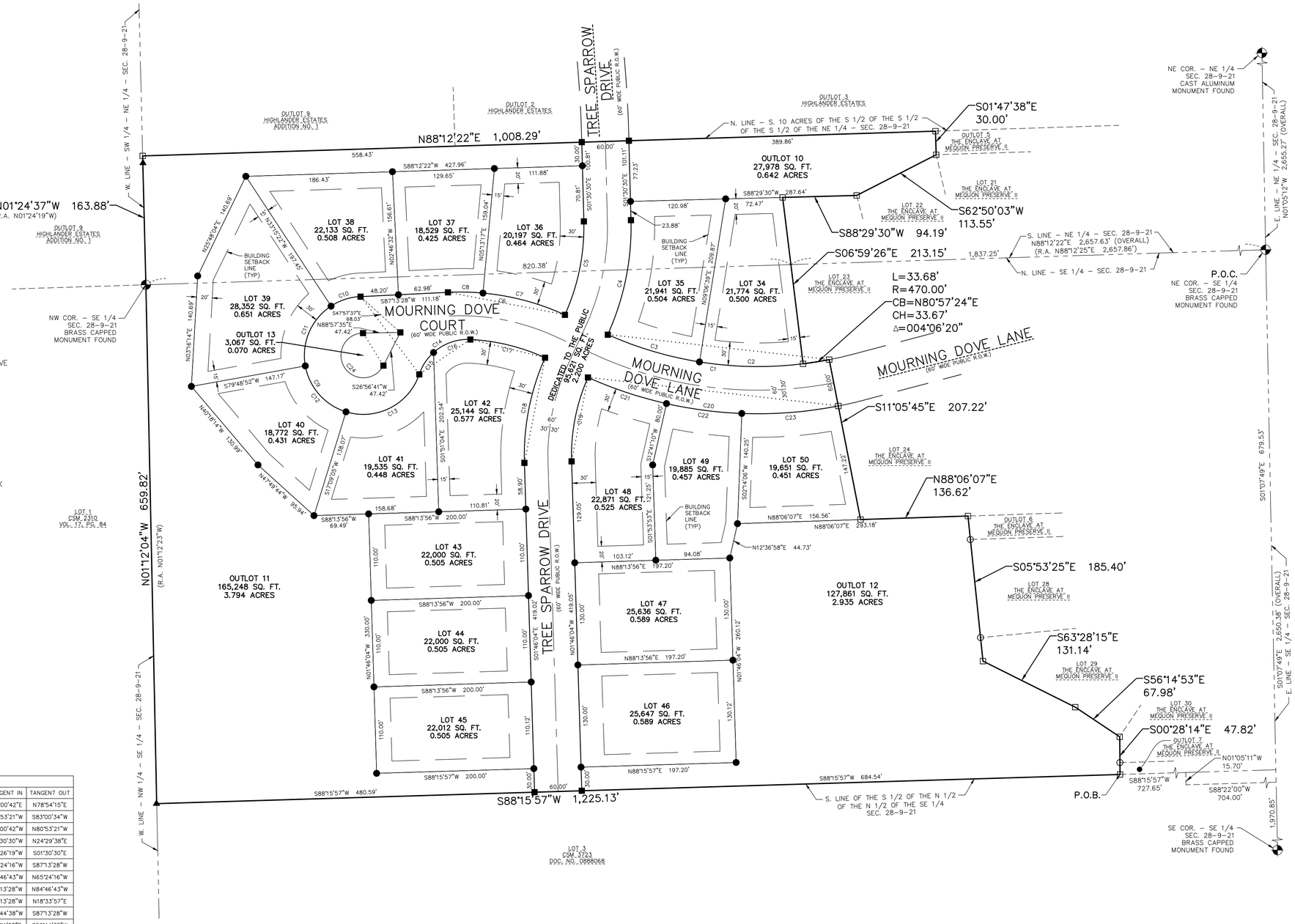
Certified _____, 20_____

Department of Administration

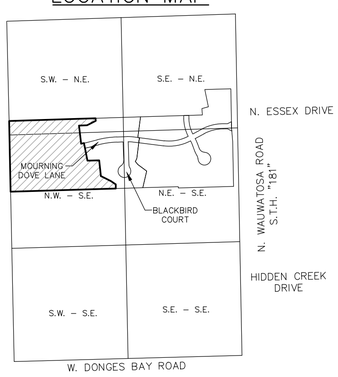
# THE ENCLAVE AT MEQUON PRESERVE III

PART OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 AND PART OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 28, TOWNSHIP 9 NORTH, RANGE 21 EAST, CITY OF MEQUON, OZAUKEE COUNTY, WISCONSIN.

Noise Notes:
§233.105(1) The lots of this land division may experience noise at the levels exceeding the levels in §Trans 405.04, Table I. These levels are based on federal standards. The Department of Transportation is not responsible for abating noise from existing state trunk highways or connecting highways, in the absence of any increase by the Department to the highway's through-lane capacity.




## LOCATION MAP




NE 1/4 AND SE 1/4 OF SECTION 28, TOWNSHIP 9 NORTH, RANGE 21 EAST, CITY OF MEQUON, OZAUKEE COUNTY, WISCONSIN

SCALE: 1" = 1000'

= THE ENCLAVE AT MEQUON PRESERVE III SUBDIVISION

| CURVE TABLE | | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| CURVE | ARC LENGTH | RADIUS | CHORD BEARING | CHORD LENGTH | DELTA | TANGENT IN | TANGENT OUT |
| C1 | 287.80' | 470.00' | S83°33'14"E | 283.32' | 035°05'04" | S66°00'42"E | N78°54'15"E |
| C2 | 132.08' | 470.00' | N88°56'23"W | 131.65' | 016°06'05" | N80°53'21"W | S83°00'34"W |
| C3 | 122.04' | 470.00' | N73°27'01"W | 121.70' | 014°52'39" | N66°00'42"W | N80°53'21"W |
| C4 | 149.76' | 330.00' | N11°29'34"E | 148.48' | 026°00'08" | N01°30'30"W | N24°29'38"E |
| C5 | 122.27' | 270.00' | S11°27'54"W | 121.23' | 025°56'48" | S24°26'19"W | S01°30'30"E |
| C6 | 152.87' | 320.00' | N79°05'24"W | 151.42' | 027°22'17" | N65°24'16"W | S87°13'28"W |
| C7 | 108.21' | 320.00' | N75°05'29"W | 107.69' | 019°22'27" | N84°46'43"W | N65°24'16"W |
| C8 | 44.66' | 320.00' | N88°46'37"W | 44.63' | 007°59'50" | S87°13'28"W | N84°46'43"W |
| C9 | 325.49' | 75.00' | S37°06'17"E | 123.87' | 248°39'31" | S87°13'28"W | N18°33'57"E |
| C10 | 39.90' | 75.00' | S71°59'03"W | 39.43' | 030°28'50" | S56°44'38"W | S87°13'28"W |
| C11 | 87.61' | 75.00' | S23°16'45"W | 82.71' | 066°55'46" | S10°11'08"E | S56°44'38"W |
| C12 | 82.03' | 75.00' | S41°31'01"E | 78.00' | 062°39'47" | S72°50'55"E | S10°11'08"E |
| C13 | 115.96' | 75.00' | N62°51'31"E | 104.75' | 088°35'08" | N18°33'57"E | S72°50'55"E |
| C14 | 84.31' | 65.00' | S55°43'23"W | 78.52' | 074°18'53" | N87°07'10"W | S18°33'57"W |
| C15 | 33.40' | 65.00' | N33°17'12"E | 33.03' | 029°26'30" | N48°00'27"E | N18°33'57"E |
| C16 | 50.91' | 65.00' | N70°26'39"E | 49.62' | 044°52'22" | S87°07'10"E | N48°00'27"E |
| C17 | 98.37' | 260.00' | S76°16'50"E | 97.78' | 021°40'40" | S65°26'30"E | S87°07'10"E |
| C18 | 137.28' | 305.00' | S11°07'34"W | 136.12' | 025°47'17" | S01°46'04"E | S24°01'13"W |
| C19 | 109.51' | 245.00' | N11°02'14"E | 108.60' | 025°36'36" | N23°50'32"E | N01°46'04"W |
| C20 | 325.34' | 530.00' | S83°30'38"E | 320.26' | 035°10'15" | S65°55'30"E | N78°54'15"E |
| C21 | 105.35' | 530.00' | S71°37'10"E | 105.18' | 011°23'20" | S77°18'50"E | S65°55'30"E |
| C22 | 96.68' | 530.00' | S82°32'22"E | 96.54' | 010°27'05" | S87°45'54"E | S77°18'50"E |
| C23 | 123.31' | 530.00' | N85°34'10"E | 123.04' | 013°19'51" | N78°54'15"E | S87°45'54"E |
| C24 | 120.38' | 28.50' | S32°02'53"E | 48.85' | 242°00'55" | S88°57'35"W | N26°56'40"E |

TOTAL AREA
795,854 sq. ft.
18.270 acres

**ZONING NOTES:**

Existing Zoning:
R-3 Rural Residential Detached
CGO Central Growth Area Overlay

Minimum Building Setbacks:
R-3/CGO
Front: 30 feet
Side: 15 feet
Rear: 20 feet

LEGEND:

- □ 1-1/4" REBAR FOUND
- ■ 1-1/4" X 18" REBAR SET WEIGHING 4.30 LB/FT.
- ○ 3/4" REBAR FOUND
- ● 3/4" X 18" REBAR SET WEIGHING 1.50 LB/FT.
- ▲ 1" IRON PIPE FOUND
- SECTION CORNER MONUMENT FOUND

ALL LINEAR MEASUREMENTS HAVE BEEN MADE TO THE NEAREST ONE HUNDREDTH OF A FOOT. ALL ANGULAR MEASUREMENTS HAVE BEEN MADE TO THE NEAREST SECOND AND COMPUTED TO HALF-SECONDS.

NORTH POINT REFERENCED TO THE WISCONSIN STATE PLANE COORDINATE SYSTEM, SOUTH ZONE (NAD1927). THE EAST LINE OF THE SOUTHEAST QUARTER HAS A RECORDED BEARING OF S01°07'49"E.

1"= 80' SCALE 80' 0 80' 160' FEET

Attachment: PacketDocs (3481 : Enclave at Mequon Preserve-Phase III)

There are no objections to this plat with respect to Secs. 236.15, 236.16, 236.20 and 236.21(1) and (2), Wis Stats. as provided by s. 236.12, Wis. Stats.

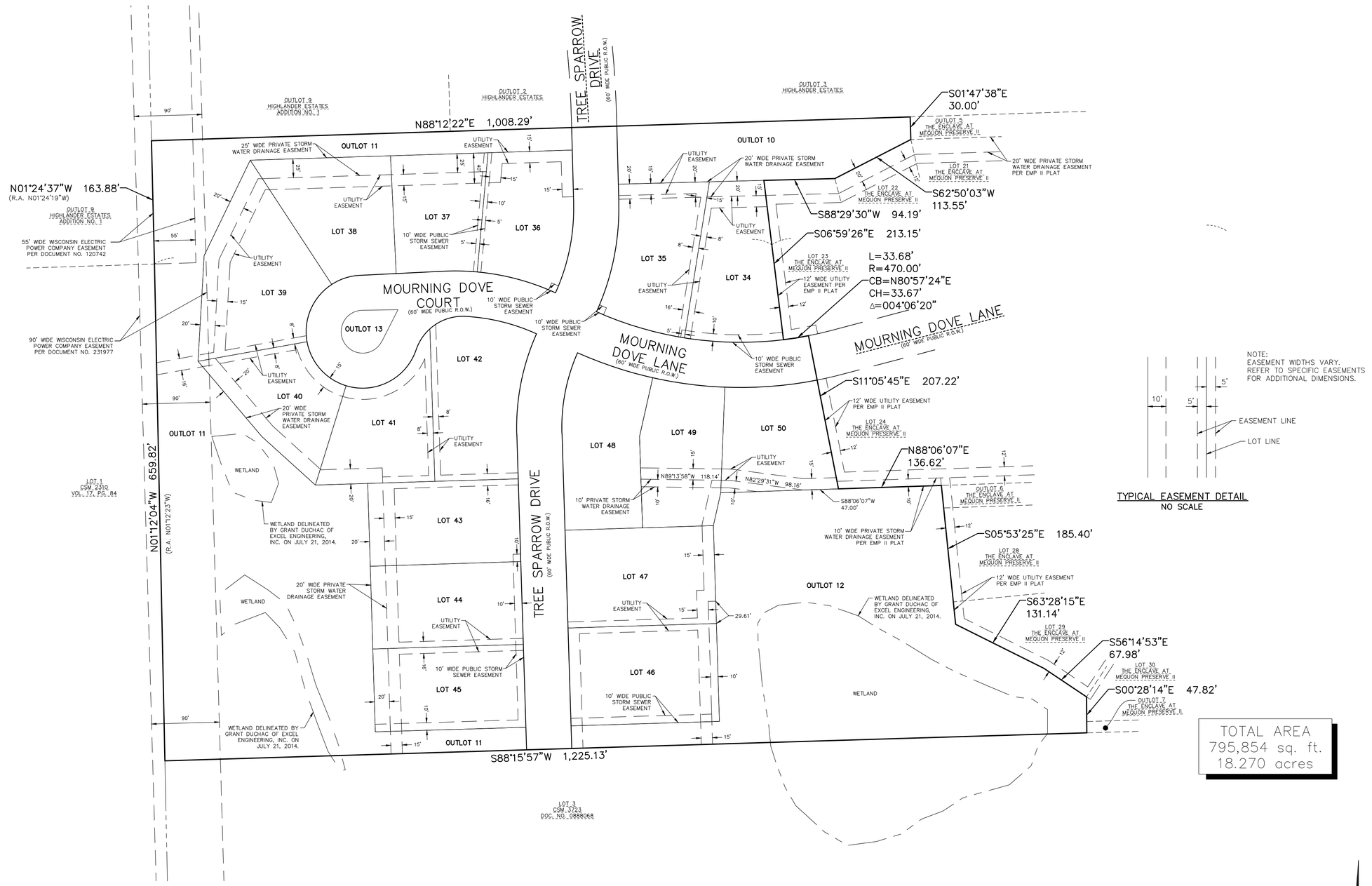
Certified _____, 20_____

Department of Administration

SHEET 2 OF 3 SHEETS | VOL. PG.

# THE ENCLAVE AT MEQUON PRESERVE III

PART OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 AND PART OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 28, TOWNSHIP 9 NORTH, RANGE 21 EAST, CITY OF MEQUON, OZAUKEE COUNTY, WISCONSIN.




Outlot 13 Easement Note:
A Public Utility Easement for sanitary sewer, storm sewer and water main blankets the overall limits of Outlot 13.

Stormwater Management Maintenance Agreement
See Sheet 3 for Stormwater Management Notes.

Tree Preservation Easement Note:
Tree preservation easements located on Lots 43, 48, 49 and 50 and on Outlots 11 and 12 to be recorded as a separate document.

Bike Path Easement Note:
An easement for the bike path located on Outlot 10, Outlot 11 and Outlot 12 to be recorded as a separate document.

ALL LINEAR MEASUREMENTS HAVE BEEN MADE TO THE NEAREST ONE HUNDREDTH OF A FOOT. ALL ANGULAR MEASUREMENTS HAVE BEEN MADE TO THE NEAREST SECOND AND COMPUTED TO HALF-SECONDS.

NORTH POINT REFERENCED TO THE WISCONSIN STATE PLANE COORDINATE SYSTEM, SOUTH ZONE (NAD1927). THE EAST LINE OF THE SOUTHEAST QUARTER HAS A RECORDED BEARING OF S01°07'49"E.

1"= 80' SCALE — 80' 0 80' 160' FEET

Attachment: PacketDocs (3481 : Enclave at Mequon Preserve-Phase III)

SHEET 3 OF 3 SHEETS | VOL. PG.

# THE ENCLAVE AT MEQUON PRESERVE III

PART OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 AND PART OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 28, TOWNSHIP 9 NORTH, RANGE 21 EAST, CITY OF MEQUON, OZAUKEE COUNTY, WISCONSIN.

**SURVEYOR'S CERTIFICATE**

I, Ryan Wilgreen, Professional Land Surveyor, hereby certify that under the direction of MREC VH Mequon, LLC, I have surveyed, divided and mapped a parcel of land described hereon, part of the Southwest 1/4 of the Northeast 1/4 and part of the Northwest 1/4 of the Southeast 1/4 of Section 28, Township 9 North, Range 21 East, City of Mequon, Ozaukee County, Wisconsin, being more particularly described as follows:

Commencing at the Northeast corner of the Southeast 1/4 of said Section 28, thence South 01°-07'-49" East along the East line of the Southeast 1/4 of said Section 28, a distance of 679.53 feet to the Easterly extension of the Southerly line of The Enclave at Mequon Preserve Subdivision (EMP) recorded in the Ozaukee County Register of Deeds Office as Document No. 1037400; thence South 88°-22'-00" West along said Southerly line and its Easterly extension, a distance of 704.00 feet to a Southerly corner of said EMP Subdivision; thence North 01°-05'-11" West along a Southerly line of said EMP Subdivision, a distance of 15.70 feet to a Southerly corner of said EMP Subdivision; thence South 88°-15'-57" West along a Southerly line of said EMP Subdivision and the Southerly line of The Enclave at Mequon Preserve II Subdivision (EMP II), recorded in the Ozaukee County Register of Deeds Office as Document No. 1053730, a distance of 727.65 feet to the Southwest corner of Outlot 7 of said EMP II Subdivision, said point also being the point of beginning; thence continuing South 88°-15'-57" West along the South line of the South 1/2 of the North 1/2 of the North 1/2 of said Southeast 1/4, a distance of 1,225.13 feet to the West line of the Southeast 1/4 of said Section 28; thence North 01°-12'-04" West along said West line, a distance of 659.82 feet to the Northwest corner of said Southeast 1/4; thence North 01°-24'-37" West along the West line of the Northeast 1/4 of said Section 28, a distance of 163.88 feet to the North line of the South 10 acres of the South 1/2 of the South 1/2 of the South 1/2 of said Northeast 1/4, said point also being on a Southerly line of Outlot 9 of Highlander Estates Addition No. 1 Subdivision recorded in the Ozaukee County Register of Deeds Office as Document No. 1044554; thence North 88°-12'-22" East along said North line, a distance of 1,008.29 feet to the Northwest corner of Outlot 5 of said EMP II Subdivision; thence South 01°-47'-38" East along a Westerly line of said EMP II Subdivision, a distance of 30.00 feet to a Westerly corner of said EMP II Subdivision; thence South 62°-50'-03" West along a Westerly line of said EMP II Subdivision, a distance of 113.55 feet to a Westerly corner of said EMP II Subdivision; thence South 88°-29'-30" West along a Westerly line of said EMP II Subdivision, a distance of 94.19 feet to a Westerly corner of said EMP II Subdivision; thence South 06°-59'-26" East along a Westerly line of said EMP II Subdivision, a distance of 213.15 feet to a Westerly corner of said EMP II Subdivision; thence Northeasterly 33.68 feet along a Westerly line of said EMP II Subdivision, on a curve to the left having a radius of 470.00 feet, the chord of said curve bears North 80°-57'-24" East, a chord distance of 33.67 feet to a Westerly corner of said EMP II Subdivision; thence South 11°-05'-45" East along a Westerly line of said EMP II Subdivision, a distance of 207.22 feet to a Westerly corner of said EMP II Subdivision; thence North 88°-06'-07" East along a Westerly line of said EMP II Subdivision, a distance of 136.62 feet to a Westerly corner of said EMP II Subdivision; thence South 05°-53'-25" East along a Westerly line of said EMP II Subdivision, a distance of 185.40 feet to a Westerly corner of said EMP II Subdivision; thence South 63°-28'-15" East along a Westerly line of said EMP II Subdivision, a distance of 131.14 feet to a Westerly corner of said EMP II Subdivision; thence South 56°-14'-53" East along a Westerly line of said EMP II Subdivision, a distance of 67.98 feet to a Westerly corner of said EMP II Subdivision; thence South 00°-28'-14" East along a Westerly line of said EMP II Subdivision, a distance of 47.82 feet to the point of beginning and containing 18.270 acres (795,854 sq. ft.) of land more or less.

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

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

______________________________
Ryan Wilgreen, P.L.S. No. S-2647
ryan.w_ excelengineer.com
Excel Engineering, Inc.
Fond du Lac, Wisconsin 54935
ISSUED DATE: AUGUST 01, 2018

**UTILITY EASEMENT PROVISIONS (PUBLIC)**

An easement for electric, natural gas, and communications service is hereby granted by

____________________________________, Grantor, to

**WISCONSIN ELECTRIC POWER COMPANY and WISCONSIN GAS, LLC**, **Wisconsin corporations doing business as We Energies**, Grantee,

____________________________________Grantee, and

____________________________________, Grantee

their respective successors and assigns, to construct, install, operate, repair, maintain and replace from time to time, facilities used in connection with overhead and underground transmission and distribution of electricity and electric energy, natural gas, telephone and cable TV facilities for such purposes as the same is now or may hereafter be used, all in, over, under, across, along and upon the property shown within those areas on the plat designated as "Utility Easement Areas" and the property designated on the plat for streets and alleys, whether public or private, together with the right to install service connections upon, across within and beneath the surface of each lot to serve improvements, thereon, or on adjacent lots; also the right to trim or cut down trees, brush and roots as may be reasonably required incident to the rights herein given, and the right to enter upon the subdivided property for all such purposes. The Grantees agree to restore or cause to have restored, the property, as nearly as is reasonably possible, to the condition existing prior to such entry by the Grantees or their agents. This restoration, however, does not apply to the initial installation of said underground and/or above ground electric facilities, natural gas facilities, or telephone and cable TV facilities or to any trees, brush or roots which may be removed at any time pursuant to the rights herein granted. Buildings shall not be placed over Grantees' facilities or in, upon or over the property within the lines marked "Utility Easement Areas" without the prior written consent of Grantees. After installation of any such facilities, the grade of the subdivided property shall not be altered by more than four inches without written consent of grantees.

The grant of easement shall be binding upon and inure to the benefit of the heirs, successors and assigns of all parties hereto.

Stormwater Management Maintenance Agreement

1. Outlot 12 of this subdivision and Outlot 3 of The Enclave at Mequon Preserve Subdivision are to be used for Stormwater Management purposes.
2. The lot owner(s) or their successors and/or assigns (herein after referred to as the responsible parties) shall be responsible for maintenance of the stormwater management measures.
3. The responsible parties shall maintain the stormwater management measures in accordance with the approved stormwater management plan on file in the offices of the City as required by the City construction, site erosion control and stormwater management ordinance.
4. In the event that the stormwater management facilities located on Outlot 12 and Outlot 3 are not being maintained per the approved stormwater management plan, the City is hereby granted an easement to access the property to complete stormwater management maintenance measures.

**OWNER'S CERTIFICATE OF DEDICATION**

MREC VH Mequon, LLC, a limited liability company duly organized and existing under and by virtue of the laws of the State of Wisconsin, as owner, does hereby certify that said limited liability company caused the land described on this plat to be surveyed, divided, mapped and dedicated as represented on this plat.

MREC VH Mequon, LLC, does further certify that this plat is required by S236.10 or S236.12 Wisconsin Statutes to be submitted to the following agencies for approval or objection:

1. Department of Administration
2. City of Mequon
3. Department of Transportation

In witness whereof, MREC VH Mequon, LLC, has caused these presents to be signed by its official officer(s) of said limited liability company at __________, ________________ this _______ day of ______________, 20___.

MREC VH Mequon LLC
By: VH Mequon, LLC, Member and Project Manager

By:______________________________
David Simon or Jeff Rosenberg or Karen Simon Dreyer

STATE OF ________________ )

COUNTY OF _______________ ) S.S

Personally came before me this _______ day of ______________, 20___, the above named officer(s) of the above named MREC VH Mequon, LLC to me known to be the person(s) who executed the foregoing instrument and acknowledged the same.

____________________________________

Notary Public, ______________ County, _____

My Commission Expires:____________________

**CONSENT OF MORTGAGEE**

First Business Bank, a Corporation duly organized and existing under and by virtue of the laws of the State of Wisconsin, mortgagee of the above described land, does hereby consent to the surveying, dividing and mapping of the land described on this plat, and does hereby consent to the above Owner's Certificate.

In witness whereof, the said First Business Bank has caused these presents to be signed by Brian E. Hagen, its Vice President, at _____________, Wisconsin this ______ day of ______________, 20___.

First Business Bank

__________________________________
Brian E. Hagen, Vice President

STATE OF WISCONSIN)

COUNTY OF ______________ ) S.S

Personally came before me this _______ day of ______________, 20___, Brian E. Hagen of the above named banking association to me known to be the person who executed the foregoing instrument, and to me know to be such Vice President of said banking association, and acknowledged that they executed the foregoing instrument as such officer as the deed of said banking association, by its authority.

__________________________________
Notary Public, ______________ County, WI
My Commission Expires: _______________

**COMMON COUNCIL APPROVAL CERTIFICATE:**

Resolved, that the plat of THE ENCLAVE AT MEQUON PRESERVE III SUBDIVISION in the City of Mequon, is hereby approved by the Common Council.

All conditions have been met as of this ________ day of ______________, 20___.

____________________________
Dan Abendroth, Mayor

I hereby certify that the foregoing is true and correct copy of a resolution adopted by the Common Council of the City of Mequon on this ________ day of ______________, 20___.

____________________________
William Jones, City Administrator

**COUNTY TREASURER'S CERTIFICATE**

I, Joshua Morrison, being the duly elected, qualified, and acting Treasurer of the County of Ozaukee, do hereby certify that in accordance with the records in my office, there are no unpaid taxes or special assessments as of this _______ day of ______________, 20___ affecting the land included in the plat of THE ENCLAVE AT MEQUON PRESERVE III SUBDIVISION.

____________________________________________
Joshua Morrison, Treasurer, Ozaukee County, Wisconsin

**CITY TREASURER'S CERTIFICATE**

I, Tom Watson, being the duly appointed, qualified, and acting Treasurer of the City of Mequon, do hereby certify that, in accordance with the records in my office, there are no unpaid taxes or unpaid special assessments as of this _______ day of ______________, 20___ on any of the lands included in the plat of THE ENCLAVE AT MEQUON PRESERVE III SUBDIVISION.

____________________________________________
Tom Watson, Treasurer, City of Mequon

There are no objections to this plat with respect to Secs. 236.15, 236.16, 236.20 and 236.21(1) and (2), Wis Stats. as provided by s. 236.12, Wis. Stats.

Certified __________________, 20_____

Department of Administration

OWNER / DEVELOPER:
MREC VH MEQUON, LLC
6801 S. TOWNE DR.
MADISON, WI 53713

SURVEYOR:
RYAN WILGREEN
EXCEL ENGINEERING, INC.
100 CAMELOT DR.
FOND DU LAC, WI 54935
920.926.9800

EXCEL ENGINEERING Inc.
SURVEYING GROUP
Always a Better Plan
100 CAMELOT DRIVE
FOND DU LAC, WI 54935
PHONE: (920) 926-9800
FAX: (920) 926-9801
PROJECT NO. 1704220

Attachment: PacketDocs (3481 : Enclave at Mequon Preserve-Phase III)

City of Mequon

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

www.ci.mequon.wi.us

Department of Community Development

**TO:** **Planning Commission**

**FROM:** **PA PHOUALA VANG, PLANNER**

**DATE:** **September 5, 2018**

**SUBJECT:** **Poblocki Sign Company for Finastra. The applicant is seeking approval to allow for a building wall sign facing I-43 for the property located at 12080 N. Corporate Parkway (Finastra).**

| | |
|---|---|
| Applicant: | Poblocki Sign Company<br>Deb Burton<br>Mike Kinsella |
| Status of Applicant: | Agent |
| Requested Action: | I-43 Sign |
| Existing Zoning: | B-4 (Business Park)<br>C-2 (General Conservancy) |
| Land Use Plan: | Business Park<br>Critical Environmental |
| Lot size: | 6.83 acres |
| Location: | 12080 N. Corporate Parkway |
| Tax Key: | #15-017-11-011.00 |
| District: | #5 |

**Background:** The applicant is seeking approval for a wall sign facing I-43 at 12080 N Corporate Parkway. Finastra is requesting an on-premise wall sign facing I-43 which requires Planning Commission approval. The property is zoned B-4 (Business Park) and C-2 (General Conservancy).

**I-43 Wall Sign:**
The applicant is proposing the following sign for the single-tenant building:

| Proposed Sign Type | Size | Height |
|---|---|---|
| I-43 Wall Sign (east elevation) | 40.3 SF | 15’ |

The proposed sign is on the east elevation and faces I-43. Wall signs facing I-43 are permitted in the B-4 district. The sign is 40.3 square feet and meets the size requirements. The proposed wall sign letters are 18” in height which meets the height requirement for channel letters facing I-43. The sign placed at a height that is approximately 75% of the total height of the building which meets the height placement requirement for I-43 signs. The sign letters will be halo glow illumination only. The logo will not be lit.

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

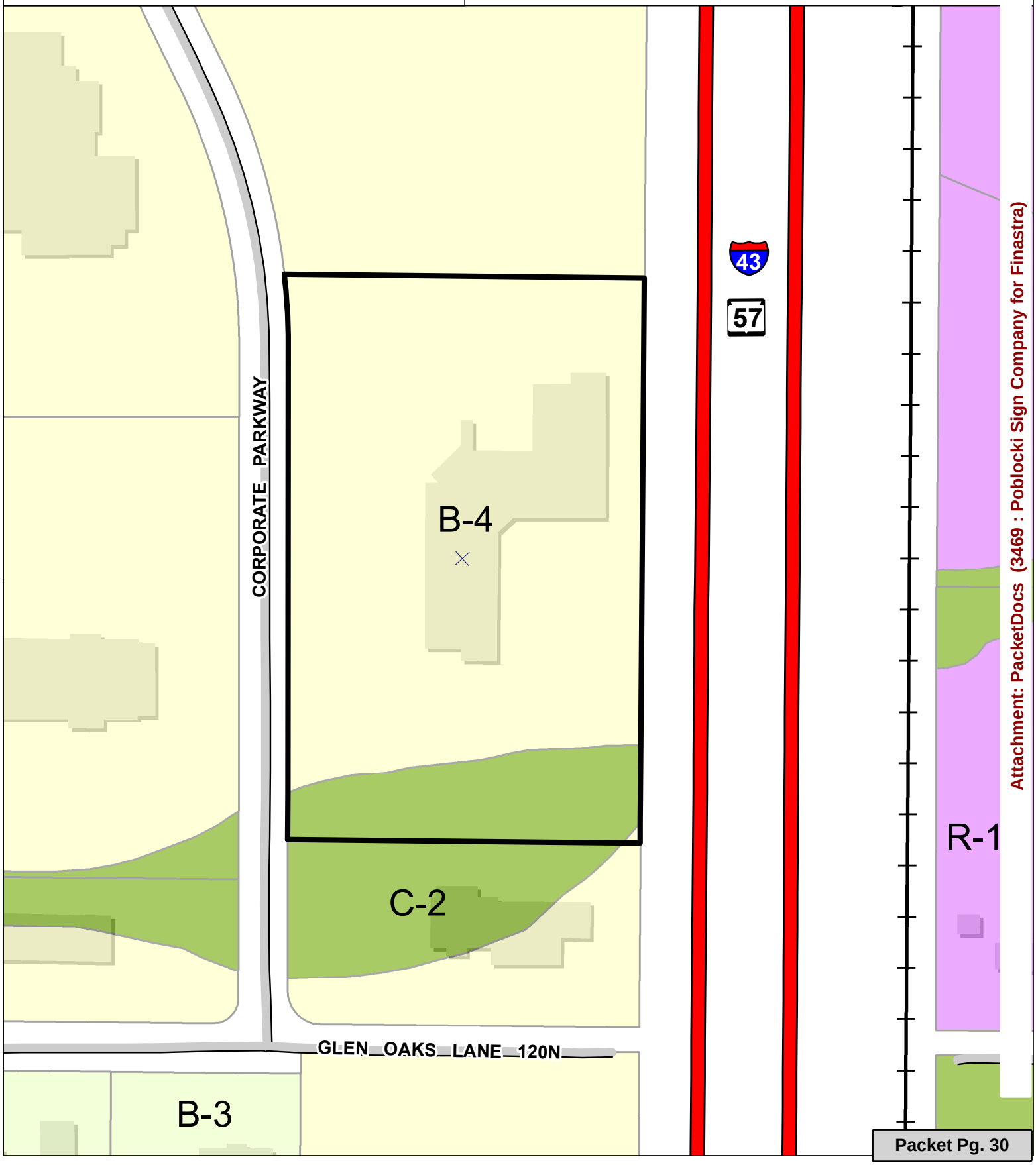
1. Sign permit approval.

2. The wall sign shall be halo glow illumination only.

Attachments:
PacketDocs (PDF)

# Poblocki Sign Company for Finastra

| | | | |
|---|---|---|---|
| AC | Arrival Corridor | LTD | Limited Use |
| A-1 | Agricultural Preserve | OA | Agricultural Overlay |
| A-2 | General Agricultural | PUD | Planned Unit Development Overlay |
| B-1 | Neighborhood Business | P-1 | Park & Recreation |
| B-2 | Community Business | R-1 | Single-Family Residential (5 Ac. Min.) |
| B-3 | Office & Service Business | R-1B | Single-Family Residential (2.5 Ac. Min.) |
| B-4 | Business Park | R-2 | Single-Family Residential (2.0 Ac. Min.) |
| B-5 | Light Industrial | R-2B | Single-Family Residential (1.5 Ac. Min.) |
| B-6 | Rural Industrial | R-3 | Single-Family Residential (1.0 Ac. Min.) |
| B-7 | Rural Business | R-4 | Single-Family Residential (3/4 Ac. Min.) |
| C-1 | Shoreland/Wetland Conservancy | R-5 | Single-Family Residential (1/2 Ac. Min.) |
| C-2 | General Conservancy | R-6 | Single-Family Residential (4 du/Ac) |
| CGO | Central Growth Overlay | RM | Multi-Family Residential |
| FFO | Flood Fringe Overlay | TC | Town Center |
| FW | Floodway | TDR | Transfer of Development Rights |
| IPS | Institutional & Public Service | | |




Attachment: PacketDocs (3469 : Poblocki Sign Company for Finastra)

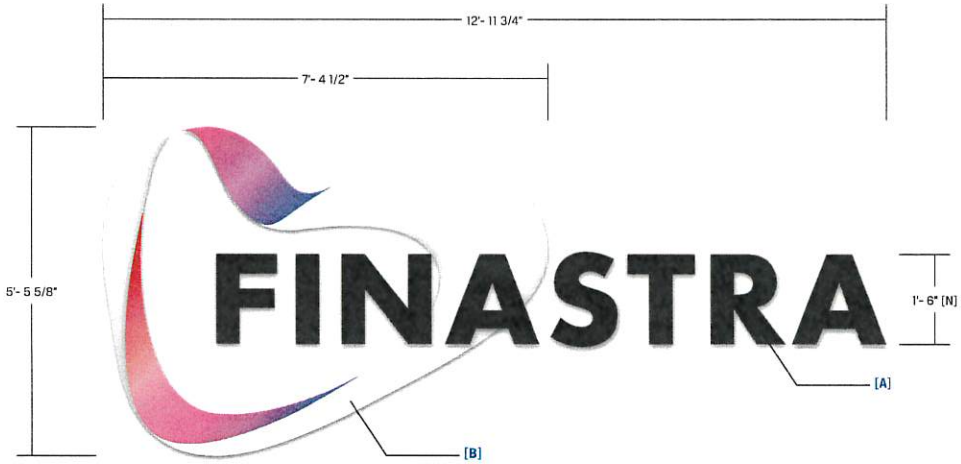
## SIGN SPECIFICATIONS

**[A] - ILLUMINATED LETTERS**
**Lighting:** LED
**Voltage:** TBD
**Description:** Back-Lit [Remote]
**Face Color:** Paint to Match PMS 2336c Charcoal
**Return Color:** Paint to Match PMS 2336c Charcoal
**Installation:** Stand-off 2 1/2"

**[B] - GRAPHICS**
**Material:** 1/4" FCO Aluminum
**Face Color:** Digitally Printed Vinyl
**Return Color:** Paint White
**Installation:** Stud Mount Flush to Wall

proposed day view [NTS]

proposed night view [NTS]




POBLOCKI
922 S. 70th St., Milwaukee, WI 532
414.453.4010 • www.poblocki.com

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This document represents only an approximation material colors specified. Actual product colors m vary from this print or digital image.

Project
**Finastra**
Mequon, WI

Scale: 1/2"=1'
Original Page Size: 11" x 17"

Notes
SURVEY REQUIRED

Revisions
REV DESCRIPTION BY

Rep.: Mike Kinsella
Drawn By: Marshall Hogan Orig. Date:

Sign Loc. No.
**LL-01.1**
Lit Letters
Sign. Type

**78856**
OPP - Project - Job No.

Attachment: PacketDocs (3469 : Poblocki Sign Company for Finastra)

POBLOCKI
922 S. 70th St., Milwaukee, WI 53214
414.453.4010 • www.poblocki.com

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This document represents only an approximation of material colors specified. Actual product colors may vary from this print or digital image.

Project

**Finastra**

Mequon, WI

Scale: NTS

Original Page Size: 11" x 17"

Notes

REFERENCE DRAWING #
78856_LL-01.1_C01

Revisions

| REV | DESCRIPTION | BY | DAT |
|---|---|---|---|

Rep.: Mike Kinsella

Drawn By: Marshall Hogan Orig. Date: 08/0

Sign Loc. No.

**PH-12**

Photo Edit

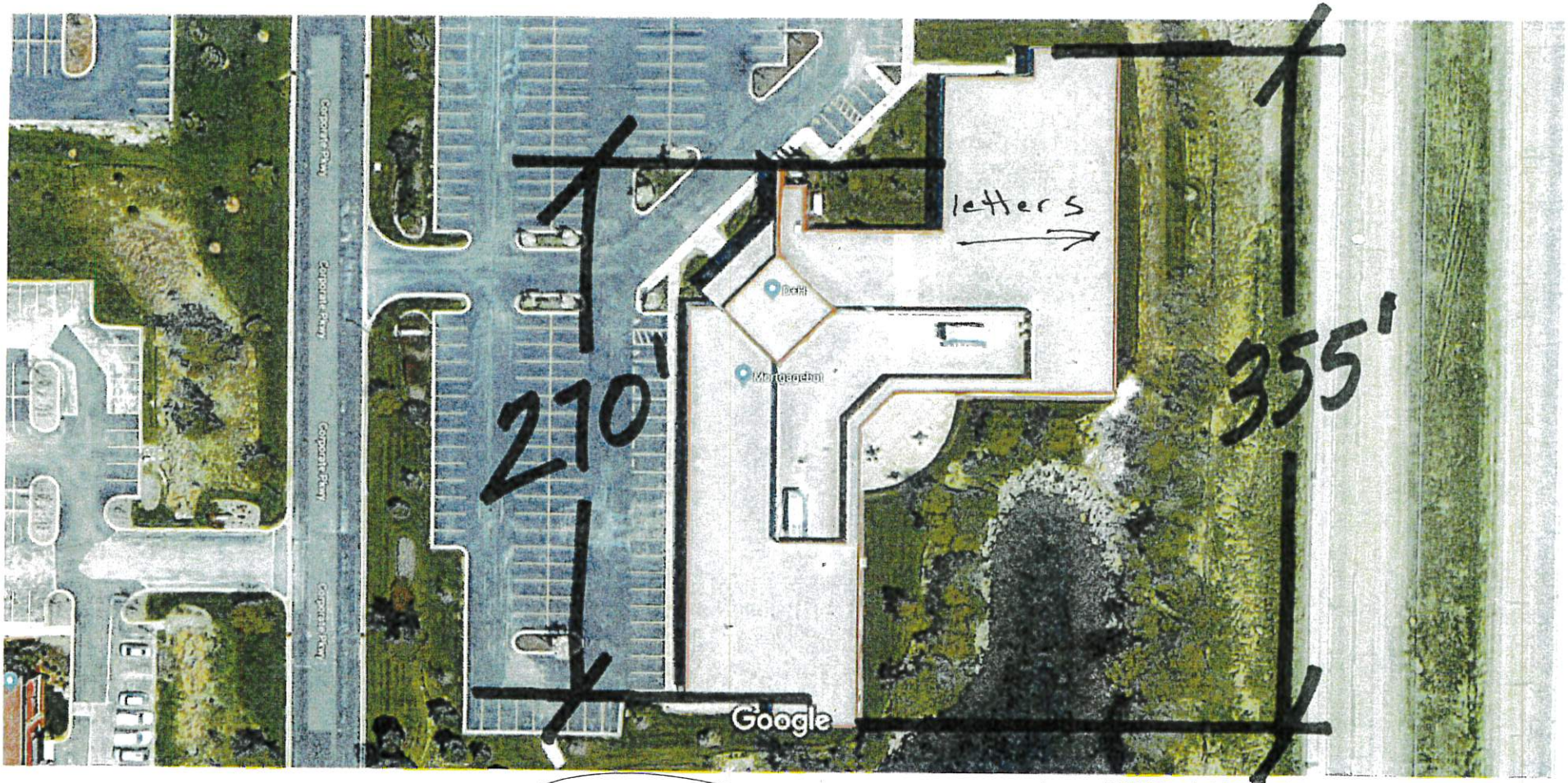
Sign. Type

78856 001

OPP - Project - Jo

Attachment: PacketDocs (3469 : Poblocki Sign Company for Finastra)

Google Maps Mequon




Imagery ©2018 Google, Map data ©2018 Google 20 ft

N

2.5% of wall

Attachment: PacketDocs (3469 : Poblocki Sign Company for Finastra)

City of Mequon

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

www.ci.mequon.wi.us

Department of Community Development

**TO:** **Planning Commission**

**FROM:** **PA PHOUALA VANG, PLANNER**

**DATE:** **September 5, 2018**

**SUBJECT:** **Groth Design Group for Concordia University. The applicant is seeking building and site plan amendment approval for an expansion of 9,781 sq. ft. to the Kreft Center (music department) to add space for practice rooms, rehearsal and band areas for the property located at 12800 N. Lake Shore Drive (Concordia University).**

| | |
|---|---|
| Applicant: | Groth Design Group |
| Status of Applicant: | Agent |
| Requested Action: | Building and Site Plan Amendment |
| Existing Use: | University |
| Existing Zoning: | IPS, C-2 |
| Land Use Plan: | Institutional |
| Lot size: | 119 acres |
| Location: | 12800 N. Lakeshore Drive |
| Tax Key: | #15-008-09-001.00 |
| District: | #5 |

**Background:** The applicant requests building and site plan amendment approval for an addition for the music department. Kreft Center for Music is a 9,781 square foot, two-story addition adjacent to Siebert Hall and will include practice rooms, rehearsal/ensemble areas and recital rooms. The addition is centrally located on the campus.

**Building Design:**
The proposed building is shown to be constructed with cement panels and brick. The proposed brick will match the brick on the existing building. There is an entrance on the north and west elevations of the addition. The overall height of the building is 31.3' feet which comply with the IPS zoning district.

**Site Plan:**
The campus is getting close to the overall FAR (Floor Area Ratio) requirement of 30 percent. The total FAR including the proposed addition is 27.3 percent. The applicant is not including any additional parking as part of the development project. The new addition will not impact traffic or parking on campus since it is an addition for the existing music department and will not increase the number of students currently on site.

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

Access to the Concordia University of Wisconsin campus is provided through two roadway connections, one onto Highland Road and a second onto North Lake Shore Drive. The driveway onto Highland Road is restricted to right turns only and the driveway onto North Lake Shore Drive is restricted to left turns only in an effort to direct through traffic to use Port Washington Road, as opposed to Lake Shore Drive. The construction of the building itself does not generate any additional traffic and will serve the students of the existing enrollment on site. The site plan proposes no new parking spaces.

As a condition of approval, the applicant shall provide documentation of the proposed haul route and a road bond to ensure that any damage attributed to construction traffic is repaired prior to occupancy. In addition, the haul route and all construction traffic shall be restricted to Port Washington Road to Highland Road to the appropriate driveway. The applicant shall provide a traffic management plan which includes signing on Lake Shore Drive at Mequon Road and Pioneer Road prohibiting construction traffic from using those sections of roads.

The site is located within the City's sewer service area and connection to the public utility is required. The CUW campus is served via a private force main lateral that connects to the public sanitary sewer system. The plans do not show a sanitary connection to the existing system. The applicant shall provide calculations that show that the interior system and force main are sized appropriately for the additional flow. The existing sanitary line is owned and maintained by the University; however, special care should be taken to protect the sanitary sewer.

As a condition of approval, the development must connect to the public water main. An 8" public water main is currently located on the site, and a connection is illustrated on the plans. In order to serve the proposed building, a public main extension and easement will be required to the fire hydrant. Fire hydrant and FDC locations are subject to the review and approval of the Fire Chief.

The Stormwater Management Plan (SWMP) for the Concordia campus was revised in 2018 with the addition of the Business Building. The SWMP did not take into consideration the increased impervious are for the Kreft Center or the batting facility. The impervious area for the Kreft center is 0.14 Acres. The battling practice facility has an impervious area of 0.17 acres. The sites together propose an increase in impervious surface less than one half acre. An addition of 0.19 acres of new impervious with this application or any future applications will trigger the requirement to provide additional stormwater management to meet the current City of Mequon, WDNR and MMSD criteria. The future stormwater management would need to account for all of the site impervious surface. A signed and stamped letter shall be prepared by the licensed professional engineer that the stormwater facilities are sized appropriately for the 0.31 acres of additional impervious area.

The site proposes land disturbance, therefore a City erosion control permit is required. Evidence of the WDNR required WRAPP permit shall also be provided for the site if applicable. The site plan illustrates that fill will be removed from the site, and as such, a fill permit will be required.

Staff recommends **approval** of the building and site plan amendment based on the following conditions:

1. Final staff review and approval of site, elevations, floor and lighting plans prior to the issuance of permits.
2. All ground-level and roof top mechanical equipment shall be well screened from public view with screening or landscaping.
3. Staff review and approval of a dispersion plan and cut sheets for all proposed luminaries.
4. Any foundation plantings shall be approved by staff.
5. Sign permit approval for all signs.
6. Connection to public water. The applicant shall obtain the necessary approval and permits for the installation of the water main from the various regulatory agencies.
7. Connection to public sanitary sewer system. The applicant shall obtain the necessary

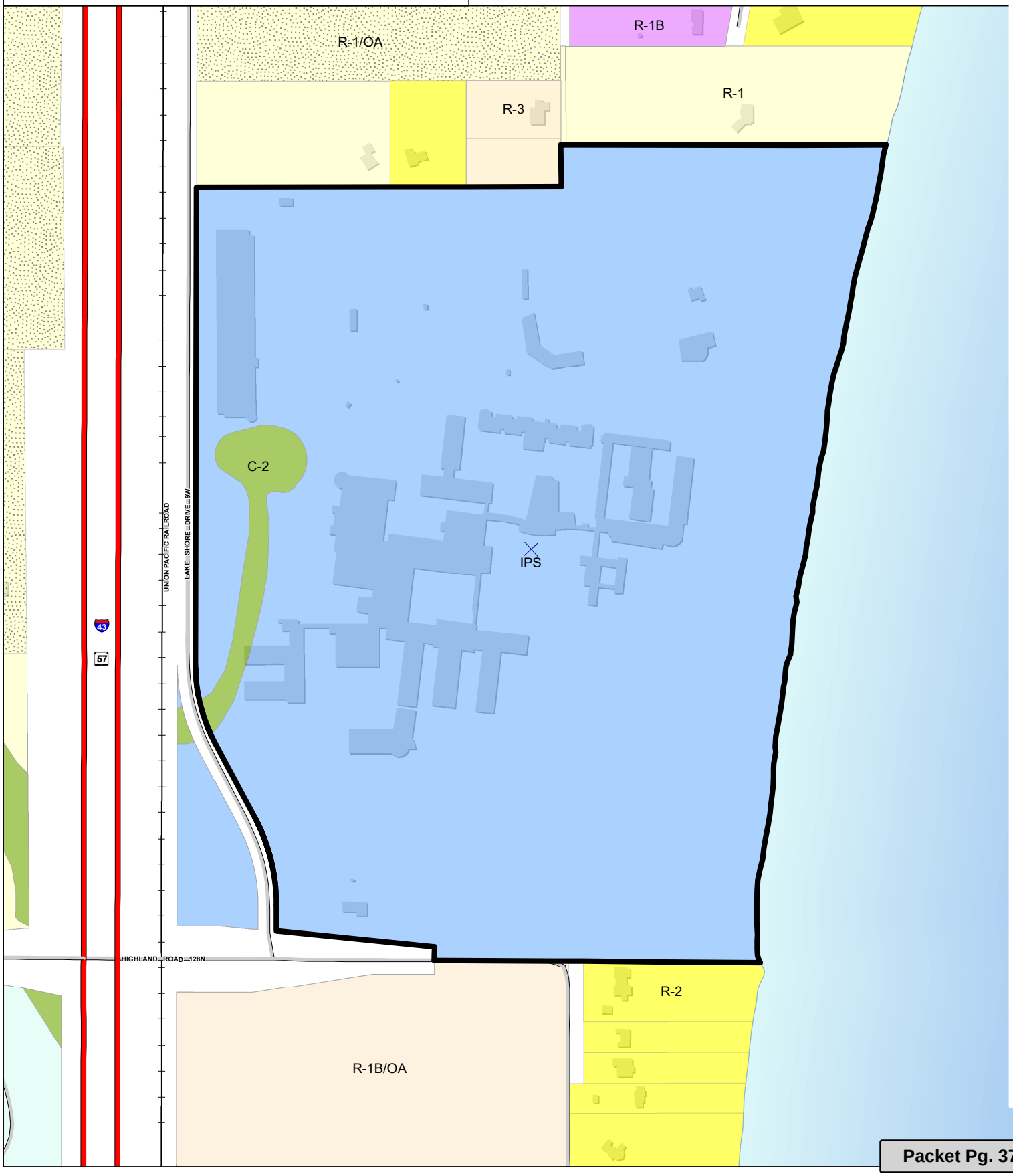
approval and permits for the installation of the sanitary sewer from the various regulatory agencies.

8. Sanitary flow calculations shall be provided for the sanitary sewer system that proves that the existing system has sufficient capacity to accommodate the additional flow.
9. Engineering Department review and approval of grading, drainage, stormwater management, erosion control and sewer plans in conformance to City ordinances and the Standard Specifications for Land Development.
10. An addition of 0.19 acres of new impervious this application or any future applications will trigger the requirement to provide additional stormwater management to meet the current City of Mequon, WDNR and MMSD criteria. A signed and stamped letter shall be prepared by the licensed professional engineer that the stormwater facilities are sized appropriately for the 0.31 acres of additional impervious area.
11. Application for and approval of a City erosion control permit, subject to applicable fees and conditioned upon WDNR issuance of a WRAPP permit.
12. Application for and approval of a City fill permit.
13. The applicant shall submit a proposed haul route, a proposed traffic management plan and issue a road bond.
14. All construction traffic shall be restricted Port Washington Road to Highland Road to the appropriate driveway.
15. Execution of a Water Service Agreement between the applicant and the Water Utility, subject to applicable fees. The mainline water main shall meet Water Utility standards for ISO recommended fire flows. An amendment to the existing water main easement document or the recordation of an additional water main easement may be required.
16. Fire Department approval of the driveway, access, turnaround, hydrant, and FDC locations.

Attachments:
PacketDocs (PDF)

# Groth Design Group for Concordia University

| | | | |
|---|---|---|---|
| AC | Arrival Corridor | LTD | Limited Use |
| A-1 | Agricultural Preserve | OA | Agricultural Overlay |
| A-2 | General Agricultural | PUD | Planned Unit Development Overlay |
| B-1 | Neighborhood Business | P-1 | Park & Recreation |
| B-2 | Community Business | R-1 | Single-Family Residential (5 Ac. Min.) |
| B-3 | Office & Service Business | R-1B | Single-Family Residential (2.5 Ac. Min.) |
| B-4 | Business Park | R-2 | Single-Family Residential (2.0 Ac. Min.) |
| B-5 | Light Industrial | R-2B | Single-Family Residential (1.5 Ac. Min.) |
| B-6 | Rural Industrial | R-3 | Single-Family Residential (1.0 Ac. Min.) |
| B-7 | Rural Business | R-4 | Single-Family Residential (3/4 Ac. Min.) |
| C-1 | Shoreland/Wetland Conservancy | R-5 | Single-Family Residential (1/2 Ac. Min.) |
| C-2 | General Conservancy | R-6 | Single-Family Residential (4 du/Ac) |
| CGO | Central Growth Overlay | RM | Multi-Family Residential |
| FFO | Flood Fringe Overlay | TC | Town Center |
| FW | Floodway | TDR | Transfer of Development Rights |
| IPS | Institutional & Public Service | | |




Attachment: PacketDocs (3468 : Groth Design Group for Concordia University)

CONCORDIA UNIVERSITY
WISCONSIN

City of Mequon

re: Building addition Kreft Center for music

To whom it may concern, Aug 6th , 2018

Concordia is proposing an expansion of the facilities for it's music department to add space for practice rooms , rehearsal and band area's.

The new building addition does add about 6,000 Sq ft of overall useable space on the interior of our campus, adjacent to the current school of music practice hall and classroom space. This part of our campus is presently not being used for any programming and is only a temporary staging space for facilities use.

The new addition will not impact traffic or parking on campus, and being in the isolated interior space, there will be no noise and or lighting that is visible to public space.

Ken Gaschk
Assistant to the President
Concordia University - Wisconsin

Attachment: PacketDocs (3468 : Groth Design Group for Concordia University)

GROTH
Design
Group

N58 W6181 COLUMBIA RD.
P.O. BOX 332
CEDARBURG, WISCONSIN 53012

PH. (262) 377-8001
FX. (262) 377-8003

CONCORDIA UNIVERSITY WISCONSIN

0' 200' 400' 800'

NORTH

## OVERALL CAMPUS SITE PLAN

SCALE: 1" = 200'

NORTH

0' 40' 80' 160'

## AREA SITE PLAN

SCALE: 1" = 40'

NOTE:

- SUBMITTAL IS FOR BUILDING DESIGN ONLY.
- M.E.P. DESIGN IS BEING FURNISHED DESIGN/BUILD, AND HAS NOT BEEN ENGINEERED FOR THIS SUBMITTAL.
- ANY M.E.P. EQUIPMENT SHOWN IN THIS PACKAGE IS CONCEPTUAL ONLY AND ACTUAL M.E.P. EQUIPMENT LOCATIONS ARE TO BE FURNISHED TO CITY BY RESPECTIVE DESIGNERS.

**PROJECT**

**KREFT CENTER FOR MUSIC**

**CONCORDIA UNIVERSITY**

**PROJECT INFO**

Date
08.24.2018

Project No.
18.043

**SHEET TITLE**

OVERAL CAMPUS SITE PLAN / AREA SITE PLAN

8/2/2018 3:11:16 PM

# A1.0

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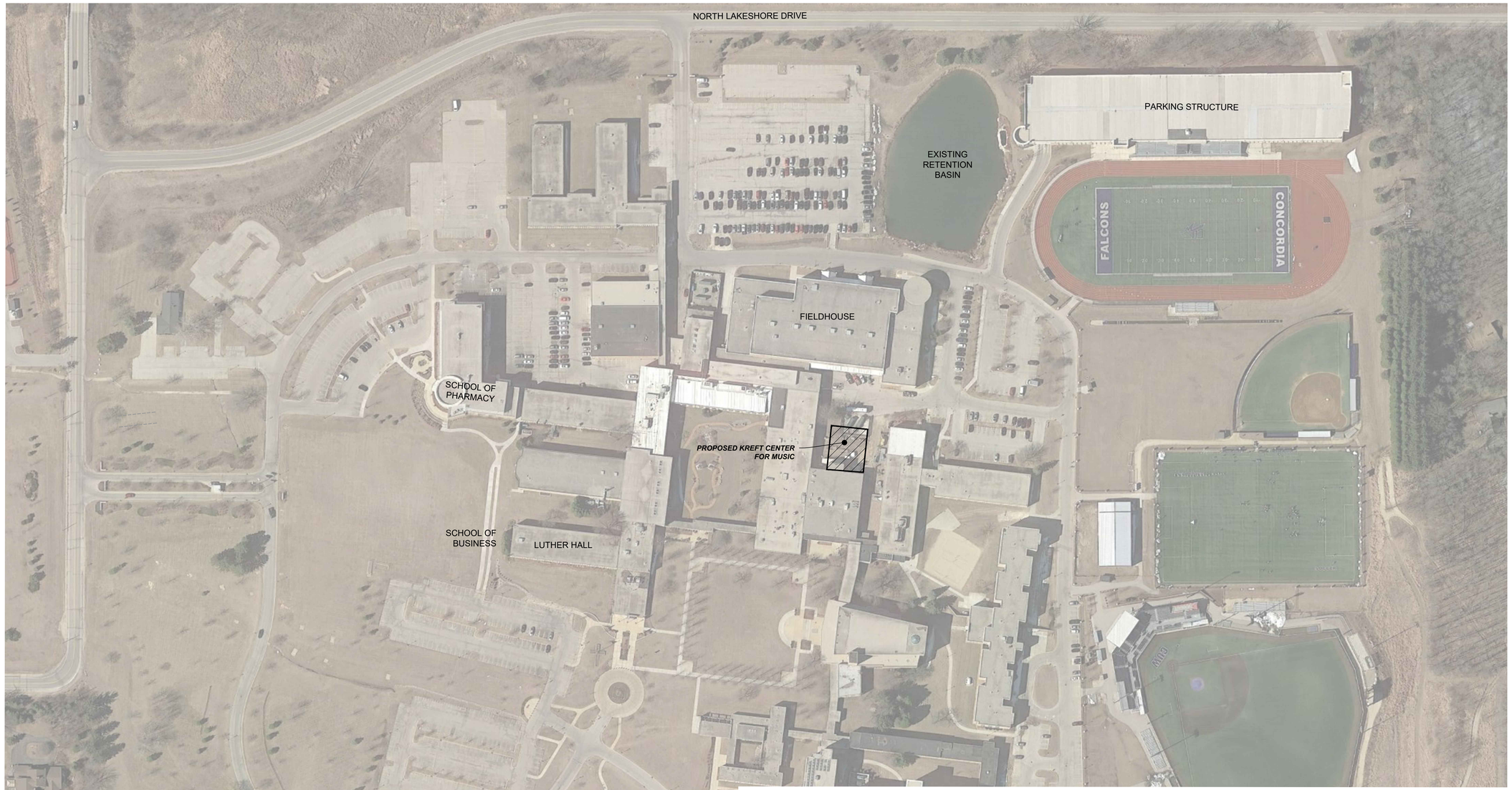


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Attachment: PacketDocs (3468 : Groth Design Group for Concordia University)

PROJECT

**KREFT CENTER FOR MUSIC**

**CONCORDIA UNIVERSITY**

## LEGEND:

### UTILITY

**EXISTING:**

- W — WATERMAIN
- E — BURIED ELECTRIC
- OHW — OVERHEAD WIRE
- GAS — GAS LINE
- SAN — SANITARY SEWER
- ST — STORM SEWER
- UTILITY POLE
- LIGHT POLE
- SANITARY MANHOLE
- FIRE HYDRANT
- WATER VALVE
- STORM SEWER STRUCTURE

**PROPOSED:**

- W — WATERMAIN
- E — ELECTRICAL LINE
- GAS — GAS LINE
- SAN — SANITARY SEWER
- ST — STORM SEWER
- WATER VALVE
- STORM SEWER STRUCTURE
- FLARED END SECTION

### GRADING

**EXISTING:**

- 160 — MAJOR CONTOUR
- 160 — MINOR CONTOUR
- EXIST 100.00 — EXISTING SPOT ELEVATION

**PROPOSED:**

- 160 — MAJOR CONTOUR
- 160 — MINOR CONTOUR
- 100.00 — SPOT ELEVATION (FINISHED GRADE, TOP OF PAVEMENT, FLANGE OF CURB)
- DOOR 100.00 — DOOR ELEVATION
- GR 100.00 — GROUND GRADE AT BUILDING
- 100.50T/C 100.00E/P — SPOT ELEVATION (T/C - TOP OF CURB, E/P - EDGE OF PAVEMENT)
- 100.50T/W 100.00B/W — RETAINING WALL SPOT ELEVATION (T/W - TOP OF WALL, B/W - GROUND GRADE AT BOTTOM)
- 12" FES 100.00B/W — FLARED END SECTION (PIPE SIZE, INVERT ELEVATION)
- DRAINAGE FLOW DIRECTION
- EMERGENCY OVERFLOW ROUTE

### SITE

**EXISTING:**

- EXISTING PARKING COUNT
- EXISTING SIGN
- EXISTING ADA PARKING SPACE

**PROPOSED:**

- PARKING COUNT
- ADA PARKING SPACE
- SIGN
- TRUNCATED DOMES
- PAVEMENT MARKING DIRECTIONAL ARROWS

### SITE CALCULATION TABLE

SITE DATA:

| | |
|---|---|
| TOTAL SITE AREA | 119.09 AC. |
| EXISTING IMPERVIOUS AREA | 34.50 AC. |
| PROPOSED IMPERVIOUS AREA | 34.64 AC. |
| NET ADDITIONAL IMPERVIOUS ADDED | 0.14 AC. |
| EXISTING GREENSPACE | 84.59 AC. |
| PROPOSED GREENSPACE | 84.45 AC. |
| PROPOSED GREENSPACE RATIO | 70.91% |

BUILDING DATA:

| | |
|---|---|
| EXISTING CAMPUS TOTAL FLOOR AREA | 1,402,779 S.F. |
| PROPOSED BUILDING FLOOR AREA | 9,781 S.F. |
| PROPOSED CAMPUS TOTAL FLOOR AREA | 1,412,560 S.F. |
| PROPOSED FLOOR AREA RATIO | 27.23% |

PARKING DATA:

| | |
|---|---|
| EXISTING CAMPUS TOTAL PARKING | 2210 SPACES |
| PROPOSED CAMPUS TOTAL PARKING | 2210 SPACES |

### CIVIL SHEET INDEX:


| | |
|---|---|
| C1.10 | SITE LOCATION PLAN |
| C1.11 | SITE PLAN |
| C1.20 | GRADING PLAN |
| C1.30 | EXISTING SITE SURVEY |
| C5.00 | CONSTRUCTION DETAILS |


**PROJECT INFO**

Date
08.24.2018

Project No.
18.043

SCALE: 1"=100'

North

**SHEET TITLE**

# Site Plan
Overall

Harwood Engineering Consultants
255 North 21st Street | Milwaukee, WI 53233
P: 414.475.5554 | www.hec.com

# C1.10

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CONCORDIA UNIVERSITY WISCONSIN

PROJECT

**KREFT CENTER FOR MUSIC**

**CONCORDIA UNIVERSITY**

PROJECT INFO

Date
08.24.2018

Project No.
18.043

SHEET TITLE

**Site Plan**
Detailed

DIGGER'S HOTLINE CALL BEFORE YOU DIG 1-800-242-8511

IN ACCORDANCE WITH WISCONSIN STATUTE 182.0175, DAMAGE TO TRANSMISSION FACILITIES, EXCAVATOR SHALL BE SOLELY RESPONSIBLE TO PROVIDE ADVANCE NOTICE TO THE DESIGNATED "ONE CALL SYSTEM" NOT LESS THAN THREE WORKING DAYS PRIOR TO COMMENCEMENT OF ANY EXCAVATION REQUIRED TO PERFORM WORK CONTAINED ON THESE DRAWINGS, AND FURTHER, EXCAVATOR SHALL COMPLY WITH ALL OTHER REQUIREMENTS OF THIS STATUTE RELATIVE TO EXCAVATOR'S WORK.

Harwood Engineering Consultants
255 North 21st Street | Milwaukee, WI 53233
P 414.475.0550 | www.hec1.com

C1.11

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**PROJECT**

**KREFT CENTER FOR MUSIC**

**CONCORDIA UNIVERSITY**

**PROJECT INFO**

Date
08.24.2018

Project No.
18.043

**SHEET TITLE**

## Grading Plan
Detailed

DIGGER'S HOTLINE CALL BEFORE YOU DIG 1-800-242-8511

IN ACCORDANCE WITH WISCONSIN STATUTE 182.0175, DAMAGE TO TRANSMISSION FACILITIES, EXCAVATOR SHALL BE SOLELY RESPONSIBLE TO PROVIDE ADVANCE NOTICE TO THE DESIGNATED "ONE CALL SYSTEM" NOT LESS THAN THREE WORKING DAYS PRIOR TO COMMENCEMENT OF ANY EXCAVATION REQUIRED TO PERFORM WORK CONTAINED ON THESE DRAWINGS, AND FURTHER, EXCAVATOR SHALL COMPLY WITH ALL OTHER REQUIREMENTS OF THIS STATUTE RELATIVE TO EXCAVATOR'S WORK.

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**C1.20**

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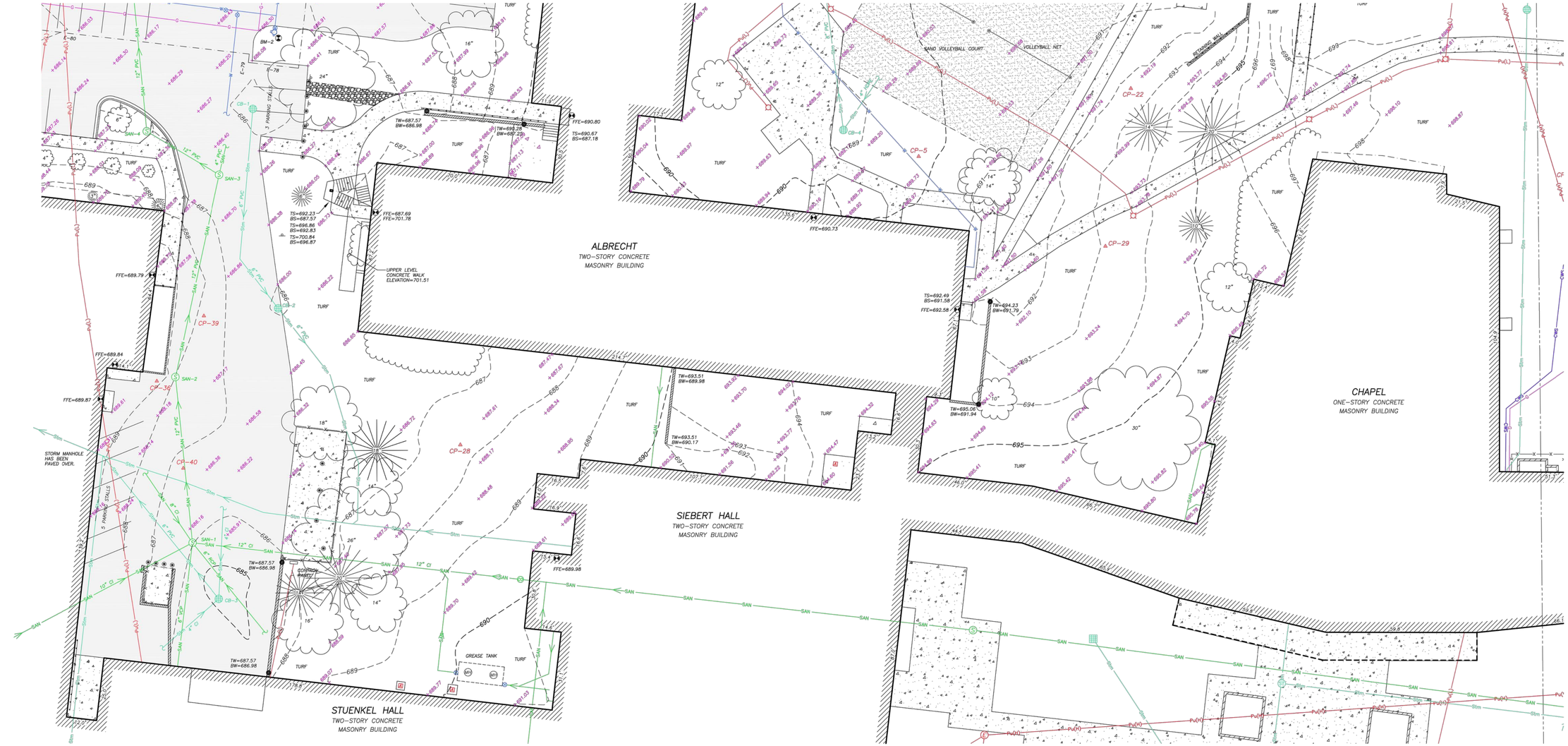


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PROJECT

**KREFT CENTER FOR MUSIC**

**CONCORDIA UNIVERSITY**

PROJECT INFO

Date
08.24.2018

Project No.
18.043

SHEET TITLE

**Existing Site Survey**

## LEGEND

- CONTROL POINT
- BOLLARD
- POST
- SIGN
- BENCHMARK
- FINISHED FLOOR SHOT LOCATION
- SANITARY MANHOLE
- CLEAN OUT
- HYDRANT
- WATER OR GAS VALVE
- STORM MANHOLE
- ROUND CASTED INLET
- ELECTRIC MANHOLE
- AIR CONDITION UNIT
- LIGHT POLE
- YARD LIGHT
- MANHOLE
- HANDICAP PARKING
- SECTION LINE
- LANDSCAPE LIMITS
- EASEMENT LINE
- FENCE LINE
- GUARD OR SAFETY RAIL
- EDGE OF PAVEMENT
- CONCRETE CURB & GUTTER
- EDGE OF GRAVEL
- SANITARY SEWER
- WATER LINE
- CHILLED WATER SUPPLY
- STORM SEWER
- NATURAL GAS
- HIGH VOLTAGE UNDERGROUND ELECTRIC
- LOW VOLTAGE UNDERGROUND ELECTRIC
- PAVEMENT STRIPING
- BUILDING
- BITUMINOUS PAVEMENT
- CONCRETE PAVEMENT
- GRAVEL OR ROCK
- RECORDED INFORMATION
- DECIDUOUS TREE
- CONIFEROUS TREE
- EDGE OF WOODS OR BRUSH
- INDEX CONTOUR
- INTERMEDIATE CONTOUR
- SPOT ELEVATION

### STORM SEWER MANHOLES

| STRUCT. ID | RIM ELEVATION | INVERT | ELEVATION | PIPE SIZE | PIPE TYPE |
|---|---|---|---|---|---|
| CB-1 | 685.91 | S | 684.51 | 6" | PVC |
| CB-2 | 685.95 | NW | 684.20 | 6" | PVC |
| | | SE | 684.20 | 6" | PVC |
| CB-3 | 685.39 | N | 684.14 | 4" | CI |
| | | SW | 683.39 | 4" | CI |
| | | NW | 683.19 | 6" | PVC |
| CB-4 | 688.56 | NE | 686.86 | 4" | HDPE |
| | | NW | 686.21 | 8" | PVC |
| CB-5 | 688.97 | SE | 685.17 | 8" | PVC |
| | | E | 685.12 | 10" | PVC |
| | | E | 686.28 | 6" | HDPE |
| | | N | 685.07 | 12" | PVC |
| CB-6 | 685.83 | N | 687.44 | 8" | PVC |

### SANITARY SEWER MANHOLES

| STRUCT. ID | RIM ELEVATION | INVERT | ELEVATION | PIPE SIZE | PIPE TYPE |
|---|---|---|---|---|---|
| SAN-1 | 686.04 | S | 680.44 | 6" | VCP |
| | | SW | 680.19 | 10" | CI |
| | | NW | 683.54 | 8" | CI |
| | | SE | 681.84 | 6" | RCP |
| | | E | 680.00 | 12" | CI |
| | | NW | 680.00 | 12" | PVC |
| SAN-2 | 688.00 | SE | 679.40 | 12" | PVC |
| | | NE | 679.37 | 12" | PVC |
| SAN-3 | 686.57 | SW | 678.92 | 12" | PVC |
| | | N | * | 4" | PVC |
| | | NW | 678.87 | 12" | PVC |
| SAN-4 | 686.96 | SE | 681.60 | 12" | PVC |
| | | N | 681.60 | 12" | PVC |

## NOTES

1. FIELD WORK PERFORMED BY JSD PROFESSIONAL SERVICES, INC. ON APRIL 17, 2012.
2. HORIZONTAL CONTROL FOR THIS SURVEY AND MAP IS REFERENCED TO THE WISCONSIN COUNTY COORDINATE SYSTEM, OZAUKEE COUNTY.
3. ELEVATIONS ARE BASED ON THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD88). BENCHMARK IS A BRASS CAP IN CONCRETE MONUMENT MARKING THE SOUTH QUARTER CORNER OF SECTION 8, TOWNSHIP 9 NORTH, RANGE 22 EAST, ELEVATION = 709.26'.
4. CONTOUR INTERVAL IS 1 FOOT.
5. THE ACCURACY OF THE BENCHMARKS SHOWN ON THIS MAP SHALL BE VERIFIED BEFORE BEING UTILIZED. JSD PROFESSIONAL SERVICES, INC. DOES NOT WARRANT THE ACCURACY OF THESE BENCHMARKS.
6. SUBSURFACE UTILITIES AND FEATURES SHOWN ON THIS MAP HAVE BEEN APPROXIMATED BY LOCATING SURFICIAL FEATURES AND APPURTENANCES, LOCATING PRIVATE LINES, INC. FIELD MARKINGS AND BY REFERENCE TO UTILITY RECORDS AND MAPS.
7. BEFORE EXCAVATION, APPROPRIATE UTILITY COMPANIES SHOULD BE CONTACTED. FOR EXACT LOCATION OF UNDERGROUND UTILITIES, CONTACT DIGGERS HOTLINE, AT 1.800.242.8511.
8. THIS PARCEL LIES IN FLOOD ZONE X, AREAS DETERMINED TO BE OUTSIDE 500-YEAR FLOOD PLAIN, PER FLOOD INSURANCE RATE MAP NUMBER 55089C 0085 D, EFFECTIVE DATE: MARCH 18, 1991.

### BENCHMARKS

| BENCH MARK | ELEVATION | DESCRIPTION |
|---|---|---|
| BM-1 | 689.88 | TOP NUT ON HYDRANT NW CORNER SPORTS FITNESS CENTER |
| BM-2 | 689.43 | TOP NUT ON HYDRANT NE CORNER SPORTS FITNESS CENTER |
| BM-3 | 690.67 | RR SPIKE IN 14" TREE BY VOLLEYBALL COURT |

north

0 10' 20'

SCALE: 1" = 20'

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C1.30

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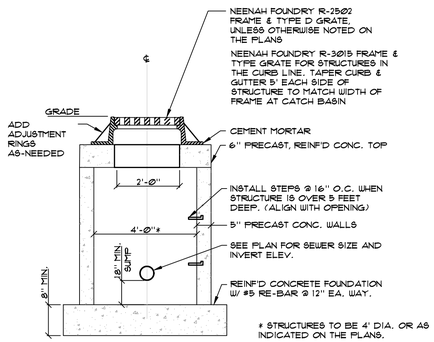
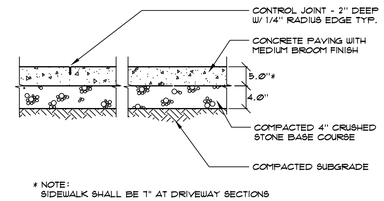



**CATCH BASIN DETAIL** 203

NTS 01/23/13




* NOTE:
SIDEWALK SHALL BE 7" AT DRIVEWAY SECTIONS

NOTES:

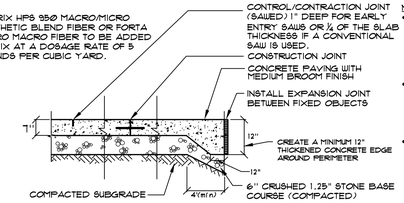
- CONTROL JOINT SPACING SHALL BE A MAXIMUM OF 5' AND CONSTRUCTED IN CONFORMANCE WITH AMERICAN CONCRETE INSTITUTE (ACI) RECOMMENDATIONS.
- EXPANSION JOINTS SHOULD BE PROVIDED WHERE PAVEMENT ABUTS FIXED OBJECTS.
- MATRIX BI BLEND MICRO FIBER TO BE ADDED AT A RATE OF 1.5 POUNDS PER CUBIC YARD.

**CONCRETE SIDEWALK SECTION** 524

NTS 01/23/13

NOTE:

- MATRIX HPS 950 MACRO/MICRO SYNTHETIC BLEND FIBER OR FORTA FERRO MACRO FIBER TO BE ADDED TO MIX AT A DOSAGE RATE OF 5 POUNDS PER CUBIC YARD.

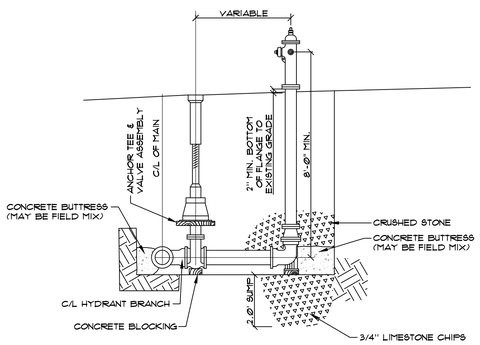



NOTES:

- TIE BARS SHALL BE INSTALLED AT ALL AREAS WHERE CONCRETE PAVEMENT ABUTS CURB AND GUTTER AND CONSIST OF NO. 4 EPOXY COATED REINFORCING BARS 24 INCHES IN LENGTH AND 48 INCHES ON CENTER.
- CONTROL/ CONTRACTION/ CONSTRUCTION JOINTS SHALL BE SPACED AT 12' MAXIMUM AND CONSTRUCTED IN CONFORMANCE WITH THE AMERICAN CONCRETE INSTITUTE (ACI-330R) RECOMMENDATIONS.
- EXPANSION JOINTS SHALL BE PROVIDED WHERE PAVEMENT ABUTS FIXED OBJECTS, MEETING ACI-330R STANDARDS.

**CONCRETE PAVEMENT SECTION** 523

NTS 01/23/13

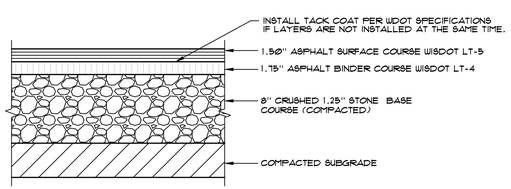



NOTE:
1) MEGALUG RESTRAINING GLANDS ON ALL MECHANICAL JOINTS, THE BOLTS & NUTS ARE TO BE HIGH STRENGTH LOW ALLOY STEEL (CORTEN) AS PER SECTION 11.6.5 OF A.W.W.A. C-111.

2) THE FOLLOWING HYDRANTS SHALL BE ALLOWED:
- MUELLER SUPER CENTURION 250 3-WAY FIRE HYDRANT
- U.S. PIPE METROPOLITAN/M-94 DUCTILE IRON FIRE HYDRANT
- WATEROUS 5 1/4" PACER FIRE HYDRANT

**TYPICAL HYDRANT DETAIL** 401

NTS 01/23/13




**BITUMINOUS ASPHALT SECTION - REGULAR DUTY PAVEMENT** 518

NTS 01/23/13

GROTH Design Group

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CEDARBURG, WISCONSIN 53012

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CONCORDIA UNIVERSITY WISCONSIN

PROJECT

**KREFT CENTER FOR MUSIC**

**CONCORDIA UNIVERSITY**

PROJECT INFO

Date
08.24.2018

Project No.
18.043

SHEET TITLE

**Construction Details**

Harwood Engineering Consultants
255 North 21st Street | Milwaukee, WI 53233
P 414.475.5550 | www.hec.com

**C5.00**

Attachment: PacketDocs (3468 : Groth Design Group for Concordia University)

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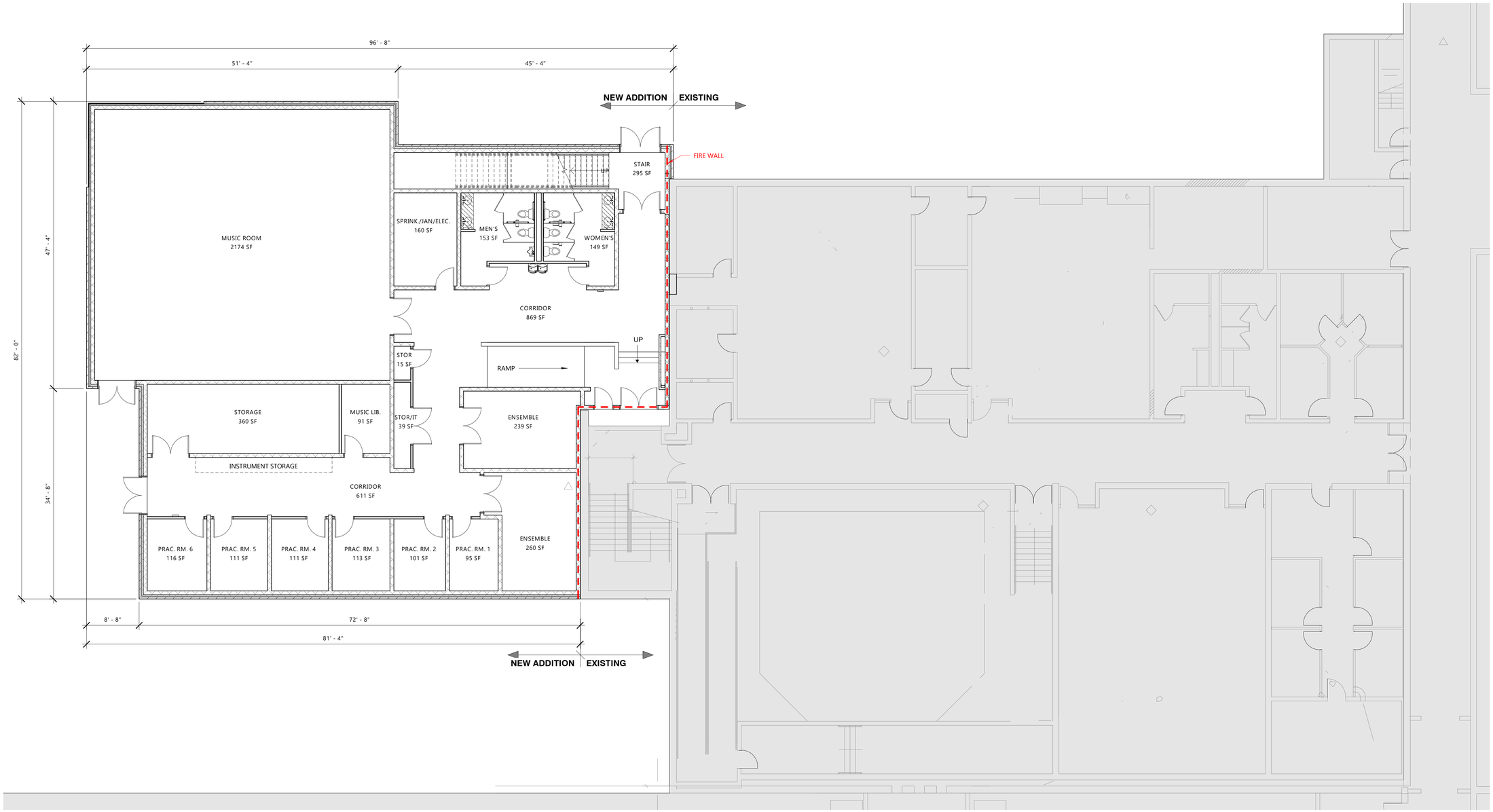


## LOWER LEVEL PLAN

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

FOOTPRINT: 6,790-SQ.FT.

NORTH

0' 8' 16' 32'

GROTH Design Group

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CONCORDIA UNIVERSITY WISCONSIN

**PROJECT**

**KREFT CENTER FOR MUSIC**

**CONCORDIA UNIVERSITY**

**PROJECT INFO**

Date
08.24.2018

Project No.
18.043

**SHEET TITLE**

LOWER LEVEL FLOOR PLAN

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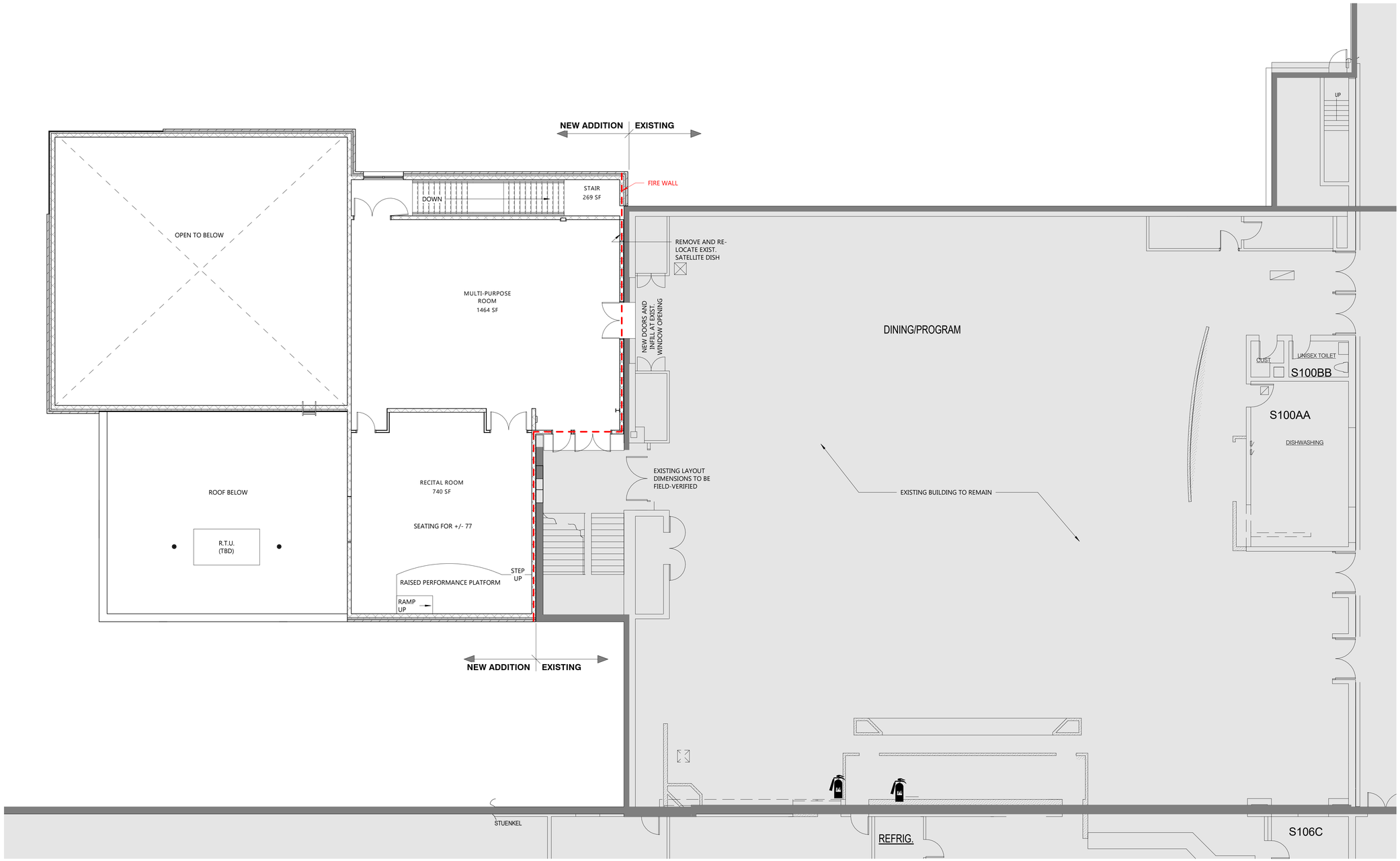


## UPPER LEVEL PLAN

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

NORTH

0' 8' 16' 32'

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CONCORDIA UNIVERSITY WISCONSIN

**PROJECT**

**KREFT CENTER FOR MUSIC**

**CONCORDIA UNIVERSITY**

**PROJECT INFO**

Date
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18.043

**SHEET TITLE**

UPPER LEVEL FLOOR PLAN

8/23/2018 3:28:40 PM

# A1.2

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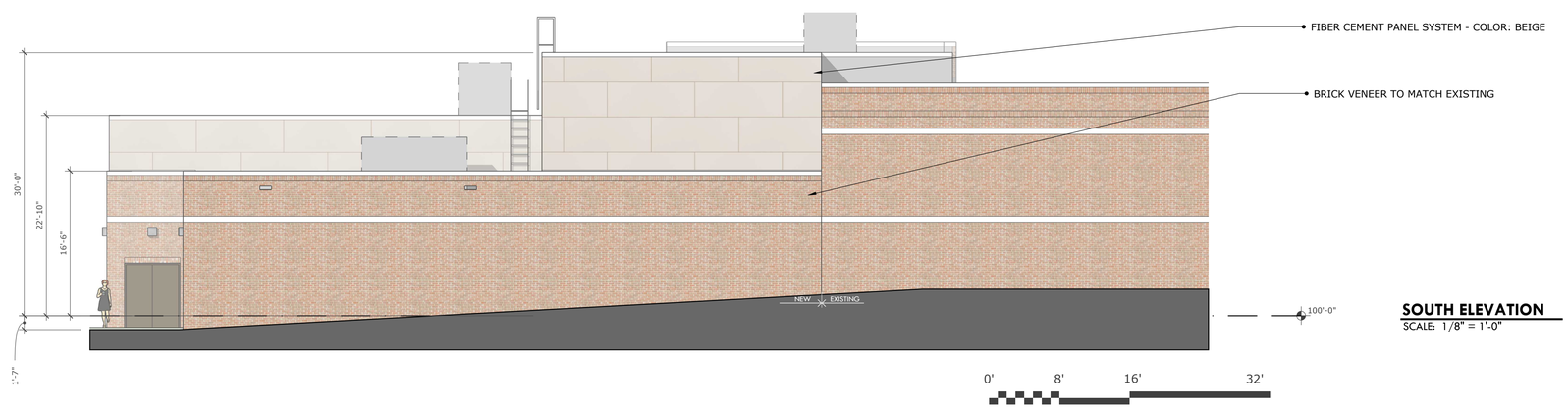
## NORTH ELEVATION
SCALE: 1/8" = 1'-0"

## WEST ELEVATION
SCALE: 1/8" = 1'-0"




## SOUTH ELEVATION
SCALE: 1/8" = 1'-0"

GROTH Design Group

N58 W6181 COLUMBIA RD.
P.O. BOX 332
CEDARBURG, WISCONSIN 53012

PH. (262) 377-8001
FX. (262) 377-8003

CONCORDIA UNIVERSITY WISCONSIN

**PROJECT**

**KREFT CENTER FOR MUSIC**

**CONCORDIA UNIVERSITY**

**PROJECT INFO**

Date
08.24.2018

Project No.
18.043

**SHEET TITLE**

ELEVATIONS

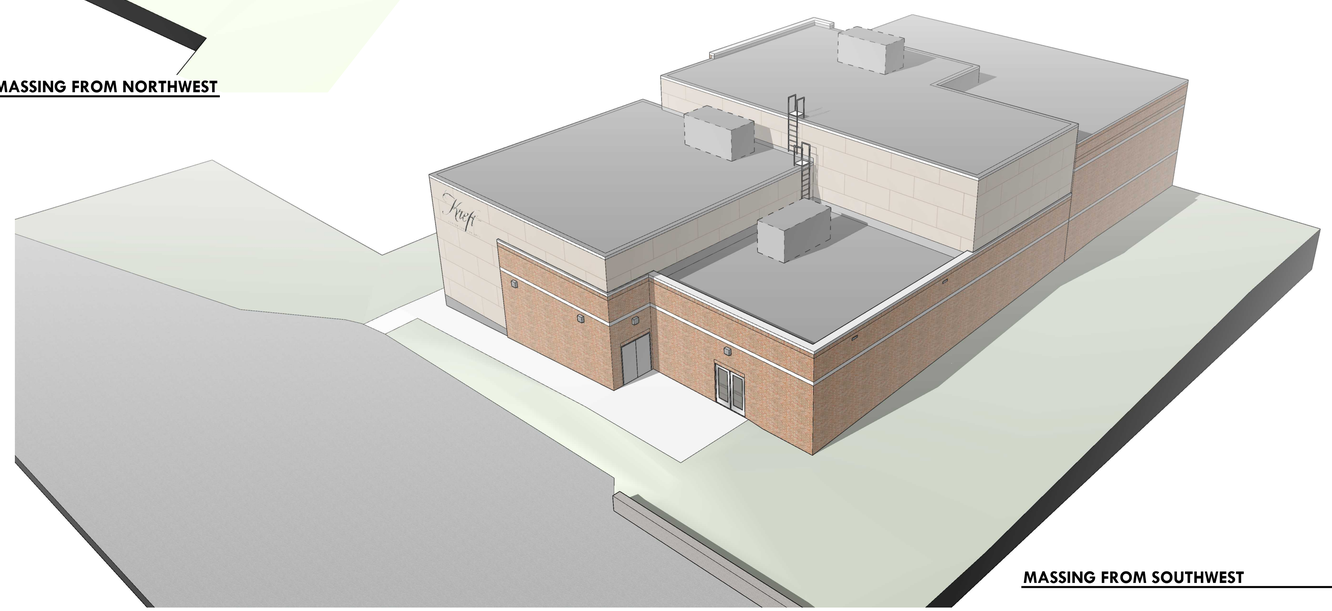
8/2/2018 3:11:16 PM

# A1.3

© Groth Design Group, Inc.

Attachment: PacketDocs (3468 : Groth Design Group for Concordia University)

MASSING FROM NORTHWEST




MASSING FROM SOUTHWEST

GROTH
Design
Group

N58 W6181 COLUMBIA RD.
P.O. BOX 332
CEDARBURG, WISCONSIN 53012

PH. (262) 377-8001
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CONCORDIA UNIVERSITY WISCONSIN

PROJECT

KREFT CENTER FOR MUSIC
CONCORDIA UNIVERSITY

PROJECT INFO

Date
08.24.2018

Project No.
18.043

SHEET TITLE

ISOMETRIC VIEWS

8/2/2018 3:11:16 PM

A1.4

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Attachment: PacketDocs (3468 : Groth Design Group for Concordia University)

APPROACH VIEW FROM NORTHWEST

GROTH
Design
Group

N58 W6181 COLUMBIA RD.
P.O. BOX 332
CEDARBURG, WISCONSIN 53012

PH. (262) 377-8001
FX. (262) 377-8003

CONCORDIA UNIVERSITY WISCONSIN

VIEW FROM SOUTHWEST

PROJECT

KREFT CENTER FOR MUSIC

CONCORDIA UNIVERSITY

PROJECT INFO

Date
08.24.2018

Project No.
18.043

SHEET TITLE

PERSPECTIVES

8/2/2018 3:11:16 PM

A1.5

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Attachment: PacketDocs (3468 : Groth Design Group for Concordia University)

City of Mequon

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

www.ci.mequon.wi.us

Department of Community Development

**TO:** **Planning Commission**

**FROM:** **JAC ZADER, ASSISTANT DIRECTOR COMMUNITY DEVELOPMENT**

**DATE:** **September 5, 2018**

**SUBJECT:** **Ranch Court. The applicant is seeking final plat approval for a 6-lot single family subdivision located at 2100 Ranch Road.**

| | |
|---|---|
| Applicant: | Paul Apfelbach |
| Status of Applicant: | Owner |
| Requested Action: | Final Plat |
| Existing Zoning: | C-2 (General Conservancy) |
| | OA (Agricultural Overlay) |
| | FW (Floodway) |
| | FFO (Flood Fringe Overlay) |
| | C-1 (Critical Environmental) |
| | R-4 (Single Family ¾ Acre) |
| Lot size: | 22 acres |
| Location: | 2100 W. Ranch Road |
| Tax Key: | #15-019-08-002.00 |
| District: | #2 |

**Background:** The applicant is requesting final plat approval for Ranch Court subdivision located at 2100 W Ranch Road.

**Final Plat:**
The applicant requests final plat approval for this subdivision, which includes 6 single-family lots with outlots that contain open space and storm water detention facilities. The final plat is consistent with the approved preliminary plat with only a few minor changes necessary. The final plat shall include a deed restriction that requires no land disturbing activity within the Environmental Corridor, including removal of specimen trees, without the approval of the City of Mequon and SEWRPC.

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

The utilities, including sanitary sewer has been installed and inspected. The sanitary sewer is a private sewer main. The storm water conveyance including storm sewer and open ditches have been installed and inspected. The storm water detention pond has been constructed and a certification report has been provided by a licensed professional engineer.

The water deferral agreement, stormwater maintenance and easement agreement, shared access agreement and any other required legal documents shall be recorded prior to the recording of the final plat.

City staff has done a cursory review of the development and provided general comments to the applicant. A formal punch list will be prepared after the final grading is completed. Record drawings of the stormwater management, grading, and sanitary sewer have not been received.

The applicant shall meet with City field staff to address any remaining punch list items. Mass grading, restoration and submittal of all record drawing is required prior to final plat.

The Development Agreement specifies that easements are to be provided on the plat for WE Energies, AT&T, cable TV and other utilities for provision of services in the subdivision. The developer shall provide proof of payment in full for the installation of the utilities prior to final plat.

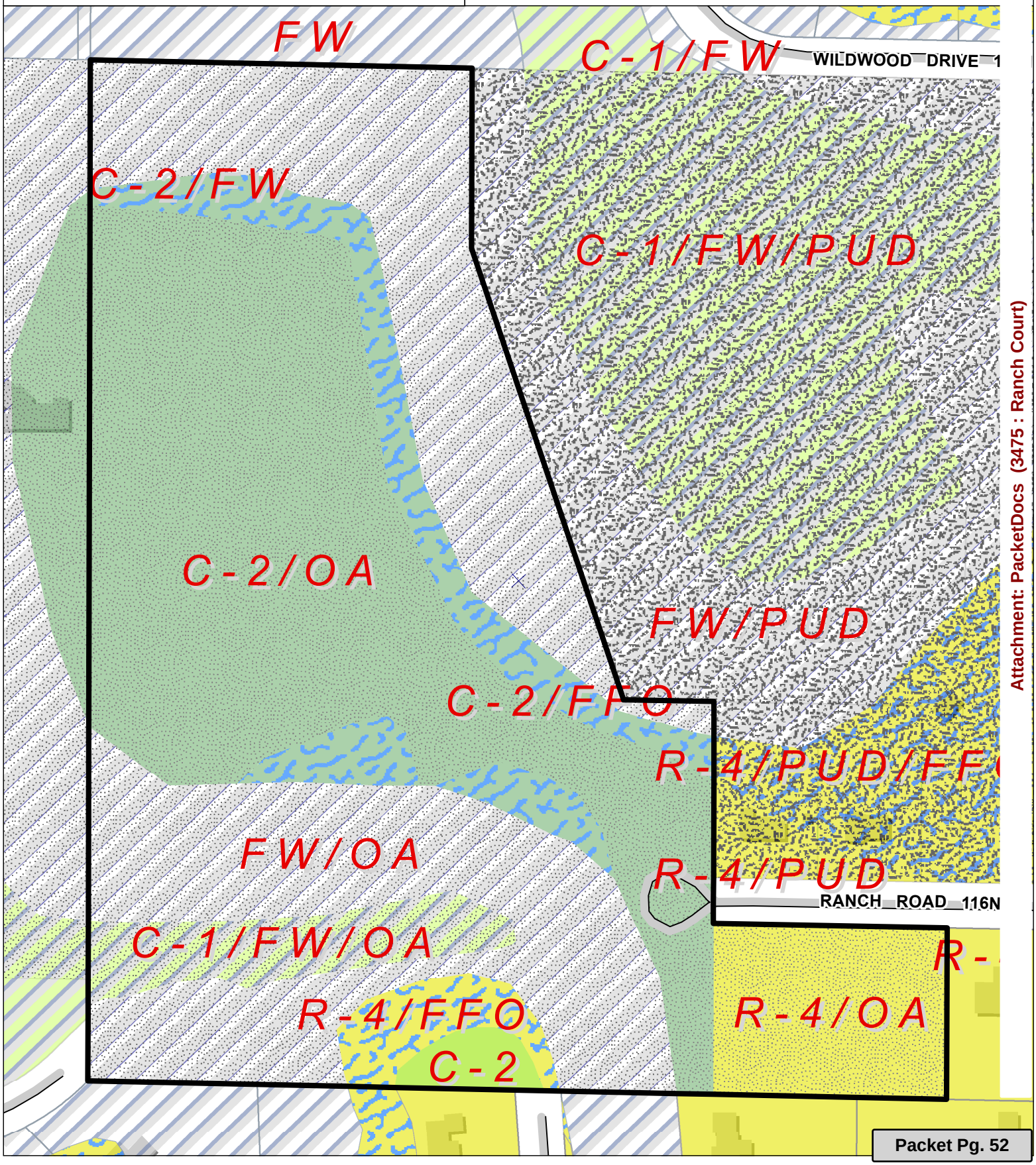
**Staff Recommendation:**
Staff recommends **approval** of the final plat subject to the following conditions:

1. Any technical corrections identified by staff shall be made to the final plat.
2. Common Council approval of Final Plat and acceptance of right of way.
3. Developer to provide proof of payment in full of the installation of utilities (WE Energies, AT&T, Cable T.V. and others).
4. Lots 3-6 shall comply with the requirements of the recorded Conditional Use Grant.
5. The final plat shall include a deed restriction that requires no land disturbing activity within the Environmental Corridor, including removal of specimen trees, without the approval of the City of Mequon and SEWRPC.
6. Final legal documents, including the Common Area Maintenance and Access Agreement and water deferral agreement, are subject to City Attorney review and approval prior to recording.
7. City Engineer certification that the terms of the Development Agreement have been complied with and that the plat is ready for recording.
8. Payment of all necessary fees and or escrows, including L.O.C. for landscaping requirements.
9. City Attorney review and approval of all legal documents
10. All buildings on lots 3-6 shall maintain a minimum building setback of 30’ from the interior private road, a minimum 30’ offset from the side and rear. All buildings on lots 1-2 shall be setback from Ranch Road shall be 50’ and have a minimum 20 ‘ side and rear offset.
11. Architectural design of residential buildings shall comply with the Architectural Board’s publication entitled “Guidelines for Residential Structures” and are subject to the Architectural Review Board.
12. Execution of a Storm Water Facilities and Easement Agreement.
13. Completion of construction punch list items.
14. Record drawing submittal, review and approval for all public utilities and mass grading.

Attachments:
PacketDocs (PDF)

# Ranch Court

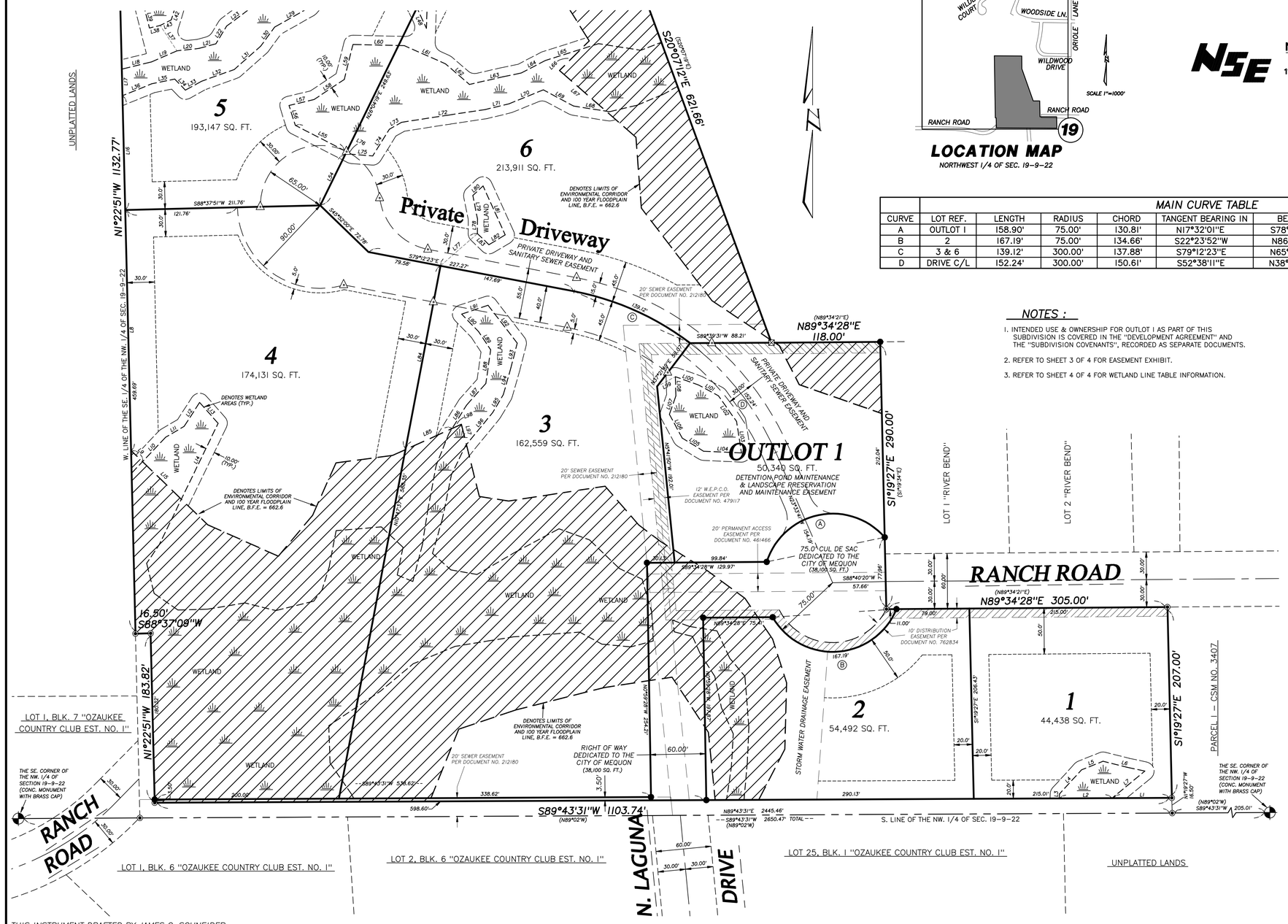
| | | | |
|---|---|---|---|
| AC | Arrival Corridor | LTD | Limited Use |
| A-1 | Agricultural Preserve | OA | Agricultural Overlay |
| A-2 | General Agricultural | PUD | Planned Unit Development Overlay |
| B-1 | Neighborhood Business | P-1 | Park & Recreation |
| B-2 | Community Business | R-1 | Single-Family Residential (5 Ac. Min.) |
| B-3 | Office & Service Business | R-1B | Single-Family Residential (2.5 Ac. Min.) |
| B-4 | Business Park | R-2 | Single-Family Residential (2.0 Ac. Min.) |
| B-5 | Light Industrial | R-2B | Single-Family Residential (1.5 Ac. Min.) |
| B-6 | Rural Industrial | R-3 | Single-Family Residential (1.0 Ac. Min.) |
| B-7 | Rural Business | R-4 | Single-Family Residential (3/4 Ac. Min.) |
| C-1 | Shoreland/Wetland Conservancy | R-5 | Single-Family Residential (1/2 Ac. Min.) |
| C-2 | General Conservancy | R-6 | Single-Family Residential (4 du/Ac) |
| CGO | Central Growth Overlay | RM | Multi-Family Residential |
| FFO | Flood Fringe Overlay | TC | Town Center |
| FW | Floodway | TDR | Transfer of Development Rights |
| IPS | Institutional & Public Service | | |

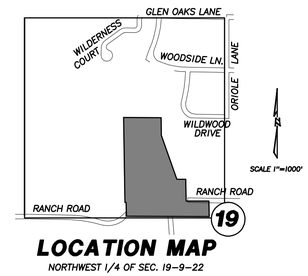



Attachment: PacketDocs (3475 : Ranch Court)

# "RANCH COURT"

PART OF THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4, OF SECTION 19, TOWN 9 NORTH, RANGE 22 EAST, IN THE CITY OF MEQUON, OZAUKEE COUNTY, WISCONSIN.




**LOCATION MAP**
NORTHWEST 1/4 OF SEC. 19–9–22

GRAPHIC SCALE
60 0 30 60 120 240
( IN FEET )
1 inch = 60 ft.


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


MAIN CURVE TABLE

| CURVE | LOT REF. | LENGTH | RADIUS | CHORD | TANGENT BEARING IN | BEARING | TANGENT BEARING OUT | DELTA |
|---|---|---|---|---|---|---|---|---|
| A | OUTLOT 1 | 158.90' | 75.00' | 130.81' | N17°32'01"E | S78°13'46"W | S41°04'28"E | 121°23'30" |
| B | 2 | 167.19' | 75.00' | 134.66' | S22°23'52"W | N86°15'41"E | N29°52'31"W | 127°43'37" |
| C | 3 & 6 | 139.12' | 300.00' | 137.88' | S79°12'23"E | N65°55'17"W | S52°38'11"E | 26°34'12" |
| D | DRIVE C/L | 152.24' | 300.00' | 150.61' | S52°38'11"E | N38°05'56"W | S23°33'41"E | 29°04'31" |

## NOTES :

1. INTENDED USE & OWNERSHIP FOR OUTLOT 1 AS PART OF THIS SUBDIVISION IS COVERED IN THE "DEVELOPMENT AGREEMENT" AND THE "SUBDIVISION COVENANTS", RECORDED AS SEPARATE DOCUMENTS.
2. REFER TO SHEET 3 OF 4 FOR EASEMENT EXHIBIT.
3. REFER TO SHEET 4 OF 4 FOR WETLAND LINE TABLE INFORMATION.

## LEGEND :

◉ – DENOTES 1.315" STEEL PIPE (FOUND)

⊠ – DENOTES 2.375" STEEL PIPE (FOUND)

△ – DENOTES (WITNESS MONUMENT) 1.315"X18" STEEL PIPE WEIGHING 1.68 LBS. PER LINEAL FOOT, SET, AT THE INTERECTION OF THE LOT LINE AND THE PRIVATE DRIVE EASEMENT.

● – DENOTES 2.375"X18" STEEL PIPE, WEIGHING 3.65 LBS. PER LINEAL FOOT, SET.

( ) – DENOTES ALSO RECORDED AS DIRECTION OR DISTANCE

ALL OTHER LOT AND OUTLOT CORNERS 1.315"X18" STEEL PIPE WEIGHING 1.68 LBS. PER LINEAL FOOT (SET).

ALL DISTANCES ARE MEASURED TO THE NEAREST ONE HUNDREDTH (0.01') OF A FOOT.

ALL BEARINGS ARE REFERENCED TO GRID NORTH OF THE WISCONSIN STATE PLANE COORDINATE SYSTEM, SOUTH ZONE. (NAD 27), THE SOUTH LINE OF THE NW. 1/4 OF SECTION 19–9–22, WHICH BEARS S89°43'31"W

DENOTES BUILDING SETBACK LINE

DENOTES WETLAND BOUNDARY

DENOTES 10' WETLAND SETBACK LINE

DENOTES ENVIRONMENTAL CORRIDOR AND 100 YEAR FLOODPLAIN LINE TOGETHER

DENOTES AREA WITHIN THE 100 YEAR FLOOPLAIN

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

Dated this 1st day of August, 2018

There are no objections to this plat with respect to Secs. 236.15, 236.16, 236.20 and 236.21(1) and (2), Wis. Stats. as provided by s. 236.12, Wis. Stats.

Certified _____, 20____

Department of Administration

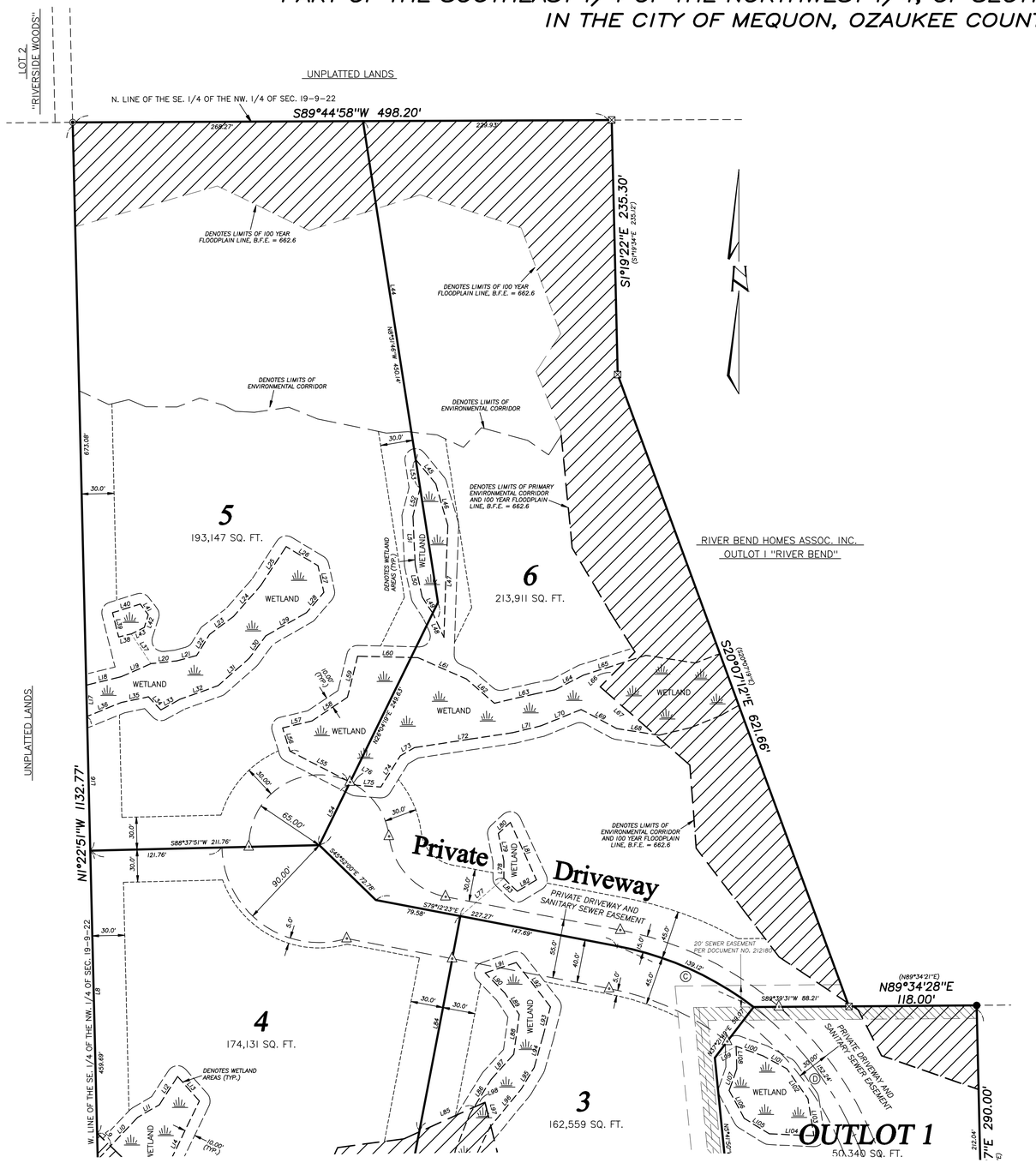
THIS INSTRUMENT DRAFTED BY JAMES G. SCHNEIDER

SHEET 1 OF 4 SHEETS

Attachment: PacketDocs (3475 : Ranch Court)

# "RANCH COURT"

PART OF THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4, OF SECTION 19, TOWN 9 NORTH, RANGE 22 EAST,
IN THE CITY OF MEQUON, OZAUKEE COUNTY, WISCONSIN.




GRAPHIC SCALE

60 0 30 60 120 240

( IN FEET )
1 inch = 60 ft.

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- - - - - - - - DENOTES BUILDING SETBACK LINE
- — — — — DENOTES WETLAND BOUNDARY
- — — — — DENOTES 10' WETLAND SETBACK LINE
- — — — DENOTES ENVIRONMENTAL CORRIDOR AND 100 YEAR FLOOPLAIN LINE TOGETHER
- ▨ DENOTES AREA WITHIN THE 100 YEAR FLOOPLAIN

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

Dated this 1st day of August, 2018

There are no objections to this plat with respect to Secs. 236.15, 236.16, 236.20 and 236.21(1) and (2), Wis. Stats. as provided by s. 236.12, Wis. Stats.

Certified _____, 20____

Department of Administration

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

THIS INSTRUMENT DRAFTED BY JAMES G. SCHNEIDER

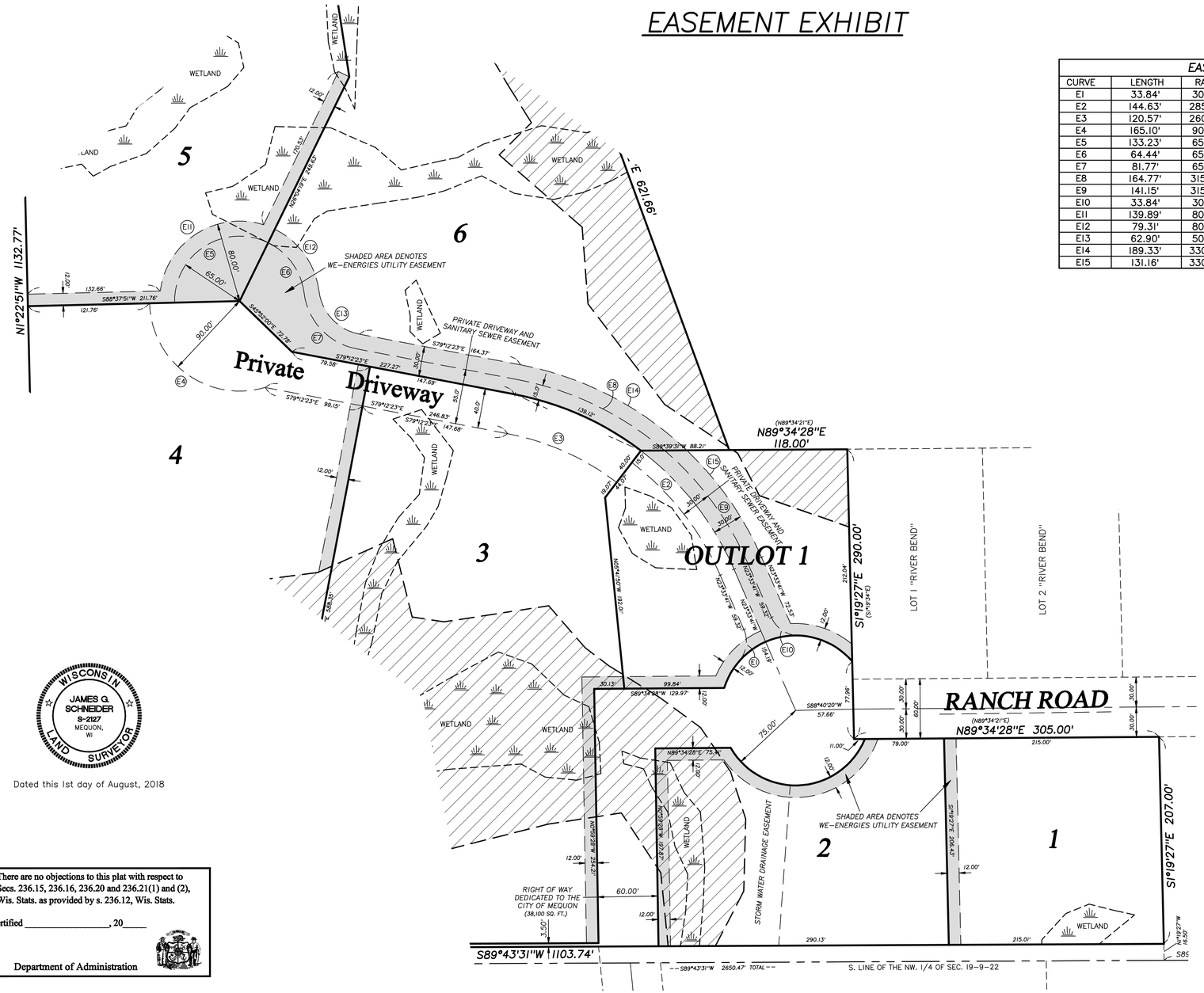


Attachment: PacketDocs (3475 : Ranch Court)

# "RANCH COURT"

PART OF THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4, OF SECTION 19, TOWN 9 NORTH, RANGE 22 EAST,
IN THE CITY OF MEQUON, OZAUKEE COUNTY, WISCONSIN.

## EASEMENT EXHIBIT




| EASEMENT CURVE TABLE | | | | | |
|---|---|---|---|---|---|
| CURVE | LENGTH | RADIUS | CHORD | BEARING | DELTA |
| E1 | 33.84' | 30.00' | 32.07' | N08°45'01"E | 64°37'23" |
| E2 | 144.63' | 285.00' | 143.08' | N38°05'56"W | 29°04'31" |
| E3 | 120.57' | 260.00' | 119.49' | N65°55'17"W | 26°34'12" |
| E4 | 165.10' | 90.00' | 142.90' | S53°55'15"E | 105°06'12" |
| E5 | 133.23' | 65.00' | 111.10' | S57°21'05"W | 117°26'28" |
| E6 | 64.44' | 65.00' | 61.83' | N35°31'38"W | 56°48'05" |
| E7 | 81.77' | 65.00' | 76.49' | S43°09'59"E | 72°04'47" |
| E8 | 164.77' | 315.00' | 162.90' | N64°13'16"W | 29°58'14" |
| E9 | 141.15' | 315.00' | 139.98' | N36°23'55"W | 25°40'29" |
| E10 | 33.84' | 30.00' | 32.07' | S55°52'22"E | 64°37'23" |
| E11 | 139.89' | 80.00' | 122.74' | S57°21'05"W | 100°11'14" |
| E12 | 79.31' | 80.00' | 76.10' | N35°31'38"W | 56°48'05" |
| E13 | 62.90' | 50.00' | 58.83' | S43°09'59"E | 72°04'47" |
| E14 | 189.33' | 330.00' | 186.75' | N62°46'13"W | 32°52'21" |
| E15 | 131.16' | 330.00' | 130.30' | N34°56'51"W | 22°46'22" |

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

Dated this 1st day of August, 2018

There are no objections to this plat with respect to Secs. 236.15, 236.16, 236.20 and 236.21(1) and (2), Wis. Stats. as provided by s. 236.12, Wis. Stats.

Certified _____, 20____

Department of Administration

GRAPHIC SCALE

60 0 30 60 120 240

( IN FEET )
1 inch = 60 ft.

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THIS INSTRUMENT DRAFTED BY JAMES G. SCHNEIDER



Attachment: PacketDocs (3475 : Ranch Court)

# "RANCH COURT"

## PART OF THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4, OF SECTION 19, 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 plat of "RANCH COURT", bounded and described as follows:

All that part of the Southeast 1/4 of the Northwest 1/4 of Section 19, Township 9 North, Range 22 East, City of Mequon, Ozaukee County, Wisconsin, bounded and described as follows:

Commencing at the Southeast corner of the Northwest 1/4 of Section 19; running thence S89°43'31"W along the South line of said Northwest 1/4, 205.01 feet to the Southwest corner of Parcel 1 of Certified Survey Map No. 3407; thence N1°19'27"W along the West line of said Parcel 1, 16.50 feet to the place of beginning of the land to be described; thence S89°43'31"W and parallel with the South line of said Northwest 1/4 Section, 1103.74 feet to a point that is 16.50 feet East of the West line of the Southeast 1/4 of said Northwest 1/4 Section, as measured at right angles; thence N1°22'51"W and parallel with said West line, 1183.82 feet; thence S88°37'09"W, 16.50 feet to a point in said West line; thence N1°22'51"W along said West line, 1132.77 feet to the Northwest corner of the Southeast 1/4 of said Northwest 1/4; thence N89°44'58"E along the North line of the Southeast 1/4 of said Northwest 1/4, 498.20 feet to the Northwest corner of Outlot 1 of "River Bend", a recorded subdivision; thence S1°19'22"E along the West line of said Outlot 1, 235.30 feet; thence S20°07'12"E along the West line of said Outlot 1, 621.66 feet to the Southwest corner of said Outlot 1; thence N89°34'28"E along the South line of said Outlot 1, 118.00 feet to the Northwest corner of Lot 1 of said "River Bend" subdivision; thence S1°19'27"E along the West line of said Lot 1 and it's Southerly extension, 290.00 feet to a point in the South right of way line of Ranch Road; thence N89°34'28"E along said South right of way line, 305.00 feet to the Northwest corner of Parcel 1 of Certified Survey Map No. 3407; thence S1°19'27"E along the West line of said Parcel 1, 207.00 feet to the place of beginning.

Said lands containing 931,119 sq. ft./21.346 acres of land, more or less.

THAT I have made such survey, land division and plat at the direction of RANCH COURT, LLC the owner of said land.

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

THAT I have fully complied with the provisions of Chapter 236 of the Wisconsin State Statutes and the City of Mequon Subdivision Regulations.

James G. Schneider P.L.S No. S-2127

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

Dated this 1st day of August, 2018

### OWNERS CERTIFICATE OF DEDICATION

As owner, I hereby certify that I caused the land described on this plat to be surveyed, divided, mapped and dedicated as represented on this plat. I also certify that this plat is required by s. 236.10 or s. 236.12 of the Wisconsin State Statues to be submitted to the following for approval or objection: 1) Department of Administration, 2) City of Mequon.

Witness the hand and seal of said owner this_____day of _____, 20____.

RANCH COURT, LLC
BY: FREDRICK BERSCH, MANAGER

IN THE PRESENCE OF

WITNESS

FREDRICK BERSCH, Manager

STATE OF WISCONSIN)
OZAUKEE COUNTY ) SS

Personally came before me this____ day of_____, 20_____, the above named Fredrick Bersch, to me known to be the person who executed the foregoing instrument and acknowledged the same.

NOTARY PUBLIC–STATE OF WISCONSIN
My Commission expires_____, 20___

### CONSENT OF CORPORATE MORTGAGEE

MARINE BANK, existing under and by virtue of the laws of the State of Wisconsin, mortgagee of the above described land does hereby consent to the Surveying, Dividing and Mapping of the land described on this plat of "RANCH COURT" and does hereby consent to the above certificate of RANCH COURT, LLC, OWNER.

IN witness whereof, the said MARINE BANK has caused these presents to be signed by Bill Kadrich, its _____, at Wauwatosa, Wisconsin, this_____ day of _____, 20____.

IN THE PRESENCE OF:

WITNESS

BILL KADRICH, _____

### COUNTY TREASURER'S CERTIFICATE

STATE OF WISCONSIN)
OZAUKEE COUNTY ) SS

I, Joshua Morrison, being duly elected, qualified and acting Treasurer of the County of Ozaukee, do hereby certify that the records in my office show no unredeemed tax sales and no unpaid taxes or special assessments as of _____, 20_____, affecting the lands included in the plat of "RANCH COURT".

Dated:_____, 20____. _____
JOSHUA MORRISON, County Treasurer

### CITY TREASURER'S CERTIFICATE

STATE OF WISCONSIN)
OZAUKEE COUNTY ) SS

I, Tom Watson, Director of finance for the City of Mequon, do hereby certify that in accordance with the records in my office, there are no unpaid taxes or unpaid special assessments as of this _____ day of_____, 20____, on any of the land included in the plat of "RANCH COURT".

Dated:_____, 20_____. _____
TOM WATSON, Director of Finance

There are no objections to this plat with respect to Secs. 236.15, 236.16, 236.20 and 236.21(1) and (2), Wis. Stats. as provided by s. 236.12, Wis. Stats.

Certified _____, 20_____

Department of Administration

### COMMON COUNCIL RESOLUTION

"Resolved that the plat known as "RANCH COURT" in the City of Mequon which has been filed for approval, be and hereby is approved as required by Chapter 236 of the Wisconsin State Statutes."

APPROVED _____
DAN ABENDROTH, Mayor

I, Caroline Fochs, being the acting Clerk of the City of Mequon, do hereby certify that the foregoing is a true and correct copy of a resolution adopted by the Common Council of the City of Mequon on the_____ day of _____, 20_____.

_____
CAROLINE FOCHS, City Clerk

### UTILITY EASEMENT PROVISIONS

An easement for electric, natural gas, and communications service is hereby granted by RANCH COURT, LLC, Grantor, to WISCONSIN ELECTRIC POWER COMPANY and WISCONSIN GAS, LLC, Wisconsin corporations doing business as We Energies, Grantee, Wisconsin Bell, Inc. d/b/a AT&T Wisconsin, a Wisconsin corporation, Grantee, and TIME WARNER ENTERTAINMENT COMPANY, L.P., Grantee

their respective successors and assigns, to construct, install, operate, repair, maintain and replace from time to time, facilities used in connection with overhead and underground transmission and distribution of electricity and electric energy, natural gas, telephone and cable TV facilities for such purposes as the same is now or may hereafter be used, all in, over, under, across, along and upon the property shown within those areas on the plat designated as "Utility Easement Areas" and the property designated on the plat for streets and alleys, whether public or private, together with the right to install service connections upon, across within and beneath the surface of each lot to serve improvements, theron, or on adjacent lots; also the right to trim or cut down trees, brush and roots as may be reasonably required incident to the rights herein given, and the right to enter upon the subdivided property for all such purposes. The Grantees agree to restore or cause to have restored, the property, as nearly as is reasonably possible, to the condition existing prior to such entry by the Grantees or their agents. This restoration, however, does not apply to the initial installation of said underground and/or above ground electric facilities, natural gas facilities, or telephone and cable TV facilities or to any trees, brush or roots which may be removed at any time pursuant to the rights herein granted. Structures shall not be placed over Grantees' facilities or in, upon or over the property within the lines marked "Utility Easement Areas" without the prior written consent of Grantees. After installation of any such facilities, the grade of the subdivided property shall not be altered by more than four inches without written consent of grantees.

The grant of easement shall be binding upon and inure to the benefit of the heirs, successors and assigns of all parties hereto.

### WETLAND BOUNDARY

| LINE TABLE | | | LINE TABLE | | |
|---|---|---|---|---|---|
| LINE | LENGTH | BEARING | LINE | LENGTH | BEARING |
| L1 | 64.80 | S89°43'31"W | L55 | 62.54 | N62°52'33"W |
| L2 | 57.33 | S89°43'31"W | L56 | 22.58 | N17°33'38"W |
| L3 | 4.70 | N01°26'22"E | L57 | 27.91 | N76°39'23"E |
| L4 | 35.56 | N42°28'28"E | L58 | 39.42 | N56°19'12"E |
| L5 | 25.05 | N68°09'01"E | L59 | 39.09 | N13°55'24"E |
| L6 | 46.77 | S76°48'40"E | L60 | 55.74 | S88°38'56"E |
| L7 | 46.10 | S50°31'56"W | L61 | 48.86 | S66°13'53"E |
| L8 | 261.00 | S01°22'51"E | L62 | 34.27 | S49°14'09"E |
| L9 | 17.33 | S45°57'36"E | L63 | 57.58 | N77°34'46"E |
| L10 | 36.54 | N43°26'46"E | L64 | 29.35 | N62°34'55"E |
| L11 | 23.17 | N59°40'45"E | L65 | 40.46 | N72°22'47"E |
| L12 | 31.00 | N32°53'38"E | L66 | 32.61 | S44°59'25"W |
| L13 | 30.28 | S41°35'46"E | L67 | 67.12 | S48°53'42"E |
| L14 | 91.52 | S25°52'34"W | L68 | 35.74 | N80°59'26"W |
| L15 | 58.60 | N45°57'36"W | L69 | 37.30 | N61°51'59"W |
| L16 | 124.04 | N01°22'41"W | L70 | 40.11 | S67°52'03"W |
| L17 | 28.89 | N01°22'51"W | L71 | 26.78 | S76°22'08"W |
| L18 | 33.04 | N76°23'57"E | L72 | 91.69 | S81°21'47"W |
| L19 | 30.24 | N66°28'58"E | L73 | 15.27 | S60°20'10"W |
| L20 | 24.02 | N83°45'48"E | L74 | 34.03 | S31°52'41"W |
| L21 | 18.98 | N74°49'15"E | L75 | 22.79 | N85°41'22"W |
| L22 | 22.61 | N31°21'13"E | L76 | 6.34 | N62°52'33"W |
| L23 | 27.89 | N53°08'08"E | L77 | 53.20 | N48°54'03"E |
| L24 | 38.02 | N41°21'15"E | L78 | 15.85 | N00°12'09"E |
| L25 | 42.99 | N33°09'29"E | L79 | 26.02 | N11°14'36"W |
| L26 | 34.35 | S59°06'24"E | L80 | 15.14 | N47°10'05"E |
| L27 | 25.22 | S12°18'57"E | L81 | 58.35 | S24°23'56"E |
| L28 | 24.66 | S40°27'13"W | L82 | 20.63 | S59°10'31"W |
| L29 | 43.37 | S60°26'44"W | L83 | 17.34 | N46°00'51"W |
| L30 | 25.70 | S36°18'25"W | L84 | 202.97 | S10°47'37"W |
| L31 | 38.21 | S48°38'27"W | L85 | 55.56 | N65°40'51"E |
| L32 | 37.77 | S70°15'12"W | L86 | 29.94 | N31°35'12"E |
| L33 | 19.95 | S60°58'16"W | L87 | 31.40 | N41°52'43"E |
| L34 | 16.73 | N43°48'29"W | L88 | 36.94 | N07°59'46"E |
| L35 | 25.44 | S78°20'17"W | L89 | 23.77 | N33°37'07"W |
| L36 | 34.33 | S67°49'26"W | L90 | 26.26 | N44°14'16"W |
| L37 | 32.97 | N33°30'47"W | L91 | 30.25 | N71°24'19"E |
| L38 | 12.02 | S76°44'31"W | L92 | 51.82 | S37°39'34"E |
| L39 | 23.05 | N14°07'34"W | L93 | 27.15 | S14°16'05"W |
| L40 | 26.76 | N72°38'29"E | L94 | 30.90 | S15°49'34"W |
| L41 | 12.34 | S37°22'34"E | L95 | 22.70 | S30°40'14"W |
| L42 | 12.35 | S17°29'25"W | L96 | 44.75 | S39°24'48"W |
| L43 | 13.42 | S63°26'20"W | L97 | 22.16 | N13°56'14"W |
| L44 | 316.38 | S08°51'46"E | L98 | 10.96 | S68°22'20"W |
| L45 | 29.26 | S39°21'47"E | L99 | 22.40 | N61°49'12"E |
| L46 | 39.86 | S16°17'11"E | L100 | 26.44 | S70°27'39"E |
| L47 | 103.53 | S02°02'20"W | L101 | 24.85 | S61°32'56"E |
| L48 | 24.52 | N24°50'09"W | L102 | 34.11 | S35°11'38"E |
| L49 | 17.94 | N33°09'49"W | L103 | 34.53 | S08°55'51"E |
| L50 | 30.58 | N11°59'36"W | L104 | 41.15 | N87°24'58"W |
| L51 | 44.70 | N02°48'58"W | L105 | 27.18 | N58°30'34"W |
| L52 | 27.02 | N14°24'15"E | L106 | 29.34 | N28°19'59"W |
| L53 | 26.66 | N08°51'46"W | L107 | 21.22 | N19°16'34"E |
| L54 | 64.89 | N26°04'19"E | L108 | 20.77 | N01°36'30"W |

THIS INSTRUMENT DRAFTED BY JAMES G. SCHNEIDER



Attachment: PacketDocs (3475 : Ranch Court)

City of Mequon

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

www.ci.mequon.wi.us

Department of Community Development

**TO:** **Planning Commission**

**FROM:** **PA PHOUALA VANG, PLANNER**

**DATE:** **September 5, 2018**

**SUBJECT:** **Irgens Partners, Inc. The applicant is seeking building and site plan and certified survey map approval for the construction of two 38,000 sq. ft. single-story, multi-tenant office buildings to be located at 12100 N. Corporate Parkway (East Mequon Corporate Center).**

| | |
|---|---|
| Applicant: | Irgens Partners, LLC |
| Status of Applicant: | Agent |
| Requested Action: | Building and Site Plan<br>Final Land Division Approval |
| Existing Zoning: | B-4 (Business Park)<br>C-2 (Conservancy) |
| Land Use Plan: | Business Park<br>Critical Environmental |
| Lot Size: | 8.79 acres |
| Location: | 12100 N. Corporate Parkway |
| Tax Key: | #15-017-10-015.00 |
| District: | # 5 |

**Background:** The applicant is seeking building and site plan approval for 12100 N Corporate Parkway. The applicant is proposing two 37,670 square feet multi-tenant buildings. The applicant is also seeking CSM approval. The land division would create two lots; Lot 1 is 4.456 acres and Lot 2 is 4.337 acres. The proposed buildings will be located on separate parcels. The applicant has indicated that the use is contemplated to be office. The project will be constructed in two phases. Phase I is the property to the north including the shared access driveway and plaza. Phase II includes the building and site to the south.

**B-4 District Standards:** The following table compares the proposed plan to the B-4 district standards:

| District Regulations: | B-4: | North Building | South Building |
|---|---|---|---|
| Minimum Lot Area: | 1 acre | 4.456 acres | 4.337 acres |
| Open Space Ratio: | 40% | 44.4% | 42.8% |
| Maximum FAR: | 30% | 19.4% | 19.9% |
| Maximum Building Height: | 42 feet | 21.3 feet | 21.3 feet |
| Building Setback | 95 feet | ~247 feet | ~247 feet |
| Building North Side Yard Offset: | 20 feet | 59.7 feet | 28 feet |
| Building South Side Yard Offset: | 20 feet | 28 feet | 59.8 feet |
| Building East Side Yard Offset: | 20 feet | 50 feet | 50 feet |
| Minimum Parking Setback: | 25 feet | 65 feet | 65 feet |

| | | | |
|---|---|---|---|
| Minimum Parking Offset South | 20 feet | **0 feet** | 27.9 feet |
| Minimum Parking Offset North | 20 feet | 28 feet | **0 feet** |
| Off-Street Parking: | 189 stalls | 189 stalls | 189 stalls |

**Site Plan**: The proposed site plan for the development shows three access drives from Corporate Parkway. The center driveway is located on both parcels and will be shared by both properties. There are 189 parking stalls proposed for each property. The parking meets the requirements for the proposed office use, which requires 1 stall per 200 square feet of gross leasable square feet. The applicant is requesting 9' x 18' parking stalls. The Planning Commission has the authority to waive the dimensional requirement. The Planning Commission has approved 9-foot width parking stalls in the past for similar developments.

The proposed buildings meet the setback and offset requirements. The parking lot meets the setback and offset requirements with the exception of the offset from the shared driveway which results in a zero foot offset between the parking areas. The Planning Commission has the authority to waive the parking offset requirement. Staff supports the waiver since the parking areas do not meet the offset requirements due to the shared access. As a conditional of approval, staff will require a shared access agreement to be approved by the City Attorney prior to recording of the CSM.

The open space area and FAR requirements were calculated for each proposed lot. The proposal meets the requirements of the district which require 40% open space and 30% FAR.

**Building Design:** The proposed 37,670 square foot, one story structures are identical in design. The flat roof line combined with the use of light and dark gray brick, metal panel and wood-toned siding provides a contemporary design. The buildings are shown to be constructed of brick with primary and secondary tower elements for the two entrances on the east and west elevations. The north and south elevations will be constructed of light and dark brick. Storefront glazing is proposed at grade level along all elevations. Dark gray metal panels are used on the two entryway towers with wood-toned siding proposed for the interior walls of the entryway. Dark gray brick is inset in two areas in-between the entryways to break up the west and east elevation façades. Rooftop mechanicals are screened by the tower element on the main entrance which is carried through the width of the building. On the secondary entrance where the tower is not carried through, the same metal panel material is used to screen the centrally located rooftop mechanicals. Staff is supportive of the proposed materials, colors and design of the buildings.

**Landscaping:** The landscape plan was submitted to the city's landscape architect consultant, Terry Higgins, for review. Based on the comments from the review, the plan meets the 30% parking lot shading requirement. Since the review by the landscape architect, the applicant has resubmitted landscape plans that show minimum 3" caliber for all proposed trees and minimum 7' height for all coniferous trees.

**Lighting:** A parking lot lighting plan was submitted and shows 11 parking lot poles on each site. The parking lot lighting meets the 16' height requirement of the lighting code. All lighting on site shall be full cut off. A final lighting plan, including a dispersion plan and fixture cut sheets, shall comply with the lighting code and shall be submitted to staff for review and approval.

**Certified Survey Map**

The proposed certified survey map is consistent with the current zoning designation of B-4, requiring one (1) acre minimum lot size and 150 minimum average lot width and depth.

**Site Conditions:**
The site contains wetlands. See Engineering section below regarding the wetlands on site.

**Other Technical Corrections:**
Engineering will provide a full technical review of the CSM.

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

The proposed site plan for the development shows three access drives from Corporate Parkway. The center driveway is located on both parcels and will be shared by both properties. A Shared Access and Maintenance Agreement will be required for the shared driveway. The driveways are located more than 150 feet apart and are in conformance with the driveway spacing regulations.

The site is located within the City's sewer service area and connection to the public utility is required. There is currently sanitary sewer and public water available to each site.

Wetlands appear to be present on site. The Wisconsin DNR surface water data viewer and aerial photos were used to confirm that wetlands are potentially present. A wetland delineation report with concurrence by the Wisconsin Department of Natural Resources was provided by the applicant. The applicant intends to fill the wetland. Applicant shall provide wetland fill approval from the WDNR prior to the issuance of building permits and the recording of the CSM.

The site proposes an increase in impervious surface in excess of one half acre and site disturbance of greater than an acre therefore requires a stormwater management plan (SWMP). The proposed site will be required to provide additional stormwater management to meet the current City of Mequon, WDNR and MMSD criteria. The applicant has indicated that the ponds will serve the property on which they are constructed and will not be shared between the two parcels. Each site will require its own Storm Water Facilities Maintenance and Easement Agreement.
The site proposes land disturbance in excess of one acre, therefore a City erosion control permit is required. Evidence of the WDNR required WRAPP permit shall also be provided for the site.

A Filling and Excavation permit is required. The total amount of filling and excavation is anticipated to be less than 1,000 cubic yards and would not require Planning Commission review.
**Staff Recommendation:** Planning staff recommends approval of the building and site plan subject to the following conditions:

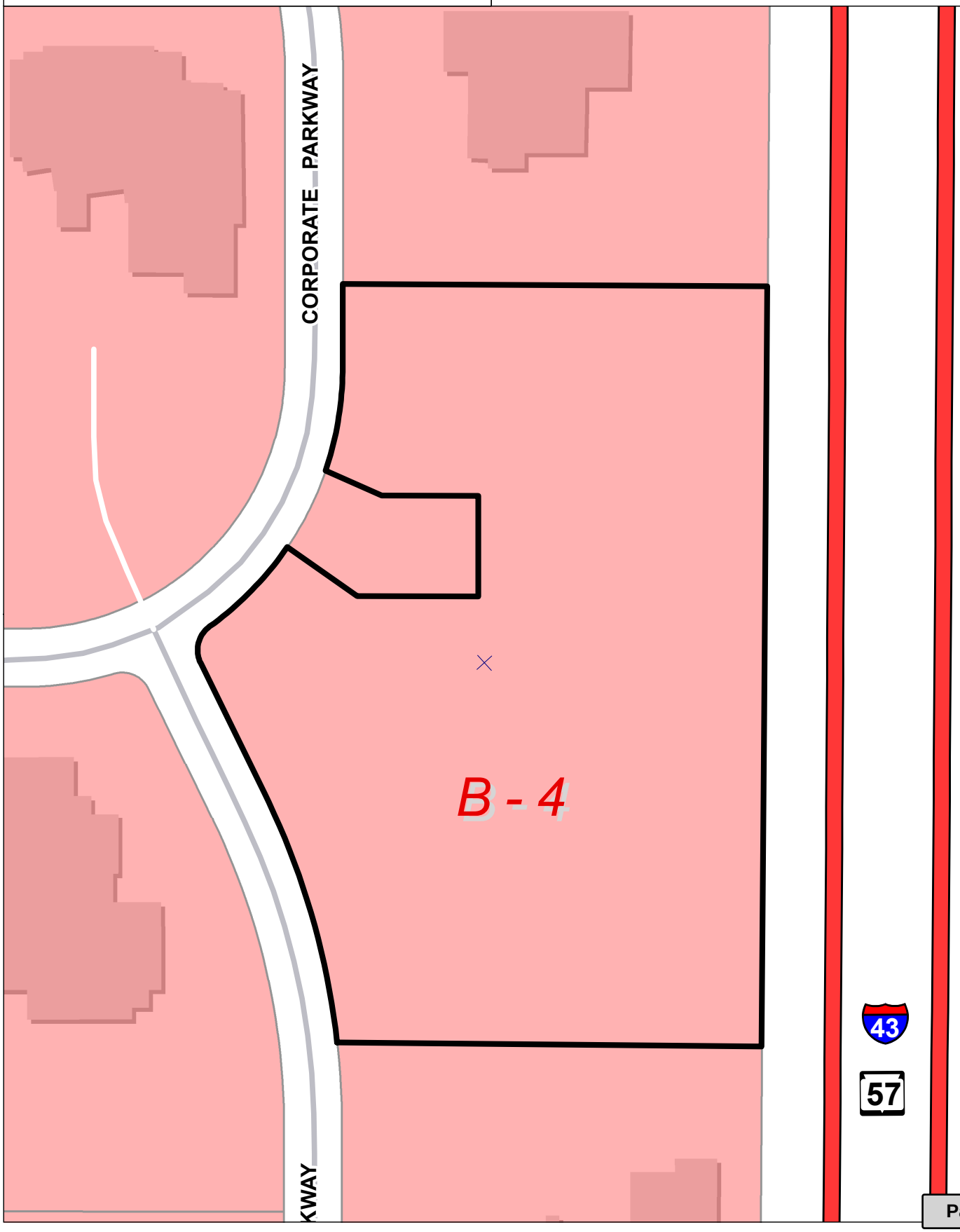
1. Staff review and approval of final site, floor, elevation, lighting and landscaping plans.
2. Staff review and approval of CSM.
3. Staff review and approval of a dispersion plan and cut sheets for all proposed luminaries.
4. Compliance with the Tree Ordinance and Street Tree requirements.
5. A landscaping escrow equal to 125% of the improvement costs for installation of landscaping by a licensed contractor and an escrow equal to 25% of the landscape contract cost to insure that landscaping that dies within three (3) years of installation will be replaced by the applicant.
6. All ground-level and roof top mechanical equipment shall be well screened from public view with screening or landscaping.

7. The applicant shall make any technical corrections to the final CSM.
8. The applicant shall submit an electronic file for the proposed certified survey map in a format compatible with AutoCAD 2000 dwg or dxf in Wisconsin State Plane Coordinate system. South Zone (NAD 27).
9. Engineering Division review and approval of grading, drainage, sanitary sewer, watermain, and erosion control plans in conformance to City ordinances and the Standard Specifications for Land Development.
10. Application for and approval of a City erosion control permit, subject to applicable fees and conditioned upon WDNR issuance of a WRAPP permit.
11. Applicant shall provide wetland fill approval from the WDNR prior to the issuance of building permits and recording of the CSM.
12. Application for and approval of a City Filling and Excavation Permit.
13. Connection to public water and sanitary sewer.
14. Approval of a storm water management plan for the sites in conformance to City ordinances, WDNR and MMSD Chapter 13, including execution of two separate Storm Water Facilities Maintenance and Easement Agreements.
15. Approval by City Attorney and recording of a Shared Access Agreement prior to recording of the CSM.
16. As a condition of approval and issuance of the permit, the city engineer will require in accordance with City ordinance 58-677(b) that the applicant deposit two separate escrow or letter of credits – one for each site - to guarantee a good faith execution of the approved control plan and any permit conditions. The escrow / letter of credit shall be in an amount equal to 125% of the estimated cost of construction and maintenance of the storm water management practices and the City will release the portion of the Financial Guarantee less any costs incurred by the city to complete installation of practices, upon submission of a certification in accordance with 58-678(h).

Attachments:
PacketDocs (PDF)

# Irgens Partners, LLC

| | | | |
|---|---|---|---|
| AC | Arrival Corridor | LTD | Limited Use |
| A-1 | Agricultural Preserve | OA | Agricultural Overlay |
| A-2 | General Agricultural | PUD | Planned Unit Development Overla |
| B-1 | Neighborhood Business | P-1 | Park & Recreation |
| B-2 | Community Business | R-1 | Single-Family Residential (5 Ac. Min.) |
| B-3 | Office & Service Business | R-1B | Single-Family Residential (2.5 Ac. Min.) |
| B-4 | Business Park | R-2 | Single-Family Residential (2.0 Ac. Min.) |
| B-5 | Light Industrial | R-2B | Single-Family Residential (1.5 Ac. Min.) |
| B-6 | Rural Industrial | R-3 | Single-Family Residential (1.0 Ac. Min.) |
| B-7 | Rural Business | R-4 | Single-Family Residential (3/4 Ac. Min.) |
| C-1 | Shoreland/Wetland Conservancy | R-5 | Single-Family Residential (1/2 Ac. Min.) |
| C-2 | General Conservancy | R-6 | Single-Family Residential (4 du/Ac) |
| CGO | Central Growth Overlay | RM | Multi-Family Residential |
| FFO | Flood Fringe Overlay | TC | Town Center |
| FW | Floodway | TDR | Transfer of Development Rights |
| IPS | Institutional & Public Service | | |

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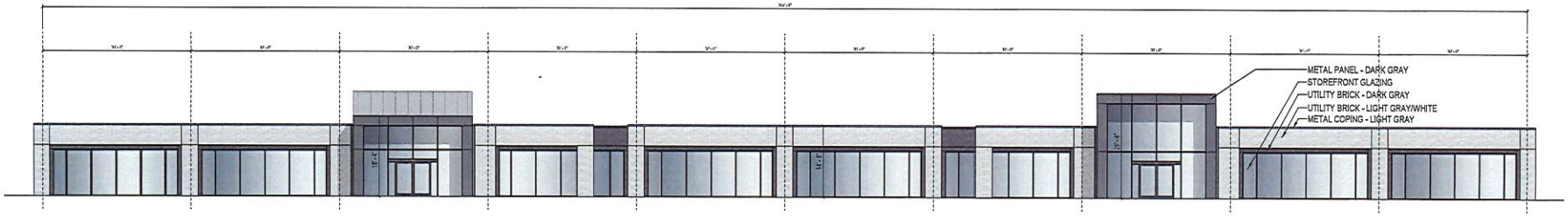
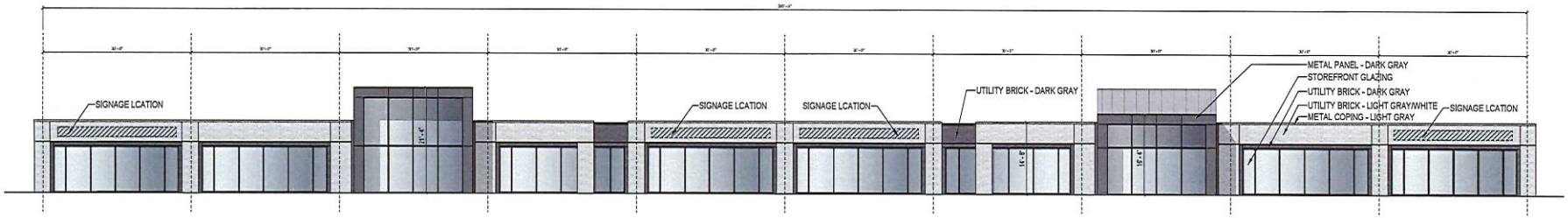
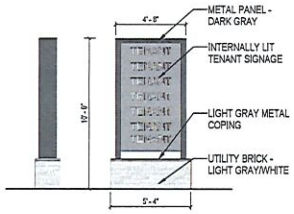



4 WEST ELEVATION
3/32" = 1'-0"

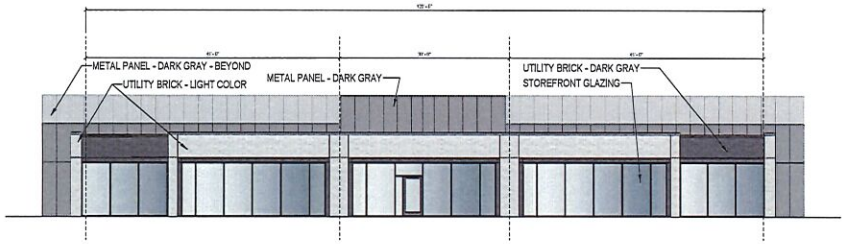
TENANT SIGNAGE AREA
65% OF 305'-0" LINEAR FEET
= 198.25 SF



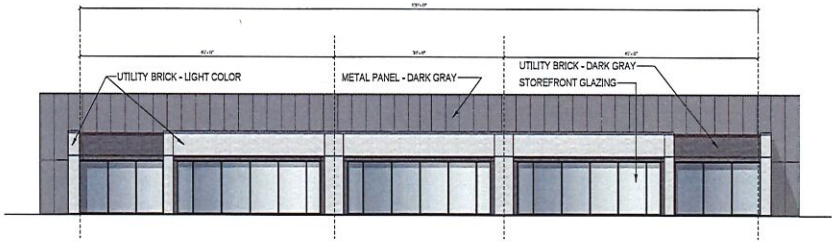

1 EAST ELEVATION
3/32" = 1'-0"




5 MONUMENT SIGN
1/4" = 1'-0"




2 NORTH ELEVATION
3/32" = 1'-0"




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

## ELEVATIONS

A002 | 08/23/18

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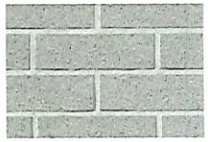
Irgens
EAST MEQUON CORPORATE CENTER

Attachment: PacketDocs (3480 : Irgens Partners, LLC)

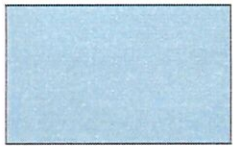


UTILITY BRICK - LIGHT GRAY/WHITE

UTILITY BRICK - DARK GRAY

METAL PANEL - DARK GRAY

WOOD TONED SIDING



LOW - E GLAZING

RENDERINGS

A003 | 08/23/18

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EAST MEQUON CORPORATE CENTER

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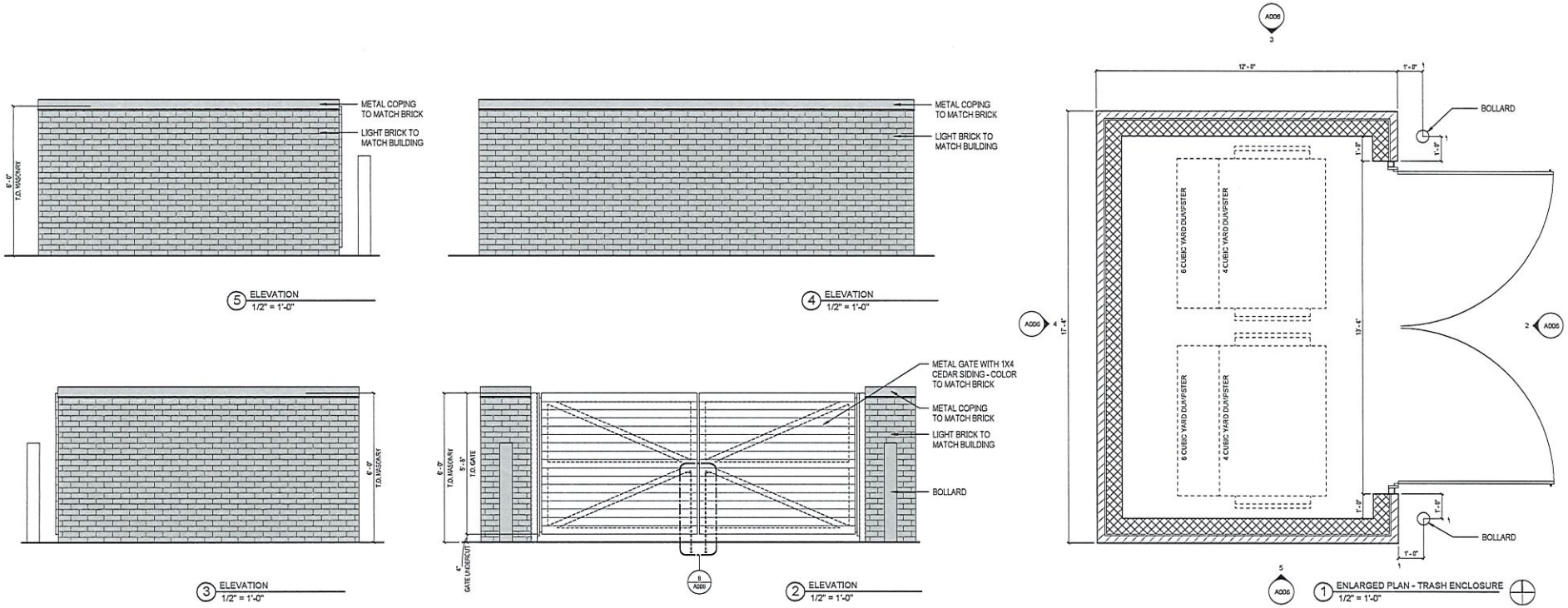


TRASH ENCLOSURE

A006 | 08/23/18

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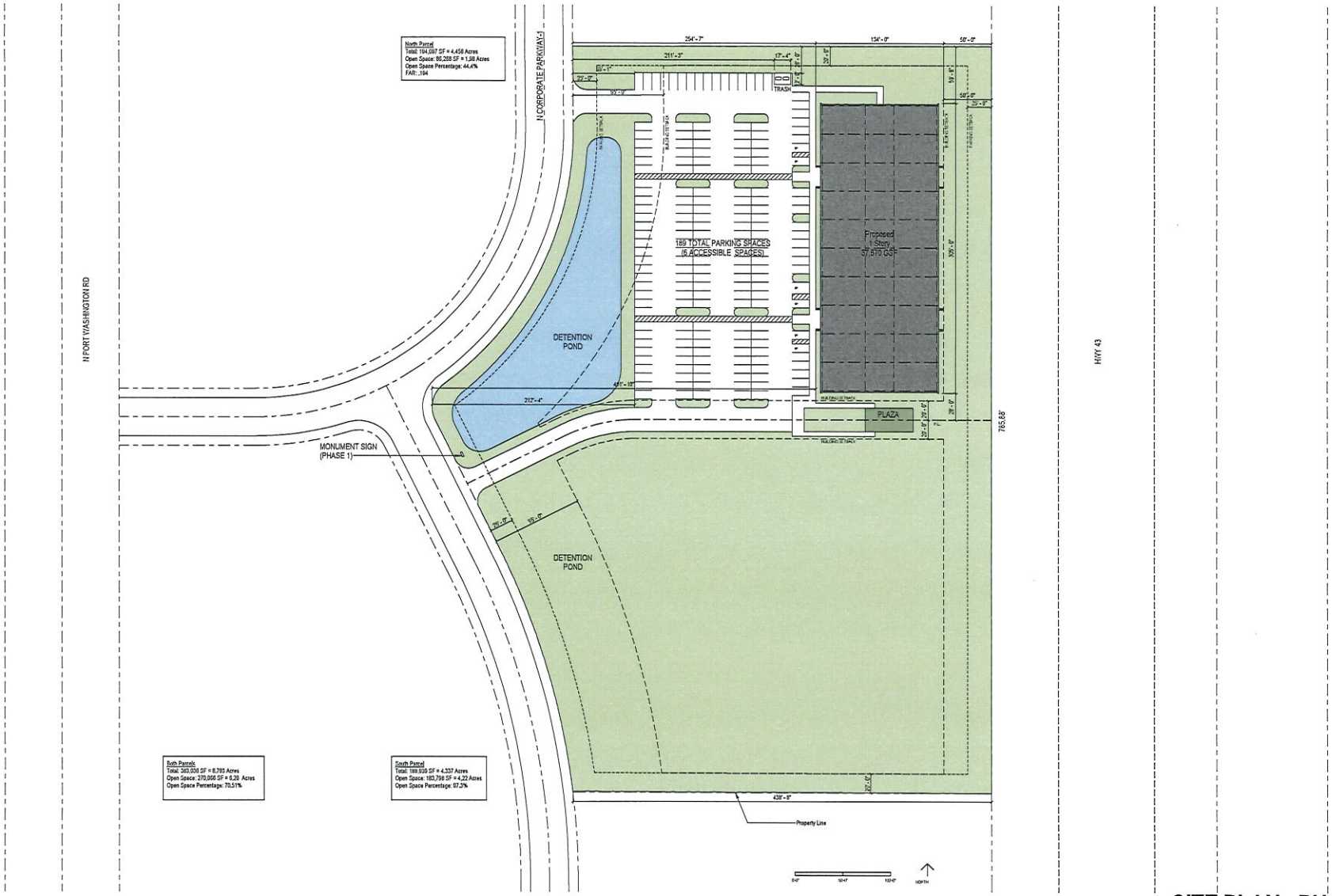


SITE PLAN - PHASE 1

A004 | 08/23/18

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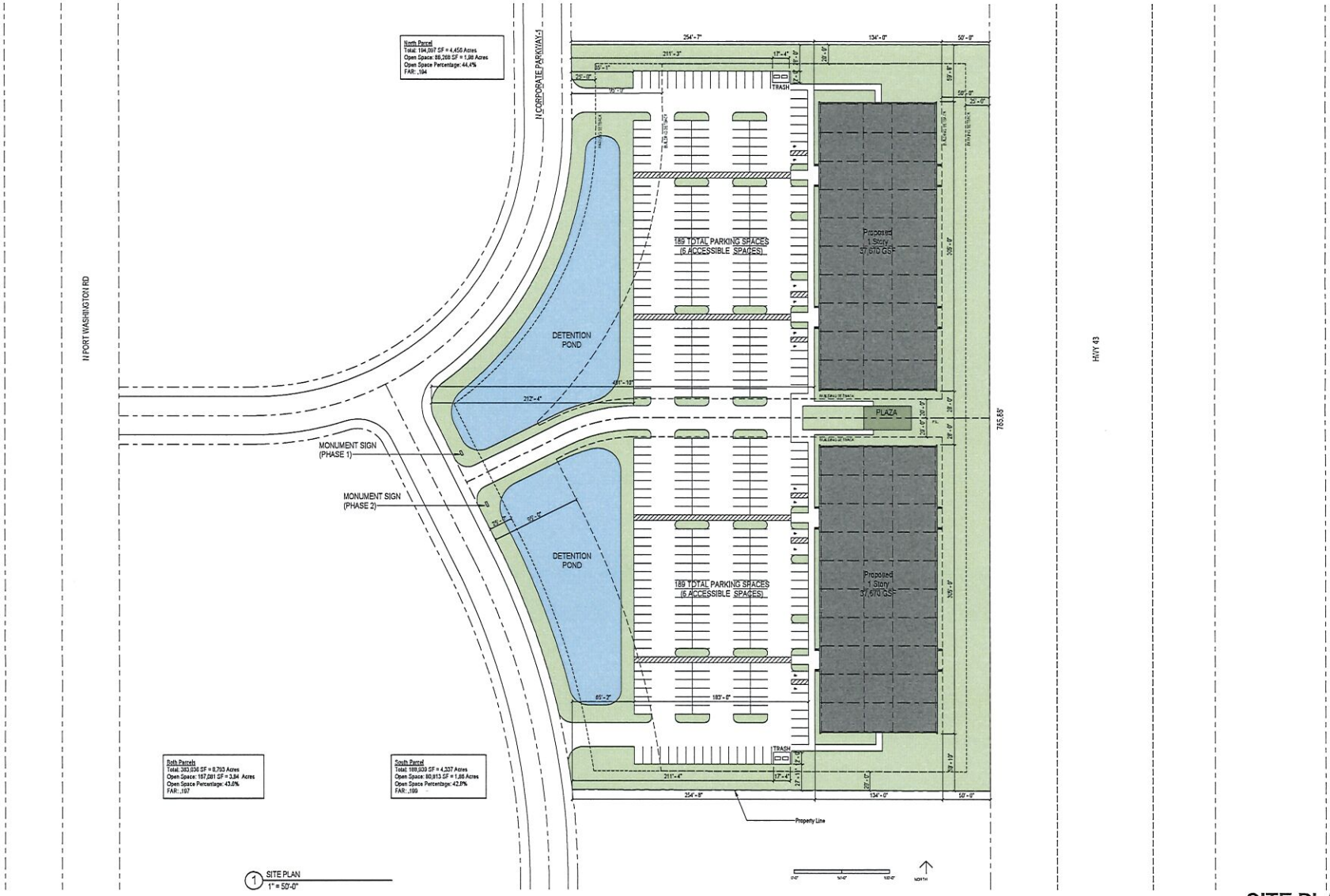


1 SITE PLAN
1" = 50'-0"

## SITE PLAN - PHASE 2

A005 | 08/23/18

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Irgens
EAST MEQUON CORPORATE CENTER

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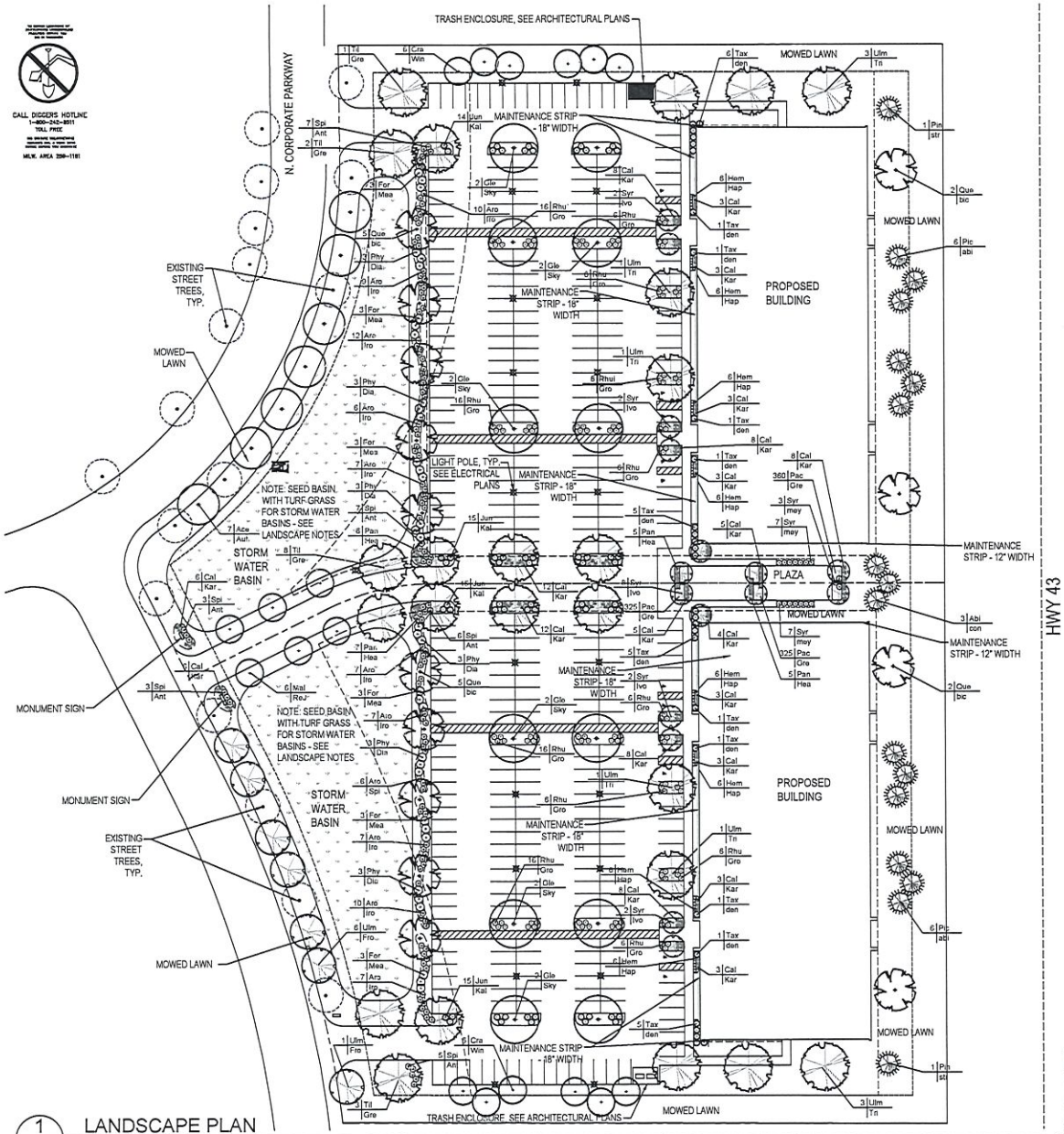


1 L.0 LANDSCAPE PLAN

SCALE: 1" = 40'

NORTH

## PLANT SCHEDULE

| CODE | QTY | BOTANICAL NAME | COMMON NAME | SIZE | ROOT | NOTES |
|---|---|---|---|---|---|---|
| Dec. Trees | | | | | | |
| Ace / Aut | 7 | Acer x freemanii 'Jeffersred' PP 4864 | Autumn Blaze Maple | 3" - 3 1/2" | BB | |
| Cra / Win | 12 | Crataegus viridis 'Winter King' | Winter King Hawthorn | 3" - 3 1/2" | BB | Single stem |
| Gle / Sky | 12 | Gleditsia triacanthos 'Skycole' | Skyline Honeylocust | 3" - 3 1/2" | BB | |
| Mal / RoJ | 6 | Malus 'Jewelcole' PP 3267 | Red Jewel Crabapple | 3" - 3 1/2" | BB | |
| Que / bic | 14 | Quercus bicolor | Swamp White Oak | 3" - 3 1/2" | BB | |
| Syr / Ivo | 16 | Syringa reticulata 'Ivory Silk' | Ivory Silk Tree Lilac | 3" - 3 1/2" | BB | |
| Til / Gre | 14 | Tilia cordata 'Greenspire' PP 2086 | Greenspire Linden | 3" - 3 1/2" | BB | |
| Ulm / Fro | 7 | Ulmus 'Frontier' | Frontier Elm | 3" - 3 1/2" | BB | |
| Ulm / Tri | 10 | Ulmus 'Triumph' | Triumph Elm | 3" - 3 1/2" | BB | |
| Ev. Tree | | | | | | |
| Abi / con | 3 | Abies concolor | White Fir | 7' - 8' ht. | BB | |
| Pic / abi | 12 | Picea abies | Norway Spruce | 7' - 8' ht. | BB | |
| Pin / str | 2 | Pinus strobus | Eastern White Pine | 7' - 8' ht. | BB | |
| Ev. Shrubs | | | | | | |
| Jun / Kal | 59 | Juniperus chinensis 'Pfitzeriana Kallay' | Kallays Compact Juniper | 18" - 24" | Cont. | |
| Tax / den | 29 | Taxus x media 'Densiformis' | Densi Yew | 18" - 24" | Cont. | |
| Dec. Shrub | | | | | | |
| Aro / Iro | 88 | Aronia melanocarpa "Iroquis' | Black Chokeberry | 24" - 30" | Cont. | |
| For / Mea | 18 | Forsythia x 'Meadowlark' | Meadowlark Forsythia | 30" - 36" | Cont. | |
| Phy / Dia | 18 | Physocarpus opulifolius 'Diablo' | Diablo Ninebark | 24" - 30" | Cont. | |
| Rhu / Gro | 112 | Rhus aromatica 'Gro-low' | Gro-low Sumac | 2 gallon | Cont. | |
| Spi / Ant | 31 | Spirea bumalda 'Anthony Waterer' | Anthony Waterer Spirea | 24" - 30" | Cont. | |
| Syr / mey | 17 | Syringa meyeri 'Palibin' | Dwarf Korean Lilac | 24" - 30" | Cont. | |
| Perennials | | | | | | |
| Hem / Hap | 48 | Hemerocallis x Happy Returns | Happy Returns Daylily | 1 gallon | Cont. | |
| Ornamental Grasses | | | | | | |
| Cal / Kar | 114 | Calamagrostis acutiflora 'Karl Foerster' | Karl Foerster Feather Reed Grass | 1 gallon | Cont. | |
| Pan / Hea | 23 | Panicum virgatum 'Heavy Metal' | Heavy Metal Switch Grass | 1 gallon | Cont. | |
| Groundcovers | | | | | | |
| Pac / Gre | 1010 | Pachysandra terminalis 'Green Carpet' | Green Carpet Pachysandra | 3" | Cont. | |

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Milwaukee, Wisconsin
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EAST MEQUON CORPORATE IV

Mequon, WI

Irgens Partners, LLC

833 E. Michigan Street
Suite 400
Milwaukee, WI

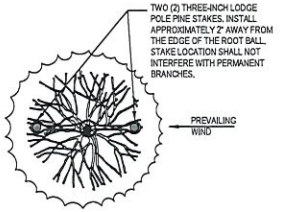
Landscape Plan
Phase 1 & 2

SCALE:
DATE: August 6, 2018
DRWN BY: rms CHKD BY:

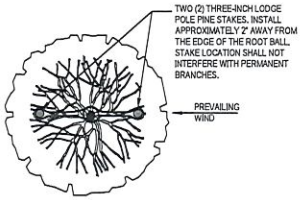
L.0

Attachment: PacketDocs (3480 : Irgens Partners, LLC)

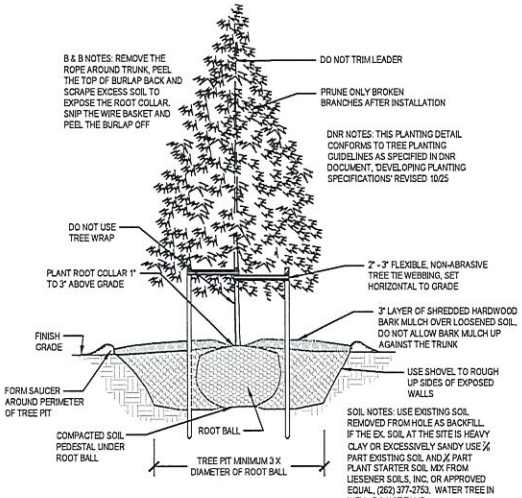
CALL DIGGERS HOTLINE
1-800-242-8511
TOLL FREE
MILW. AREA 259-1181




TREE STAKING PLAN VIEW

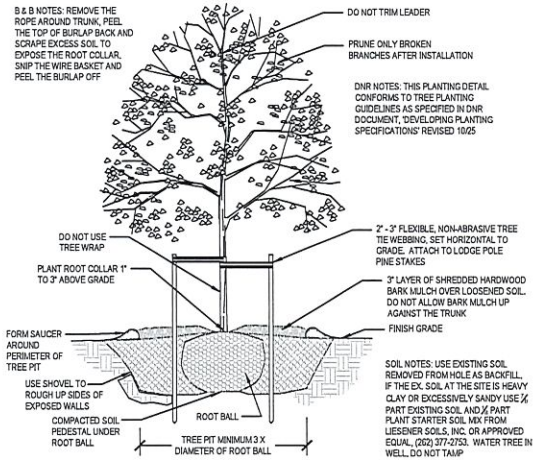



TREE STAKING PLAN VIEW



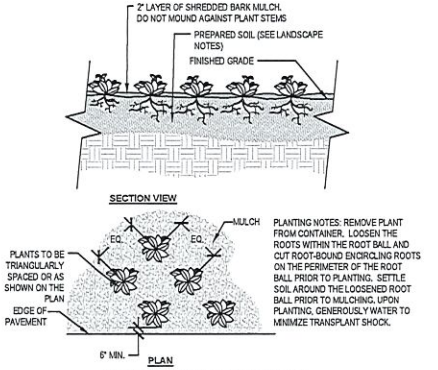

EVERGREEN TREE PLANTING DETAIL

NO SCALE




DECIDUOUS TREE PLANTING DETAIL WITH STAKING

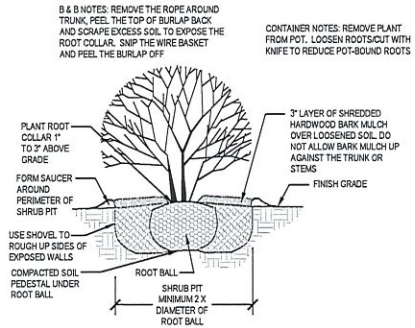
NO SCALE




PLANTING NOTES: REMOVE PLANT FROM CONTAINER. LOOSEN THE ROOTS WITHIN THE ROOT BALL AND CUT ROOT-BOUND ENCIRCLING ROOTS ON THE PERIMETER OF THE ROOT BALL PRIOR TO PLANTING. SETTLE SOIL AROUND THE LOOSENED ROOT BALL PRIOR TO MULCHING. UPON PLANTING, GENEROUSLY WATER TO MINIMIZE TRANSPLANT SHOCK.

PERENNIAL AND GROUNDCOVER PLANTING DETAIL

NO SCALE




SHRUB PLANTING DETAIL

NO SCALE

SEED MIXES:

SEEDED TURF for LAWN AREAS:
Sow at 5 lbs. / 1,000 sq. ft.
"Supreme Lawn Seed Mix"
Available from Reinders, Inc. (800) 785-3301, or approved equal.
To be installed and maintained per supplier's specifications.

| | |
|---|---|
| 17% Mercury Kentucky Bluegrass | 16% America Kentucky Bluegrass |
| 17% SR 2100 Kentucky Bluegrass | 25% Garnet Creeping Red Fescue |
| 15% Replicator Perennial Ryegrass | 10% TXR Annual Ryegrass |

SEEDED TURF for STORM WATER BASIN AREAS:
Sow at 4 lbs. per 1,000 sq. ft.
"WI DOT No. 10 Seed Mix"
Available from Reinders, Inc., (800) 785-3301, or approved equal. To be installed and maintained per supplier's specifications.

| | |
|---|---|
| 40% Kentucky Bluegrass 98/85 | 25% Creeping Red Fescue |
| 20% Perennial Ryegrass | 10% White Clover |
| 5% Red Top | |

## LANDSCAPE NOTES

LANDSCAPE INSTALLATION:

1. All written dimensions supersede scaled dimensions.

2. The Contractor shall verify location of all underground utilities and additional information prior to commencement of site construction.

3. Rough grading and drainage construction is to be completed prior to Landscape Contractor's work. Verify all existing site and grading conditions prior to construction.

4. All work shall be in conformance with all applicable local codes and ordinances.

5. All areas disturbed by grading or site construction shall be fine graded, planted, or seeded. See Plan for seed locations. See notes for specified seed mixes and installation procedures.

6. Contractor shall verify plant quantities shown on the Plan and provide a list to the Client identifying the species and sizes to be used throughout the project. The Landscape Architect or Owner's Representative reserves the right to reject any substandard planting material. Rejected material shall be removed from the project site immediately.

7. All planting beds and turf grass areas shall receive a blended topsoil mix to a depth of six (6) inches. Contractor shall provide positive drainage away from all buildings for a minimum of ten (10) feet. Roto-til blended topsoil into existing soil in planting beds.

8. Soil preparation for perennial and groundcover planting beds shall be as follows:

   A. Remove all roots, lumps, stones, sod and other extraneous materials harmful or toxic to plant growth.
   B. Perennial and groundcover planting beds shall receive a twelve (12) inch mixture consisting of nine (9) inch blended topsoil, three (3) inch Purple Cow Classic compost (Purple Cow Organics, LLC (608) 831-0349) or approved equal. Add 1/2 lb. of 5-10-5 garden fertilizer per 100 square feet and roto-til amendments into the planting bed. Avoid damage to existing tree roots where applicable by lightly working amendments into soil with pitch fork.
   C. Mix amended planting soil either prior to planting or apply on surface of planting bed and mix thoroughly before planting.
   D. Grade, rake, and roll planting bed with roller weighing not less than 25 lbs. or more than 100 lbs. per linear foot so as to leave in condition to plant.
   E. Grade planting bed to a twelve (12) inch crown at center.

9. All perennial or groundcover areas shall receive a two (2) inch layer of shredded bark mulch. All shrub and tree planting beds shall receive a three (3) inch layer of shredded bark mulch. Do not allow mulch to touch stems or trunks of perennials, shrubs, or trees. Unless otherwise noted, no landscape fabric or weed barrier is to be installed.

10. Unless otherwise shown, all perennials and shrubs to be planted in a triangular arrangement. For plants not shown individually, refer to spacing shown in the plant schedule.

11. Maintenance Border - Install an 18 inch and 12 inch wide maintenance border between the foundation of the building and turf grass areas where noted on the Plan. Border to consist of 2.5-inch layer of medium Mississippi stone over landscape fabric and edged with commercial grade, Permaloc ⅜" X 4" aluminum bed edging in mill finish, or approved equal. Install edging per supplier's specifications.

12. Plant Bed Edging - Install a shovel-cut bed edge to six (6) inch depth at perimeter of bed.

13. Unless otherwise noted, do not stake deciduous trees less than or equal to 2.5-inches caliper diameter at breast height (D.B.H.) and evergreen trees less than or equal to 6-feet in height.

14. See the Tree Staking Detail on this Plan if tree staking is required.

SEED INSTALLATION:

SEEDED TURF for LAWN AREAS or STORM WATER BASIN / SWALE AREAS:

1. The seedbed shall be prepared for optimal seed germination after placement of the landscape trees.

2. This work shall consist of preparing the seedbeds and furnishing, sowing and mulching the required seed on the various seeded turf grass areas as shown on Plan or other areas as designated by the Landscape Architect or Owner's Representative, all in accordance with the requirements of this specification.

3. Grading and the placement of the topsoil shall be completed prior to sowing the seed mix. The area to be seeded shall be worked with discs, harrows, or other appropriate equipment until a reasonably even and loose seedbed is obtained immediately in advance of the seeding.

4. Fertilize prepared soil with 5 lbs/1000 sq ft of 20-0-10 fertilizer

5. The seed mixture shall be sown by means of equipment adapted to the purpose, or it may be scattered uniformly over the areas to be seeded. Scattering the seeds by hand shall be done only with satisfactory hand seeders and only at such times when the air is sufficiently calm to prevent seeds from blowing away. If the area is hand sown, the soil surface must be raked following seeding.

6. Clean straw, free of debris and seeds, shall be applied as mulch on all newly seeded areas. Mulch shall be uniformly spread over the designated area at a rate of 55 bales per acre. Mulch material shall be chopped and blown into the seeded area. Use biodegradable erosion blankets in sloped areas in excess of 3:1 slope.

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EAST MEQUON CORPORATE IV
Mequon, WI

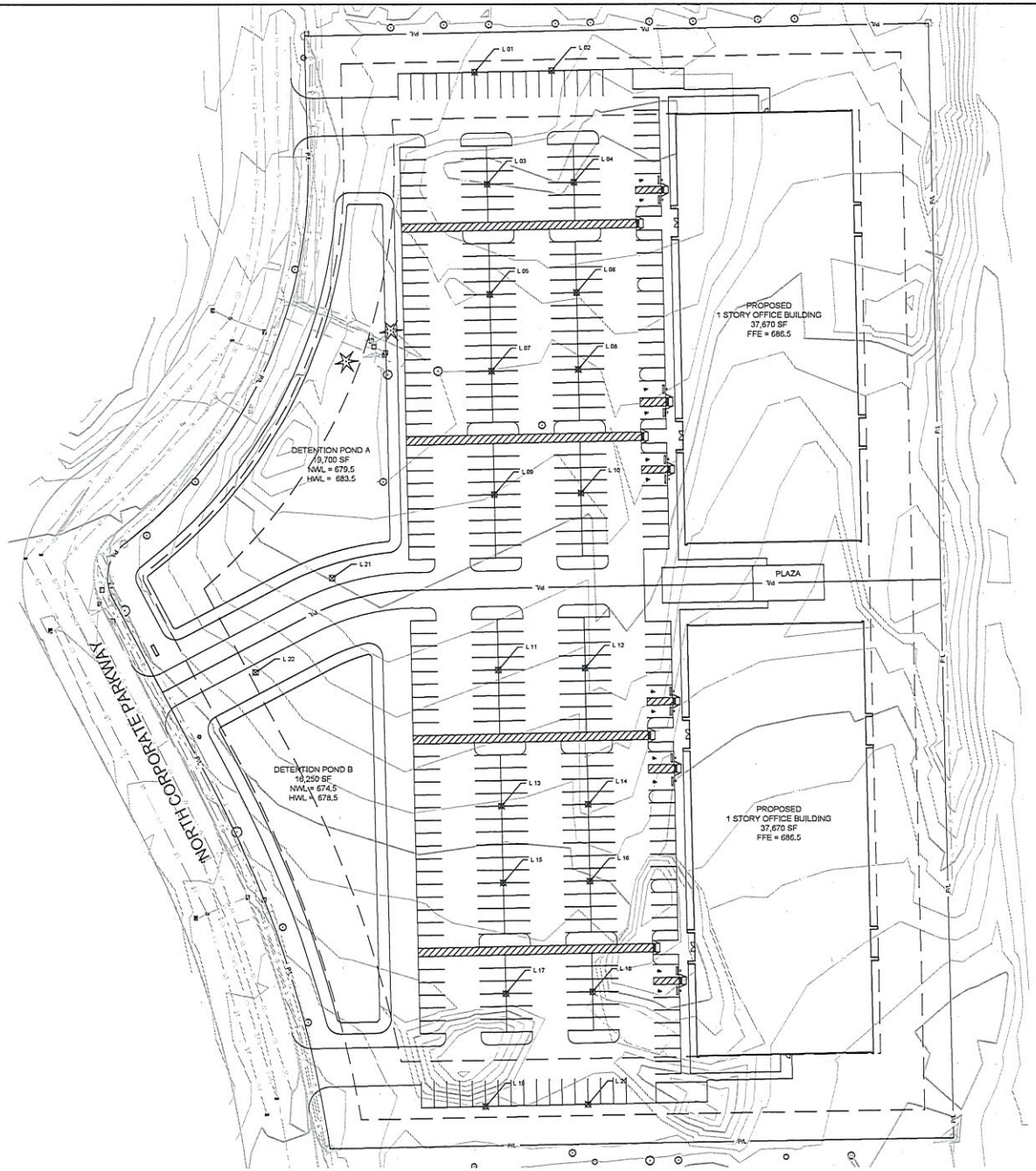
Irgens Partners, LLC
833 E. Michigan Street
Suite 400
Milwaukee, WI

Landscape Plan
Phase 1 & 2

SCALE: Not to Scale
DATE: August 6, 2018
DRWN BY: rms CHKD BY:

L.1

Attachment: PacketDocs (3480 : Irgens Partners, LLC)




GRAPHIC SCALE

LEGEND:

Philips Gardco EcoForm Large on 16-foot poles

GENERAL NOTES:

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3. WORK TO BE COMPLETED IS INDICATED IN BOLD TYPE LINES AND EXISTING CONDITIONS ARE INDICATED BY LIGHT TYPE LINES.
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Kahler Slater
THE SIGMA GROUP
Simple Solutions. Sound Solutions.
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Fax: 414-643-4210

IRGENS

Revisions

SCHEMATIC DESIGN

Drawing Date
8/6/2018

EAST MEQUON
CORPORATE CENTER

12100 NORTH CORPORATE PARKWAY

| Project No. | Irgens |
|---|---|
| 17297 | 000123 |

Sheet Title
LIGHTING PLAN

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Sheet No.
L100

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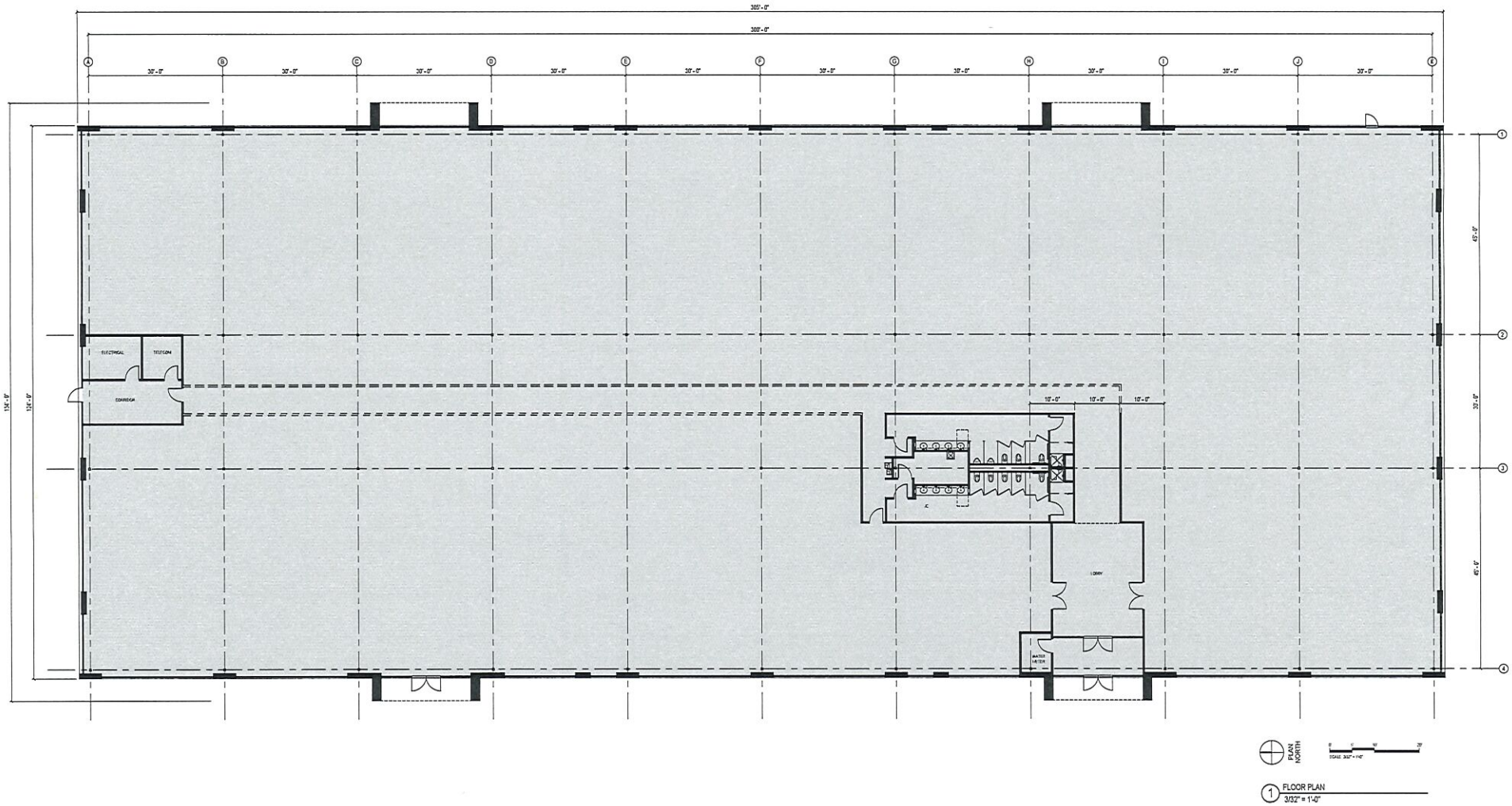
File: I:\Irgens\Development\17297 - Mequon Office Development\000 CADD\C-Civil\600 Production - Civil Plans\600- Lighting Plan\600- Lighting Plan.dwg 8/6/2018 11:22 AM

I-43



Attachment: PacketDocs (3480 : Irgens Partners, LLC)




FLOOR PLAN

A001 | 08/23/18

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Kahler Slater

Irgens
EAST MEQUON CORPORATE CENTER

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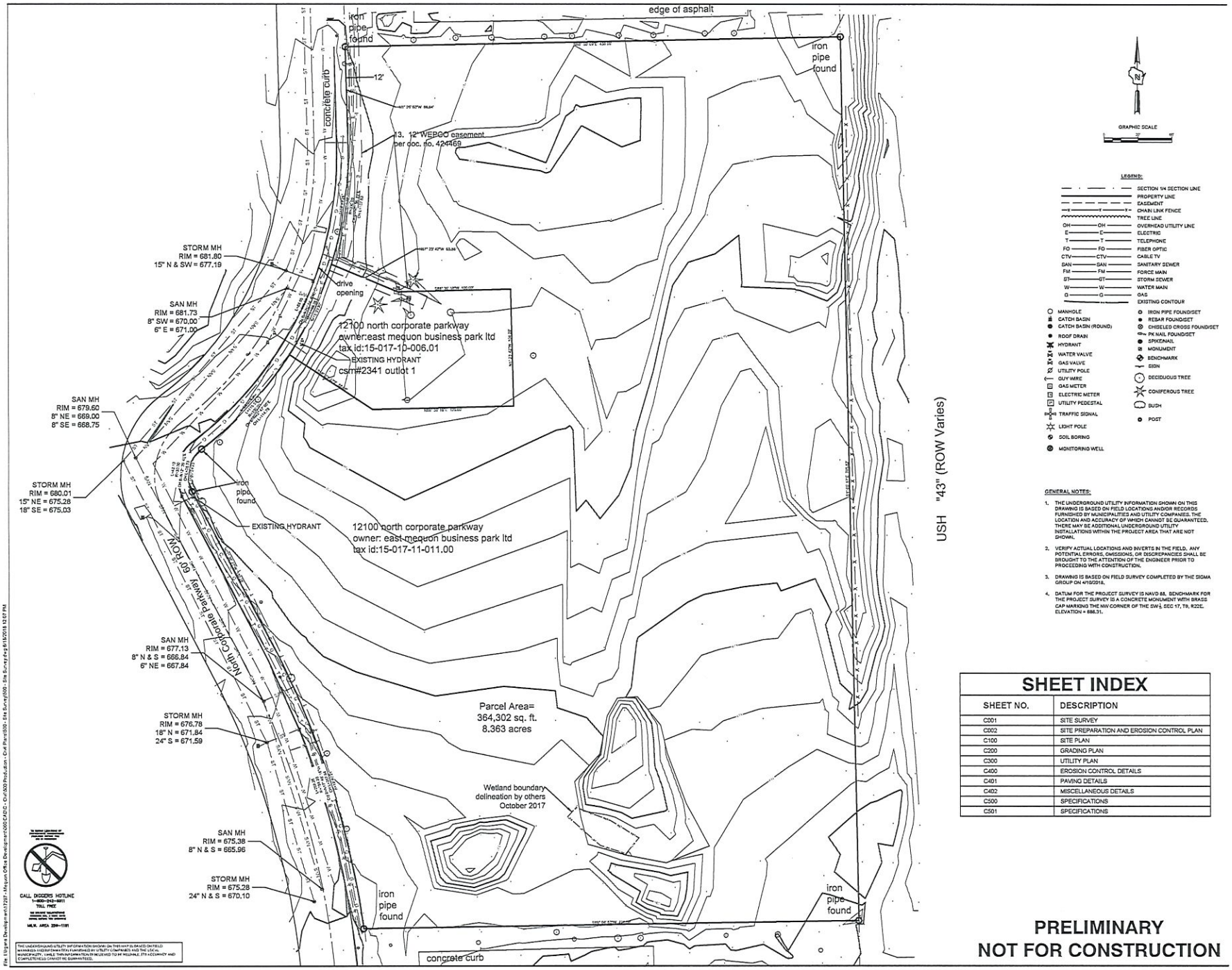


GRAPHIC SCALE

**LEGEND:**

- SECTION 1/4 SECTION LINE
- PROPERTY LINE
- EASEMENT
- CHAIN LINK FENCE
- TREE LINE
- OH — OVERHEAD UTILITY LINE
- E — ELECTRIC
- T — TELEPHONE
- FO — FIBER OPTIC
- CTV — CABLE TV
- SAN — SANITARY SEWER
- FM — FORCE MAIN
- ST — STORM SEWER
- W — WATER MAIN
- G — GAS
- EXISTING CONTOUR
- MANHOLE
- CATCH BASIN
- CATCH BASIN (ROUND)
- ROOF DRAIN
- HYDRANT
- WATER VALVE
- GAS VALVE
- UTILITY POLE
- GUY WIRE
- GAS METER
- ELECTRIC METER
- UTILITY PEDESTAL
- TRAFFIC SIGNAL
- LIGHT POLE
- SOIL BORING
- MONITORING WELL
- IRON PIPE FOUND/SET
- REBAR FOUND/SET
- CHISELED CROSS FOUND/SET
- PK NAIL FOUND/SET
- SPIKE/NAIL
- MONUMENT
- BENCHMARK
- SIGN
- DECIDUOUS TREE
- CONIFEROUS TREE
- BUSH
- POST

**GENERAL NOTES:**

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2. VERIFY ACTUAL LOCATIONS AND INVERTS IN THE FIELD. ANY POTENTIAL ERRORS, OMISSIONS, OR DISCREPANCIES SHALL BE BROUGHT TO THE ATTENTION OF THE ENGINEER PRIOR TO PROCEEDING WITH CONSTRUCTION.
3. DRAWING IS BASED ON FIELD SURVEY COMPLETED BY THE SIGMA GROUP ON 4/10/2018.
4. DATUM FOR THE PROJECT SURVEY IS NAVD 88. BENCHMARK FOR THE PROJECT SURVEY IS A CONCRETE MONUMENT WITH BRASS CAP MARKING THE NW CORNER OF THE SW¼, SEC 17, T9, R22E. ELEVATION = 888.31.

## SHEET INDEX

| SHEET NO. | DESCRIPTION |
|---|---|
| C001 | SITE SURVEY |
| C002 | SITE PREPARATION AND EROSION CONTROL PLAN |
| C100 | SITE PLAN |
| C200 | GRADING PLAN |
| C300 | UTILITY PLAN |
| C400 | EROSION CONTROL DETAILS |
| C401 | PAVING DETAILS |
| C402 | MISCELLANEOUS DETAILS |
| C500 | SPECIFICATIONS |
| C501 | SPECIFICATIONS |

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Kahler Slater
THE SIGMA GROUP
Single Source, Sound Solutions.
www.thesigmagroup.com
1300 West Canal Street
Milwaukee, WI 53233
Phone: 414-643-4200
Fax: 414-643-4210

IRGENS

Revisions

SCHEMATIC DESIGN

Drawing Date
6/18/2018

EAST MEQUON CORPORATE CENTER

12100 NORTH CORPORATE PARKWAY

Project No. 17297
Irgens 000123

Sheet Title
SITE SURVEY

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Sheet No.
C001

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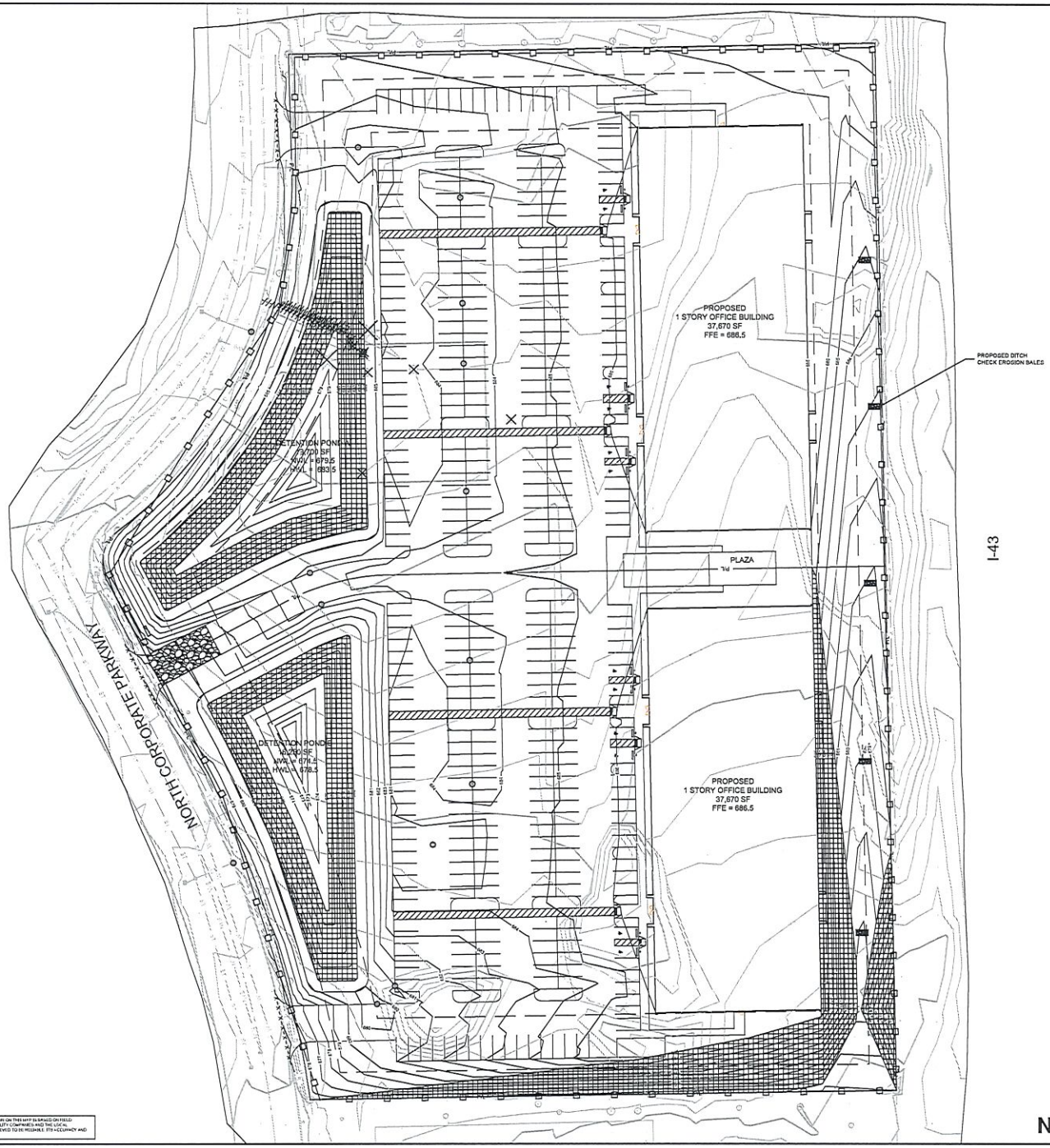


GRAPHIC SCALE

LEGEND:

- PROPOSED SILT FENCE (A C400)
- PROPOSED INLET PROTECTION (B C400)
- PROPOSED TRACKING PAD (C C400)
- PROPOSED DIVERSION SWALE WITH DIRECTION OF FLOW INDICATED (D C400)
- PROPOSED DITCH CHECK EROSION BALES (E C400)
- PROPOSED EROSION MATTING WISDOT APPROVED CLASS 1 TYPE A (F C400)
- EXISTING CONTOUR
- PROPOSED CONTOUR
- UTILITY REMOVAL
- STRUCTURE REMOVAL
- PAVEMENT REMOVAL
- TREE REMOVAL
- UTILITY REMOVAL

GENERAL NOTES:

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5. SEE SHEET XXX FOR A COMPLETE LIST OF EROSION CONTROL NOTES AND DETAILS. EROSION CONTROL MEASURES SHALL BE INSTALLED PRIOR TO START OF LAND DISTURBING ACTIVITIES.
6. DO NOT BEGIN LAND DISTURBING ACTIVITIES UNTIL AN EROSION CONTROL PERMIT IS OBTAINED FROM LOCAL JURISDICTION.

**PRELIMINARY**
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Kahler Slater
THE SIGMA GROUP
Single Source. Sound Solutions.
www.thesigmagroup.com
1300 West Canal Street
Milwaukee, WI 53233
Phone: 414-643-4200
Fax: 414-643-4210

IRGENS

Revisions

SCHEMATIC DESIGN

Drawing Date
6/18/2018

EAST MEQUON
CORPORATE CENTER

12100 NORTH CORPORATE PARKWAY

Project No. 17297
Irgens 000123

Sheet Title
SITE PREPARATION
AND EROSION
CONTROL PLAN

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Sheet No.
C002

CALL DIGGERS HOTLINE
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File: I:\Irgens Development\17297 - Mequon Office Development\200 CADD - Civil\300 Production - Civil Plans\301 - Site Preparation & Erosion Control\C002 - Site Preparation & Erosion Control.dwg 6/18/2018 10:07 PM

Attachment: PacketDocs (3480 : Irgens Partners, LLC)

**SITE INFORMATION:**

TOTAL SITE = 8.79 AC

TOTAL DISTURBED AREA = 5.89 AC

EXISTING IMPERVIOUS AREA = 0.00 AC

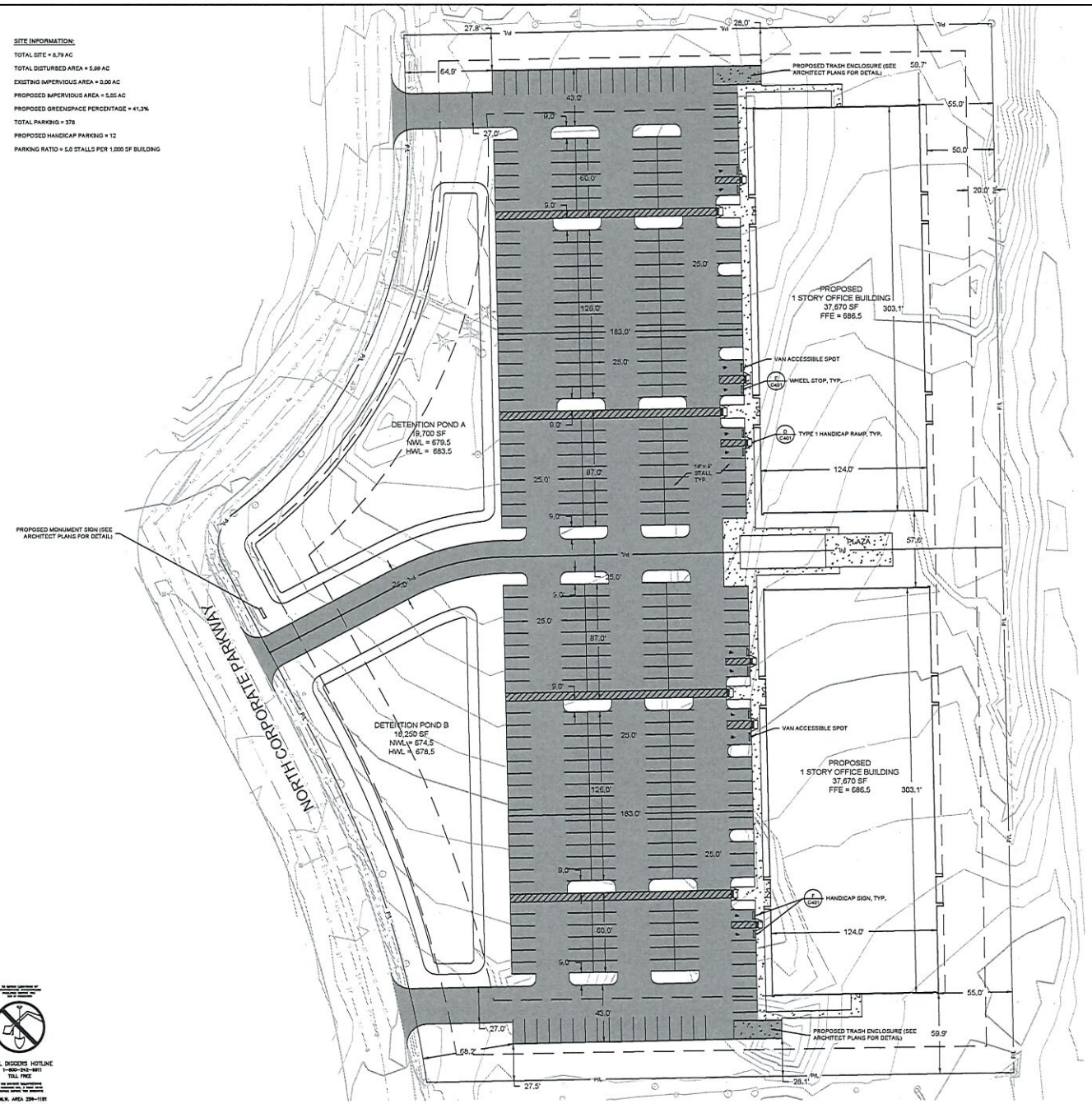
PROPOSED IMPERVIOUS AREA = 5.05 AC

PROPOSED GREENSPACE PERCENTAGE = 41.3%

TOTAL PARKING = 378

PROPOSED HANDICAP PARKING = 12

PARKING RATIO = 5.0 STALLS PER 1,000 SF BUILDING




**LEGEND:**

- 5" THICK CONCRETE WALK (A C401)
- ASPHALT SURFACE (B C401)
- CONCRETE PAVEMENT (C C401)

**GENERAL NOTES:**

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5. DIMENSIONS ARE FROM FACE OF CURB OR EDGE OF PAVEMENT.
6. WORK WITHIN THE PUBLIC RIGHT OF WAY, INCLUDING BUT NOT LIMITED TO DRIVEWAY OPENINGS, SIDEWALK AND RAMPS, PAVING, AND CURB AND GUTTER SHALL BE COMPLETED PER MUNICIPAL AND/OR COUNTY REQUIREMENTS AND STANDARDS.

CALL DIGGERS HOTLINE
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TOLL FREE

MILW. AREA 259-1181

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Fax: 414-643-4210

IRGENS

Revisions

SCHEMATIC DESIGN

Drawing Date
6/18/2018

EAST MEQUON CORPORATE CENTER

12100 NORTH CORPORATE PARKWAY

Project No. 17297
Irgens 000123

Sheet Title
SITE PLAN

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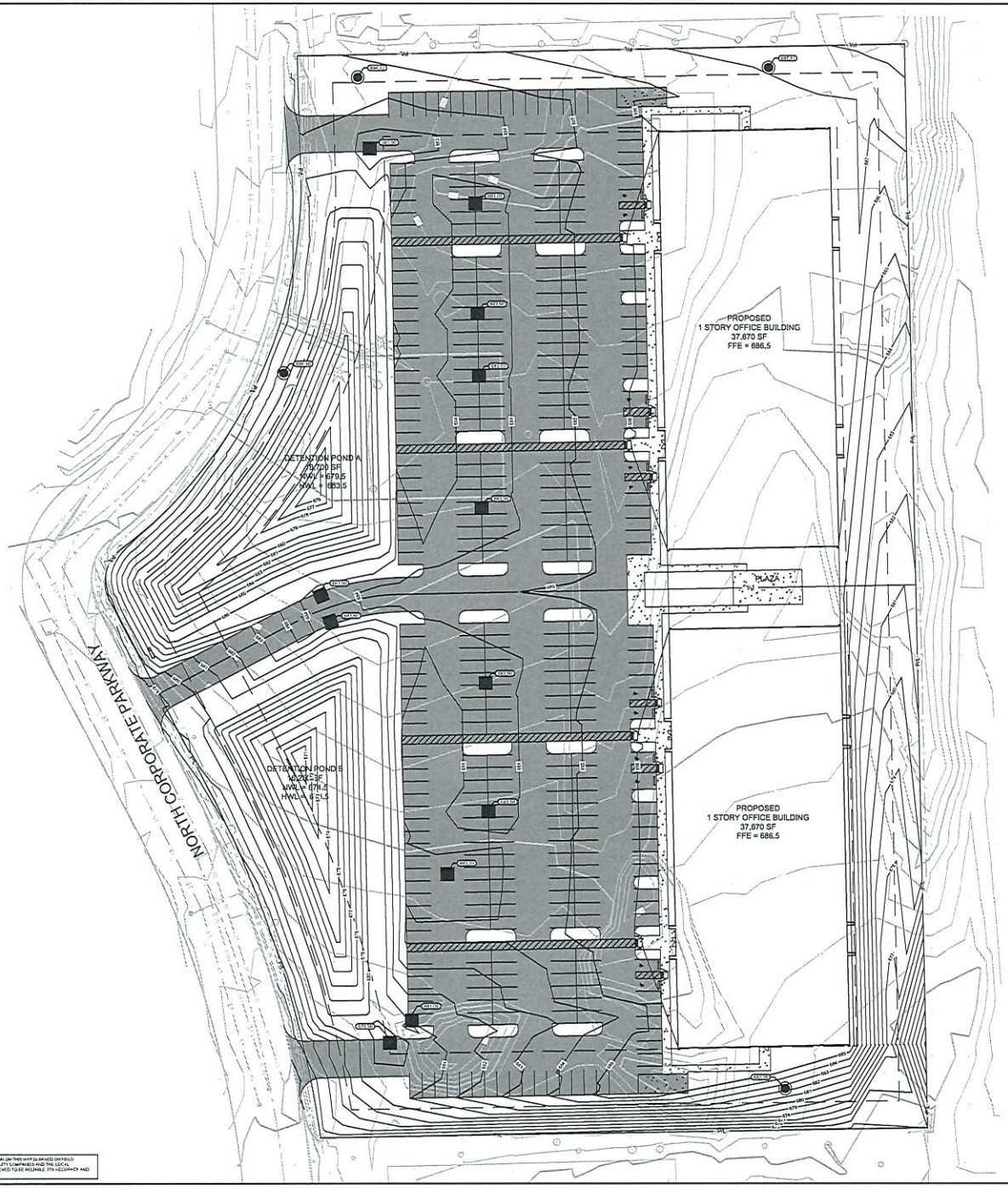
Sheet No.
C100



Attachment: PacketDocs (3480 : Irgens Partners, LLC)




GRAPHIC SCALE

LEGEND:

- 5" THICK CONCRETE WALK
- ASPHALT SURFACE
- CONCRETE PAVEMENT
- EXISTING CONTOUR
- PROPOSED CONTOUR
- PROPOSED CURB & GUTTER SPOT GRADE TC: TOP OF CURB GRADE FL: FLOWLINE CURB GRADE
- PROPOSED ASPHALT SPOT GRADE

GENERAL NOTES:

1. THE UNDERGROUND UTILITY INFORMATION SHOWN ON THIS DRAWING IS BASED ON FIELD LOCATIONS AND/OR RECORDS FURNISHED BY MUNICIPALITIES AND UTILITY COMPANIES. THE LOCATION AND ACCURACY OF WHICH CANNOT BE GUARANTEED. THERE MAY BE ADDITIONAL UNDERGROUND UTILITY INSTALLATIONS WITHIN THE PROJECT AREA THAT ARE NOT SHOWN.
2. VERIFY ACTUAL LOCATIONS AND INVERTS IN THE FIELD. ANY POTENTIAL ERRORS, OMISSIONS, OR DISCREPANCIES SHALL BE BROUGHT TO THE ATTENTION OF THE ENGINEER PRIOR TO PROCEEDING WITH CONSTRUCTION.
3. WORK TO BE COMPLETED IS INDICATED IN BOLD TYPE LINES AND EXISTING CONDITIONS ARE INDICATED BY LIGHT TYPE LINES.
4. ELECTRONIC CIVIL FILES ARE AVAILABLE UPON WRITTEN REQUEST. DO NOT USE ELECTRONIC CIVIL FILES TO LAYOUT FOUNDATIONS, COLUMN LINES, LIGHT POLES, OR OTHER NON CIVIL SITE WORK. REFER TO ARCHITECTURAL DRAWINGS FOR DIMENSIONS OF BUILDING AND ARCHITECTURAL FEATURES.
5. DIMENSIONS ARE FROM FACE OF CURB OR EDGE OF PAVEMENT.
6. WORK WITHIN THE PUBLIC RIGHT OF WAY, INCLUDING BUT NOT LIMITED TO DRIVEWAY OPENINGS, SIDEWALK AND RAMPS, PAVING, AND CURB AND GUTTER SHALL BE COMPLETED PER MUNICIPAL AND/OR COUNTY REQUIREMENTS AND STANDARDS.
7. EARTHWORK SHALL BE IN ACCORDANCE WITH GEOTECHNICAL ENGINEER'S RECOMMENDATIONS.

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IRGENS

Revisions

SCHEMATIC DESIGN

Drawing Date
6/18/2018

EAST MEQUON
CORPORATE CENTER

12100 NORTH CORPORATE PARKWAY

Project No. 17297
Irgens 030123

Sheet Title
GRADING PLAN

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C200

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MILW. AREA 259-1181

THE UNDERGROUND UTILITY INFORMATION SHOWN ON THIS MAP IS BASED ON FIELD MARKINGS AND/OR INFORMATION FURNISHED BY UTILITY COMPANIES AND THE LOCAL MUNICIPALITY. WHILE THIS INFORMATION IS BELIEVED TO BE RELIABLE, ITS ACCURACY AND COMPLETENESS CANNOT BE GUARANTEED.

File: I:\Irgens Development\17297 - Mequon Office Development\000 CADD - Civil\000 Production - Civil Plans\C05 - Grading Plan.dwg 6/18/2018 12:03 PM



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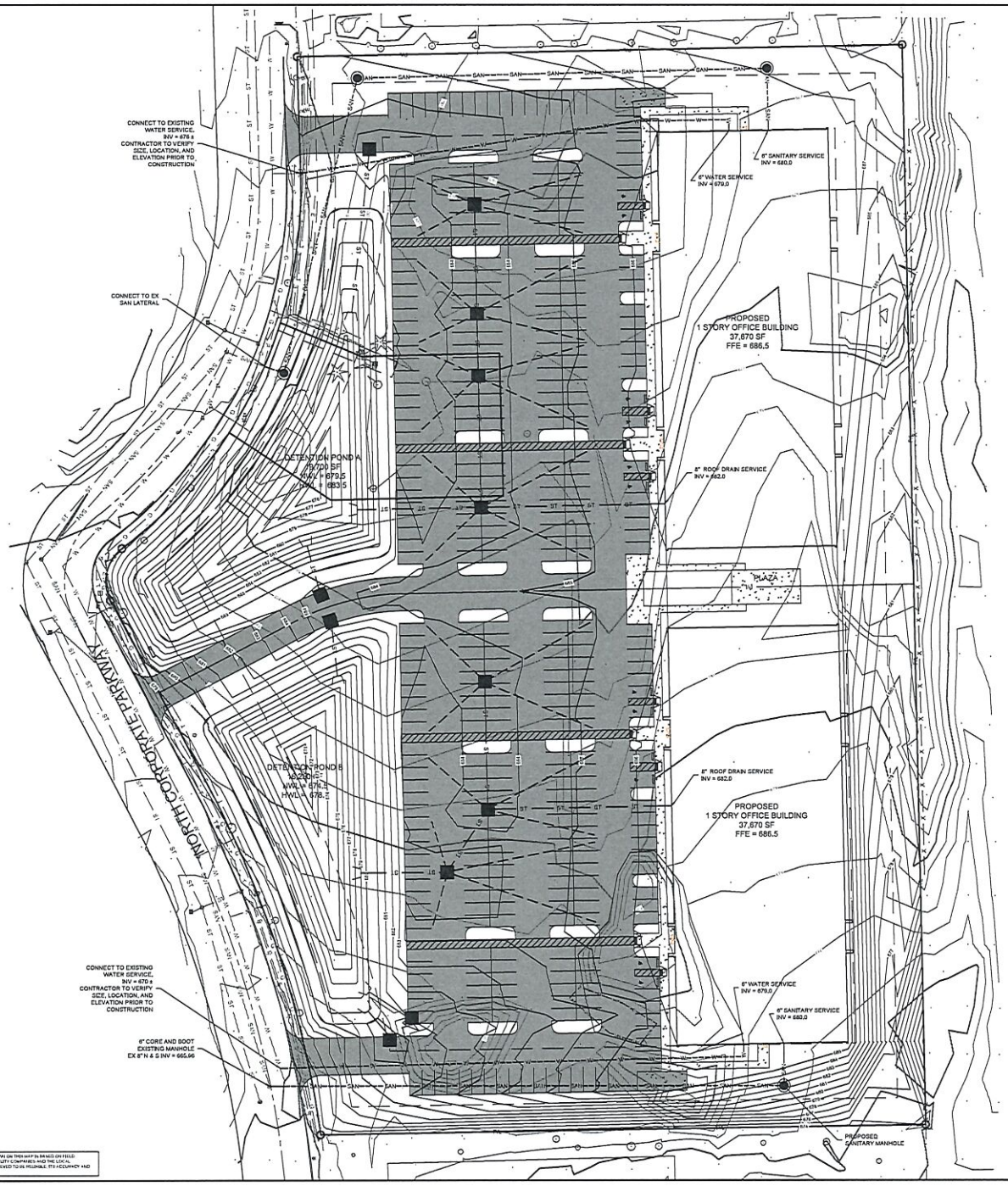


GRAPHIC SCALE

**LEGEND:**

- PROPOSED WATER SERVICE
- PROPOSED SANITARY SERVICE
- PROPOSED STORM SEWER
- PROPOSED ELECTRICAL SERVICE
- PROPOSED TELEPHONE SERVICE
- PROPOSED GAS SERVICE
- PERFORATED UNDERDRAIN
- PROPOSED STORM INLET
- PROPOSED STORM MANHOLE
- PROPOSED SANITARY MANHOLE

**GENERAL NOTES:**

1. THE UNDERGROUND UTILITY INFORMATION SHOWN ON THIS DRAWING IS BASED ON FIELD LOCATIONS AND/OR RECORDS FURNISHED BY MUNICIPALITIES AND UTILITY COMPANIES. THE LOCATION AND ACCURACY OF WHICH CANNOT BE GUARANTEED. THERE MAY BE ADDITIONAL UNDERGROUND UTILITY INSTALLATIONS WITHIN THE PROJECT AREA THAT ARE NOT SHOWN.
2. VERIFY ACTUAL LOCATIONS AND INVERTS IN THE FIELD. ANY POTENTIAL ERRORS, OMISSIONS, OR DISCREPANCIES SHALL BE BROUGHT TO THE ATTENTION OF THE ENGINEER PRIOR TO PROCEEDING WITH CONSTRUCTION.
3. WORK TO BE COMPLETED IS INDICATED IN BOLD TYPE LINES AND EXISTING CONDITIONS ARE INDICATED BY LIGHT TYPE LINES.
4. ELECTRONIC CIVIL FILES ARE AVAILABLE UPON WRITTEN REQUEST. DO NOT USE ELECTRONIC CIVIL FILES TO LAYOUT FOUNDATIONS, COLUMN LINES, LIGHT POLES, OR OTHER NON CIVIL SITE WORK. REFER TO ARCHITECTURAL DRAWINGS FOR DIMENSIONS OF BUILDING AND ARCHITECTURAL FEATURES.
5. ALL UTILITIES WITHIN 5 FEET OF PAVED AREAS SHALL REQUIRE GRANULAR BACKFILL. SLURRY BACKFILL IS REQUIRED FOR ALL WORK IN PUBLIC RIGHT OF WAY.
6. PRIVATE STORM INLETS IN PAVEMENT SHALL REQUIRE DRAIN TILE STUBS OF 10 FEET IN TWO DIRECTIONS FOR SUBDRAINAGE. RIM GRADE FOR STORM INLETS IN CURB AND GUTTER ARE FLOW LINE GRADES.
7. WORK IN PUBLIC RIGHT OF WAY SHALL FOLLOW MATERIAL AND INSTALLATION REQUIREMENTS PER MUNICIPAL AND/OR COUNTY.
8. PRIVATE STORM SEWER 12-INCH DIAMETER OR LARGER SHALL BE HDPE. BELOW 12-INCH DIAMETER SHALL BE PVC SDR-35 ASTM D3034. PRIVATE WATER MAIN SHALL BE CLASS 150 DR 18 PVC CONFORMING TO AWWA C-900. PRIVATE SANITARY SEWER SHALL BE PVC SDR-35 ASTM D3034.
9. COORDINATE FINAL LOCATION AND DESIGN OF PRIVATE UTILITY SERVICES (ELECTRIC, GAS, PHONE, CABLE) WITH UTILITY COMPANIES.
10. IF PROJECT IS DESIGN BUILD MEP, THE GENERAL CONTRACTOR IS REQUIRED TO PROVIDE FINAL SEWER AND WATER DESIGN SHOWING LOCATION, INVERTS AND SIZES TO THE ENGINEER FOR FINAL REVIEW AND VERIFICATION PRIOR TO STARTING UNDERGROUND UTILITY CONSTRUCTION.

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Drawing Date
6/18/2018

EAST MEQUON CORPORATE CENTER

*2100 NORTH CORPORATE PARKWAY

| Project No. | Irgens |
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| 17297 | 000123 |

Sheet Title
UTILITY PLAN

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MILW. AREA 256-1181

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File: U:\Irgens Development\17297 - Irgens Office Development\000 CADD - Civil\300 Production - Civil Plans\306 - Utility Plan.dwg 6/18/2018 12:03 PM

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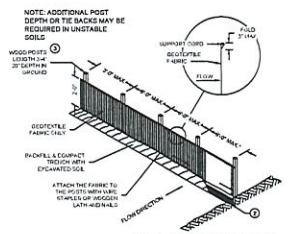
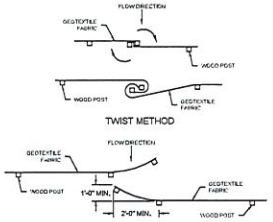
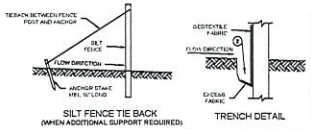



SILT FENCE




HOOK METHOD

JOINING TWO LENGTHS OF SILT FENCE (5)




SILT FENCE TIE BACK
(WHEN ADDITIONAL SUPPORT REQUIRED)

TRENCH DETAIL

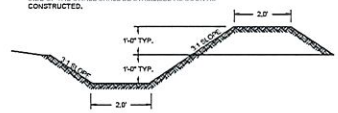
GENERAL NOTES
SILT FENCE SHALL CONFORM TO WDNR CONSERVATION PRACTICE STANDARD #1056

THIS DRAWING IS BASED ON WISCONSIN DEPARTMENT OF TRANSPORTATION STANDARD DETAIL DRAWING 8 E 9-6

GENERAL NOTES
1. HORIZONTAL BRACE REQUIRED WITH 2"X4" WOODEN FRAME OR EQUIVALENT AT TOP OF POSTS.
(2) TRENCH SHALL BE A MINIMUM OF 4" WIDE & 6" DEEP TO BURY AND ANCHOR THE GEOTEXTILE FABRIC. FOLD MATERIAL TO FIT TRENCH AND BACKFILL & COMPACT TRENCH WITH EXCAVATED SOIL.
(3) WOOD POSTS SHALL BE A MINIMUM SIZE OF 1-1/2" X 1-1/2" OF OAK OR HICKORY.
4. SILT FENCE TO EXTEND ACROSS THE TOP OF THE PIPE.
(5) CONSTRUCT SILT FENCE FROM A CONTINUOUS ROLL IF POSSIBLE BY CUTTING LENGTHS TO AVOID JOINTS. IF A JOINT IS NECESSARY USE ON THE FOLLOWING TWO METHODS: A) OVERLAP THE END POSTS AND TWIST OR ROTATE, AT LEAST 180 DEGREES. B) HOOK THE END OF EACH SILT FENCE LENGTHS.

## (A) SILT FENCE: WDNR TS-1056
NOT TO SCALE

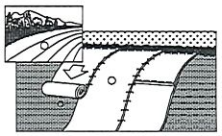
NOTES:
1. MATCH BERMS TO EXISTING GROUND AND GRADE SWALES TO DRAIN TO BASIN.
2. FOR SWALES THAT ARE TO SERVE LONGER THAN 30 DAYS, THE SIDE SLOPES, INCLUDING THE RIDGE AND DOWN SLOPE SIDE, SHALL BE STABILIZED AS SOON AS THEY ARE CONSTRUCTED.
3. TEMPORARY TOP SOILING AND SEEDING WITH CLASS 1 TYPE B EROSION MATTING SHALL BE USED FOR STABILIZATION. WATER-SOLUBLE ANIONIC POLYACRYLAMIDE (PAM) SHALL NOT BE USED IN DIVERSION SWALES.
4. FOR SWALES SERVING LESS THAN 30 DAYS, ONLY THE DOWN SLOPE SIDE OF THE SWALE SHALL BE STABILIZED AS SOON AS CONSTRUCTED.




GENERAL NOTE:
CONSTRUCTION SITE DIVERSION SWALES SHALL CONFORM TO WDNR CONSERVATION PRACTICE STANDARD #1066

## (D) CONSTRUCTION SITE DIVERSION: WDNR TS-1066
NOT TO SCALE

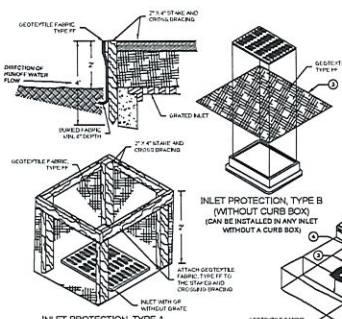
SLOPE INSTALLATION



1. ECRMs (EROSION CONTROL REVEGATIVE MATS) SHALL BE INSTALLED AFTER ALL TOPSOILING, FERTILIZING, LIMING, AND SEEDING IS COMPLETE.
2. THE MAT SHALL BE IN FIRM AND INTIMATE CONTACT WITH THE SOIL. IT SHALL BE INSTALLED AND ANCHORED PER THE MANUFACTURER'S RECOMMENDATION.
3. TRMs (TURF-REINFORCEMENT MAT) SHALL BE INSTALLED INCONJUCTION WITH THE TOPSOILING OPERATION AND SHALL BE FOLLOWED BY ECRM INSTALLATION.
4. AT TIME OF INSTALLATION, DOCUMENT THE MANUFACTURER AND MAT TYPE BY RETENTION OF MATERIAL LABELS AND MANUFACTURER'S INSTALLATION INSTRUCTIONS. RETAIN THIS DOCUMENTATION UNTIL THE SITE HAS BEEN STABILIZED.

NOTES:
1. EROSION MATTING SHALL CONFORM TO WDNR CONSERVATION PRACTICE STANDARD #1052.
2. INSTALL PER MANUFACTURERS SPECIFICATIONS.

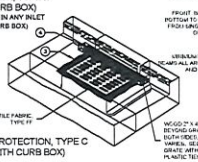
## (F) EROSION MATTING: WDNR TS-1052
NOT TO SCALE



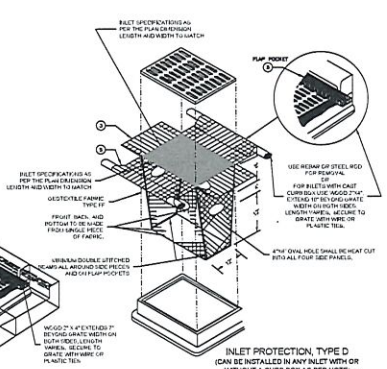

INLET PROTECTION, TYPE A




INLET PROTECTION, TYPE B
(WITHOUT CURB BOX)
(CAN BE INSTALLED IN ANY INLET WITHOUT A CURB BOX)




INLET PROTECTION, TYPE C
(WITH CURB BOX)




INLET PROTECTION, TYPE D
(CAN BE INSTALLED IN ANY INLET WITH OR WITHOUT A CURB BOX AS PER NOTE)

INSTALLATION NOTES
TYPE B & C
TRIM EXCESS FABRIC IN THE FLOW LINE TO WITHIN 3" OF THE GRATE. THE CONTRACTOR SHALL DEMONSTRATE A METHOD OF MAINTENANCE, USING A SEWN FLAP, HAND HOLDS OR OTHER METHOD TO PREVENT ACCUMULATED SEDIMENT FROM ENTERING THE INLET.

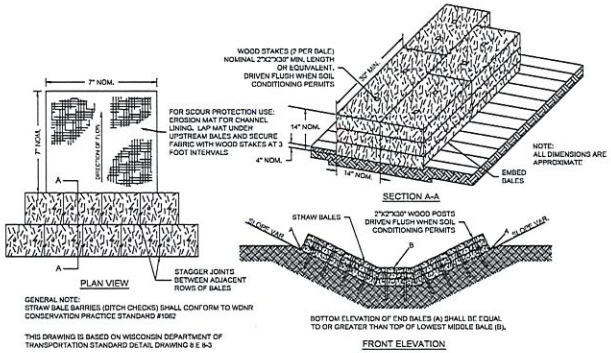
TYPE D
DO NOT INSTALL INLET PROTECTION TYPE D IN INLETS SHALLOWER THAN 30", MEASURED FROM THE BOTTOM OF THE INLET TO THE TOP OF THE GRATE. TRIM EXCESS FABRIC IN THE FLOW LINE TO WITHIN 3" OF THE GRATE. THE INSTALLED BAG SHALL HAVE A MINIMUM SIDE CLEARANCE, BETWEEN THE INLET WALLS AND THE BAG, MEASURED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

GENERAL NOTE:
INLET PROTECTION SHALL CONFORM TO WDNR CONSERVATION PRACTICE STANDARD #1060

THIS DRAWING IS BASED ON WISCONSIN DEPARTMENT OF TRANSPORTATION STANDARD DETAIL DRAWING 8 E 10-2

GENERAL NOTES
1. MANUFACTURED ALTERNATIVES APPROVED AND LISTED ON THE DEPARTMENT'S EROSION CONTROL PRODUCT ACCEPTABILITY LIST MAY BE SUBSTITUTED.
2. WHEN REMOVING OR MAINTAINING INLET PROTECTION, CARE SHALL BE TAKEN SO THAT THE SEDIMENT TRAPPED ON THE GEOTEXTILE FABRIC DOES NOT FALL INTO THE INLET. ANY MATERIAL FALLING INTO THE INLET SHALL BE REMOVED IMMEDIATELY.
(3) FINISHED SIDE, INCLUDING FLAP POCKETS WHERE REQUIRED, SHALL EXTEND A MINIMUM OF 10" AROUND THE PERIMETER TO FACILITATE MAINTENANCE OR REMOVAL.
(4) FOR INLET PROTECTION, TYPE C (WITH CURB BOX), AN ADDITIONAL 18" OF FABRIC IS WRAPPED AROUND THE WOOD AND SECURED WITH STAPLES. THE WOOD SHALL NOT BLOCK THE ENTIRE HEIGHT OF THE CURB BOX OPENING.
(5) FLAP POCKETS SHALL BE LARGE ENOUGH TO ACCEPT WOOD 2X4.

## (B) INLET PROTECTION TYPE A, B, C, AND D: WDNR TS-1060
NOT TO SCALE



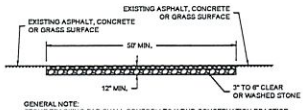

GENERAL NOTE:
STRAW BALE BARRIES (DITCH CHECKS) SHALL CONFORM TO WDNR CONSERVATION PRACTICE STANDARD #1062

THIS DRAWING IS BASED ON WISCONSIN DEPARTMENT OF TRANSPORTATION STANDARD DETAIL DRAWING 8 E 8-3

BOTTOM ELEVATION OF END BALES (A) SHALL BE EQUAL TO OR GREATER THAN TOP OF LOWEST MIDDLE BALE (B).

FRONT ELEVATION

## (E) DITCH CHECKS: WDNR TS-1062
NOT TO SCALE




GENERAL NOTE:
STONE TRACKING PAD SHALL CONFORM TO WDNR CONSERVATION PRACTICE STANDARD #1057

## (C) CONSTRUCTION ENTRANCE/ EXIT DETAIL: WDNR TS-1057
NOT TO SCALE

CONSTRUCTION SEQUENCE FOR EROSION CONTROL INCLUDES:

1. INSTALL STABILIZED CONSTRUCTION ENTRANCE.
2. INSTALL SILT FENCING AND INLET PROTECTION.
3. INITIATE STOCKPILING OF IMPORTED MATERIAL. PLACE SILT FENCE AROUND STOCKPILE(S).
4. STRIP TOPSOIL FROM STORM WATER BASIN LOCATION AND STOCKPILE.
5. CONSTRUCT STORM WATER BASIN AND INSTALL TEMPORARY OUTLET AND EMERGENCY OVERFLOW. BASIN IS TO BE USED AS A SEDIMENTATION BASIN DURING THE COURSE OF CONSTRUCTION.
6. CONSTRUCT DIVERSION SWALES, DIRECT RUNOFF TO STORM BASIN. INSTALL ASSOCIATED DITCH CHECKS.
7. INSTALL RIP-RAP AT STORM WATER BASIN AS SHOWN ON THE PLANS.
8. STRIP TOPSOIL FROM REMAINDER OF SITE IN A PROGRESSIVE MANNER, AND STOCKPILE.
9. PERFORM ROUGH SITE GRADING. STABILIZE FINISHED AREAS AS THE WORK PROGRESSES. USE EROSION MATTING WHERE CALLED FOR ON THE PLANS. PER WDNR TECHNICAL STANDARD 1059: AREAS THAT RECEIVE TEMPORARY SEEDING SHALL HAVE A MINIMUM TOPSOIL DEPTH OF 2 INCHES. AREAS THAT RECEIVE PERMANENT SEEDING SHALL HAVE A MINIMAL TOPSOIL DEPTH OF 4 INCHES.
10. PREPARE BUILDING PAD AND BEGIN FOUNDATIONS WORK FOR BUILDING.
11. INSTALL UTILITIES. INSTALL ANY ADDITIONAL INLET PROTECTION ON NEW STORM SEWER AND INSTALL RIP-RAP AT NEW STORM SEWER OUTFALLS.
12. REMOVE TEMPORARY OUTLET CONTROL STRUCTURE ON BASIN AND INSTALL PAVEMENTS.
13. STABILIZE AREAS REMAINING AREAS WITHIN 7 DAYS OF COMPLETION OF FINAL GRADING AND TOPSOILING.
14. REMOVE EXCESS SEDIMENT FROM STORMWATER BASINS AND RETURN BASINS TO THEIR DESIGN DIMENSIONS AND VOLUMES.
15. REMOVE EROSION CONTROL MEASURES ONLY WHEN SITE IS FULLY STABILIZED.

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Project No. 17297
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Sheet Title
EROSION CONTROL DETAILS

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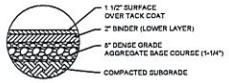
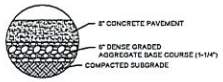
Attachment: PacketDocs (3480 : Irgens Partners, LLC)

A CONCRETE SIDEWALK SECTION
NOT TO SCALE




B ASPHALT PAVEMENT SECTION
NOT TO SCALE




C CONCRETE PAVEMENT SECTION
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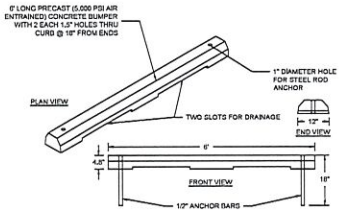


E PRECAST CONCRETE PARKING BUMPER
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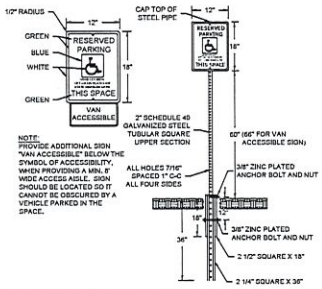
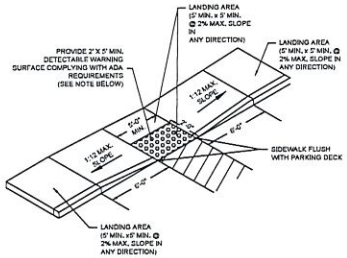


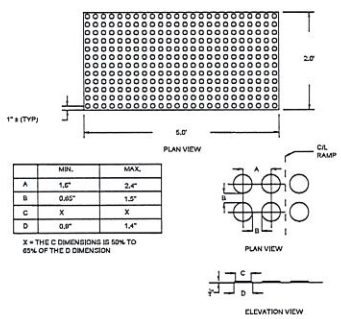

F HANDICAP SIGN & POST
NOT TO SCALE




NOTES:

1. CONTRACTOR TO VERIFY ADA RAMP DETAIL WITH CITY AND ADJUST AS NEEDED.
2. PROVIDE DETECTABLE WARNING CONSISTING OF RAISED TRUNCATED DOMES OF SIZE, SPACING AND CONTRAST REQUIRED BY ADA GUIDELINES.
3. DETECTABLE WARNINGS SHALL BE PER CITY STANDARDS.

D ADA RAMP DETAIL (TYPE 1)
NOT TO SCALE




| | MIN. | MAX. |
|---|---|---|
| A | 1.6" | 2.4" |
| B | 0.65" | 1.5" |
| C | X | X |
| D | 0.9" | 1.4" |

X = THE C DIMENSIONS IS 50% TO 65% OF THE D DIMENSION

G TRUNCATED DOMES DETAIL
NOT TO SCALE

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Irgens 000123

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PAVING DETAILS

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Sheet No.
C401

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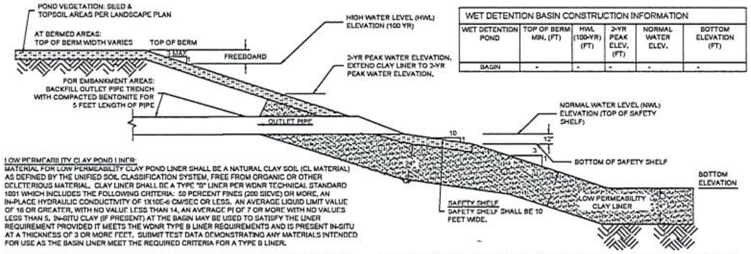



| WET DETENTION BASIN CONSTRUCTION INFORMATION | | | | | |
|---|---|---|---|---|---|
| WET DETENTION POND | TOP OF BERM MIN. (FT) | HWL (100-YR) (FT) | 2-YR PEAK ELEV. (FT) | NORMAL WATER ELEV. | BOTTOM ELEVATION (FT) |
| BASIN | - | - | - | - | - |

LOW PERMEABILITY CLAY POND LINER:
MATERIAL FOR LOW PERMEABILITY CLAY POND LINER SHALL BE A NATURAL CLAY SOIL (CL MATERIAL) AS DEFINED BY THE UNIFIED SOIL CLASSIFICATION SYSTEM, FREE FROM ORGANIC OR OTHER DELETERIOUS MATERIAL. CLAY LINER SHALL BE A TYPE "B" LINER PER WDNR TECHNICAL STANDARD 1001 WHICH INCLUDES THE FOLLOWING CRITERIA: 50 PERCENT FINES (200 SIEVE) OR MORE, AN IN-PLACE HYDRAULIC CONDUCTIVITY OF 1X10E-6 CM/SEC OR LESS. AN AVERAGE LIQUID LIMIT VALUE OF 16 OR GREATER, WITH NO VALUE LESS THAN 14, AN AVERAGE PI OF 7 OR MORE WITH NO VALUES LESS THAN 5. IN-SITU CLAY (IF PRESENT) AT THE BASIN MAY BE USED TO SATISFY THE LINER REQUIREMENT PROVIDED IT MEETS THE WDNR TYPE B LINER REQUIREMENTS AND IS PRESENT IN-SITU AT A THICKNESS OF 3 OR MORE FEET. SUBMIT TEST DATA DEMONSTRATING ANY MATERIALS INTENDED FOR USE AS THE BASIN LINER MEET THE REQUIRED CRITERIA FOR A TYPE B LINER.

CLAY SOURCE SHALL BE APPROVED PRIOR TO INITIATING PLACEMENT OF THE CLAY MATERIAL. SUBMIT REPRESENTATIVE MOISTURE-DENSITY DATA FOR PROPOSED CLAY MATERIAL PRIOR TO START OF WORK. IF REQUESTED, FURNISH ENGINEER WITH REPRESENTATIVE CLAY MATERIAL SAMPLES FOR TESTING.

FIELD THICKNESS AND FIELD COMPACTION OF CLAY TO BE TESTED BY OWNER'S INDEPENDENT TESTING AGENCY.

LOW PERMEABILITY CLAY/POND LINER SHALL BE PLACED USING STANDARD COMPACTION TECHNIQUES, AS PER THE STATE OF WISCONSIN DEPARTMENT OF TRANSPORTATION STANDARD SPECIFICATIONS FOR HIGHWAY AND STRUCTURE CONSTRUCTION, SECTION 207.3.6. PERCENT COMPACTION SHALL BE GREATER THAN 95% OF STANDARD PROCTOR. MATERIAL SHALL BE COMPACTED WITH MOISTURE CONTENT WET OF OPTIMUM DENSITY MOISTURE. MATERIAL SHOULD BE PLACED IN LAYERS GENERALLY NOT EXCEEDING 8 INCHES IN THICKNESS BEFORE COMPACTION.

CLEARING AND SUBGRADE PREPARATION:
ALL EXISTING TOPSOIL, ROOTMAT, AND ANY OTHER SOFT OR UNSUITABLE MATERIALS SHALL BE REMOVED FROM THE CLEARING AND STRIPPING LIMITS.

PRIOR TO INITIATION OF FILL PLACEMENT, THE STRIPPED AREA SHALL BE OBSERVED BY AN EXPERIENCED GEOTECHNICAL ENGINEER OR HIS AUTHORIZED REPRESENTATIVE TO AID IN LOCATING UNSUITABLE AND/OR HIGHLY PLASTIC MATERIALS WHICH REQUIRE COMPLETE AND/OR PARTIAL REMOVAL.

THE PREPARATION OF FILL SUBGRADES OF EMBANKMENTS SHALL BE OBSERVED ON A FULL-TIME BASIS BY AN EXPERIENCED GEOTECHNICAL ENGINEER OR HIS AUTHORIZED REPRESENTATIVE TO ENSURE THAT ALL UNSUITABLE MATERIALS HAVE BEEN COMPLETELY REMOVED.

FILL PLACEMENT:
FILL MATERIALS SHALL BE PLACED AND COMPACTED IN ACCORDANCE WITH THE PROJECT GEOTECHNICAL RECOMMENDATIONS.

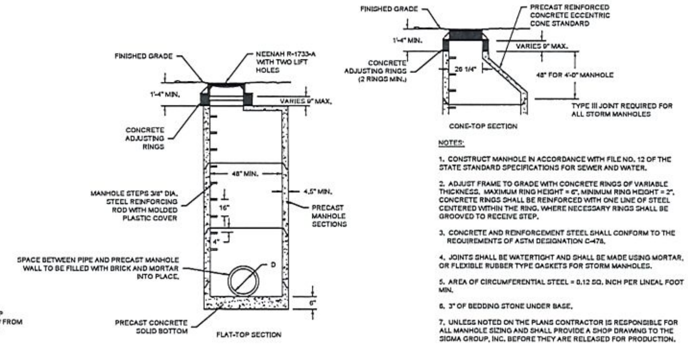
THE FOOTPRINT OF THE EMBANKMENT AREAS SHALL BE WELL DEFINED, INCLUDING THE LIMITS OF THE FILL ZONES, AT THE TIME OF FILL PLACEMENT, WITH GRADE CONTROL MAINTAINED THROUGHOUT THE FILL PLACEMENT OPERATIONS.

FILL OPERATIONS SHALL BE OBSERVED ON A FULL-TIME BASIS BY A QUALIFIED SOIL TECHNICIAN, WHO SHALL PERFORM IN PLACE DENSITY TESTS TO DETERMINE IF MINIMUM COMPACTION REQUIREMENTS ARE BEING MET.

FILL MATERIALS SHALL NOT BE PLACED ON FROZEN SOILS. SIMILARLY, BORROW FILL MATERIALS SHALL NOT CONTAIN FROZEN MATERIALS AT THE TIME PLACEMENT. FROZEN SOILS, FROM BOTH SUBGRADE AND FILL, SHALL BE REMOVED PRIOR TO CONTINUATION OF FILL OPERATIONS.

AREAS RECEIVING FILL SHALL BE GRADED TO FACILITATE POSITIVE DRAINAGE OF ANY FREE WATER ASSOCIATED WITH PRECIPITATION AND SURFACE RUNOFF.

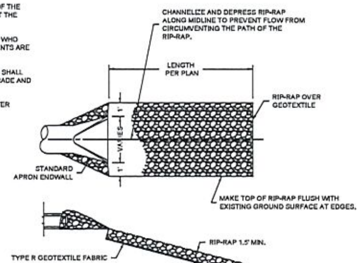
## (A) WET DETENTION BASIN CROSS SECTION
NOT TO SCALE




NOTES:

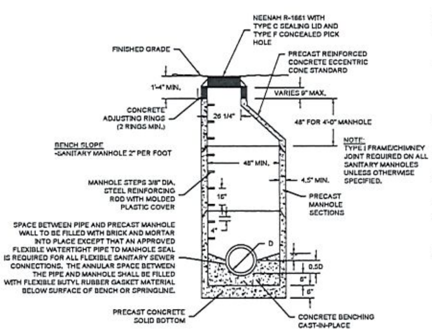
1. CONSTRUCT MANHOLE IN ACCORDANCE WITH FILE NO. 12 OF THE STATE STANDARD SPECIFICATIONS FOR SEWER AND WATER.
2. ADJUST FRAME TO GRADE WITH CONCRETE RINGS OF VARIABLE THICKNESS. MAXIMUM RING HEIGHT = 6", MINIMUM RING HEIGHT = 2", CONCRETE RINGS SHALL BE REINFORCED WITH ONE LINE OF STEEL CENTERED WITHIN THE RING. WHERE NECESSARY RINGS SHALL BE GROOVED TO RECEIVE STEP.
3. CONCRETE AND REINFORCEMENT STEEL SHALL CONFORM TO THE REQUIREMENTS OF ASTM DESIGNATION C-478.
4. JOINTS SHALL BE WATERTIGHT AND SHALL BE MADE USING MORTAR, OR FLEXIBLE RUBBER TYPE GASKETS FOR STORM MANHOLES.
5. AREA OF CIRCUMFERENTIAL STEEL = 0.12 SQ. INCH PER LINEAL FOOT MIN.
6. 3" OF BEDDING STONE UNDER BASE.
7. UNLESS NOTED ON THE PLANS CONTRACTOR IS RESPONSIBLE FOR ALL MANHOLE SIZING AND SHALL PROVIDE A SHOP DRAWING TO THE SIGMA GROUP, INC. BEFORE THEY ARE RELEASED FOR PRODUCTION.

## (C) PRECAST STORM MANHOLE
NOT TO SCALE




NOTES:
1. INSTALL RIP-RAP WHERE SHOWN ON PLANS.
2. FOR PERMANENT POOL (WET) DETENTION BASINS: EXTEND RIP-RAP FROM OUTFALL TO AT LEAST 10 FEET BEYOND THE NORMAL WATER LEVEL.
3. RIP-RAP SHALL BE MEDIUM RIP-RAP PER WISDOT STANDARD SPECIFICATIONS FOR HIGHWAY AND STRUCTURE CONSTRUCTION
4. GEOTEXTILE FABRIC SHALL BE TYPE R PER WISDOT STANDARD SPECIFICATIONS PER HIGHWAY AND STRUCTURE CONSTRUCTION.

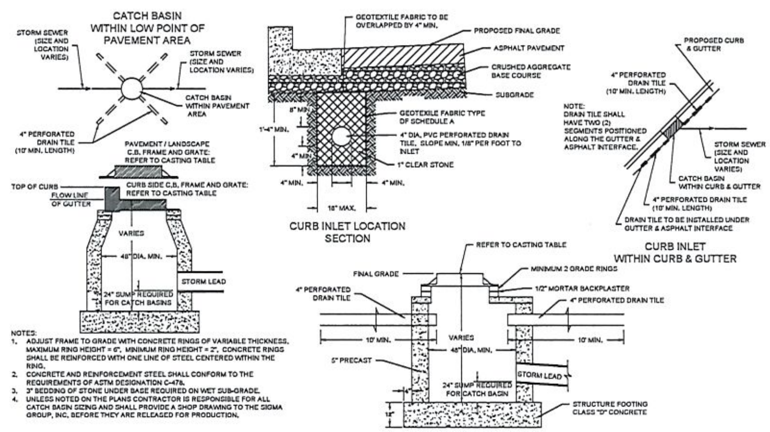
## (B) RIP-RAP DISCHARGE APRON
NOT TO SCALE




NOTES:

1. CONSTRUCT MANHOLE IN ACCORDANCE WITH FILE NO. 12 OF THE STATE STANDARD SPECIFICATIONS FOR SEWER AND WATER.
2. ADJUST FRAME TO GRADE WITH CONCRETE RINGS OF VARIABLE THICKNESS. MAXIMUM RING HEIGHT = 6", MINIMUM RING HEIGHT = 2", CONCRETE RINGS SHALL BE REINFORCED WITH ONE LINE OF STEEL CENTERED WITHIN THE RING. WHERE NECESSARY RINGS SHALL BE GROOVED TO RECEIVE STEP.
3. CONCRETE AND REINFORCEMENT STEEL SHALL CONFORM TO THE REQUIREMENTS OF ASTM DESIGNATION C-478.
4. JOINTS SHALL BE WATERTIGHT AND SHALL BE MADE USING FLEXIBLE RUBBER TYPE GASKETS.
5. AREA OF CIRCUMFERENTIAL STEEL = 0.12 SQ. INCH PER LINEAL FOOT MIN.
6. 3" OF BEDDING STONE UNDER BASE.
7. ALL SANITARY MANHOLES SHALL BE PROVIDED WITH EXTERNAL CHIMNEY SEALS AND SELF-SEALING LIDS WITH CONCEALED PICK HOLES.
8. UNLESS NOTED ON THE PLANS, THE CONTRACTORS IS RESPONSIBLE FOR ALL MANHOLE SIZING AND SHALL PROVIDE A SHOP DRAWING TO THE SIGMA GROUP, INC. BEFORE THEY ARE RELEASED FOR PRODUCTION.

## (D) PRECAST SANITARY MANHOLE
NOT TO SCALE




NOTES:
1. ADJUST FRAME TO GRADE WITH CONCRETE RINGS OF VARIABLE THICKNESS. MAXIMUM RING HEIGHT = 6", MINIMUM RING HEIGHT = 2", CONCRETE RINGS SHALL BE REINFORCED WITH ONE LINE OF STEEL CENTERED WITHIN THE RING.
2. CONCRETE AND REINFORCEMENT STEEL SHALL CONFORM TO THE REQUIREMENTS OF ASTM DESIGNATION C-478.
3. 3" BEDDING OF STONE UNDER BASE REQUIRED ON WET SUB-GRADE.
4. UNLESS NOTED ON THE PLANS CONTRACTOR IS RESPONSIBLE FOR ALL CATCH BASIN SIZING AND SHALL PROVIDE A SHOP DRAWING TO THE SIGMA GROUP, INC. BEFORE THEY ARE RELEASED FOR PRODUCTION.

| CATCH BASIN / INLET CASTING TABLE | | | | | | |
|---|---|---|---|---|---|---|
| | [illegible] CURB & GUTTER | | [illegible] CURB & GUTTER | | [illegible] CURB AND GUTTER | |
| | CASTING | GRATE | CASTING | GRATE | CASTING | GRATE |
| CURB INLET | NEENAH [illegible] | B | NEENAH [illegible] | A | NEENAH [illegible] | [illegible] |
| | | | | | | |
| AREA INLET | NEENAH [illegible] | [illegible] | | | | |

## (E) INLET AND CATCH BASIN
NOT TO SCALE

**PRELIMINARY**
**NOT FOR CONSTRUCTION**

Kahler Slater

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IRGENS

Revisions

SCHEMATIC DESIGN

Drawing Date
6/18/2018

EAST MEQUON CORPORATE CENTER

12100 NORTH CORPORATE PARKWAY

| Project No. | Irgens |
|---|---|
| 17297 | 000123 |

Sheet Title
MISCELLANEOUS DETAILS

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Sheet No.
C402

File: I:\Irgens Development\17297 - Mequon Office Development\060 CADD - Civil\500 Production - Civil Plans\507 - Details\507 - Details.dwg 6/18/2018 12:08 PM

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## GENERAL:

1. EXISTING UTILITIES ARE SHOWN FOR INFORMATIONAL PURPOSES ONLY, AND NO RESPONSIBILITY IS ASSUMED BY THE OWNER OR ENGINEER FOR THEIR ACCURACY OR COMPLETENESS.
2. CONTRACTOR IS RESPONSIBLE FOR MAKING THEIR OWN DETERMINATION AS TO THE TYPE AND LOCATION OF UNDERGROUND UTILITIES AS MAY BE NECESSARY TO AVOID DAMAGE THERETO. CONTRACTOR SHALL HAVE SITE MARKED BY DIGGER'S HOTLINE AND SHALL HAVE PRIVATE UTILITIES MARKED BY A PRIVATE UTILITY LOCATOR PRIOR TO CONSTRUCTION. CONTRACTOR SHALL VERIFY ALL ELEVATIONS, LOCATIONS, AND SIZES OF EXISTING UTILITIES AND SHALL CHECK ALL UTILITY CROSSINGS AND PROPOSED CONNECTIONS FOR CONFLICTS/DISCREPENCIES PRIOR TO INITIATING CONSTRUCTION. REPORT ANY CONFLICTS OR DISCREPECIES TO THE ENGINEER SO REDESIGN MAY OCCUR IF NEEDED.
3. LENGTHS OF ALL UTILITIES ARE TO CENTER OF STRUCTURES OR FITTINGS AND MAY VARY SLIGHTLY FROM PLANS. LENGTHS SHALL BE VERIFIED IN THE FIELD BY THE CONTRACTOR.

## SITE CLEARING:

1. EXCEPT FOR STRIPPED TOPSOIL OR OTHER MATERIALS INDICATED TO REMAIN ON OWNER'S PROPERTY, CLEARED MATERIALS SHALL BECOME CONTRACTOR'S PROPERTY AND SHALL BE REMOVED FROM PROJECT SITE.
2. MINIMIZE INTERFERENCE WITH ADJOINING ROADS, STREETS, WALKS, AND OTHER ADJACENT OCCUPIED OR USED FACILITIES DURING SITE-CLEARING OPERATIONS.
3. SALVABLE IMPROVEMENTS: CAREFULLY REMOVE ITEMS INDICATED TO BE SALVAGED AND STORE ON OWNER'S PREMISES WHERE INDICATED.
4. UTILITY LOCATOR SERVICE: NOTIFY UTILITY LOCATOR SERVICE FOR AREA WHERE PROJECT IS LOCATED BEFORE SITE CLEARING.
5. DO NOT COMMENCE SITE CLEARING OPERATIONS UNTIL TEMPORARY EROSION AND SEDIMENTATION CONTROL MEASURES ARE IN PLACE.
6. PROTECT AND MAINTAIN BENCHMARKS AND SURVEY CONTROL POINTS FROM DISTURBANCE DURING CONSTRUCTION.
7. LOCATE AND CLEARLY FLAG TREES AND VEGETATION TO REMAIN OR TO BE RELOCATED.
8. PROTECT EXISTING SITE IMPROVEMENTS TO REMAIN FROM DAMAGE DURING CONSTRUCTION; RESTORE DAMAGED IMPROVEMENTS TO THEIR ORIGINAL CONDITION, AS ACCEPTABLE TO OWNER.
9. LOCATE, IDENTIFY, DISCONNECT, AND SEAL OR CAP OFF UTILITIES INDICATED TO BE REMOVED; ARRANGE WITH UTILITY COMPANIES TO SHUT OFF INDICATED UTILITIES.
10. EXISTING UTILITIES: DO NOT INTERRUPT UTILITIES SERVING FACILITIES OCCUPIED BY OWNER OR OTHERS UNLESS PERMITTED BY THE OWNER AND THEN ONLY AFTER ARRANGING TO PROVIDE TEMPORARY UTILITY SERVICES.
11. FILL DEPRESSIONS CAUSED BY CLEARING AND GRUBBING OPERATIONS WITH SATISFACTORY SOIL MATERIAL UNLESS FURTHER EXCAVATION OR EARTHWORK IS INDICATED; PLACE FILL MATERIAL IN HORIZONTAL LAYERS NOT EXCEEDING A LOOSE DEPTH OF 8 INCHES, AND COMPACT EACH LAYER TO A DENSITY EQUAL TO ADJACENT ORIGINAL GROUND.
12. REMOVE SOD AND GRASS BEFORE STRIPPING TOPSOIL.
13. STRIP TOPSOIL TO WHATEVER DEPTHS ARE ENCOUNTERED IN A MANNER TO PREVENT INTERMINGLING WITH UNDERLYING SUBSOIL OR OTHER WASTE MATERIALS.
14. STOCKPILE TOPSOIL MATERIALS AWAY FROM EDGE OF EXCAVATIONS WITHOUT INTERMIXING WITH SUBSOIL. GRADE AND SHAPE STOCKPILES TO DRAIN SURFACE WATER. COVER TO PREVENT WINDBLOWN DUST.
15. REMOVE EXISTING ABOVE- AND BELOW-GRADE IMPROVEMENTS AS INDICATED AND AS NECESSARY TO FACILITATE NEW CONSTRUCTION.
16. SAWCUT ALL PAVEMENTS FULL DEPTH PRIOR TO REMOVAL; SAWCUTS SHALL BE IN STRAIGHT LINES PERPENDICULAR AND/OR PARALLEL TO EXISTING PAVEMENT JOINTS AND PAVEMENT EDGES.
17. REMOVE SURPLUS SOIL MATERIAL, UNSUITABLE TOPSOIL, OBSTRUCTIONS, DEMOLISHED MATERIALS, AND WASTE MATERIALS INCLUDING TRASH AND DEBRIS, AND LEGALLY DISPOSE OF THEM OFF OWNER'S PROPERTY.
18. SEPARATE RECYCLABLE MATERIALS PRODUCED DURING SITE CLEARING FROM OTHER NONRECYCLABLE MATERIALS. STORE OR STOCKPILE WITHOUT INTERMIXING WITH OTHER MATERIALS AND TRANSPORT THEM TO RECYCLING FACILITIES.

## SITE WATER SERVICE:

1. COMPLY WITH STANDARDS OF STATE PLUMBING CODE (SPS CH. 382, 384), LOCAL WATER UTILITY REQUIREMENTS AND STANDARDS OF AUTHORITIES HAVING JURISDICTION FOR FIRE-SUPPESSION AND WATER SERVICE PIPING INCLUDING MATERIALS, FITTINGS, APPURTENANCES, INSTALLATION, TESTING, SERVICE TAPS, ETC. IN CASE OF CONFLICT BETWEEN THESE SPECIFICATIONS AND STATE PLUMBING CODE OR LOCAL JURISDICTIONAL AUTHORITY, STATE PLUMBING CODE AND LOCAL JURISDICTIONAL AUTHORITY REQUIREMENTS GOVERN.
2. DO NOT INTERRUPT SERVICE TO FACILITIES OCCUPIED BY OWNER OR OTHERS UNLESS PERMITTED BY OWNERS OF SUCH FACILITIES AND THEN ONLY AFTER ARRANGING TO PROVIDE TEMPORARY WATER-DISTRIBUTION SERVICE.
3. WATER SERVICE PIPING MAY BE EITHER DUCTILE IRON WATER PIPE OR PVC WATER PIPE AS ALLOWED BY THE LOCAL WATER UTILITY.
4. DUCTILE IRON WATER PIPE CONFORMING TO THE REQUIREMENTS OF THE AMERICAN NATIONAL STANDARD FOR DUCTILE IRON PIPE, CENTRIFUGALLY CAST, AWWA C151/A21.51 - LATEST REVISION AND REQUIREMENTS OF CHAPTER 8.18.0 OF THE STANDARD SPECIFICATIONS FOR SEWER AND WATER CONSTRUCTION IN WISCONSIN, LATEST EDITION.
   a. CLASS 52
   b. CEMENT MORTAR LINING AND INTERNAL AND EXTERNAL BITUMINOUS COATS IN ACCORDANCE WITH SECTION 51.8 OF AWWA C151.
   c. PUSH-ON GASKET PIPE
   d. PLAIN RUBBER GASKETS
   e. BONDING STRAPS TO PROVIDE ELECTRICAL CONDUCTIVITY WITHOUT FIELD TESTING
5. JOINTS FOR DUCTILE IRON PIPE: JOINTS SHALL BE RUBBER GASKET JOINTS; CONFORM TO THE REQUIREMENTS OF AMERICAN NATIONAL STANDARD FOR RUBBER GASKET JOINTS FOR DUCTILE IRON PRESSURE PIPE AND FITTINGS (ANSI/AWWA C111/A21.11, LATEST EDITION)
6. FITTINGS FOR DUCTILE IRON PIPE: CONFORM TO THE REQUIREMENTS OF AMERICAN NATIONAL STANDARD FOR DUCTILE IRON AND GRAY IRON FITTINGS, 3" THROUGH 48" FOR WATER ANSI/AWWA C110/A21.10, LATEST EDITION); CLASS 250 MECHANICAL JOINT PIPE FITTINGS; CEMENT LINED; ALL BELLS; ENTIRE FITTING TARRED; CONDUCTIVE MECHANICAL JOINT (NO LEAD) RUBBER GASKETS, FLANGES, AND BOLTS.
7. PVC AWWA PIPE: AWWA C900, CLASS 200 WITH BELL END WITH GASKET AND WITH SPIGOT END AND MEETING REQUIREMENTS OF CHAPTER 8.20.0 OF THE STANDARD SPECIFICATIONS FOR SEWER AND WATER CONSTRUCTION IN WISCONSIN. FITTINGS SHALL BE IN ACCORDANCE WITH CHAPTER 8.22.0 OF THE STANDARD SPECIFICATIONS FOR SEWER AND WATER CONSTRUCTION IN WISCONSIN. PUSH-ON-JOINT, DUCTILE IRON FITTINGS : AWWA C110 AND C111, MECHANICAL -JOINT, DUCTILE IRON FITTINGS: AWWA C153, DUCTILE-IRON COMPACT PATTERN, GLANDS, GASKETS AND BOLTS: AWWA C111, DUCTILE IRON GLANDS, RUBBER GASKETS AND STEEL BOLTS.
8. GATE VALVES: CONFORM TO AWWA C-500 AND STANDARD SPECIFICATIONS FOR SEWER AND WATER CONSTRUCTION IN WISCONSIN SUITABLE FOR DIRECT BURY.
9. VALVE BOXES: CAST IRON CONFORMING TO ASTM DESIGNATION A-48, CLASS 20 AND STANDARD SPECIFICATIONS FOR SEWER AND WATER CONSTRUCTION IN WISCONSIN.
10. FIRE HYDRANTS: TO MEET LOCAL STANDARDS.
11. WATER MAIN CONNECTION: TAP WATER MAIN WITH SIZE AND LOCATION INDICATED ON PLAN IN ACCORDANCE WITH LOCAL WATER UTILITY REQUIREMENTS. COORDINATE CONNECTION WITH LOCAL WATER UTILITY.
12. GENERAL WATER PIPE INSTALLATION: IN ACCORDANCE WITH CHAPTER 4.3.0 OF THE STANDARD SPECIFICATIONS FOR SEWER AND WATER CONSTRUCTION IN WISCONSIN.
13. INSTALL DUCTILE-IRON, WATER-SERVICE PIPING ACCORDING TO AWWA C600 AND CHAPTER 4.4.0 OF THE STANDARD SPECIFICATIONS FOR SEWER AND WATER CONSTRUCTION IN WISCONSIN.
14. ALL DUCTILE IRON PIPE SHALL BE ENCASED IN POLYETHYLENE PER AWWA C105, LATEST EDITION AND IN ACCORDANCE WITH CHAPTER 4.4.4 OF THE STANDARD SPECIFICATIONS FOR SEWER AND WATER CONSTRUCTION IN WISCONSIN. ALL JOINTS AND FITTINGS SHALL HAVE POLYETHYLENE ENCASEMENT INSTALLED PER MANUFACTURER'S REQUIREMENTS AND PROCEDURES.
15. INSTALL PVC AWWA PIPE ACCORDING TO ASTM F645 AND AWWA M23 AND CHAPTER 4.6.0 OF THE STANDARD SPECIFICATIONS FOR SEWER AND WATER CONSTRUCTION IN WISCONSIN.
16. INSTALL THRUST RESTRAINT AT ALL OFFSET FITTINGS USING MECHANICAL JOINT RESTRAINTS. CONCRETE THRUST BLOCKS MAY ONLY BE USED IF ALLOWED BY LOCAL WATER UTILITY.
17. INSTALL WATER SERVICE PIPING SUCH THAT THERE IS A MINIMUM OF 6' OF COVER OVER THE TOP OF THE WATER SERVICE PIPING.
18. BEDDING AND COVER FOR WATER SERVICE PIPING SHALL BE IN ACCORDANCE WITH SECTION 4.3.3 AND FILE NO. 36 OF THE STANDARD SPECIFICATIONS FOR SEWER AND WATER CONSTRUCTION IN WISCONSIN, LATEST EDITION. TRENCH BACKFILL SHALL BE GRANULAR BACKFILL IN ACCORDANCE WITH SECTION 8.43.4 OF THE STANDARD SPECIFICATIONS FOR SEWER AND WATER CONSTRUCTION IN WISCONSIN, LATEST EDITION ON-SITE.

## SITE WATER SERVICE CONT.:

19. INSTALL TRACER WIRE FOR NON-METALLIC WATER SERVICES IN ACCORDANCE WITH SPS SECTION 382.40(8)(K). TRACER WIRE INSULATION COLOR SHALL BE BLUE FOR POTABLE WATER SERVICE PIPING.
20. DUCTILE-IRON PIPING, RUBBER GASKETED JOINTS IN ACCORDANCE WITH SECTION 4.4.2 OF THE STANDARD SPECIFICATIONS FOR SEWER AND WATER CONSTRUCTION IN WISCONSIN.
21. PVC PIPING GASKETED JOINTS: USING JOINING MATERIALS ACCORDING TO AWWA C900. CONSTRUCT JOINTS WITH ELASTOMERIC SEALS AND LUBRICANTS ACCORDING TO ASTM D2774 OR ASTM D3139 AND PIPE MANUFACTURER'S WRITTEN INSTRUCTIONS.
22. CONDUCT HYDROSTATIC TESTS IN ACCORDANCE WITH CHAPTER 4.15.0 OF THE STANDARD SPECIFICATIONS FOR SEWER AND WATER CONSTRUCTION IN WISCONSIN.
23. CLEAN AND DISINFECT WATER SERVICE PIPING IN ACCORDANCE WITH SPS CHAPTER 82.40(8)(l) AND AWWA C651.

## SANITARY SEWERAGE:

1. ALL PRIVATE SANITARY SEWER WORK SHALL BE IN ACCORDANCE WITH THE DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES (DSPS) PLUMBING CODE - CHAPTERS SPS 382 AND SPS 384 AND LOCAL MUNICIPAL REQUIREMENTS.
2. ALL PUBLIC SANITARY SEWER WORK SHALL BE IN ACCORDANCE WITH THE STANDARD SPECIFICATIONS FOR SEWER AND WATER CONSTRUCTION IN WISCONSIN, LATEST EDITION (STANDARD SPECIFICATIONS) AND LOCAL MUNICIPAL REQUIREMENTS.
3. PVC SEWER PIPE AND FITTINGS: ASTM D 3034, SDR 35, WITH BELL-AND-SPIGOT ENDS WITH RUBBER GASKETED JOINTS IN ACCORDANCE WITH CHAPTER 8.10.0 OF THE STANDARD SPECIFICATIONS FOR SEWER AND WATER CONSTRUCTION IN WISCONSIN, LATEST EDITION. JOINTS SHALL CONFORM TO ASTM D-3212.
4. MANHOLES: STANDARD PRECAST REINFORCED CONCRETE MANHOLES CONFORMING TO ASTM C478, SECTION 8.39.0 OF THE STANDARD SPECIFICATIONS AND CONFORMING TO FILE NOS. 12, 13 AND 15 OF THE STANDARD SPECIFICATIONS. DIAMETER AND DEPTH AS INDICATED ON PLANS. MANHOLE SIZES TO BE VERIFIED BY CONTRACTOR AND SHOP DRAWINGS SHALL BE PROVIDED TO THE ENGINEER FOR REVIEW PRIOR TO ORDERING STRUCTURES.
5. MANHOLES DEEPER THAN FOUR FEET SHALL BE PROVIDED WITH MANHOLE STEPS CONFORMING TO SECTION 8.40.0 OF THE STANDARD SPECIFICATIONS.
6. SEWERS SHALL BE INSTALLED IN CONFORMANCE WITH SECTION 3.2.0 OF THE STANDARD SPECIFICATIONS. INSTALL PROPER SIZE INCREASERS, REDUCERS AND COUPLINGS WHERE DIFFERENT SIZES OR MATERIALS OF PIPES AND FITTINGS ARE CONNECTED. INSTALL TRACER PIPE OVER NON-METALLIC PIPING IN ACCORANCE WITH SPS SECTION 382.30(11)(H) AND 382.36(7)(D).
7. PIPE JOINT CONSTRUCTION: FOLLOW PIPING MANUFACTURER'S RECOMMENDATIONS; JOIN PVC SEWER PIPE ACCORDING TO ASTM D2321 AND ASTM D 3212 FOR ELASTOMERIC GASKET JOINTS. JOIN DISSIMILAR PIPE MATERIALS WITH NONPRESSURE-TYPE, FLEXIBLE COUPLINGS
7. PROVIDE AND INSTALL CLEANOUTS IN ACCORDANCE WITH SPS CHAPTER 382.35. INSTALL CLEANOUTS AND RISER EXTENSIONS FORM SEWER PIPES TO PROPOSED GRADE. INSTALL PIPING SO CLEANOUTS OPEN IN DIRECTION OF FLOW IN SEWER PIPE. USE LIGHT DUTY, TOP LOADING CLASSIFICATION CLEANOUTS IN EARTH OR UNPAVED FOOT TRAFFIC AREAS; USE MEDIUM DUTY, TOP-LOADING CLASSIFICATION CLEANOUTS IN PAVED FOOT TRAFFIC AREAS; USE HEAVY DUTY, TOP-LOADING CLASSIFICATION CLEANOUTS IN VEHICULAR TRAFFIC AREAS. SET CLEANOUT FRAMES AND COVERS IN PAVEMENT AREAS FLUSH WITH PAVEMENT SURFACE.
8. CLASS B COMPACTED TRENCH SECTION (FILE NO. NO. 4 OF STANDARD SPECIFICATIONS) SHALL BE UTILIZED. BEDDING AND COVER MATERIAL SHALL BE IN ACCORDANCE WITH SECTION 8.43.0 OF THE STANDARD SPECIFICATIONS.
9. TRENCH BACKFILL MATERIAL SHALL BE GRANULAR BACKFILL IN ACCORDANCE WITH SECTION 8.43.4 OF THE STANDARD SPECIFICATIONS BENEATH AND WITHIN FIVE FEET OF PAVEMENT AREAS; COMPACTED SPOIL BACKFILL IN ACCORDANCE WITH SECTION 8.43.5 OF THE STANDARD SPECIFICATIONS MAY BE USED BENEATH LANDSCAPE AREAS.
10. MANHOLE INSTALLATION SHALL BE IN ACCORDANCE WITH SECTION 3.5.0 OF THE STANDARD SPECIFICATIONS. SET MANHOLE RIMS TO ELEVATIONS INDICATED ON PLANS.
11. AFTER INSTALLATION OF SEWER PIPE CLEAN ALL DEBRIS FROM SEWER AND INSPECT INTERIOR OF PIPING TO DETERMINE WHETHER LINE DISPLACEMENT OR OTHER DAMAGE HAS OCCURRED. CONDUCT DEFLECTION TESTING OF INSTALLED PIPE IN ACCORDANCE WITH SECTION 3.2.6(I)4 OF THE STANDARD SPECIFICATIONS; REPLACE ANY PIPE SECTION NOT PASSING THE DEFLECTION TESTING USING NEW PIPE MATERIALS. TEST NEW BUILDING SEWER IN ACCORDANCE WITH SECTION 5.4.0 OF THE STANDARD SPECIFICATIONS. REPLACE LEAKING PIPE USING NEW PIPE MATERIALS AAND REPEAT TESTING UNTIL LEAKAGE IS WITHIN ALLOWANCES SPECIFIED.

## STORM DRAINAGE:

1. ALL PRIVATE STORM SEWER WORK SHALL BE IN ACCORDANCE WITH THE DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES (DSPS) PLUMBING CODE - CHAPTERS SPS 382 AND SPS 384 AND LOCAL MUNICIPAL REQUIREMENTS.
2. ALL PUBLIC STORM SEWER WORK SHALL BE IN ACCORDANCE WITH THE STANDARD SPECIFICATIONS FOR SEWER AND WATER CONSTRUCTION IN WISCONSIN, LATEST EDITION (STANDARD SPECIFICATIONS) AND LOCAL MUNICIPAL REQUIREMENTS.
3. PVC SEWER PIPE AND FITTINGS: ASTM D 3034, SDR 35, WITH BELL-AND-SPIGOT ENDS WITH RUBBER GASKETED JOINTS IN ACCORDANCE WITH CHAPTER 8.10.0 OF THE STANDARD SPECIFICATIONS FOR SEWER AND WATER CONSTRUCTION IN WISCONSIN, LATEST EDITION. JOINTS SHALL CONFORM TO ASTM D-3212.
4. REINFORCED CONCRETE PIPE: ASTM C76 WITH BELL AND SPIGOT ENDS AND GASKETED JOINTS WITH ASTM C443 RUBBER GASKETS IN ACCORDANCE WITH CHAPTER 8.6.0 OF THE STANDARD SPECIFICATIONS FOR SEWER AND WATER CONSTRUCTION IN WISCONSIN, LATEST EDITION.
5. HDPE PIPE: ADS N12 PIPE AS APPROVED ON THE DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES PLUMBING PRODUCT REGISTER.
6. CATCH BASINS: STANDARD PRECAST CONCRETE CATCH BASINS CONFORMING TO CHAPTER 3.6.0 OF THE STANDARD SPECIFICATIONS AND IN GENERAL CONFORMANCE WITH FILE NO. 26 OF THE STANDARD SPECIFICATIONS. DEPTH AND DIAMETER AS INDICATED ON PLANS. CATCH BASIN SIZES TO BE VERIFIED BY CONTRACTOR AND SHOP DRAWINGS SHALL BE PROVIDED TO THE ENGINEER FOR REVIEW PRIOR TO ORDERING STRUCTURES.
7. FRAMES AND GRATES: AS INDICATED ON PLANS. CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING SPECIFIED FRAME/GRATE IS COMAPATIBLE WITH STRUCTURE; IF NOT, NOTIFY ENGINEER.
8. MANHOLES: STANDARD PRECAST REINFORCED CONCRETE MANHOLES CONFORMING TO ASTM C478, SECTION 8.39.0 OF THE STANDARD SPECIFICATIONS AND CONFORMING TO FILE NOS. 12, 13 AND 15 OF THE STANDARD SPECIFICATIONS. DIAMETER AND DEPTH AS INDICATED ON PLANS. MANHOLE SIZES TO BE VERIFIED BY CONTRACTOR AND SHOP DRAWINGS SHALL BE PROVIDED TO THE ENGINEER FOR REVIEW PRIOR TO ORDERING STRUCTURES.
9. MANHOLES AND CATCH BASINS DEEPER THAN FOUR FEET SHALL BE PROVIDED WITH MANHOLE STEPS CONFORMING TO SECTION 8.40.0 OF THE STANDARD SPECIFICATIONS.
10. SEWERS SHALL BE INSTALLED IN CONFORMANCE WITH SECTION 3.2.0 OF THE STANDARD SPECIFICATIONS. INSTALL PROPER SIZE INCREASERS, REDUCERS AND COUPLINGS WHERE DIFFERENT SIZES OR MATERIALS OF PIPES AND FITTINGS ARE CONNECTED. INSTALL TRACER PIPE OVER NON-METALLIC PIPING IN ACCORANCE WITH SPS SECTION 382.30(11)(H) AND 382.36(7)(D).
11. PROVIDE AND INSTALL CLEANOUTS IN ACCORDANCE WITH SPS CHAPTER 382.35. INSTALL CLEANOUTS AND RISER EXTENSIONS FORM SEWER PIPES TO PROPOSED GRADE. INSTALL PIPING SO CLEANOUTS OPEN IN DIRECTION OF FLOW IN SEWER PIPE. USE LIGHT DUTY, TOP LOADING CLASSIFICATION CLEANOUTS IN EARTH OR UNPAVED FOOT TRAFFIC AREAS; USE MEDIUM DUTY, TOP-LOADING CLASSIFICATION CLEANOUTS IN PAVED FOOT TRAFFIC AREAS; USE HEAVY DUTY, TOP-LOADING CLASSIFICATION CLEANOUTS IN VEHICULAR TRAFFIC AREAS. SET CLEANOUT FRAMES AND COVERS IN PAVEMENT AREAS FLUSH WITH PAVEMENT SURFACE.
12. CLASS B COMPACTED TRENCH SECTION (FILE NO. NO. 4 OF STANDARD SPECIFICATIONS) SHALL BE UTILIZED. BEDDING AND COVER MATERIAL SHALL BE IN ACCORDANCE WITH SECTION 8.43.0 OF THE STANDARD SPECIFICATIONS.
13. TRENCH BACKFILL MATERIAL SHALL BE GRANULAR BACKFILL IN ACCORDANCE WITH SECTION 8.43.4 OF THE STANDARD SPECIFICATIONS BENEATH AND WITHIN FIVE FEET OF PAVEMENT AREAS; COMPACTED SPOIL BACKFILL IN ACCORDANCE WITH SECTION 8.43.5 OF THE STANDARD SPECIFICATIONS MAY BE USED BENEATH LANDSCAPE AREAS.
14. MANHOLE INSTALLATION SHALL BE IN ACCORDANCE WITH SECTION 3.5.0 OF THE STANDARD SPECIFICATIONS. SET MANHOLE RIMS TO ELEVATIONS INDICATED ON PLANS.
15. CATCH BASIN INSTALLATION SHALL BE IN ACCORDANCE WITH SECTION 3.6 OF THE STANDARD SPECIFICATIONS. CATCH BASIN EXCAVATION AND PREPARATION SHALL BE IN ACCORDANCE WITH SECTION 3.5.4(A) AND (B) OF THE STANDARD SPECIFCIATIONS. FRAMES AND GRATES SHALL BE SET TO THE ELEVATIONS SHOWN ON THE PLANS.
16. AFTER INSTALLATION OF SEWER PIPE CLEAN ALL DEBRIS FROM SEWER AND INSPECT INTERIOR OF PIPING TO DETERMINE WHETHER LINE DISPLACEMENT OR OTHER DAMAGE HAS OCCURRED. CONDUCT DEFLECTION TESTING OF INSTALLED PIPE IN ACCORDANCE WITH SECTION 3.2.6(I)4 OF THE STANDARD SPECIFICATIONS; REPLACE ANY PIPE SECTION NOT PASSING THE DEFLECTION TESTING USING NEW PIPE MATERIALS.

## EARTH MOVING:

1. ALL EARTH WORK SHALL BE DONE IN ACCORDANCE WITH THE RECOMMENDATIONS OF THE GEOTECHNICAL ENGINEER PRESENTED IN THE SITE GEOTECHNICAL REPORT, GEOTECHNICAL ENGINEER RECOMMENDATIONS MADE IN THE FIELD AND THESE SPECIFICATIONS. IN CASE OF CONFLICT BETWEEN THESE SPECIFICATIONS AND THE RECOMMENDATIONS OF THE GEOTECHNICAL ENGINEER, THE RECOMMENDATIONS OF THE GEOTECHNICAL ENGINEER SHALL GOVERN.
2. CONTRACTOR SHALL PROVIDE MATERIAL TEST REPORTS FROM A QUALIFIED TESTING AGENCY INDICATING TEST RESULTS FOR CLASSIFICATION ACCORDING TO ASTM D2487 AND LABORATORY COMPACTION CURVES ACCORDING TO ASTM D 1557 FOR EACH ON-SITE AND OFF-SITE SOIL MATERIAL PROPOSED FOR FILL AND BACKFILL.
3. CONTRACTOR SHALL PROVIDE PREEXCAVATION PHOTOS OR VIDEOS SHOWING EXISTING CONDITIONS OF ADJOINING STRUCTURES AND SITE IMPROVEMENTS THAT MIGHT BE MISCONSTRUED AS DAMAGE CAUSED BY EARTHWORK OPERATIONS.
4. OLD BUILDING FOUNDATIONS, BUILDING REMNANTS OR UNSUITABLE BACKFILL MATERIAL SHALL BE COMPLETELY REMOVED FROM WITHIN AND A MINIMUM OF 10 FEET BEYOND THE NEW BUILDING PAD AREAS. THE RESULTING EXCAVATION SHALL BE BACKFILLED WITH COMPACTED ENGINEERED FILL.
5. FOUNDATIONS, FOUNDATION WALLS OR CONCRETE FLOOR SLABS SHALL BE REMOVED TO A MINIMUM OF TWO FEET BELOW PROPOSED SUBGRADE WITHIN PROPOSED PARKING AND GREENSPACE AREAS. BASEMENT SLABS LOCATED BELOW 2 FEET FROM PLANNED SUBGRADE ELEVATION MAY BE LEFT IN PLACE BUT SHALL BE BROKEN INTO MAXIMUM 6 INCH PIECES TO FACILITATE DRAINAGE.
6. SATISFACTORY SOILS FOR FILL: ASTM D 2487 SOIL CLASSIFICATION GROUPS GW, GP, GM, SW, SP, AND SM OR A COMBINATION OF THESE GROUPS; FREE OF ROCK OR GRAVEL LARGER THAN 3 INCHES IN ANY DIMENSION, DEBRIS, WASTE, FROZEN MATERIALS, VEGETATION, AND OTHER DELETERIOUS MATTER OR ANY SOIL GROUP OR COMBINATION OF GROUPS APPROVED OF BY THE PROJECT GEOTECHNICAL ENGINEER.
7. UNSATISFACTORY SOILS FOR FILL: SOIL CLASSIFICATION GROUPS GC, SC, CL, ML, OL, CH, MH, OH, AND PT ACCORDING TO ASTM D 2487 OR A COMBINATION OF THESE GROUPS UNLESS DEEMED SATISFACTORY BY THE PROJECT GEOTECHNICAL ENGINEER. UNSATISFACTORY SOILS ALSO INCLUDE SOILS NOT MAINTAINED WITHIN 3 PERCENT OF OPTIMUM SOIL MOISTURE CONTENT AT THE TIME OF COMPACTION.
8. AGGREGATE BASE COURSE BENEATH PAVEMENTS: SHALL BE 1-1/4" DENSE GRADED BASE COURSE CONFORMING TO SECTION 305 OF THE STATE OF WISCONSIN STANDARD SPECIFICATIONS FOR HIGHWAY AND STRUCTURE CONSTRUCTION, LATEST EDITION.
9. ENGINEERED FILL: NATURALLY OR ARTIFICIALLY GRADED MIXTURE OF NATURAL OR CRUSHED GRAVEL, CRUSHED STONE, AND NATURAL OR CRUSHED SAND; ASTM D 2940; WITH AT LEAST 90 PERCENT PASSING A 1-1/2-INCH (37.5-MM) SIEVE AND NOT MORE THAN 12 PERCENT PASSING A NO. 200 SIEVE OR ANY SOIL DEEMED ACCEPTABLE FOR ENGINEERED FILL BY THE PROJECT GEOTECHNICAL ENGINEER. ENGINEERED FILL SHALL BE FREE OF ORGANIC, FROZEN, OR OTHER DELETERIOUS MATERIAL AND HAVE A MAXIMUM PARTICLE SIZE LESS THAN 3 INCHES. CLAY FILLS SHALL HAVE A LIQUID LIMIT OF LESS THAN 49 AND PLASTICITY INDEX BETWEEN 11 AND 25.
10. BEDDING COURSE FOR SEWERS AND WATER SERVICE: NATURALLY OR ARTIFICIALLY GRADED MIXTURE OF NATURAL OR CRUSHED GRAVEL, CRUSHED STONE, AND NATURAL OR CRUSHED SAND CONFORMING TO THE REQUIREMENTS OF SECTION 8.43.2 OF THE STANDARD SPECIFICATIONS FOR SEWER AND WATER CONSTRUCTION IN WISCONSIN, LATEST EDITION.
11. DRAINAGE COURSE BENEATH BUILDING SLABS: NARROWLY GRADED MIXTURE OF WASHED, CRUSHED STONE, OR CRUSHED OR UNCRUSHED GRAVEL; ASTM D 448; COARSE-AGGREGATE GRADING SIZE 57; WITH 100 PERCENT PASSING A 1-1/2-INCH (37.5-MM) SIEVE AND 0 TO 5 PERCENT PASSING A NO. 8 SIEVE.
12. TRENCH BACKFILL MATERIAL SHALL BE GRANULAR BACKFILL IN ACCORDANCE WITH SECTION 8.43.4 OF THE STANDARD SPECIFICATIONS BENEATH AND WITHIN FIVE FEET OF PAVEMENT AREAS; COMPACTED SPOIL BACKFILL IN ACCORDANCE WITH SECTION 8.43.5 OF THE STANDARD SPECIFICATIONS MAY BE USED BENEATH LANDSCAPE AREAS.
13. PIPE COVER MATERIAL: CONFORM TO SECTION 8.43.3 OF THE STANDARD SPECIFICATIONS FOR SEWER AND WATER CONSTRUCTION IN WISCONSIN, LATEST EDITION.
14. PREVENT SURFACE WATER AND GROUND WATER FROM ENTERING EXCAVATIONS, FROM PONDING ON PREPARED SUBGRADES, AND FROM FLOODING PROJECT SITE AND SURROUNDING AREA.
15. SHORING, SHEETING AND BRACING: SHORE, BRACE OR SLOPE BANKS OF EXCAVATION TO PROTECT WORKWEN, BANKS, ADJACENT PAVING, STRUCTURES, AND UTILITIES TO MEET OSHA REQUIREMENTS. DESIGN OF TEMPORARY SUPPORT OF EXCAVATION IS THE RESPONSIBILITY OF THE CONTRACTOR.
16. EXCAVATE TO SUBGRADE ELEVATIONS REGARDLESS OF THE CHARACTER OF SURFACE AND SUBSURFACE CONDITIONS ENCOUNTERED. UNCLASSIFIED EXCAVATED MATERIALS MAY INCLUDE ROCK, SOIL MATERIALS, AND OBSTRUCTIONS. NO CHANGES IN THE CONTRACT SUM OR THE CONTRACT TIME WILL BE AUTHORIZED FOR ROCK EXCAVATION OR REMOVAL OF OBSTRUCTIONS.
17. PROOF-ROLL SUBGRADE BELOW THE BUILDING SLABS AND PAVEMENTS WITH FULLY LOADED TANDEM AXLE DUMP TRUCK OR RUBBER TIRED VEHICLE OF SIMILAR SIZE AND WEIGHT, TYPICALLY 9 TONS/AXLE, WHERE COHESIVE SOILS ARE ENCOUNTERED OR WITH A SMOOTH DRUMMED VIBRATORY ROLLER WHERE GRANULAR SOILS ARE PRESENT. DO NOT PROOF-ROLL WET OR SATURATED SUBGRADES AND PROOFROLL IN DRY WEATHER. PROOF ROLL IN PRESENCE OF PROJECT GEOTECHNICAL ENGINEER OR TECHNICIAN. SOILS THAT ARE OBSERVED TO RUT OR DEFLECT EXCESSIVELY UNDER THE MOVING LOAD (TYPICALLY >1") SHALL BE UNDERCUT AND REPLACED WITH PROPERLY COMPACTED ENGINEERED FILL. IN PAVEMENT AREAS WHERE UNDERCUTS ARE PERFORMED, THE EDGES OF THE OVEREXCAVATIONS SHALL BE FEATHERED INOT THE SURROUNDING SUITABLE SOIL SO THAT EDGE FAILURE OF THE OVEREXCAVATED AREA DOES NOT OCCUR.
18. DUE TO CLAYEY SOILS, IF UNDERCUTS OCCUR WITHIN PAVEMENT AREAS AND THEY ARE BACKFILLED WITH GRANULAR SOILS, THE BOTTOM OF THE OVEREXCAVATION SHALL BE SLOPED TO A DRAINTILE THAT IS IN KIND SLOPED TOWARD THE NEAREST STORM SEWER. MINIMUM SLOPES OF SUCH DRAINTILES SHALL BE 0.5%.
19. CONVENTIONAL DISKING AND AERATION TECHNIQUES SHALL BE USED TO DRY SOILS BEFORE PROOF ROLLING. ALLOT FOR PROPER DRYING TIME IN PROJECT SCHEDULE.
20. ENGINEERED FILL SHALL BE PLACED IN MAXIMUM LIFTS OF EIGHT INCHES OF LOOSE MATERIAL AND COMPACTED WITHIN 3% OF OPTIMUM SOIL MOISTURE CONTENT VALUE AND A MINIMUM OF 95% OF THE MAXIMUM DRY DENSITY AS DETERMINED BY THE MODIFIED PROCTOR TEST ASTM D1557. EACH LIFT OF COMPACTED ENGINEERED FILL SHALL BE OBSERVED AND TESTED BY A QUALIFIED GEOTECHNICAL ENGINEER OR TECHNICIAN.
21. EXISTING OLD FILL MATERIAL SHALL BE REMOVED BELOW FOOTINGS OR FOUNDATION SUPPORTING FILL. ENGINEERED FILL BELOW FOOTINGS SHOULD HAVE AN IN-PLACE DENSITY OF 95% OF THE MAXIMUM DRY DENSITY AND A MOISTURE CONTENT WITHIN 3% OF OPTIMUM AS DETERMINED BY ASTM D1557. ENGINEERED FILL BELOW FOOTINGS SHALL BE EVALUATED BY IN-FIELD DENSITY TESTS DURING CONSTRUCTION.
22. WHERE UNSUITABLE BEARING SOILS ARE ENCOUNTERED IN A FOOTING EXCAVATION, THE EXCAVATION SHALL BE DEEPENED TO COMPETENT BEARING SOIL AND THE FOOTING LOWERED OR AN OVEREXCAVATION AND BACKFILL PROCEDURE PERFORMED. OVEREXCATION AND BACKFILL TREATMENT REQUIRES WIDENING THE DEEPENED EXCAVATION IN ALL DIRECTIONS AT LEAST 6 INCHES BEYOND THE EDGE OF THE FOOTING FOR EACH 12 INCHES OF OVEREXCAVATION DEPTH. THE OVEREXCAVATION SHALL BE BACKFILLED UP TO FOOTING BASE ELEVATION IN MAXIMUM 8 INCH LOOSE LIFTS WITH SUITABLE GRANULAR FILL MATERIAL AND COMPACTED TO 95% OF THE MAXIMUM DRY DENSITY AND A MOISTURE CONTENT WITHIN 3% OF OPTIMUM AS DETERMINED BY ASTM D1557. SOILS AT FOUNDATION BEARING ELEVATION IN THE FOOTING EXCAVATIONS SHALL BE OBSERVED AND TESTED BY A QUALIFIED GEOTECHNICAL ENGINEER OR TECHNICIAN.
23. A MINIMUM OF FOUR INCHES OF DRAINAGE COURSE MAT SHALL BE PLACED BELOW BUILDING FLOOR SLABS. DRAINAGE COURSE SHALL BE COMPACTED TO A MINIMUM OF 95% COMPACTION WITH RESPECT TO THE MODIFIED PROCTOR (ASTM D1557)
24. UTILITY TRENCHES FOR SEWER AND WATER SHALL CONFORM TO CLASS B COMPACTED TRENCH SECTION IN ACCORDANCE WITH FILE NO. 4 OF THE STANDARD SPECIFICATIONS FOR SEWER AND WATER CONSTRUCTION IN WISCONSIN, LATEST EDITION.
25. BACKFILL UTILITY TRENCHES IN 4 TO 6 INCH LOOSE LIFTS COMPACTED TO 95% OF THE MAXIMUM DRY DENSITY AS DETERMINED BY ASTM D1557. BACKFILL SHALL BE MOISTURE CONDITIONED TO BE WITH 3% OF OPTIMUM MOISTURE CONTENT AS DETERMINED BY ASTM D1557.
26. UTILITY BEDDING PLACEMENT: CONFORM TO SECTION 3.2.6 OF THE STANDARD SPECIFICATIONS FOR SEWER AND WATER CONSTRUCTION IN WISCONSIN, LATEST EDITION. BEDDING MATEERIAL SHALL BE COMPACTED TO A MINIMUM OF 90% COMPACTION WITH RESPECT TO THE MODIFIED PROCTOR (ASTM D1557).
27. COMPACTION TESTING OF UTILITY TRENCHES SHALL BE PERFORMED FOR EVERY 200 CUBIC YARDS OF BACKFILL PLACED OR EACH LIFT WITHIN 200 LINEAR FEET OF TRENCH, WHICHEVER IS LESS.
28. AGGREGATE BASE COURSE BENEATH PAVEMENTS SHALL BE PLACED AND COMPACTED TO 95% OF THE MAXIMUM DRY DENSITY WITH A MOISTURE CONTENT WITHIN 3% OF OPTIMUM AS DETERMINED BY ASTM D1557. AGGREGATE BASE SHALL BE OBSERVED AND TESTED BY A QUALIFIED GEOTECHNICAL ENGINEER OR TECHNICIAN.
29. GRADING GENERAL: UNIFORMLY GRADE AREAS TO A SMOOTH SURFACE, FREE OF IRREGULAR SURFACE CHANGES. COMPLY WITH COMPACTION REQUIREMENTS AND GRADE TO CROSS SECTIONS, LINES, AND ELEVATIONS INDICATED. SLOPE GRADES TO DIRECT WATER AWAY FROM BUILDINGS AND TO PREVENT PONDING.
30. TESTING AGENCY: CONTRACTOR SHALL ENGAGE A QUALIFIED INDEPENDENT GEOTECHNICAL ENGINEERING TESTING AGENCY TO PERFORM FIELD QUALITY-CONTROL TESTING.
31. FOOTING SUBGRADE TESTING: EACH ISOLATED FOOTING SHALL INCLUDE AT LEAST ONE TEST PROBE. TEST PROBES SHALL BE PERFORMED EVERY 20 LINEAR FEET IN CONTINUOUS FOOTINGS.
32. BUILDING SLAB AREA TESTING: AT SUBGRADE AND AT EACH COMPACTED FILL AND BACKFILL LAYER, AT LEAST 1 TEST PER LIFT FOR EVERY 2500 SQ. FT. OR LESS OF BUILDING SLAB, BUT IN NO CASE FEWER THAN 3 TESTS.
33. PAVEMENT AREA TESTING: AT SUBGRADE AND AT EACH COMPACTED FILL AND BACKFILL LAYER, AT LEAST ONE TEST FOR EVERY LIFT FOR EVERY 2,500 SQUARE FEET OF PAVEMENT AREA, BUT IN NO CASES FEWER THAN 3 TESTS.
34. UTILITY TRENCH BACKFILL TESTING: ONE TEST FOR EACH 200 CUBIC YARDS OF FILL BACKFILL PLACED OR ONE TEST PER 200 LINEAR FEET OF TRENCH FOR EACH LIFT; WHICHEVER IS LESS.
35. FOUNDATION WALL BACKFILL: AT EACH COMPACTED BACKFILL LAYER, AT LEAST 1 TEST PER LIFT FOR EACH 50 FEET OR LESS OF WALL LENGTH, BUT NO FEWER THAN 2 TESTS.
36. WHEN TESTING AGENCY REPORTS THAT SUBGRADES, FILLS, OR BACKFILLS HAVE NOT ACHIEVED DEGREE OF COMPACTION SPECIFIED, SCARIFY AND MOISTEN OR AERATE, OR REMOVE AND REPLACE SOIL TO DEPTH REQUIRED; RECOMPACT AND RETEST UNTIL SPECIFIED COMPACTION IS OBTAINED.
37. DISPOSAL: REMOVE SURPLUS SOIL AND WASTE MATERIAL, INCLUDING UNSATISFACTORY SOIL, TRASH, AND DEBRIS, AND LEGALLY DISPOSE OF IT OFF OWNER'S PROPERTY.

**PRELIMINARY**
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IRGENS

Revisions

SCHEMATIC DESIGN

Drawing Date
6/18/2018

EAST MEQUON CORPORATE CENTER

12100 NORTH CORPORATE PARKWAY

Project No. 17297
Irgens 000123

Sheet Title
SPECIFICATIONS

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Sheet No.
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**CONCRETE PAVING:**

1. THE COMPOSITION, PLACING AND CONSTRUCTION OF CONCRETE PAVEMENTS SHALL BE IN ACCORDANCE WITH THE APPLICABLE REQUIREMENTS OF SECTIONS 415, 416, 501, 601, AND 602 OF THE STATE OF WISCONSIN STANDARD SPECIFICATIONS FOR HIGHWAY AND STRUCTURE CONSTRUCTION, LATEST EDITION (WISDOT STANDARD SPECIFICATIONS) AND LOCAL MUNICIPAL REQUIREMENTS AND SPECIFICATIONS.
2. CONTRACTOR SHALL PROVIDE PRODUCT DATA FOR EACH TYPE OF PRODUCT INDICATED - INCLUDE TECHNICAL DATA AND TESTED PHYSICAL AND PERFORMANCE PROPERTIES; JOB-MIX DESIGNS: CERTIFICATION THAT MIX MEETS OR EXCEEDS WISDOT STANDARD SPECIFICATIONS; AND MATERIAL CERTIFICATES CERTIFYING COMPLIANCE WITH WISDOT STANDARD SPECIFICATIONS.
3. MANUFACTURER QUALIFICATIONS: MANUFACTURER OF READY-MIXED CONCRETE PRODUCTS WHO COMPLIES WITH ASTM C 94/C 94M REQUIREMENTS FOR PRODUCTION FACILITIES AND EQUIPMENT AND APPROVED BY THE WISCONSIN DEPARTMENT OF TRANSPORTATION.
4. CONCRETE GRADE: GRADE A OR GRADE A-2 CONFORMING TO SECTION 501.3.1.3 OF THE WISDOT STANDARD SPECIFICATIONS
5. AGGREGATES: CONFORM TO SECTION 501 OF THE WISDOT STANDARD SPECIFICATIONS. PROVIDE AGGREGATES FROM A SINGLE SOURCE.
6. WATER: ASTM C 94/C 94M AND SECTION 501 OF THE WISDOT STANDARD SPECIFICATIONS.
7. AIR-ENTRAINING ADMIXTURE: ASTM C 260 AND SECTION 501 OF THE WISDOT STANDARD SPECIFICATIONS.
8. CHEMICAL ADMIXTURES: PER SECTION 501 OF THE WISDOT STANDARD SPECIFICATIONS.
9. CURING MATERIALS IN ACCORDANCE WITH SECTION 415.3.12 OF THE WISDOT STANDARD SPECIFICATIONS.
10. EXPANSION JOINT MATERIAL: CONFORM TO SECTION 415.2.2 OF THE WISDOT STANDARD SPECIFICATIONS.
11. MEASURE, BATCH, AND MIX CONCRETE MATERIALS AND CONCRETE IN ACCORDANCE WITH SECTION 501 OF THE WISDOT STANDARD SPECIFICATIONS.
12. GENERAL EXECUTION: CONFORM TO SECTION 415 OF THE WISDOT STANDARD SPECIFICATIONS.
13. PROOFROLL SUBGRADE AND AGGREGATE BASE AS OUTLINED IN EARTH MOVING SPECIFICATION PRIOR TO PLACEMENT OF PAVEMENTS.
14. SET, BRACE, AND SECURE EDGE FORMS, BULKHEADS, AND INTERMEDIATE SCREED GUIDES FOR PAVEMENT TO REQUIRED LINES, GRADES, AND ELEVATIONS. INSTALL FORMS TO ALLOW CONTINUOUS PROGRESS OF WORK AND SO FORMS CAN REMAIN IN PLACE AT LEAST 24 HOURS AFTER CONCRETE PLACEMENT.
15. CLEAN FORMS AFTER EACH USE AND COAT WITH FORM-RELEASE AGENT TO ENSURE SEPARATION FROM CONCRETE WITHOUT DAMAGE.
16. JOINTS GENERAL: FORM CONSTRUCTION, ISOLATION, AND CONTRACTION JOINTS AND TOOL EDGINGS TRUE TO LINE WITH FACES PERPENDICULAR TO SURFACE PLANE OF CONCRETE. CONSTRUCT TRANSVERSE JOINTS AT RIGHT ANGLES TO CENTERLINE, UNLESS OTHERWISE INDICATED. CONFORM TO SECTION 415 OF THE WISDOT STANDARD SPECIFICATIONS
17. CONSTRUCTION JOINTS: SET CONSTRUCTION JOINTS AT SIDE AND END TERMINATIONS OF PAVEMENT AND AT LOCATIONS WHERE PAVEMENT OPERATIONS ARE STOPPED FOR MORE THAN ONE-HALF HOUR UNLESS PAVEMENT TERMINATES AT ISOLATION JOINTS.
18. ISOLATION JOINTS: FORM ISOLATION JOINTS OF PREFORMED JOINT-FILLER STRIPS ABUTTING CONCRETE CURBS, CATCH BASINS, MANHOLES, INLETS, STRUCTURES, WALKS, OTHER FIXED OBJECTS, AND WHERE INDICATED.
19. CONTRACTION JOINTS: FORM WEAKENED-PLANE CONTRACTION JOINTS, SECTIONING CONCRETE INTO AREAS AS INDICATED. CONSTRUCT CONTRACTION JOINTS FOR A DEPTH EQUAL TO AT LEAST ONE-FOURTH OF THE CONCRETE THICKNESS TO MATCH JOINTING OF EXISTING ADJACENT CONCRETE PAVEMENT.
20. EDGING: TOOL EDGES OF PAVEMENT, GUTTERS, CURBS, AND JOINTS IN CONCRETE AFTER INITIAL FLOATING WITH AN EDGING TOOL TO A 1/4-INCH RADIUS. REPEAT TOOLING OF EDGES AFTER APPLYING SURFACE FINISHES. ELIMINATE TOOL MARKS ON CONCRETE SURFACES.
21. CURBING: COMPLY WITH SECTION 601 OF THE WISDOT STANDARD SPECIFICATIONS.
22. SIDEWALKS: COMPLY WITH SECTION 602 OF THE WISDOT STANDARD SPECIFICATIONS.
23. MOISTEN AGGREGATE TO PROVIDE A UNIFORM DAMPENED CONDITION AT TIME CONCRETE IS PLACED.
24. FINISH CURBING IN ACCORDANCE WITH SECTION 601.3.5 OF THE WISDOT STANDARD SPECIFICATIONS.
25. FINISH SIDEWALK AND PATIO IN ACCORDANCE WITH SECTION 602.3.2.3 OF THE WISDOT STANDARD SPECIFICATIONS (LIGHT BROOM FINISH).
26. FINISH CONCRETE VEHICULAR PAVEMENTS AND PADS IN ACCORDANCE WITH SECTION 415.3.8 OF THE WISDOT STANDARD SPECIFICATIONS (ARTIFICIAL TURF DRAG FINISH).
27. PROTECT AND CURE SIDEWALK IN ACCORDANCE WITH SECTION 602.3.2.6 OF THE WISDOT STANDARD SPECIFICATIONS.
28. PROTECT AND CURE CURBING IN ACCORDANCE WITH SECTION 601.3.7 OF THE WISDOT STANDARD SPECIFICATIONS.
29. PROTECT AND CURE VEHICULAR CONCRETE PAVING IN ACCORDANCE WITH SECTION 415.3.12 OF THE WISDOT STANDARD SPECIFICATIONS.
30. REMOVE AND REPLACE CONCRETE PAVEMENT THAT IS BROKEN, DAMAGED, OR DEFECTIVE OR THAT DOES NOT COMPLY WITH REQUIREMENTS IN THIS SECTION.
31. PROTECT CONCRETE FROM DAMAGE. EXCLUDE TRAFFIC FROM PAVEMENT FOR AT LEAST 7 DAYS AFTER PLACEMENT.
32. MAINTAIN CONCRETE PAVEMENT FREE OF STAINS, DISCOLORATION, DIRT, AND OTHER FOREIGN MATERIAL. SWEEP CONCRETE PAVEMENT NOT MORE THAN TWO DAYS BEFORE DATE SCHEDULED FOR SUBSTANTIAL COMPLETION INSPECTIONS.

**ASPHALTIC PAVING:**

1. THE COMPOSITION, PLACING AND CONSTRUCTION OF ASPHALTIC PAVEMENTS SHALL BE IN ACCORDANCE WITH THE REQUIREMENTS OF SECTIONS 450, 455, 460, 465, AND 475 OF THE STATE OF WISCONSIN STANDARD SPECIFICATIONS FOR HIGHWAY AND STRUCTURE CONSTRUCTION, LATEST EDITION (WISDOT STANDARD SPECIFICATIONS).
2. CONTRACTOR SHALL PROVIDE PRODUCT DATA FOR EACH TYPE OF PRODUCT INDICATED - INCLUDE TECHNICAL DATA AND TESTED PHYSICAL AND PERFORMANCE PROPERTIES; JOB-MIX DESIGNS: CERTIFICATION THAT MIX MEETS OR EXCEEDS WISDOT STANDARD SPECIFICATIONS; AND MATERIAL CERTIFICATES CERTIFYING COMPLIANCE WITH WISDOT STANDARD SPECIFICATIONS.
3. MANUFACTURER QUALIFICATIONS: MANUFACTURER SHALL BE REGISTERED WITH AND APPROVED BY THE DOT OF THE STATE IN WHICH PROJECT IS LOCATED.
4. ENVIRONMENTAL LIMITATIONS: DO NOT APPLY ASPHALT MATERIALS IF BASE COURSE IS WET OR EXCESSIVELY DAMP OR IF THE FOLLOWING CONDITIONS ARE NOT MET: APPLY TACK COAT WHEN AMBIENT TEMPERATURE IS ABOVE 50 DEGREES FAHRENHEIT AND WHEN TEMPERATURE HAS NOT BEEN BELOW 35 DEGREES FARENHEIGHT FOR 12 HOURS IMMEDIATELY PRIOR TO APPLICATION; PLACE ASPHALTIC CONCRETE SURFACE COURSE WHEN TEMPERATURE IS ABOVE 40 DEGREES FARENHEIGHT; BASE COURSE MAY BE PLACED WHEN AIR TEMPERATURE IS ABOVE 30 DEGREES FARENHEIGHT AND RISING. PROCEED WITH PAVEMENT MARKING ONLY ON CLEAN, DRY SURFACES. DO NOT APPLY BELOW THE MINIMUM PAVEMENT TEMPERATURE AS RECOMMENDED BY THE MANUFACTURER.
5. AGGREGATES SHALL BE IN ACCORDANCE WITH SECTION 460.2.2 OF THE WISDOT STANDARD SPECIFICATIONS.
6. ASPHALT MATERIALS SHALL BE IN ACCORDANCE WITH CHAPTER 455 OF THE WISDOT STANDARD SPECIFICATIONS.
7. PAVEMENT MARKING PAINT: PROVIDE PAINT FROM THE WISCONSIN DEPARTMENT OF TRANSPORTATION'S APPROVED PRODUCTS LIST. COLOR SHALL BE WHITE UNLESS INDICATED OTHERWISE ON PLANS.
8. HOT-MIX ASPHALT: ASPHALTIC BINDER COURSE AND SURFACE COURSE SHALL BE MIXTURE E-1 FOR REGULAR DUTY PAVEMENT AND E-1 FOR HEAVY DUTY PAVEMENT COMPLYING WITH THE WISDOT STANDARD SPECIFICATIONS.
9. AGGREGATE BASE COURSE BENEATH PAVEMENTS: SHALL BE 1-1/4" DENSE GRADED BASE COURSE CONFORMING TO SECTION 305 OF THE WISDOT STANDARD SPECIFICATIONS.
10. PAVEMENT PLACEMENT GENERAL: ASPHALT CONCRETE PAVING EQUIPMENT, WEATHER LIMITATIONS, JOB-MIX FORMULA, MIXING, CONSTRUCTION METHODS, COMPACTION, FINISHING, TOLERANCE AND PROTECTION SHALL CONFORM TO THE REQUIREMENTS OF THE APPROPRIATE SECTIONS OF THE WISDOT STANDARD SPECIFICATIONS.
11. PREPARE AND PROOFROLL SUBGRADES AND AGGREGATE BASE COURSE AS OUTLINED IN EARTH MOVING SPECIFICATIONS PRIOR TO PLACEMENT OF ASHPHALT PAVEMENTS.
12. SWEEP LOOSE GRANULAR PARTICLES FROM SURFACE OF AGGREGATE BASE COURSE PRIOR TO PAVEMENT PLACEMENT. DO NOT DISLODGE OR DISTURB AGGREGATE EMBEDDED IN COMPACTED SURFACE OF BASE COURSE.
13. SPREAD AND FINISH ASPHALTIC MIXTURE IN ACCORDANCE WITH SECTION 450.3.2.5 OF THE WISDOT STANDARD SPECIFICATIONS. PAVEMENT THICKNESSES SHALL BE AS INDICATED ON THE PLANS.
14. PROMPTLY CORRECT SURFACE IRREGULARITIES IN PAVING COURSE BEHIND PAVER. USE SUITABLE HAND TOOLS TO REMOVE EXCESS MATERIAL FORMING HIGH SPOTS. FILL DEPRESSIONS WITH HOT-MIX ASPHALT TO PREVENT SEGREGATION OF MIX; USE SUITABLE HAND TOOLS TO SMOOTH SURFACE.
15. COMPACT ASPHALTIC PAVEMENT IN ACCORDANCE WITH SECTION 450.3.2.6 OF THE WISDOT STANDARD SPECIFICATIONS.
16. PROTECTION: AFTER FINAL ROLLING, DO NOT PERMIT VEHICULAR TRAFFIC ON PAVEMENT UNTIL IT HAS COOLED AND HARDENED. ERECT BARRICADES TO PROTECT PAVING FROM TRAFFIC UNTIL MIXTURE HAS COOLED ENOUGH NOT TO BECOME MARKED.
17. THICKNESS TOLERANCE: COMPACT EACH COURSE TO PRODUCE THE THICKNESS INDICATED WITHIN PLUS/MINUS ¼ INCH FOR BINDER COURSE AND PLUS ¼ INCH FOR SURFACE COURSE, NO MINUS.
18. SURFACE SMOOTHNESS TOLERANCE: COMPACT EACH COURSE TO PRODUCE A SURFACE SMOOTHNESS WITHIN THE FOLLOWING TOLERANCES AS DETERMINED BY USING A 10-FOOT STRAIGHTEDGE APPLIED TRANSVERSELY OR LONGITUDINALLY TO PAVED AREAS: BINDER COURSE: ¼ INCH; SURFACE COURSE: 1/8 INCH. REMOVE AND REPLACE ALL HUMPS OR DEPRESSIONS EXCEEDING THE SPECIFIED TOLERANCES.
19. DO NOT APPLY PAVEMENT-MARKING PAINT UNTIL LAYOUT, COLORS, AND PLACEMENT HAVE BEEN VERIFIED WITH ENGINEER.
20. APPLY MARKINGS TO A DRY SURFACE FREE FROM FROST. REMOVE DUST, DIRT, OIL, GREASE, GRAVEL, DEBRIS OR OTHER MATERIAL THAT MAY PREVENT BONDING TO THE PAVEMENT.
21. APPLY PAINT AS THE MANUFACTURER SPECIFIES WITH MECHANICAL EQUIPMENT TO PRODUCE PAVEMENT MARKINGS, OF DIMENSIONS INDICATED, WITH UNIFORM, STRAIGHT EDGES. APPLY AT MANUFACTURER'S RECOMMENDED RATES AT A MINIMUM RATE OF 17.6 GALLONS/MILE FOR A CONTINUOUS 4" LINE.
22. TESTING AGENCY: CONTRACTOR SHALL ENGAGE A QUALIFIED INDEPENDENT TESTING AND INSPECTING AGENCY TO PERFORM FIELD TESTS AND INSPECTIONS AND TO PREPARE TEST REPORTS.

**BIOFILTRATION BASIN:**

1. BIOFILTRATION BASIN SHALL BE CONSTRUCTED IN GENERAL ACCORDANCE WITH WDNR TECHNICAL STANDARD 1004: BIORETENTION FOR INFILTRATION AND THESE SPECIFICATIONS.
2. ENGINEERED SOIL MIX SHALL CONSIST OF A MIX OF 70 TO 85% SAND AND 15 TO 30% COMPOST BASED ON VOLUME. SAND SHALL MEET THE REQUIREMENTS FOR FINE AGGREGATE SAND SPECIFIED SECTION 501.2.5.3.4 OF THE WISCONSIN STANDARD SPECIFICATIONS FOR HIGHWAY AND STRUCTURE CONSTRUCTION, LATEST EDITION OR MEET ASTM C33 (FINE AGGREGATE CONCRETE SAND).
3. PRIOR TO PLACEMENT IN THE BIOFILTRATION BASIN, THE ENGINEERED SOIL SHALL BE PREMIXED AND THE MOISTURE CONTENT SHALL BE LOW ENOUGH TO PREVENT CLUMPING AND COMPACTION DURING PLACEMENT.
4. THE ENGINEERED SOIL SHALL BE PLACED IN MULTIPLE LIFTS, EACH APPROXIMATELY 12 INCHES IN DEPTH.
5. ENGINEERED SOIL MIX SHALL BE FREE OF ROCKS, STUMPS, ROOTS, BRUSH OR OTHER MATERIAL OVER ONE INCH IN DIAMETER. NO OTHER MATERIALS SHALL BE MIXED WITH THEE PLANTING SOIL THAT MAY BE HARMFUL TO PLANT GROWTH OR BE A HINDRANCE TO PLANTING OR MAINTENANCE.
6. ENGINEERED SOIL AND GRAVEL SHALL BE IN ACCORDANCE WITH THE LATEST WDNR TECHNICAL STANDARD 1004.
7. PEA GRAVEL SHALL BE GRADED SUCH THAT MINIMUM PARTICLE SIZE IS LARGE ENOUGH TO PREVENT FALLING THROUGH PERFORATIONS OF THE UNDERDRAIN PIPE.
8. BIOFILTRATION BASIN DRAIN PIPE: 6-INCH SCHEDULE 40 PVC PIPE MEETING PERFORATION REQUIREMENTS OF AASHTO M278 HIGHWAY UNDERDRAIN SPECIFICATIONS WITH 3/8" PERFORATIONS ON 6" CENTERS WITH 4 HOLES PER ROW.
9. BEEHIVE INLET: NEENAH R-2561, OR EQUAL
10. RISER STRUCTURE: 36" DIAMETER PRECAST CATCH BASIN STRUCTURE WITH 24" TOP OPENING TO ACCOMMODATE BEEHIVE INLET, IN GENERAL ACCORDANCE WITH FILE NO. 28 OF THE STANDARD SPECIFICATONS FOR SEWER AND WATER CONSTRUCTION IN WISCONSIN.
11. GRAVEL STORAGE LAYER (IF INDICATED ON PLANS): COURSE AGGREGATE #2 IN ACCORDANCE WITH SECTION 501.2.5.4.4 OF THE WISCONSIN STANDARD SPECIFICATIONS FOR HIGHWAY AND STRUCTURE CONSTRUCTION.
12. FILTER FABRIC: GEOTEXTILE FABRIC IN ACCORDANCE WITH SECTION 645.2.4 OF WISCONSIN STANDARD SPECIFICATIONS FOR HIGHWAY AND STRUCTURE CONSTRUCTION, LATEST EDITION
13. EXCAVATE TO GRADES AS INDICATED ON PLANS.
14. CONSTRUCT TEMPORARY DIVERSION SWALES OR PROVIDE OTHER MEANS AS NECESSARY TO PREVENT CONSTRUCTION SITE RUNOFF FROM DISTURBED AREAS, AND RUNOFF FROM PERVIOUS AREAS WHICH HAVE NOT YET BEEN STABILIZED, FROM ENTERING THE BIORETENTION AREA.
15. CONSTRUCTION SHALL BE SUSPENDED DURING PERIODS OF RAINFALL OR SNOWMELT. CONSTRUCTION SHALL REMAIN SUSPENDED IF PONDED WATER IS PRESENT OR IF RESIDUAL SOIL MOISTURE CONTRIBUTES SIGNIFICANTLY TO THE POTENTIAL FOR SOIL SMEARING, CLUMPING OR OTHER FORMS OF COMPACTION.
16. COMPACTION AND SMEARING OF THE ENGINEERED SOIL AND TOP SOIL BENEATH THE FLOORS, IN THE SOIL PLANTING BED, AND THE SIDE SLOPES OF THE BASIN, AND COMPACTION OF THE ENGINEERED SOILS IN THE BASIN SHALL BE MINIMIZED. DURING SITE DEVELOPMENT, THE AREA DEDICATED TO THE BIOFILTRATION BASIN SHALL BE CORDONED OFF TO PREVENT ACCESS BY HEAVY EQUIPMENT. ACCEPTABLE EQUIPMENT FOR CONSTRUCTING THE BIOFILTRATION BASIN INCLUDES EXCAVATION HOES, LIGHT EQUIPMENT WITH TURF TYPE TIRES, MARSH EQUIPMENT OR WIDE-TRACK LOADERS.
17. IF COMPACTION OCCURS AT THE BASE OF THE BIOFILTRATION BASIN, THE SOIL SHALL BE REFRACTURED TO A DEPTH OF AT LEAST 12 INCHES. IF SMEARING OCCURS, THE SMEARED AREAS OF THE INTERFACE SHALL BE CORRECTED BY RAKING OR ROTO-TILLING.
18. STEPS MAY BE TAKEN TO INDUCE MILD SETTLING OF THE ENGINEERED SOIL BED AS NEEDED TO PREPARE A STABLE PLANTING MEDIUM AND TO STABILIZE THE PONDING DEPTH. VIBRATING PLATE-STYLE COMPACTORS SHALL NOT BE UTILIZED.
19. ANY SEDIMENT ACCUMULATED IN THE BASIN DUE TO CONSTRUCTION ACTIVITIES SHOULD BE REMOVED AND THE ENGINEERED SOIL SHALL BE DEEP TILLED PRIOR TO PLANTING.
20. IMPERVIOUS LINER SHALL BE 45 MIL FIRESTONE EPDM (GSI PRODUCTS), OR 30 MIL PVC (GSI PRODUCTS), OR EQUAL.

**PRELIMINARY**
**NOT FOR CONSTRUCTION**

IRGENS

Revisions

SCHEMATIC DESIGN

Drawing Date
6/18/2018

EAST MEQUON
CORPORATE CENTER

12100 NORTH CORPORATE PARKWAY

Project No. 17297
Irgens 000123

Sheet Title
SPECIFICATIONS

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111 West Wisconsin Avenue, Milwaukee, Wisconsin 53203
Telephone 414.272.2000 Fax 414.272.2001

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Sheet No.
C501

File: I:\Irgens Development\17297 - Mequon Office Development\060 CADD - Civil\500 Production - Civil Plans\508 - Specification\508 - Specifications.dwg 6/18/2018 12:05 PM

Attachment: PacketDocs (3480 : Irgens Partners, LLC)

Legal description per First American Title Title Insurance Company Commitment No. NCS-861590-MKF with an effective date of July 25, 2017:

Lot 2 and Outlot 1 of Certified Survey Map No. 2341 recorded in the office of the Register of Deeds for Ozaukee County, Wisconsin on November 1, 1991 in Volume 17 of Certified Survey Maps, page 171, as Document No. 452232, being a division of Lot 2, Block 3, Certified Survey Map No. 2206, located in the Northwest 1/4 and Southwest 1/4 of the Southwest 1/4 of Section 17, Township 9 North, Range 22 East ,in the City of Mequon, County of Ozaukee, State of Wisconsin. EXCEPTING THEREFROM Certified Survey Map No. 2816 recorded July 14, 1995 in Volume 26, page 153, as Document No. 540665, FURTHER EXCEPTING THEREFROM Certified Survey Map No. 3097 recorded November 4, 1998 in Volume 27, page 50, as Document No. 616132, FURTHER EXCEPTING THEREFROM Certified Survey Map No. 3197 recorded February 2, 2000 in Volume 22, page 319, as Document No. 658868, FURTHER EXCEPTING THEREFROM Certified Survey Map No. 3375 recorded August 19, 2002 in Volume 23, page 393, as Document No. 718324.

Property Address: 12100 North Corporate Parkway, Mequon, WI

Tax ID No.: 15-017-10-015.00 and 15-017-10-006.01

Per First American Title Insurance Company Commitment No. NCS-861590-MKE with an effective date of July 25, 2017, the following items appear in Schedule B II as exceptions:

11. Utility Easement granted to Wisconsin Telephone Co. recorded January 31, 1966 in Volume 10, page 274, as Document No. 132960, As modified by by Conveyance of Rights in Land by Public Utility recorded June 28, 1966 in Volume 172, page 447, as Document No. 211342. *Does not affect the property.*

12. Utility Easement granted to Wisconsin Electric Power Company and Wisconsin Bell, Inc. recorded October 30, 1984 in Volume 517, page 823, as Document No. 354807. *Does not affect the property.*

13. Utility Easement granted to Wisconsin Electric Power Company recorded December 20, 1989 in Volume 661, page 282, as Document No. 424459. *Affects property as shown.*

14. Utility Easement and W.E.P. Co and Wisconsin Bell easement as set forth on Certified Survey Map No. 2341 recorded on Document No. 452232. *Does not affect property.*

15. Rights, easements, covenants, restrictions, charges and liens as set forth in Declaration of Easements, Covenants and Restrictions for East Mequon Corporate Centre recorded November 13, 1991 in Volume 721, page 537, as Document No. 452800. *Affects the property. Not plottable.*

As modified by Supplementary Declaration recorded August 30, 1993 in Volume 839, page 559, as Document No. 498994. *Not a survey matter.*

East Mequon Corporate Centre Owner's Association, Inc. fees, if any.

GENERAL NOTES:

1. The underground utility information shown on this drawing is based on field locations and/or records furnished by municipalities and utility companies, the location and accuracy of which cannot be guaranteed. There may be additional underground utility installations within the project area that are not shown.
2. Drawing is based on field survey completed by The Sigma Group on 4/10/2018.
3. Bearings are referenced to the Wisconsin State Plane Coordinate System, South Zone, NAD 1983, with the south line of the SW ¼ of Section 17, Town 9N, Range 22E bearing S89°04'52"W.
4. Vertical datum for the project survey is NAVD 88, using a benchmark of concrete monument with brass cap marking the NW corner of the SW ¼, Sec17 T9 R22E, Elevation=686.31
5. Parcel falls within Zone X, Areas to be outside the 0.2% annual chance floodplain, per FEMA FIRM Panel 55089C0256F, effective date of 12/4/2007.
6. Parcel area is 364,302 square feet or 8.363 acres.
7. No zoning report or letter was provided.
8. No evidence of recent earth moving work, building construction, or building additions observed in the process of conducting the fieldwork.
9. No proposed changes in street right of way lines made available to the surveyor by the controlling jurisdiction. No evidence of recent street or sidewalk construction or repairs observed in the process of conducting the fieldwork.
10. Subject parcel is vacant.

Surveyor's Certification:

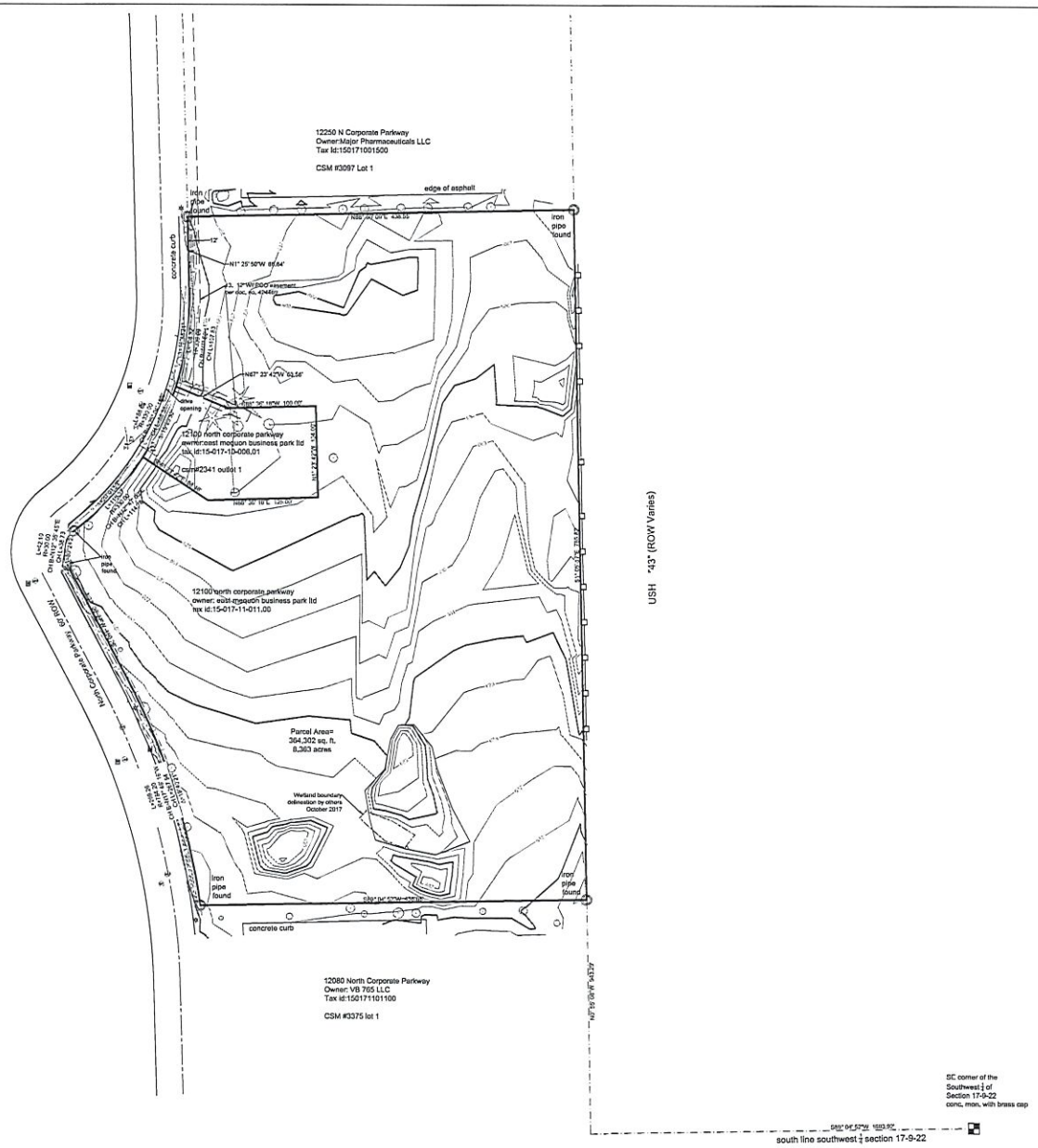
To: First American Title Insurance Co.
VentureTech Partners, LLC
East Mequon Business Park Limited Partnership

This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2016 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes items 1, 2, 3, 4, 5, 6, 7, 8 and 13 of Table A thereof. The field work was completed on 4/10/18.

Date of Map 4/12/2018

Surveyor's Name, PLS No. Michael J. Bode, S-3082

WISCONSIN Michael J. Bode Greendale WI LAND SURVEYOR




THE SIGMA GROUP
Single Source, Sound Solutions.
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LEGEND

Mequon Office Development
12100 North Corporate Parkway, Mequon, WI
Mequon, WI

ALTA/NSPS LAND TITLE SURVEY

| NO. | REVISION | DATE | BY |
|---|---|---|---|
| DRAWING NO. | | | |
| DRAWN BY: | MJB | | |
| DATE: | 4/12/2018 | | |
| PROJECT NO: | #17297 | | |
| CHECKED BY: | KAS | | |
| APPROVED BY: | KAS | | |
| SHEET NO.: | | | |

1 OF 1

Attachment: PacketDocs (3480 : Irgens Partners, LLC)

City of Mequon

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

www.ci.mequon.wi.us

Department of Community Development

**TO:** **Planning Commission**

**FROM:** **JAC ZADER, ASSISTANT DIRECTOR COMMUNITY DEVELOPMENT**

**DATE:** **September 5, 2018**

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

| | |
|---|---|
| Applicant: | Hoff Group |
| Status of Applicant: | Offer to Purchase |
| Requested Action: | Remove from Table<br>Rezoning Recommendation<br>Concept Plan<br>Fill Permit |
| Existing Zoning: | B-3 (Office)<br>FW (Floodway)<br>FFO (Flood Fringe Overlay) |
| Proposed Zoning: | R-6 (Residential Plex)<br>B-3 (Office)<br>FW (Floodway)<br>FFO (Flood Fringe Overlay)<br>PUD (Planned Unit Development)<br>B-3 (Office) |
| Existing Land Use Plan: | Office<br>Critical Environmental |
| Proposed Land Use Plan: | Plex Residential<br>Office<br>Critical Environmental |
| Lot size: | 2.89 acres |
| Location: | 10950 N. Cedarburg Road |
| Tax Key: | #140171-00-010.00 & #14-171-00-020.00 |
| District: | #6 |

**Background:** The applicant is seeking a rezoning recommendation and concept plan approval for a six unit residential condominium development at 10950 N Cedarburg Road. The site currently contains two office buildings and is zoned B-3 (Office). One of the buildings would be razed to make room for the residential development. The redevelopment proposal would require

the zoning to be changed from B-3 to R-6 (Residential Attached) on the portion of the site where the condominiums would be located. The site is located immediately behind the Riverwalk Highlands senior apartment building and is adjacent to the Milwaukee River. The parcel was rezoned in 2014 in order to reduce the amount area designated as Floodway based on hydraulic modeling that was completed for that portion of the Milwaukee River. As the Commissioner's may recall, the applicant recently applied for a text amendment that would allow residential PUD's on parcels that are at least two acres in size. The Common Council approved Ordinance 2017-1501 on October 10, 2017. The Planning Commission tabled the item at the January 15, 2018 meeting.

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

- **Is there a Public Interest?** The developer states that the housing is intended to serve empty nesters which appear to be a growing demand in our community. While the R-6 and the B-3 are typically used as a transitional zoning districts that from single family uses, staff feels the proposed residential use would have less of an impact on the surrounding area than a redeveloped office use. Based on the anticipated demand, the applicant is confident that completion of all units will take less than a few years with a $2,700,000 valuation for the complete project. The current assessment for the parcel is just over $250,000.
- **Are there reasonable uses under existing zoning?** Staff concurs with the applicant that the site is not optimal for the office uses allowed under the B-3 zoning. The site lacks visible frontage along Cedarburg Road and is located in an area surrounded primarily by residential uses. The existing office building, which was constructed in the early 1960's is beyond repair and has been on the market for the better part of the last ten years.
- **Has there been a change in character or trend in development in area of proposal?** The area has not changed over the years. It is primarily a single family neighborhood with a scattering of other uses. The Riverwalk Highlands, a 55 and older apartment complex, was the most recently developed project in the area. Based on the overall land uses in the area, staff believes a six unit development would be a better fit for the existing neighborhood.

**Site Conditions:**
The site contains wetlands along the east end of the parcel. The wetland delineation has been approved by the DNR. The applicant is requesting to fill .046 acres of the wetlands that are located on the parcel and on the parcel to the east. The DNR has approved the fill request (see attached letter).

The small portion of the site is designated as Floodway and a large portion of the site is part of the 100 year floodplain. In order to comply with floodplain requirements, the elevation of the buildings must be two feet above the Base Flood Elevation. This will require the addition of two to three feet of fill to a large portion of the site. No disturbance to the Floodway is being proposed. DNR and FEMA approval of the fill in the floodplain is required. Approval of the fill in the floodplain is still pending at this time. Staff will require the applicant receive C-LOMR approval from FEMA prior to the Common Council action on the rezoning. Since a portion of the driveway is in the floodplain and is located on the parcel to the west, dry land access cannot be achieved. The fire chief has signed a letter stating that wheeled access to the site can be achieved during a flood event (see attached letter).

The City Forester has walked the site and has determined there is one specimen tree that will be impacted by the development. The 20" White Pine is located within the footprint of one the proposed residential units. Since the site is being filled by up to three feet of fill, the relocation of the building would not negate the need to remove the tree.

**Concept Plan:**
The Concept Plan shows the six units on the north portion of the lot where the existing office building is located. There is a private driveway the currently exists that would serve the proposed condominiums as well as the existing office building to the south. The overall site is shown at 2.89 acres with the existing office building condominium occupying 1.39 acres. The six residential units will be located on 1.50 acres which allows for six units based on the R-6 density of 4 units an acre. The concept plan will require a number of waivers to the R-6 zoning district standards including the following:

- 20 foot side yard offset
- 30 rear yard offset
- 30% lot coverage requirement

The plan shows the proposed side yard offset at 15 feet from the north property line and 8 feet from the east property line. The plan shows a retaining wall located on the property line to the east to attribute for the new grade change that is due to floodplain and wetland filling. The applicant also has ownership of this parcel. The existing office complies with the 30% open space requirement based on the adjusted size of the condominium unit. The condominium unit which contains the plex development requires a maximum 30% lot coverage requirement for impervious surfaces. The plan shows a 43.7% lot coverage requirement for the condominium unit area. The applicant states that the request to exceed the requirement is necessitated by the single story design of the units. If the zoning of the condominium unit remained B-3, the lot coverage would be allowed up to 60%. Subsequently, the current proposal results in less impervious surface on the overall parcel compared to what could be developed under the current zoning.

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

Access to the site is via an existing driveway north of the Highlands at Riverwalk located at 10954 North Cedarburg Road. The driveway has an ingress/ egress easement to the subject property.

The project encroaches on the neighboring property to the east (Outlot1). An easement or change in property boundary is required to construct on Outlot 1. The project also encroaches onto the condo site 1 property to the south. This encroachment shall be addressed with the condominium plat.

The site is located within the City's sewer service area and connection to the public utility is required. The plans show a 2" force main connection to an existing sanitary sewer line. The applicant shall provide calculations that show that the system is sized appropriately for the additional flow. The sewer shall be a private force main owned and maintained by the property owners.

As a condition of approval, the development must connect to the public water main. An 8" public water main is currently located adjacent to the site, and a connection is illustrated on the plans. In order to serve the proposed building, a public main extension and easement will be required. Fire hydrant locations are subject to the review and approval of the Fire Chief. A Water Services Agreement will be required for this project.

The site proposes disturbance of greater than 1 acre, therefore, a storm water management plan (SWMP) for the site is required. The SWMP must be approved by the City of Mequon, MMSD and WDNR, as applicable. It is anticipated that meeting the 100-year stormwater quantity requirements may be difficult to achieve on this site. In the event that the Developer is unable to prepare a stormwater management plan that complies with City ordinances, WDNR requirements, and MMSD Chapter 13, it may be necessary to revisit the PUD approval conditions to address this situation.

The site proposes land disturbance in excess of one acre, therefore a City erosion control permit is required. Evidence of the WDNR required WRAPP permit shall also be provided for the site. The site plan illustrates that fill will be hauled into the site, and as such, a fill permit will be required. The applicant has indicated that the site will require 2,950 cubic yards of fill. Placement of the fill will be reviewed as a part of the grading plan. As a condition of approval, the applicant shall provide documentation of the proposed haul route and a road bond to ensure that any damage attributed to construction traffic is repaired prior to occupancy.

The project contains wetlands. The wetlands were delineated and confirmed by the WDNR. The wetland delineation report shall be provided to the City. A wetland fill permit and approval is required from the WDNR and ACOE. The approval letter has been provided by the applicant. Proposed construction does not meet the City's wetland setback requirements. Staff advocates moving the two buildings closer together to reduce the wetland fill and reduce the non-compliance with the wetland setback. With final design, the developer shall provide alternative protection for the waiver request to the wetland setback.

**Staff Recommendation:**
Staff recommends **approval** of the rezoning recommendation and concept plan subject to the following condition(s):

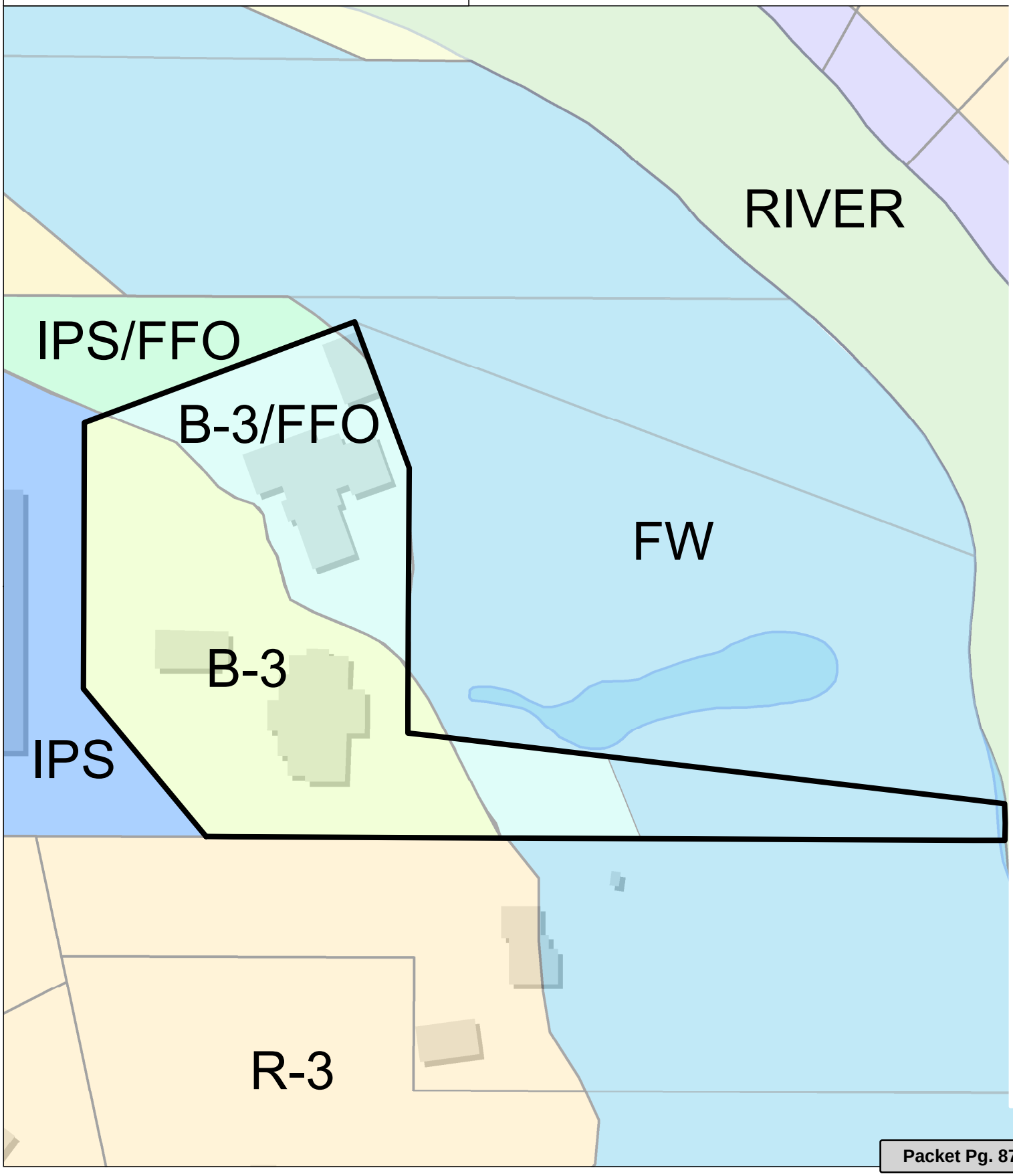
1. Common Council approval of the rezoning.
2. Planning Commission and Common Council approval of Condominium Plat.
3. FEMA approval of C-LOMR prior Common Council action
4. There shall be no less than 30 feet separation between buildings.
5. All plex condominium buildings shall maintain a minimum building setback of 20' from the interior road
6. The applicant shall submit three different conceptual building designs as part of the Building/Site Plan submittal. No one building design shall be used in more than half of the buildings in the development.
7. The entire property is subject to the City of Mequon Tree Preservation Ordinance.
8. Architectural design of residential buildings shall comply with the attached Exhibits and the Architectural Board's publication entitled "Guidelines for Residential Structures".
9. Any substantial change to the general concept plans illustrated in the attached exhibits shall require the review and approval of the Planning Commission.
10. Applicant shall provide an easement agreement for work on Outlot 1.
11. The encroachment onto Condo Site 1 shall be addressed within the condominium plat.
12. Engineering Division review and approval of grading, drainage, sanitary sewer, watermain, and erosion control plans in conformance to City ordinances and the Standard Specifications for Land Development.
13. Application for and approval of a City erosion control permit, subject to applicable fees and conditioned upon WDNR issuance of a WRAPP permit.
14. Application for and approval of a City Filling and Excavation Permit.
15. Applicant shall provide the wetland delineation report.

16. Alternative protection of the wetland shall be provided with final design, subject to staff approval.
17. Connection to public water and sanitary sewer, subject to staff approval, including the Fire Chief.
18. Applicant shall provide sanitary sewer calculations.
19. Sanitary forcemain shall be reviewed and approved by the Department of Safety and Professional Services and MMSD.
20. Extension of the public watermain and execution of the associated Water Service Transfer Agreement and Easement Agreement.
21. Approval of a storm water management plan for the site in conformance to City ordinances, WDNR and MMSD Chapter 13, including execution of a Storm Water Facilities Maintenance and Easement Agreement.
22. The applicant shall provide documentation of the proposed haul route and road bond to ensure that any damage attributed to construction traffic prior to occupancy.
23. As a condition of approval and issuance of the permit, the city engineer will require in accordance with City ordinance 58-677(b) that the applicant deposit an escrow or letter of credit to guarantee a good faith execution of the approved control plan and any permit conditions. The escrow / letter of credit shall be in an amount equal to 125% of the estimated cost of construction and maintenance of the storm water management practices and the City will release the portion of the Financial Guarantee less any costs incurred by the city to complete installation of practices, upon submission of a certification in accordance with 58-678(h).

Attachments:
PacketDocs (PDF)

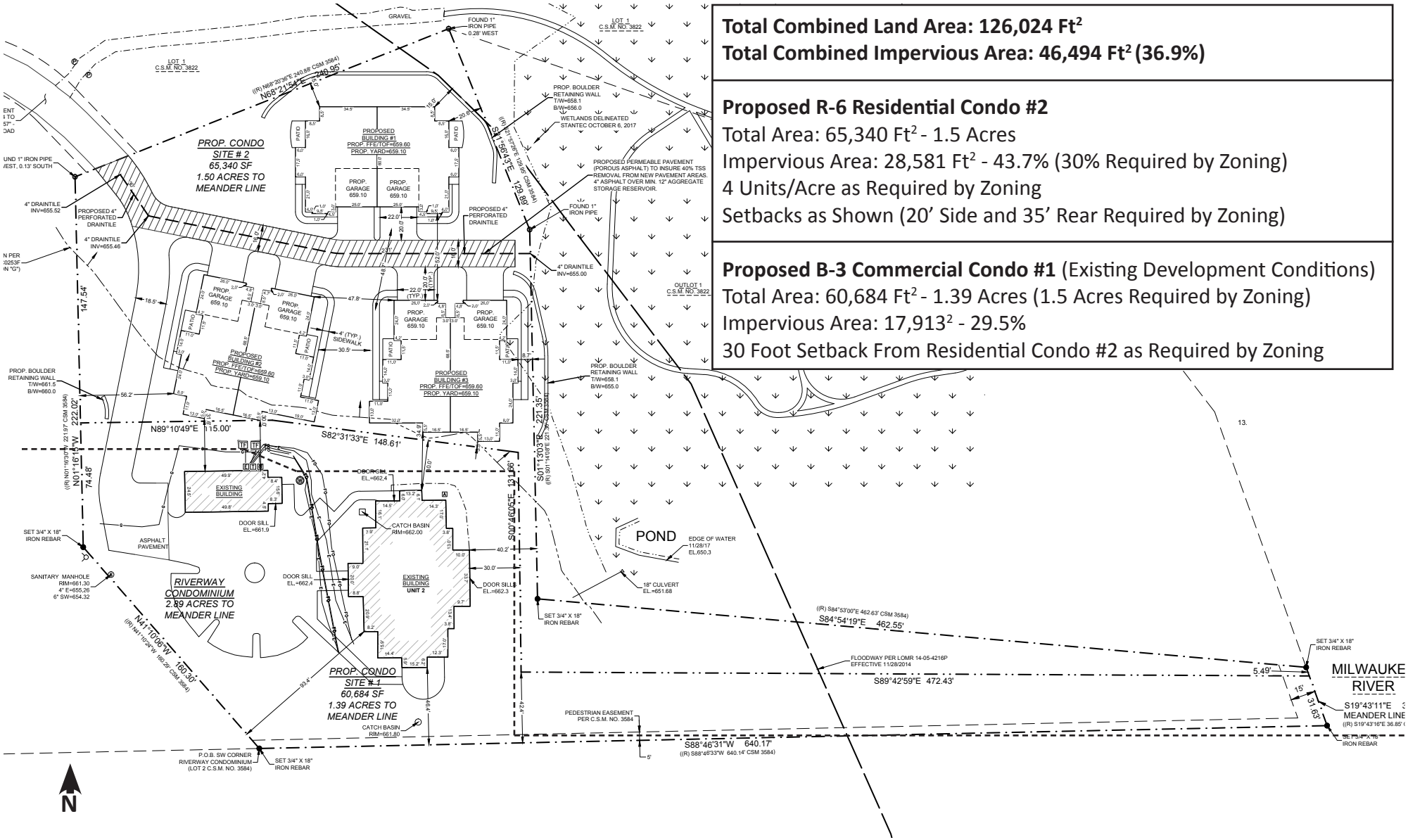
# David Hoff for Dave Schenker

| | | | |
|---|---|---|---|
| AC | Arrival Corridor | LTD | Limited Use |
| A-1 | Agricultural Preserve | OA | Agricultural Overlay |
| A-2 | General Agricultural | PUD | Planned Unit Development Overla |
| B-1 | Neighborhood Business | P-1 | Park & Recreation |
| B-2 | Community Business | R-1 | Single-Family Residential (5 Ac. Min.) |
| B-3 | Office & Service Business | R-1B | Single-Family Residential (2.5 Ac. Min.) |
| B-4 | Business Park | R-2 | Single-Family Residential (2.0 Ac. Min.) |
| B-5 | Light Industrial | R-2B | Single-Family Residential (1.5 Ac. Min.) |
| B-6 | Rural Industrial | R-3 | Single-Family Residential (1.0 Ac. Min.) |
| B-7 | Rural Business | R-4 | Single-Family Residential (3/4 Ac. Min.) |
| C-1 | Shoreland/Wetland Conservancy | R-5 | Single-Family Residential (1/2 Ac. Min.) |
| C-2 | General Conservancy | R-6 | Single-Family Residential (4 du/Ac) |
| CGO | Central Growth Overlay | RM | Multi-Family Residential |
| FFO | Flood Fringe Overlay | TC | Town Center |
| FW | Floodway | TDR | Transfer of Development Rights |
| IPS | Institutional & Public Service | | |




Attachment: PacketDocs (3478 : The Hoff Group for Dave Schenker)

# Schenker Condominiums on Cedarburg Rd - Zoning Analysis




**Total Combined Land Area: 126,024 Ft²**
**Total Combined Impervious Area: 46,494 Ft² (36.9%)**

**Proposed R-6 Residential Condo #2**
Total Area: 65,340 Ft² - 1.5 Acres
Impervious Area: 28,581 Ft² - 43.7% (30% Required by Zoning)
4 Units/Acre as Required by Zoning
Setbacks as Shown (20' Side and 35' Rear Required by Zoning)

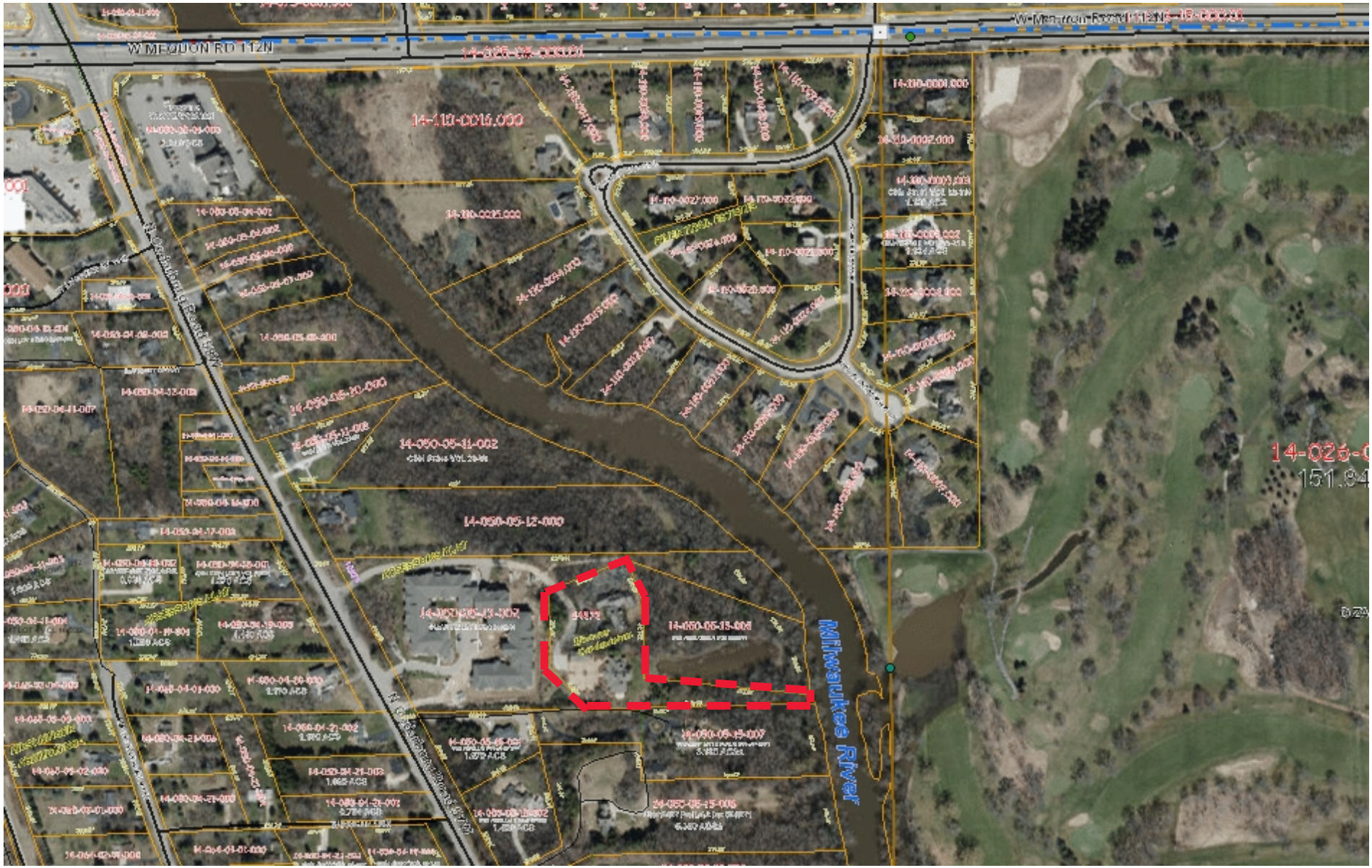
**Proposed B-3 Commercial Condo #1** (Existing Development Conditions)
Total Area: 60,684 Ft² - 1.39 Acres (1.5 Acres Required by Zoning)
Impervious Area: 17,913² - 29.5%
30 Foot Setback From Residential Condo #2 as Required by Zoning

8.7.18

THEHOFFGROUP
ARCHITECTURE | PROJECT MANAGEMENT | DEVELOPMENT

Attachment: PacketDocs (3478 : The Hoff Group for Dave Schenker)

# Schenker Condominiums on Cedarburg Rd - Site Location

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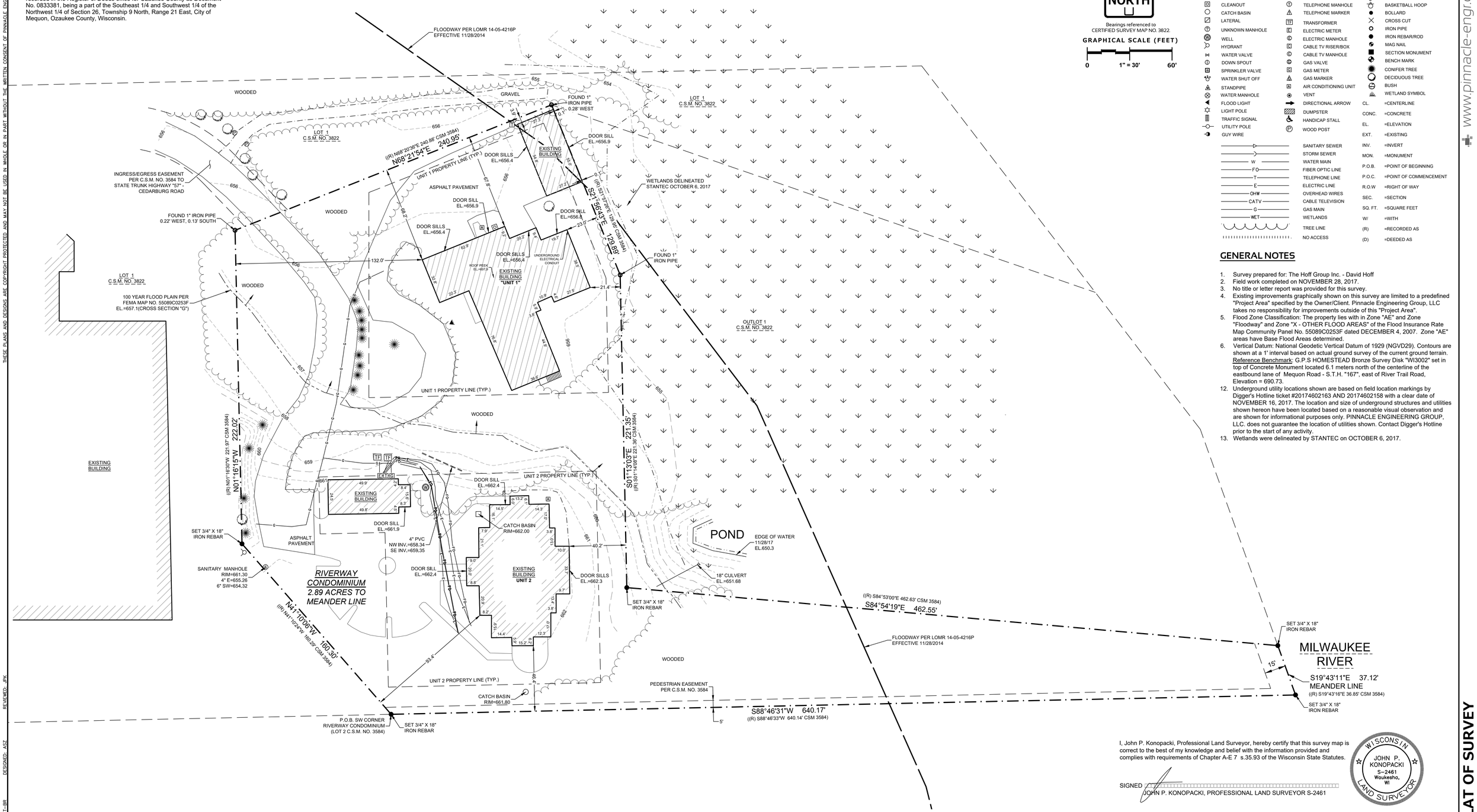
## LEGAL DESCRIPTION:

Riverway Condominium, being Lot 2 of Certified Survey Map No. 3584, as recorded in the Register of Deeds office for Ozaukee County as Document No. 0833381, being a part of the Southeast 1/4 and Southwest 1/4 of the Northwest 1/4 of Section 26, Township 9 North, Range 21 East, City of Mequon, Ozaukee County, Wisconsin.




## LEGEND OF SYMBOLS & ABBREVIATIONS

SANITARY MANHOLE
STORM MANHOLE
STORM INLET
CLEANOUT
CATCH BASIN
LATERAL
UNKNOWN MANHOLE
WELL
HYDRANT
WATER VALVE
DOWN SPOUT
SPRINKLER VALVE
WATER SHUT OFF
STANDPIPE
WATER MANHOLE
FLOOD LIGHT
LIGHT POLE
TRAFFIC SIGNAL
UTILITY POLE
GUY WIRE

FIBER OPTIC MARKER
FIBER OPTIC MANHOLE
TELEPHONE PEDESTAL
TELEPHONE MANHOLE
TELEPHONE MARKER
TRANSFORMER
ELECTRIC METER
ELECTRIC MANHOLE
CABLE TV RISER/BOX
CABLE TV MANHOLE
GAS VALVE
GAS METER
GAS MARKER
AIR CONDITIONING UNIT
VENT
DIRECTIONAL ARROW
DUMPSTER
HANDICAP STALL
WOOD POST

SIGN
MAIL BOX
FLAG POLE
BASKETBALL HOOP
BOLLARD
CROSS CUT
IRON PIPE
IRON REBAR/ROD
MAG NAIL
SECTION MONUMENT
BENCH MARK
CONIFER TREE
DECIDUOUS TREE
BUSH
WETLAND SYMBOL

SANITARY SEWER
STORM SEWER
WATER MAIN
FIBER OPTIC LINE
TELEPHONE LINE
ELECTRIC LINE
OVERHEAD WIRES
CABLE TELEVISION
GAS MAIN
WETLANDS
TREE LINE
NO ACCESS

| | |
|---|---|
| CL. | =CENTERLINE |
| CONC. | =CONCRETE |
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| W/ | =WITH |
| (R) | =RECORDED AS |
| (D) | =DEEDED AS |

## GENERAL NOTES

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13. Wetlands were delineated by STANTEC on OCTOBER 6, 2017.

I, John P. Konopacki, Professional Land Surveyor, hereby certify that this survey map is correct to the best of my knowledge and belief with the information provided and complies with requirements of Chapter A-E 7 s.35.93 of the Wisconsin State Statutes.

SIGNED
JOHN P. KONOPACKI, PROFESSIONAL LAND SURVEYOR S-2461

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

# PRELIMINARY

DRAFTED: ST-BR DESIGNED: ASZ REVIEWED: JPK

PLAN | DESIGN | DELIVER
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**PINNACLE** ENGINEERING GROUP
ENGINEERING | NATURAL RESOURCES | SURVEYING

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CHICAGO | MILWAUKEE : NATIONWIDE

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## EXISTING PLAT OF SURVEY

REVISIONS

| | | |
|---|---|---|
| 1 | Site Plan | 08/06/18 |
| 2 | Walls / Disturbed Area | 08/08/18 |

PEG JOB No. 813.00-WI
FEG PM ASZ
DATE 12/11/17
SCALE 1"=30'

SHEET 1 OF 7

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Z:\PROJECTS\2016\813.00-WI\CAD\MASTER\813.00 MASTER.DWG

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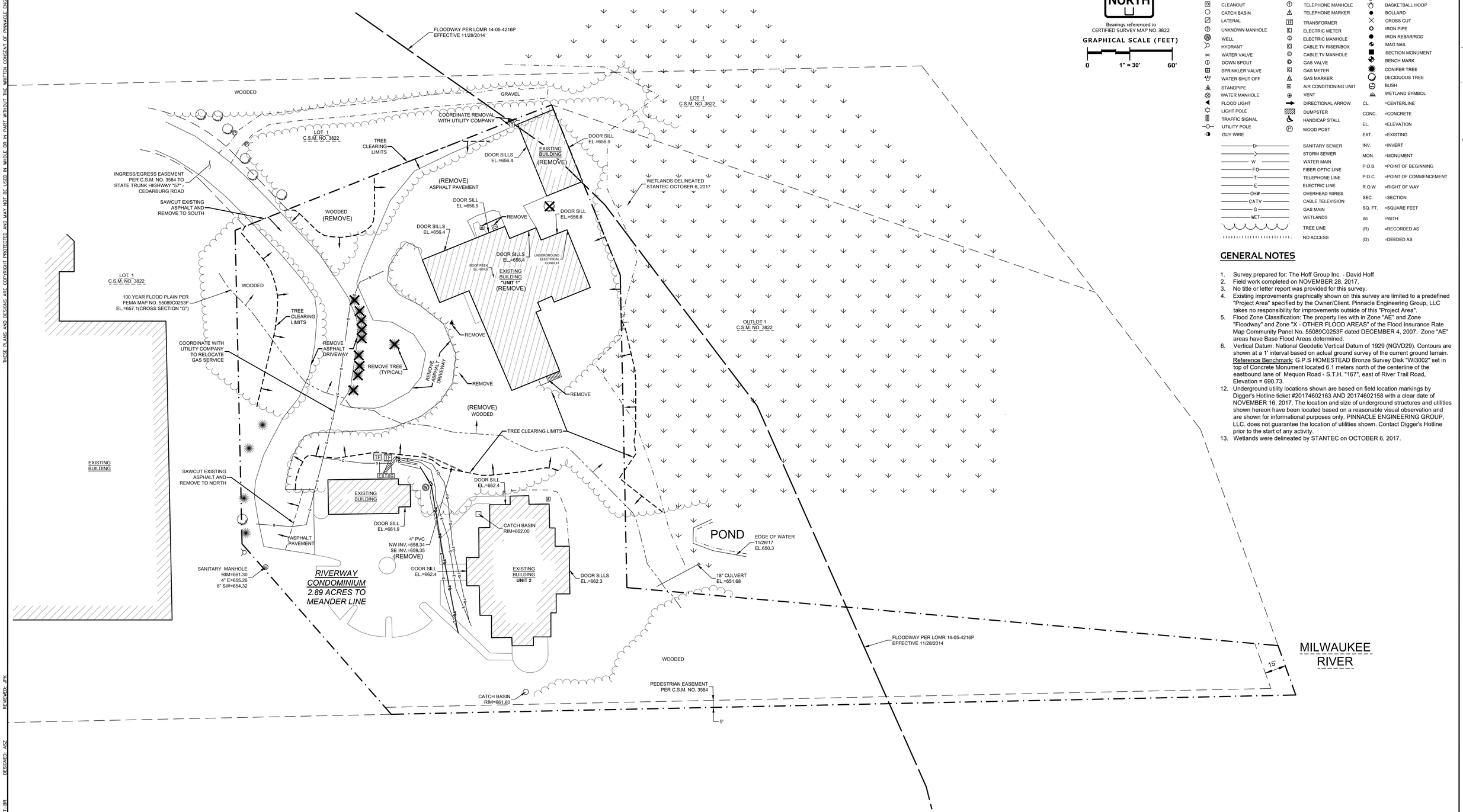


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## DEMOLITION PLAN

**REVISIONS**

| | | |
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| 2 | Walls / Disturbed Area | 08/08/18 |

PEG JOB No. 813.00-WI
PEG PM ASZ
DATE 12/11/17
SCALE 1"=30'

SHEET 2 OF 7

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DEMOLITION PLAN

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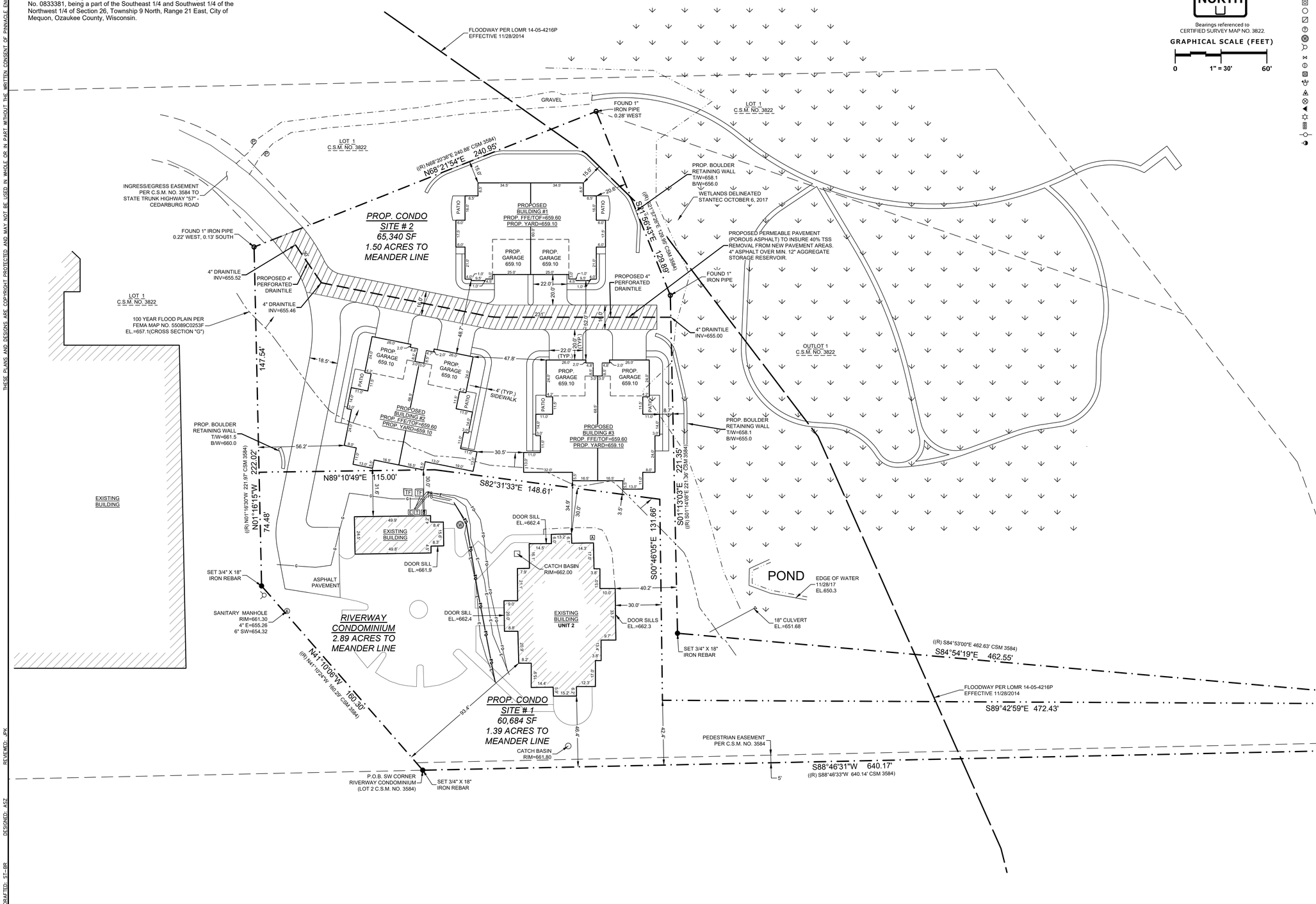


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LIGHT POLE
TRAFFIC SIGNAL
UTILITY POLE
GUY WIRE

FIBER OPTIC MARKER
FIBER OPTIC MANHOLE
TELEPHONE PEDESTAL
TELEPHONE MANHOLE
TELEPHONE MARKER
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ELECTRIC MANHOLE
CABLE TV RISER/BOX
CABLE TV MANHOLE
GAS VALVE
GAS METER
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AIR CONDITIONING UNIT
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DUMPSTER
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## PROPOSED SITE PLAN

REVISIONS

| | | |
|---|---|---|
| 1 | Site Plan | 08/06/18 |
| 2 | Walls / Disturbed Area | 08/08/18 |

PEG JOB No. 813.00-W1
PEG PM ASZ
DATE 12/11/17
SCALE 1"=30'

SHEET 3 OF 7

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PROPOSED SITE PLAN

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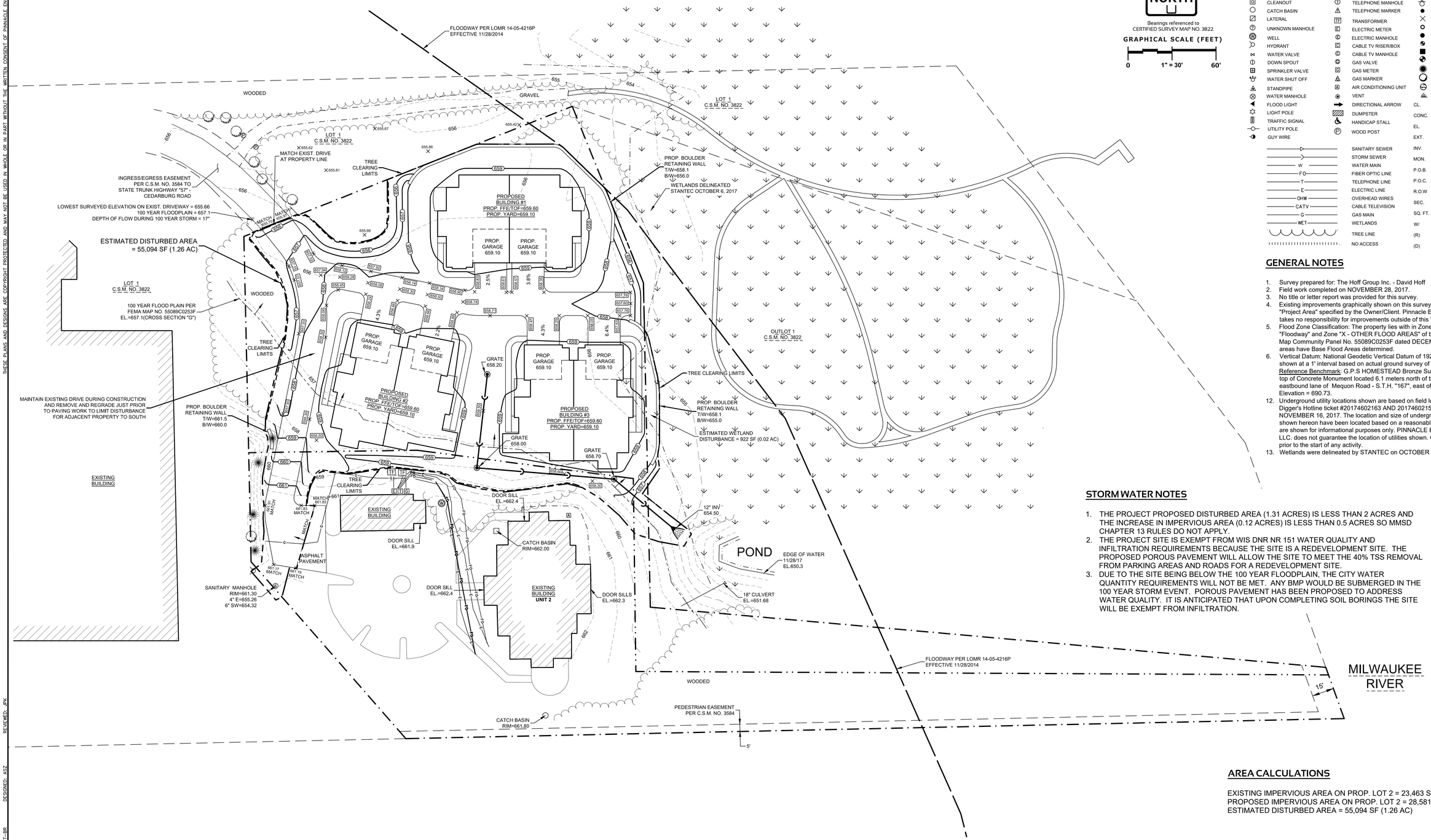


## LEGEND OF SYMBOLS & ABBREVIATIONS

| | | | | | |
|---|---|---|---|---|---|
| SANITARY MANHOLE | | FIBER OPTIC MARKER | | SIGN | |
| STORM MANHOLE | | FIBER OPTIC MANHOLE | | MAIL BOX | |
| STORM INLET | | TELEPHONE PEDESTAL | | FLAG POLE | |
| CLEANOUT | | TELEPHONE MANHOLE | | BASKETBALL HOOP | |
| CATCH BASIN | | TELEPHONE MARKER | | BOLLARD | |
| LATERAL | | TRANSFORMER | | CROSS CUT | |
| UNKNOWN MANHOLE | | ELECTRIC METER | | IRON PIPE | |
| WELL | | ELECTRIC MANHOLE | | IRON REBAR/ROD | |
| HYDRANT | | CABLE TV RISER/BOX | | MAG NAIL | |
| WATER VALVE | | CABLE TV MANHOLE | | SECTION MONUMENT | |
| DOWN SPOUT | | GAS VALVE | | BENCH MARK | |
| SPRINKLER VALVE | | GAS METER | | CONIFER TREE | |
| WATER SHUT OFF | | GAS MARKER | | DECIDUOUS TREE | |
| STANDPIPE | | AIR CONDITIONING UNIT | | BUSH | |
| WATER MANHOLE | | VENT | | WETLAND SYMBOL | |
| FLOOD LIGHT | | DIRECTIONAL ARROW | CL. | =CENTERLINE | |
| LIGHT POLE | | DUMPSTER | CONC. | =CONCRETE | |
| TRAFFIC SIGNAL | | HANDICAP STALL | EL. | =ELEVATION | |
| UTILITY POLE | | WOOD POST | EXT. | =EXISTING | |
| GUY WIRE | | | INV. | =INVERT | |
| | | SANITARY SEWER | MON. | =MONUMENT | |
| | | STORM SEWER | P.O.B. | =POINT OF BEGINNING | |
| | W | WATER MAIN | P.O.C. | =POINT OF COMMENCEMENT | |
| | F | FIBER OPTIC LINE | R.O.W | =RIGHT OF WAY | |
| | T | TELEPHONE LINE | SEC. | =SECTION | |
| | E | ELECTRIC LINE | SQ. FT. | =SQUARE FEET | |
| | OHW | OVERHEAD WIRES | W/ | =WITH | |
| | CATV | CABLE TELEVISION | (R) | =RECORDED AS | |
| | G | GAS MAIN | (D) | =DEEDED AS | |
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## STORM WATER NOTES

1. THE PROJECT PROPOSED DISTURBED AREA (1.31 ACRES) IS LESS THAN 2 ACRES AND THE INCREASE IN IMPERVIOUS AREA (0.12 ACRES) IS LESS THAN 0.5 ACRES SO MMSD CHAPTER 13 RULES DO NOT APPLY.
2. THE PROJECT SITE IS EXEMPT FROM WIS DNR NR 151 WATER QUALITY AND INFILTRATION REQUIREMENTS BECAUSE THE SITE IS A REDEVELOPMENT SITE. THE PROPOSED POROUS PAVEMENT WILL ALLOW THE SITE TO MEET THE 40% TSS REMOVAL FROM PARKING AREAS AND ROADS FOR A REDEVELOPMENT SITE.
3. DUE TO THE SITE BEING BELOW THE 100 YEAR FLOODPLAIN, THE CITY WATER QUANTITY REQUIREMENTS WILL NOT BE MET. ANY BMP WOULD BE SUBMERGED IN THE 100 YEAR STORM EVENT. POROUS PAVEMENT HAS BEEN PROPOSED TO ADDRESS WATER QUALITY. IT IS ANTICIPATED THAT UPON COMPLETING SOIL BORINGS THE SITE WILL BE EXEMPT FROM INFILTRATION.

## AREA CALCULATIONS

EXISTING IMPERVIOUS AREA ON PROP. LOT 2 = 23,463 SF (0.54 AC)
PROPOSED IMPERVIOUS AREA ON PROP. LOT 2 = 28,581 SF (0.66 AC)
ESTIMATED DISTURBED AREA = 55,094 SF (1.26 AC)

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GRADING PLAN

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Attachment: PacketDocs (3478 : The Hoff Group for Dave Schenker)

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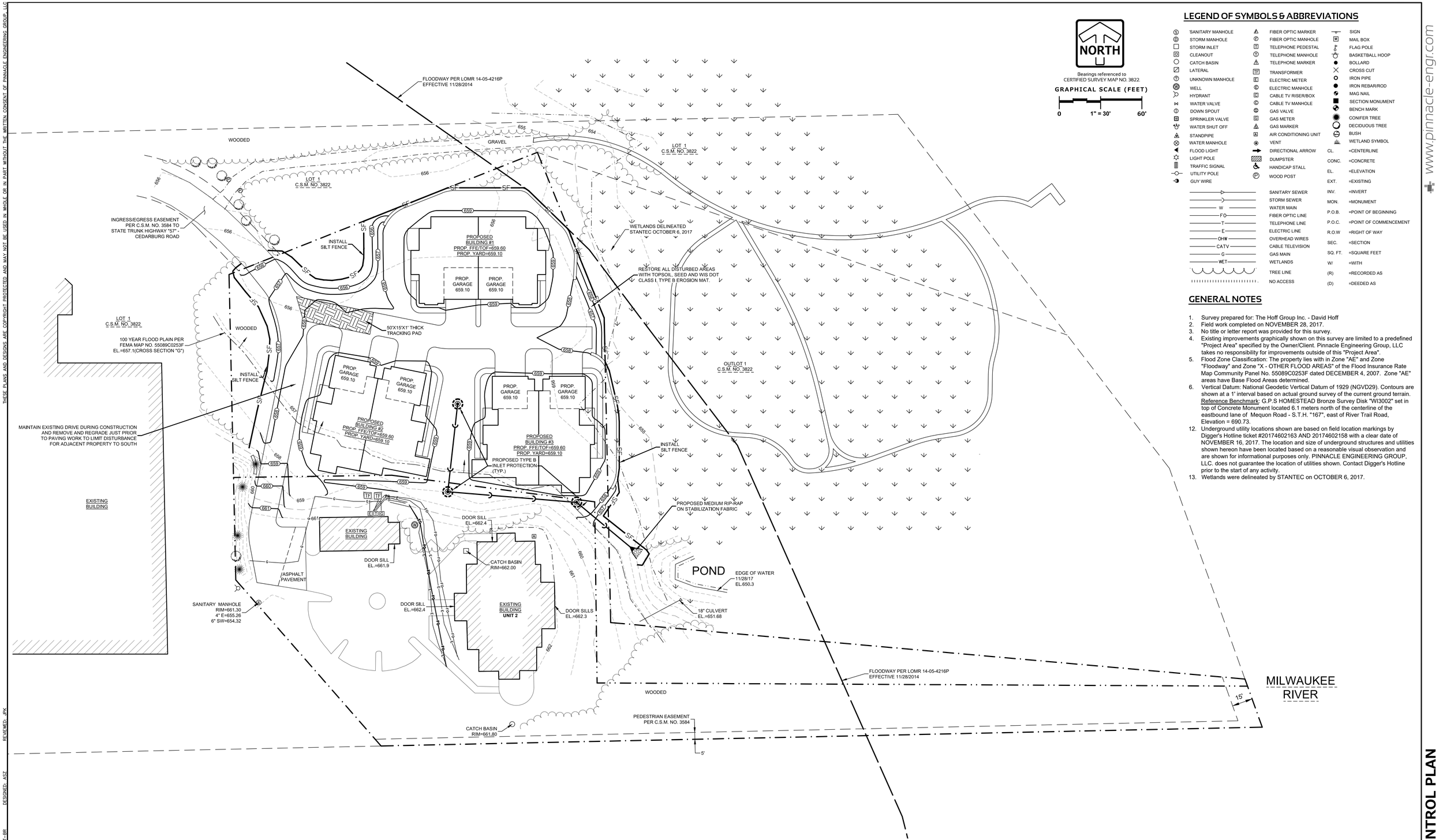


## LEGEND OF SYMBOLS & ABBREVIATIONS

SANITARY MANHOLE
STORM MANHOLE
STORM INLET
CLEANOUT
CATCH BASIN
LATERAL
UNKNOWN MANHOLE
WELL
HYDRANT
WATER VALVE
DOWN SPOUT
SPRINKLER VALVE
WATER SHUT OFF
STANDPIPE
WATER MANHOLE
FLOOD LIGHT
LIGHT POLE
TRAFFIC SIGNAL
UTILITY POLE
GUY WIRE

FIBER OPTIC MARKER
FIBER OPTIC MANHOLE
TELEPHONE PEDESTAL
TELEPHONE MANHOLE
TELEPHONE MARKER
TRANSFORMER
ELECTRIC METER
ELECTRIC MANHOLE
CABLE TV RISER/BOX
CABLE TV MANHOLE
GAS VALVE
GAS METER
GAS MARKER
AIR CONDITIONING UNIT
VENT
DIRECTIONAL ARROW
DUMPSTER
HANDICAP STALL
WOOD POST

SIGN
MAIL BOX
FLAG POLE
BASKETBALL HOOP
BOLLARD
CROSS CUT
IRON PIPE
IRON REBAR/ROD
MAG NAIL
SECTION MONUMENT
BENCH MARK
CONIFER TREE
DECIDUOUS TREE
BUSH
WETLAND SYMBOL

SANITARY SEWER
STORM SEWER
W — WATER MAIN
F — FIBER OPTIC LINE
T — TELEPHONE LINE
E — ELECTRIC LINE
OHW — OVERHEAD WIRES
CATV — CABLE TELEVISION
G — GAS MAIN
WET — WETLANDS
TREE LINE
NO ACCESS

CL. =CENTERLINE
CONC. =CONCRETE
EL. =ELEVATION
EXT. =EXISTING
INV. =INVERT
MON. =MONUMENT
P.O.B. =POINT OF BEGINNING
P.O.C. =POINT OF COMMENCEMENT
R.O.W =RIGHT OF WAY
SEC. =SECTION
SQ. FT. =SQUARE FEET
W/ =WITH
(R) =RECORDED AS
(D) =DEEDED AS

## GENERAL NOTES

1. Survey prepared for: The Hoff Group Inc. - David Hoff
2. Field work completed on NOVEMBER 28, 2017.
3. No title or letter report was provided for this survey.
4. Existing improvements graphically shown on this survey are limited to a predefined "Project Area" specified by the Owner/Client. Pinnacle Engineering Group, LLC takes no responsibility for improvements outside of this "Project Area".
5. Flood Zone Classification: The property lies with in Zone "AE" and Zone "Floodway" and Zone "X - OTHER FLOOD AREAS" of the Flood Insurance Rate Map Community Panel No. 55089C0253F dated DECEMBER 4, 2007. Zone "AE" areas have Base Flood Areas determined.
6. Vertical Datum: National Geodetic Vertical Datum of 1929 (NGVD29). Contours are shown at a 1' interval based on actual ground survey of the current ground terrain. Reference Benchmark: G.P.S HOMESTEAD Bronze Survey Disk "WI3002" set in top of Concrete Monument located 6.1 meters north of the centerline of the eastbound lane of Mequon Road - S.T.H. "167", east of River Trail Road, Elevation = 690.73.
12. Underground utility locations shown are based on field location markings by Digger's Hotline ticket #20174602163 AND 20174602158 with a clear date of NOVEMBER 16, 2017. The location and size of underground structures and utilities shown hereon have been located based on a reasonable visual observation and are shown for informational purposes only. PINNACLE ENGINEERING GROUP, LLC. does not guarantee the location of utilities shown. Contact Digger's Hotline prior to the start of any activity.
13. Wetlands were delineated by STANTEC on OCTOBER 6, 2017.

# PRELIMINARY

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DRAFTED: SI-BR DESIGNED: ASZ REVIEWED: JPK

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# 10922 & 10950 NORTH CEDARBURG ROAD

**UNIT 1 AND UNIT 2, RIVERWAY CONDOMINIUM, PART OF THE SE 1/4 AND SW 1/4 OF THE NW 1/4 OF SEC. 26, T9N, R21E, CITY OF MEQUON, OZAUKEE COUNTY, WISCONSIN.**

## EROSION CONTROL PLAN

REVISIONS

| | | |
|---|---|---|
| 1 | Site Plan | 08/06/18 |
| 2 | Walls / Disturbed Area | 08/08/18 |

PEG JOB No. 813.00-WI
PEG PM ASZ
DATE 12/11/17
SCALE 1"=30'

SHEET 5 OF 7

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EROSION CONTROL PLAN

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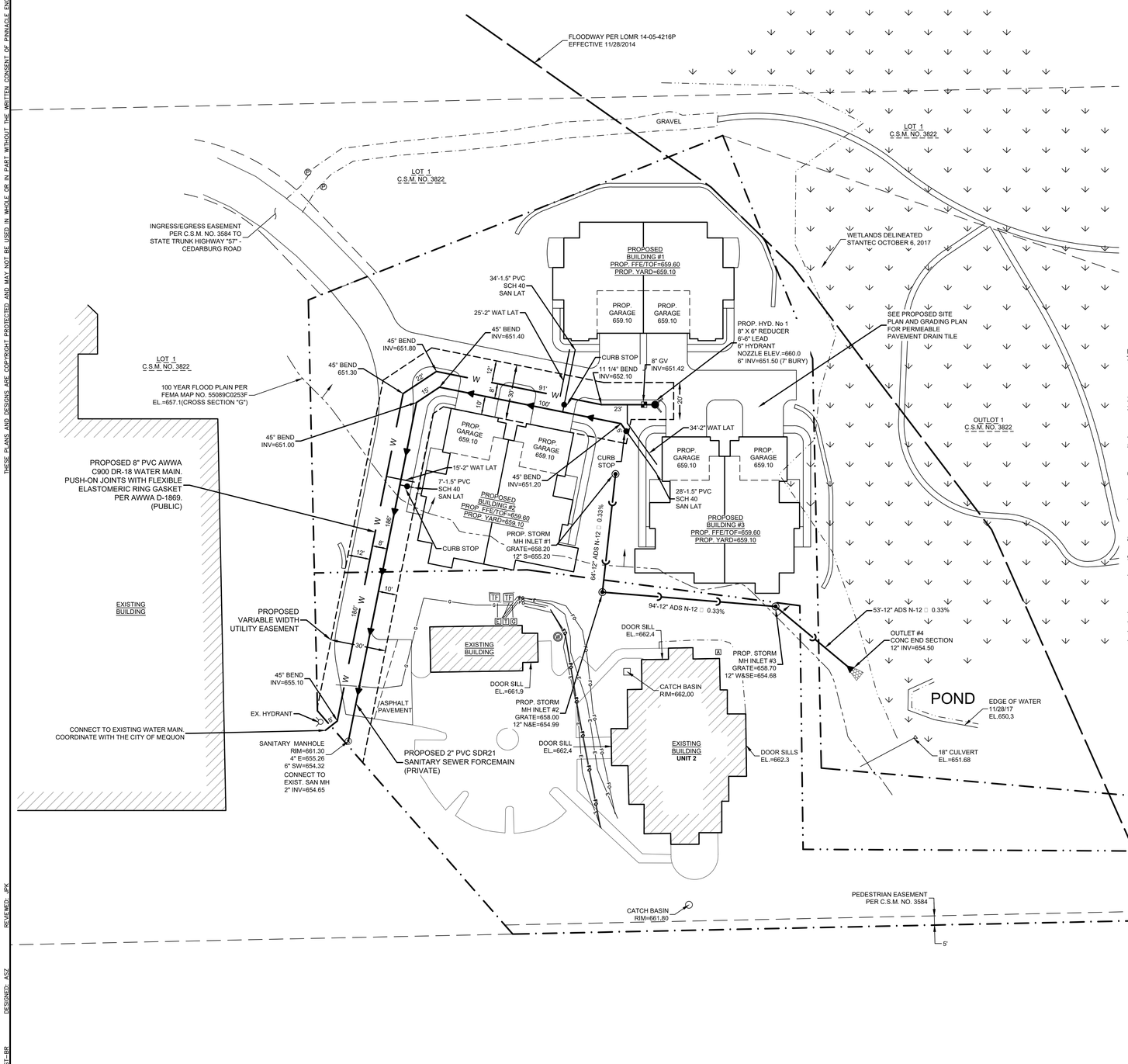


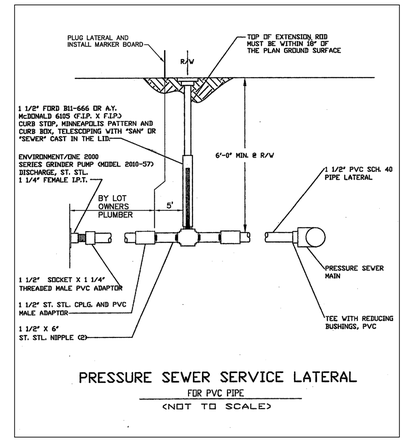


PRESSURE SEWER SERVICE LATERAL
FOR PVC PIPE
(NOT TO SCALE)

Utility Notes:

1. All work performed and materials shall conform to the latest edition of the Standard Specifications for Sewer and Water Construction in Wisconsin (Standard Spec), the City of Mequon's Standard Specifications for Land Development, the requirements of the Milwaukee Metropolitan Sewerage District and the water main construction standards for the City of Mequon. Contractor shall be familiar with all noted requirements.
2. Sanitary sewer pipe shall be PVC SDR-21 forcemain. Laterals shall be 1.5" PVC Schedule 40.
3. Water main shall be 8" Certa-Lok C900/RJ DR18 PVC pipe meeting the requirements of AWWA C-900. See the City of Mequon Standard Specs Chapter 5 for water requirements. Water laterals shall be HDPE, PE4710, SDR9 (pressure rating 200psi) meeting AWWA C-901.
4. Water main shall include a 10 gauge, solid, coated copper tracer to be installed and tucked along the side of the pipe.
5. The live water main tap shall be done with a stainless steel tapping sleeve and mechanical joint flanged tapping valve. Tapping sleeve shall be Smith-Blair series 317 or approved equal. Tapping sleeves shall have a stainless steel test plug. No dissimilar metals will be allowed.
6. Water valves shall be resilient wedge seal (R/W), open to the left, conforming to the requirements of AWWA C-509, C-515 not allowed. Valves shall be Mueller Mode A-2360. Valves shall have mechanical joints conforming to AWWA C-111 on both ends, except for tapping valve.
7. Fire hydrant shall be Waterous, Clow or Mueller Centurion break flange type. Hydrant shall have one 4 1/2" and two 2 1/2" nozzles, open counter clockwise and be painted bright red. Hydrant tees shall be Clow F012117 mechanical joint anchoring tees. Hydrant leads shall be PVC pipe, meeting the requirements of AWWA C-900. Include a hydrant marker bolted to the top of the hydrant, orange in color, and made of fiberglass.
8. Bedding materials shall be crushed stone chips per Standard Spec. Chapter 8.43.2(a). Backfill shall be granular per Standard Spec. 8.43.4. Areas at least five feet outside of pavement areas can be spoil backfill meeting Standard Spec 8.43.5.
9. Contact Diggers Hotline 3 days prior to beginning work. Coordinate all utility work with the owner prior to beginning. Utility contractor is responsible for leveling all trench spoil unless otherwise directed by the owner.
10. The sanitary lateral, water lateral and storm sewer shall be installed with a tracer wire consisting of an insulated AWS #12 copper solid core wire taped to the lateral/main. This is in accordance with Stat. 182.0715(2r). Laterals shall have a tracer wire attached from the mainline to a point five feet away from the building. The tracer wire shall be daylighted at this point using a VALVCO cathodic protection test station model No. 253TM301800.1PT.
11. The storm sewer pipe shall be ADS N-12 with WT joints.
12. Storm sewer manhole inlets shall meet Standard Spec File No. 12. No Sump.
13. The storm sewer inlet frame and grates shall be Neenah beehive R-2560E.
14. Utility contractor to install inlet protection on all of the storm inlets per the details on the plans. The protection shall be removed and disposed of by the utility contractor upon the site being sufficiently stabilized and at the direction of the owner.

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UTILITY POLE
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FIBER OPTIC MARKER
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TELEPHONE PEDESTAL
TELEPHONE MANHOLE
TELEPHONE MARKER
TRANSFORMER
ELECTRIC METER
ELECTRIC MANHOLE
CABLE TV RISER/BOX
CABLE TV MANHOLE
GAS VALVE
GAS METER
GAS MARKER
AIR CONDITIONING UNIT
VENT
DIRECTIONAL ARROW
DUMPSTER
HANDICAP STALL
WOOD POST

SIGN
MAIL BOX
FLAG POLE
BASKETBALL HOOP
BOLLARD
CROSS CUT
IRON PIPE
IRON REBAR/ROD
MAG NAIL
SECTION MONUMENT
BENCH MARK
CONIFER TREE
DECIDUOUS TREE
BUSH
WETLAND SYMBOL

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STORM SEWER
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NORTH

Bearings referenced to
CERTIFIED SURVEY MAP NO. 3822.

GRAPHICAL SCALE (FEET)
0 1" = 30' 60'

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DRAFTED: ST-BR DESIGNED: ASZ REVIEWED: JPK

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## UTILITY PLAN

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PEG JOB No. 813.00-WI
PEG PM ASZ
DATE 12/11/17
SCALE 1"=30'

SHEET 6 OF 7

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UTILITY PLAN

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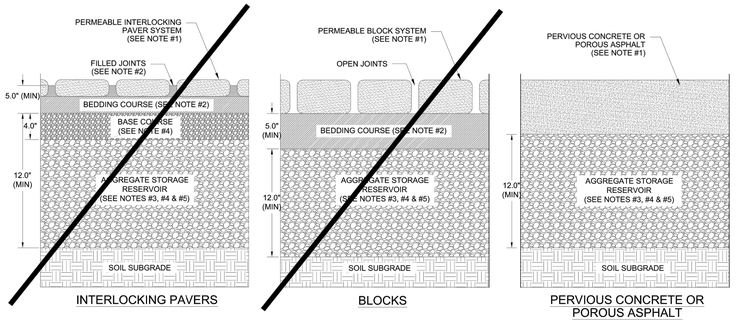
# FIGURE 1. CRITERIA FOR UNDERDRAIN DISCHARGE AND INFILTRATION PRETREATMENT CREDITS



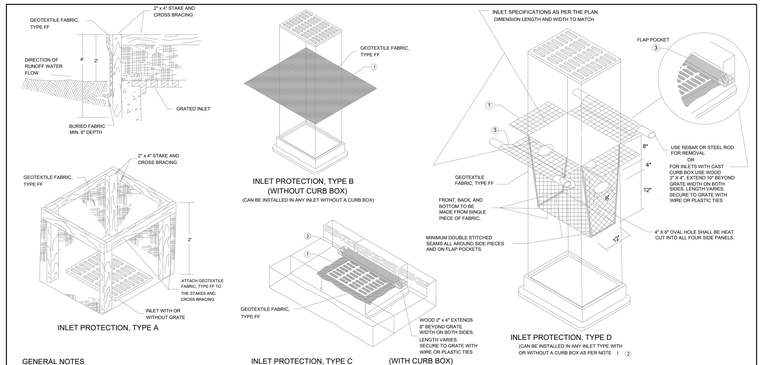

INTERLOCKING PAVERS | BLOCKS | PERVIOUS CONCRETE OR POROUS ASPHALT

NOTES:

1. PAVEMENT SURFACE PERCENT VOIDS SHALL BE LESS THAN 25%.
2. JOINT STONE AND BEDDING COURSE SHALL CONSIST OF ASTM C-33, 8, 9, 89, OR 57 AGGREGATE.
3. AGGREGATE STORAGE RESERVOIR DEPTH SHALL BE A MINIMUM OF 12 INCHES.
4. BASE AND / OR SUBBASE COURSES WITH MINIMUM POROSITY OF 30% CAN BE CONSIDERED AGGREGATE STORAGE RESERVOIR. BASE COURSE FOR PERMEABLE INTERLOCKING PAVERS SHALL BE 4.0" DEPTH OF ASTM C-33, 57 AGGREGATE AND CAN BE CONSIDERED PART OF THE AGGREGATE STORAGE DEPTH.
5. UNDERDRAINS CAN BE LOCATED WITHIN OR BELOW THE AGGREGATE STORAGE RESERVOIR. UNDERDRAINS (OR EQUIVALENT) ARE REQUIRED IF THE AGGREGATE STORAGE RESERVOIR DRAIN DOWN TIME WILL EXCEED 72 HOURS.

WISCONSIN DEPT OF NATURAL RESOURCES

1008
TECHNICAL STANDARD No.
01/2014
REVISION DATE
NOT TO SCALE




GENERAL NOTES

MANUFACTURED ALTERNATIVES APPROVED AND LISTED ON THE DEPARTMENT'S EROSION CONTROL PRODUCT ACCEPTABILITY LIST MAY BE SUBSTITUTED.
WHEN REMOVING OR MAINTAINING INLET PROTECTION, CARE SHALL BE TAKEN SO THAT THE SEDIMENT TRAPPED ON THE GEOTEXTILE FABRIC DOES NOT FALL INTO THE INLET. ANY MATERIAL FALLING INTO THE INLET SHALL BE REMOVED IMMEDIATELY.

1. FINISHED SIZE, INCLUDING FLAP POCKETS WHERE REQUIRED, SHALL EXTEND A MINIMUM OF 10" AROUND THE PERIMETER TO FACILITATE MAINTENANCE OR REMOVAL.
2. FOR INLET PROTECTION, TYPE C (WITH CURB BOX), AN ADDITIONAL 18" OF FABRIC IS WRAPPED AROUND THE WOOD AND SECURED WITH STAPLES. THE WOOD SHALL NOT BLOCK THE ENTIRE HEIGHT OF THE CURB BOX OPENING.
3. FLAP POCKETS SHALL BE LARGE ENOUGH TO ACCEPT WOOD 2x4.

INSTALLATION NOTES

TYPE B & C

TRIM EXCESS FABRIC IN THE FLOW LINE TO WITHIN 3" OF THE GRATE.
THE CONTRACTOR SHALL DEMONSTRATE A METHOD OF MAINTENANCE, USING A SEWIN FLAP, HAND HOLDS OR OTHER METHOD TO PREVENT ACCUMULATED SEDIMENT FROM ENTERING THE INLET.

TYPE D

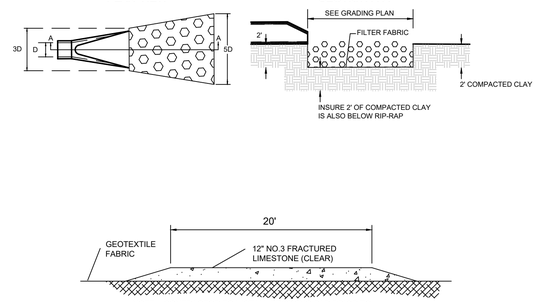
DO NOT INSTALL INLET PROTECTION TYPE D IN INLETS SHALLOWER THAN 30", MEASURED FROM THE BOTTOM OF THE INLET TO THE TOP OF THE GRATE.
TRIM EXCESS FABRIC IN THE FLOW LINE TO WITHIN 3" OF THE GRATE.
THE INSTALLED BAG SHALL HAVE A MINIMUM SIDE CLEARANCE, BETWEEN THE INLET WALLS AND THE BAG, MEASURED AT THE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

(WIS DNR TECH STANDARD 1060)

This drawing based on Wisconsin Department of Transportation Standard Detail Drawing 8 E 10-2.

INLET PROTECTION
TYPE A, B, C, AND D

## MEDIUM RIP - RAP DETAIL □ STORM SEWER OUTLET



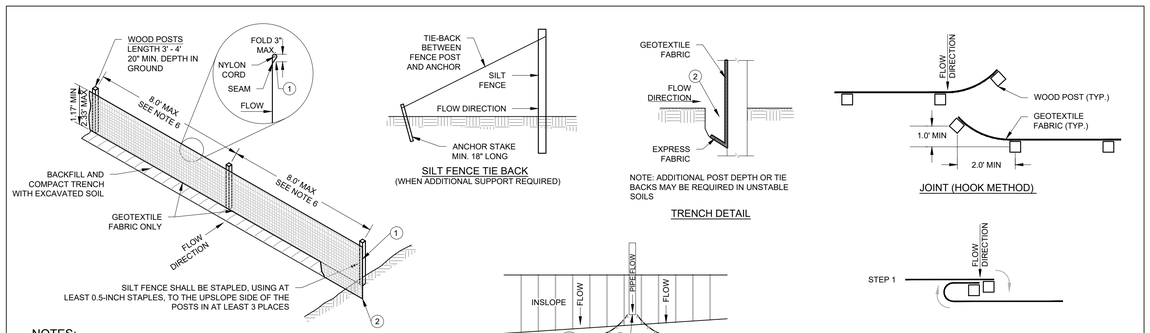

NOTE: CONTRACTOR TO INSTALL TRACKING PAD PRIOR TO START OF CONSTRUCTION, AND MAINTAIN UNTIL WORK IS COMPLETED.

CONTRACTOR TO CLEAN EXISTING STREET DAILY.

TRACKING PAD DETAIL

NOT TO SCALE

(WIS DNR TECH STANDARD 1057)




NOTES:

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

SILT FENCE

General Notes:

1. All construction practices to comply with the City of Mequon, MMSD and the Wisconsin DNR Technical Standards.
2. All disturbed areas are to be topsoiled (4" thick), seeded, fertilized and stabilized with erosion mat (WIS DOT Class I, type B). September 15th is the deadline for permanent seed. October 15th is the deadline for temporary seed. Any areas exposed after September 15th and before October 15th shall be temporarily seeded with winter wheat at the rate of 3 lbs/1000 sf. This temporary cover shall be fertilized at the same rate and mixture as the permanent seed and also mulched. Permanent seed shall then be placed prior to June 1st of the following year. All disturbed areas must be stabilized with an ionic polyacrylamide, seed and mulch by November 1st if the October 15th deadline is not met.
3. Topsoil stockpiles and inactive areas shall be seeded and mulched within 7 days of layup using agricultural rye with a seeding rate of 3 lbs/1000 square feet.
4. Trees shall only be removed to complete the grading as shown. No other trees are to be removed. Coordinate tree removal with the owner prior to any tree removal work.
5. All construction traffic is to enter/exit the sites over the tracking pad. All public and private streets are to be kept clean at all times. Sweep as necessary.
6. The permanent seed mixture shall be Wis. DOT seed mixture No. 40, sown at a rate of 3 lbs/1000 sq. ft.
7. Fertilize soil with 10 lbs/1000 sq. ft. of 20-0-10 fertilizer.
8. All building and waste material shall be disposed of off site to prevent runoff of material.
9. Dust control should be addressed per Wisconsin DNR Technical Standard 1068. At a minimum use water. Use polymers, tackifier and soil stabilizers if needed. Inspect daily to determine the need to implement a control.
10. Any dewatering that maybe required due to construction shall be completed so that the water is pumped into a type II geotextile bag on the upslope side of the silt fence. The geotextile bag should be placed in a location that allows the discharged water to flow over a vegetative cover. Follow Wisconsin DNR Technical Standard 1061.

Construction Sequence:

1. Install tracking pad at the construction entrance.
2. Clear all trees within the grading limits. Stumps shall be ground if removal is required prior to silt fence installation. No grubbing of stumps by excavation means until after the silt fence is installed.
3. Install silt fence. Continuous erosion control inspections throughout the project. The general contractor shall inspect the erosion and sediment control practices weekly and within 24 hours after every rain event that produces 0.5 inches of rain or more in a 24 hour period. Written documentation of each inspection shall be maintained at the construction site and shall include the time, date and location of inspection, the phase of land disturbance at the construction site, person conducting the inspection, assessment of control practices and description of any erosion or sediment control measure installed or maintenance performed in response to the inspection.
4. Perform demolition work.
5. Strip topsoil.
6. Begin building construction and rough grading to subgrade.
7. Install sanitary sewer, water main and storm sewer.
8. Finish subgrade and coordinate the electric, gas, telephone and cable installation.
9. Install stone base and sidewalk.
10. Install asphalt.
11. Finish grade site and restore disturbed areas.
12. The contractor shall maintain erosion control measures until the site is 80% revegetated. Upon approval of the City of Mequon, the contractor is to remove and dispose of all temporary erosion control measures.

Estimated Start Date: March 2019
Estimated Completion Date: September 2019
Estimated Disturbed Area: 1.26 ACRES

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SCALE NTS

SHEET 7 OF 7

DETAIL SHEET

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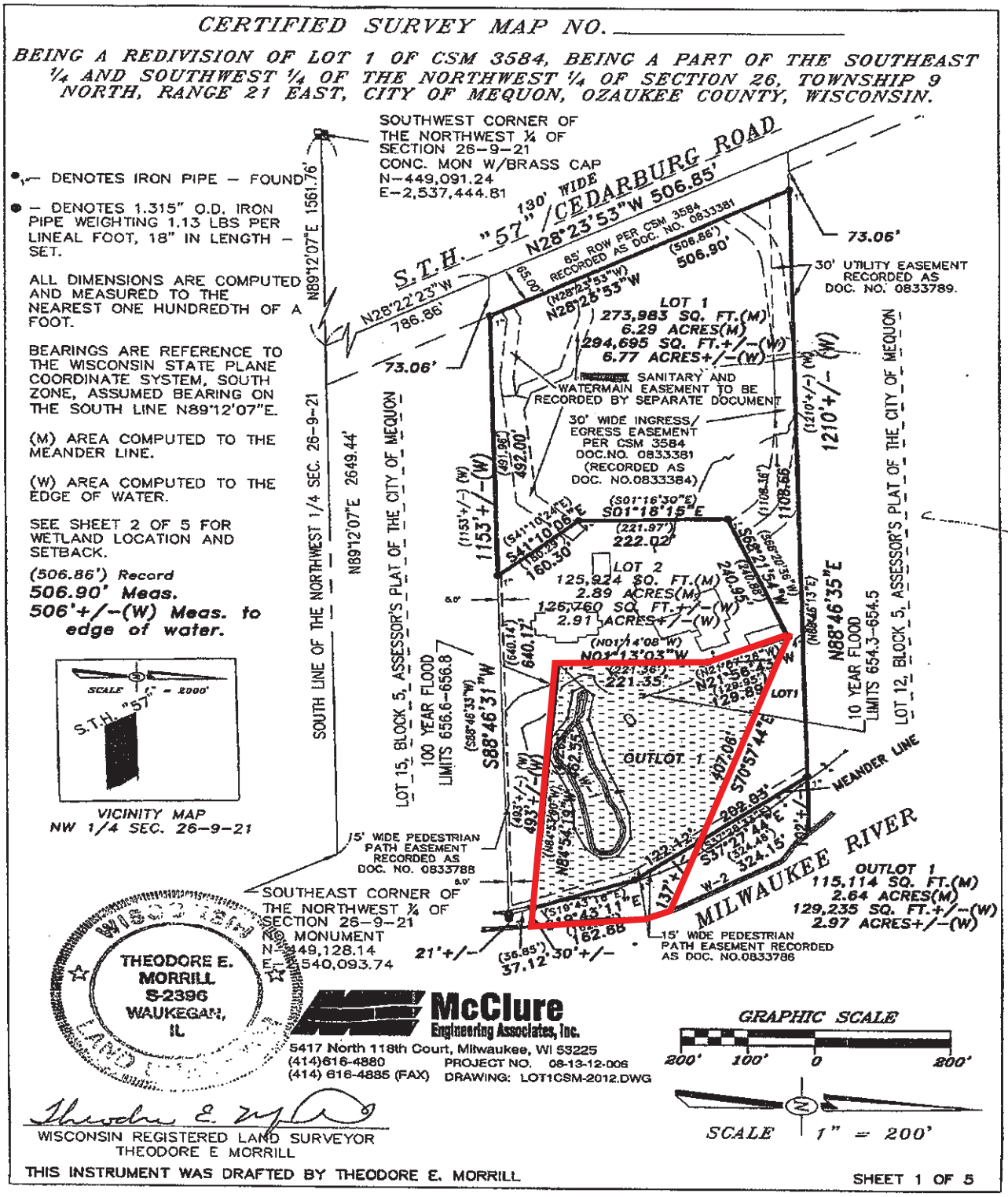
0960631 - 2

# EXHIBIT B - OUTLOT TO BE ACQUIRED BY BUYER'S AFFILIATE

3822

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RECREATIONAL EASEMENT AGREEMENT

PB

Document Number

Document Title

0962729
RONALD A. VOIGT
OZAUKEE COUNTY
REGISTER OF DEEDS
RECORDED ON
04/16/2012 2:02 PM
REC FEE: 30.00
PAGES: 5
EXEMPT #:
ELECTRONICALLY RECORDED

Recording Area

Name and Return Address
HERRLING CLARK LAW FIRM LTD.

800 NORTH LYNNDALE DRIVE
APPLETON, WI 54914

140500513001

Parcel Identification Number (PIN)

Attachment: PacketDocs (3478 : The Hoff Group for Dave Schenker)

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recbox09 6/09rmd

# RECREATIONAL EASEMENT AGREEMENT

(Reference No. 5F)

This Agreement is made the 8 day of March, 2012 by Concord 26, LLC (herein "**Concord**") and Highlands at Riverwalk LLC (herein "**Riverwalk**").

## RECITALS

Concord is the owner of Outlot 1 of Certified Survey Map No. 3822 (formerly No. 3584), which Outlot 1 was formerly part of Lot 1 of Certified Survey Map No. 3584.

Riverwalk is purchasing Lot 1 of Certified Survey Map No. 3822 from Concord, and as part of the consideration for the purchase agreement, Concord is required to grant this Recreational Easement to Riverwalk on Outlot 1.

Outlot 1 will be the Burdened Property, and Lot 1 will be the Benefited Property. This Outlot 1 and Lot 1 are legally described as follows:

## Legal Description

Lot 1 and Outlot 1 of Certified Survey Map No. 3822 (formerly No. 3584), formerly being a redivision of Lots 13 & 14, Block 5, Assessor's Plat of the City of Mequon, being a part of the Southeast ¼ and Southwest ¼ of the Northwest ¼ of Section 26, Township 9 North, Range 21 East, City of Mequon, Ozaukee County, Wisconsin.

## RECREATIONAL EASEMENT

1. **Recreational Easement**. Concord grants to Riverwalk, for the benefit of Lot 1, a non-exclusive Recreational Easement for purposes of pedestrian ingress and egress for recreational purposes and access to the abutting water and limited vehicle access for seasonal and/or permanent installation and removal of one dock/pier, the seasonal and or permanent installation of one dock/pier extending into the water, further including installation and maintenance of walking trails and the right to install and maintain a gazebo, which Easement may be used for purposes of walking, hiking, nature observation, and watercraft docking, access, and use; however, all proposed improvements, amenities and trails proposed to be placed within the Recreational Easement by Riverwalk shall be subject to prior approval by the owners of Unit 1 and Unit 2 of Riverway Condominium, which approval shall not be unreasonably withheld or delayed. No gazebo or other improvements may be constructed in the cross-hatched area shown on **Exhibit A** attached hereto. The dock/pier shall be located in the vicinity of the "Approximate pier location" shown on **Exhibit A** attached hereto.

2. **Location of Easement**. The location of the Recreational Easement herein shall be on all of Outlot 1.

3. **Additional Non-Exclusive Rights.** This Recreational Easement is non-exclusive and continues subject to other non-exclusive easement rights granted pursuant to a Landscape and Maintenance Easement Agreement granted to Riverway Condominium Association, Inc. which was recorded on January 20, 2006 with the Register of Deeds for Ozaukee County as

Attachment: PacketDocs (3478 : The Hoff Group for Dave Schenker)

Document No. 0834890, which Easement has been partially amended consistent with this Recreational Easement. The owner of Outlot 1 shall be entitled to build, install, repair, replace, rebuild, and maintain landscaping on Outlot 1; shall have the right to trim, cut, top, replace, or remove flowers, plants, trees and undergrowth on Outlot 1; and shall have the right to maintain and repair the improvements located on Outlot 1.

4. **Duration and Termination/Parties Benefited**. This Easement shall run with the land, and shall exist only for the purposes set forth herein, and shall be binding upon and for the benefit of Riverwalk and Concord, their residents, guests employees, agents, and contractors, to the extent reasonably necessary to enjoy or perform the rights referenced herein, and shall further be binding upon, and for the benefit of, the heirs, successors, and assigns of the parties hereto.

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

Dated this 8 day of March, 2012.

CONCORD 26, LLC
By: Concord Development Company, its Manager

By:_____
Andrew A. Petzold, President

Subscribed and sworn to before me this 9 day of March, 2012.

_____
Colleen J. Jordan, Notary Public
State of Wisconsin
My commission ~~expires~~ is permanent

Colleen J. Jordan
NOTARY PUBLIC
STATE OF WISCONSIN

HIGHLANDS AT RIVERWALK LLC
By: United Apartments, Inc., its Manager

By:_____
Marshal Gorwitz, President

By:_____
Shelley, Austinson, Secretary

Subscribed and sworn to before me this _____ day of March, 2012.

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

This instrument drafted by:
Charles D. Koehler
HERRLING CLARK LAW FIRM LTD.
800 North Lynndale Drive
Appleton, WI 54914

RETURN TO DRAFTER



Attachment: PacketDocs (3478 : The Hoff Group for Dave Schenker)

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4. **Duration and Termination/Parties Benefited**. This Easement shall run with the land, and shall exist only for the purposes set forth herein, and shall be binding upon and for the benefit of Riverwalk and Concord, their residents, guests employees, agents, and contractors, to the extent reasonably necessary to enjoy or perform the rights referenced herein, and shall further be binding upon, and for the benefit of, the heirs, successors, and assigns of the parties hereto.

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

Dated this 8th day of March, 2012.

CONCORD 26, LLC
By: Concord Development Company, its Manager

By:_____
Andrew A. Petzold, President

HIGHLANDS AT RIVERWALK LLC
By: United Apartments, Inc., its Manager

By: Marshal Gorwitz
Marshal Gorwitz, President

By: Shelley Austinson
Shelley, Austinson, Secretary

Subscribed and sworn to before me this
_____ day of March, 2012.

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

Subscribed and sworn to before me this
8th day of March, 2012.

Judy Husar
JUDY HUSAR, Notary Public
State of Wisconsin
My commission expires 11-03-2013

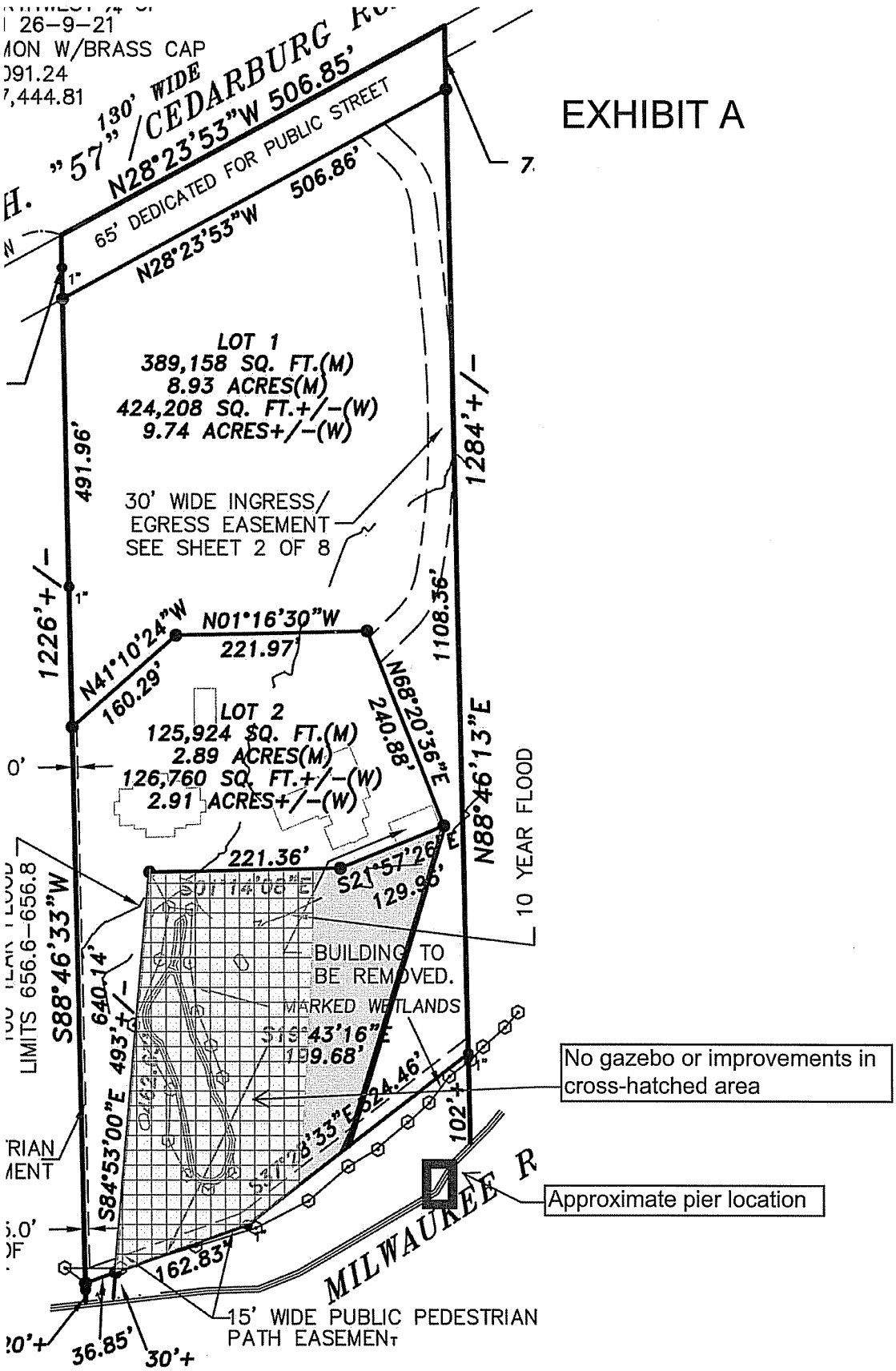
NOTARY PUBLIC
JUDY HUSAR
STATE OF WISCONSIN

This instrument drafted by:
Charles D. Koehler
HERRLING CLARK LAW FIRM LTD.
800 North Lynndale Drive
Appleton, WI 54914

RETURN TO DRAFTER



Attachment: PacketDocs (3478 : The Hoff Group for Dave Schenker)




Attachment: PacketDocs (3478 : The Hoff Group for Dave Schenker)

State Bar of Wisconsin Form 1-2003

# WARRANTY DEED

Document Number | Document Name

THIS DEED, made between
CONCORD 26, LLC, a Wisconsin limited liability company

("Grantor," whether one or more), and
SCHENKER DESIGNS LLC, a Wisconsin limited liability company

("Grantee," whether one or more)

Grantor, for a valuable consideration, conveys to Grantee the following described real estate, together with the rents, profits, fixtures and other appurtenant interests, in OZAUKEE County, State of Wisconsin ("Property")(If more space is needed, please attach addendum):

Outlot 1 of Certified Survey Map No. 3822, recorded on March 14, 2012, as Document No. 960631, being a redivision of Lot 1 of Certified Survey Map No. 3584, being a part of the Southeast 1/4 and Southwest 1/4 of the Northwest 1/4 of Section 26, Township 9 North, Range 21 East, in the City of Mequon, County of Ozaukee, State of Wisconsin.

Tax Key No: 14-050-05-13-003

Recording Area

Name and Return Address
DAVID SCHENKER
N44 W7321 MOLDENHAUER COURT
CEDARBURG, WI 53012

Parcel Identification Number (PIN)

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

Grantor warrants that the title to the Property is good, indefeasible in fee simple and free and clear of encumbrances except: municipal and zoning ordinances and agreements entered under them, recorded easements for the distribution of utility and municipal services, recorded building and use restrictions and covenants, and general taxes levied in the year of closing and condominium documents, recorded agreements, easements, and items of record at closing.

Dated as of April 29, 2013.

CONCORD 26, LLC, BY ITS MANAGER, CONCORD DEVELOPMENT COMPANY

* ANDREW PETZOLD, PRESIDENT (SEAL)

* (SEAL)

* (SEAL)

* (SEAL)

AUTHENTICATION

Signature(s) _____

authenticated on _____

* _____

TITLE: MEMBER STATE BAR OF WISCONSIN
(If not, _____
authorized by Wis. Stat. S706.06)

THIS INSTRUMENT DRAFTED BY:
ATTORNEY WILLIAM J. RUDOLPH

ACKNOWLEDGMENT

STATE OF WISCONSIN
OZAUKEE COUNTY } ss.

Personally came before me on April 25, 2013
the above named ANDREW PETZOLD, PRESIDENT
to me known to be the person(s) who executed the foregoing instrument and acknowledged the same.

* Colleen J. Jordan
Notary Public, State of Wisconsin
My commission (is permanent)(~~expires~~: NOTARY PUBLIC

Colleen J. Jordan
STATE OF WISCONSIN

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

NOTE: THIS IS A STANDARD FORM. ANY MODIFICATIONS TO THIS FORM SHOULD BE CLEARLY IDENTIFIED.

SCHENKER – WETLANDS

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

REPLY TO ATTENTION OF
REGULATORY BRANCH

MAR 19 2018

RECEIVED
MAR 21 2018
THE HOFF GROUP, INC

Regulatory File No. 2018-00173-MMJ

The Hoff Group
c/o David Hoff
6938 Santa Monica Boulevard
Fox Point, WI 53217

Dear Mr. Hoff:

This correspondence is in regard to your request for Department of the Army (DA) authorization to discharge fill material into approximately 2,097 square feet of wetland adjacent to the Milwaukee River, associated with the expansion of the Riverway Condominium Development, in the City of Mequon. The project site is in Section 26, Township 09 North, Range 21 East, Ozaukee County, Wisconsin.

Your project, as shown on the enclosed figures labeled 2018-00173-MMJ, Figures 1-5, is authorized by Nationwide Permit (NWP) No. 29 Residential Developments.

In order for this verification to be valid, you must ensure the work is performed in accordance with the enclosed NWP terms, General Conditions, St. Paul District Regional Conditions, and the Wisconsin Department of Natural Resources' 401 Water Quality Certification Conditions.

You are also required to complete and return the enclosed Compliance Certification form within 30 days upon completion of your project in accordance with NWP General Condition 30. Please mail the completed form to the Corps contact identified in the last paragraph.

This verification is valid until March 18, 2022, unless the NWP is modified, suspended, or revoked. If the work has not been completed by that time, you should contact this office to verify that the permit is still valid. Furthermore, if you commence or are under contract to commence this activity before the date of NWP expiration, modification, or revocation, you will have 12 months from the date of expiration, modification or revocation to complete the activity under the present terms and conditions of the NWP. This will apply to all NWPs unless discretionary authority has been exercised on a case-by-case basis to modify, suspend, or revoke the authorization in accordance with 33 CFR 330.4(e) and 33 CFR 330.5(c) or (d).

Our verification of this NWP is based on the project description and construction methods provided in your application. You are cautioned that a change in the location or plans may invalidate this verification. Proposed changes should be coordinated with this office prior to construction. Failure to comply with all terms and conditions of this NWP verification invalidates this verification and could result in a violation of Section 301 of the Clean Water Act or Section 10 of the Rivers and Harbors Act. You must also obtain all local, State, and other Federal permits that apply to this project.

No jurisdictional determination was requested or prepared for this project. While not required, you may request a jurisdictional determination from the Corps contact indicated below.

Attachment: PacketDocs (3478 : The Hoff Group for Dave Schenker)

**State of Wisconsin**
**DEPARTMENT OF NATURAL RESOURCES**
**Waukesha Service Center**
**141 NW Barstow, Room 180**
**Waukesha, WI 53188**

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

February 16, 2018 GP-SE-2018-46-00054

The Hoff Group, Inc.
David Hoff
6938 N. Santa Monica Blvd.
Fox Point, WI 53217

RE: Coverage under the wetland statewide general permit for wetland fill or disturbance for residential, commercial, or industrial development, located in the City of Mequon, Ozaukee County, also described as being in the SE1/4 of the NW1/4 of Section 26, Township 9 North, Range 21 East.

Dear Mr. Hoff:

Thank you for submitting an application for coverage under the wetland statewide general permit for wetland fill or disturbance for residential, commercial, or industrial development, s. 281.36, Wis. Stats.

You have certified that your project meets the eligibility criteria and conditions for this activity. Based upon your signed certification you may proceed with your project to fill 0.0480 acres of wetlands. Please take this time to re-read the permit eligibility standards and conditions. The eligibility standards can be found on your application checklist or in the statewide general permit WDNR-GP1-2017 (found at http://dnr.wi.gov/topic/waterways/construction/wetlands.html). The permit conditions are attached to this letter. You are responsible for meeting all general permit eligibility standards and permit conditions. This includes notifying the Department before starting the project, and submitting photographs within one week of project completion. Please note your coverage is valid for 5 years from the date of the department's determination or until the activity is completed, whichever occurs first. This permit coverage constitutes the state of Wisconsin's wetland water quality certification under USCS s. 1341 (Clean Water Act s. 401).

The Department conducts routine and annual compliance monitoring inspections. Our staff may follow up and inspect your project to verify compliance with state statutes and codes. If you need to modify your project please contact your local Water Management Specialist, Joshua Wied at (262) 574-2132 or email Joshua.Wied@wisconsin.gov to discuss your proposed modifications.

The Department of Natural Resources appreciates your willingness to comply with wetland regulations, which help to protect the water quality, fish and wildlife habitat, natural scenic beauty and recreational value of Wisconsin's wetland resources for future generations. Please be sure to obtain any other local, state or federal permits that are required before starting your project.

If you have any questions, please call me at (262) 574-2132 or email Joshua.Wied@wisconsin.gov.

Sincerely,

Joshua Wied

Joshua Wied
Water Management Specialist

Attachment: PacketDocs (3478 : The Hoff Group for Dave Schenker)

cc: April Marcangeli, U.S. Army Corps of Engineers
Ozaukee County Zoning Administrator
Conservation Warden

You agree to comply with the following conditions:

1. **Application**. You shall submit a complete application package to the Department as outlined in the application materials and section 2 of this permit. If requested, you shall furnish the Department, within a reasonable timeframe, any information the department needs to verify compliance with the terms and conditions of this permit.

2. **Certification**. Acceptance of general permit WDNR-GP1-2017 and efforts to begin work on the activities authorized by this general permit signifies that you have certified the project meets all eligibility standards outlined in Section 1 of this permit and that you have read, understood and have agreed to follow all terms and conditions of this general permit.

3. **Reliance on Applicant's Data.** The determination by this office that a confirmation of authorization is not contrary to wetland water quality standards will be based upon the information provided by the applicant and any other information required by the DNR.

4. **Project Plans**. This permit does not authorize any work other than what is specifically described in the notification package and plans submitted to the Department and you certified is in compliance with the terms and conditions of WDNR-GP1-2017

5. **Expiration**. This WDNR-GP1-2017 expires on October 31, 2022. The time limit for completing work authorized by the provisions of WDNR-GP1-2017 ends 5 years after the date on which the discharge is considered to be authorized under WDNR-GP1-2017 or until the discharge is completed, whichever occurs first.

6. **Other Permit Requirements**. You are responsible for obtaining any other permit or approval that may be required for your project by local zoning ordinances, other local authority, other state permits and by the U.S. Army Corps of Engineers before starting your project.

7. **Authorization Distribution**. You must supply a copy of the permit coverage authorization to every contractor working on the project.

8. **Project Start**. You shall notify the Department before starting construction.

9. **Permit Posting**. You must post a copy of this permit coverage letter at a conspicuous location on the project site prior to the execution of the permitted activity, and remaining at least five days after stabilization of the area of permitted activity. You must also have a copy of the permit coverage letter and approved plan available at the project site at all times until the project is complete.

10. **Permit Compliance**. The department may modify or revoke coverage of this permit if the project is not constructed in compliance with the terms and conditions of this permit, or if the Department determines the project will be detrimental to wetland water quality standards. Any act of noncompliance with this permit constitutes a permit violation and is grounds for enforcement action. Additionally, if any applicable conditions of this permit are found to be invalid or unenforceable, authorization for all activities to which that condition applies is denied.

Attachment: PacketDocs (3478 : The Hoff Group for Dave Schenker)

11. **Construction Timing**. Once wetland work commences, all wetland construction activities must be continuous until the permitted activity is completed and the site is stabilized.

12. **Construction**. No other portion of the wetland may be disturbed beyond the area designated in the submitted plans.

13. **Project Completion**. Within one week of completion of the regulated activity, you shall submit to the Department a statement certifying the project is in compliance with all the terms and conditions of this permit, and photographs of the activities authorized by this permit. This statement must reference the Department-issued docket number, and be submitted to the Department staff member that authorized coverage.

14. **Proper Maintenance**. You must maintain the activity authorized by WDNR-GP1-2017 in good condition and in conformance with the terms and conditions of this permit utilizing best management practices. Any structure or fill authorized shall be properly maintained to ensure no additional impacts to the remaining wetlands.

15. **Site Access**. Upon reasonable notice, you shall allow access to the site to any Department employee who is investigating the project's construction, operation, maintenance or permit compliance with the terms and conditions of WDNR-GP1-2017 and applicable laws.

16. **Erosion and siltation controls**. The project site shall implement erosion and sediment control measures that adequately control or prevent erosion, and prevent damage to wetlands as outlined in NR 151.11(6m), Wis. Adm. Code.

17. **Equipment use**. The equipment used in the wetlands must be low ground weight equipment as specified by the manufacturer specifications.

18. **Invasive Species**. All project equipment shall be decontaminated for removal of invasive species prior to and after each use on the project site by utilizing other best management practices to avoid the spread of invasive species as outlined in NR 40, Wis. Adm. Code. For more information, refer to http://dnr.wi.gov/topic/Invasives/bmp.html.

19. **Federal and State Threatened and Endangered Species**. WDNR-GP1-2017 does not affect the DNR's responsibility to insure that all authorizations comply with Section 7 of the Federal Endangered Species Act, s. 29.604, Wis. Stats and applicable State Laws. No DNR authorization under this permit will be granted for projects found not to comply with these Acts/laws. No activity is authorized which is likely to jeopardize the continued existence of a threatened or endangered species or a species proposed for such designation, as identified under the Federal Endangered Species Act and/or State law or which is likely to destroy or adversely modify the critical habitat of a species as identified under the Federal Endangered Species Act.

20. **Special Concern Species**. If the Wisconsin National Heritage Inventory lists a known special concern species to be present in the project area you will take reasonable action to prevent significant adverse impacts or to enhance the habitat for the species of concern.

21. **Historic Properties and Cultural Resources**. WDNR-GP1-2017 does not affect the DNR's responsibility to insure that all authorizations comply with Section 106 of the National Historic Preservation Act and s. 44.40, Wis. Stats. No DNR authorization under this permit will be granted for projects found not to comply with these Acts/laws. Information on the location and

Attachment: PacketDocs (3478 : The Hoff Group for Dave Schenker)

existence of historic resources can be obtained from the State Historic Preservation Office and the National Register of Historic Places. If cultural, archaeological, or historical resources are unearthed during activities authorized by this permit, work must be stopped immediately and the State Historic Preservation Officer must be contacted for further instruction.

22. **Preventive Measures**. Measures must be adopted to prevent potential pollutants from entering a wetland or waterbody. Construction materials and debris, including fuels, oil, and other liquid substances, will not be stored in the construction area in a manner that would allow them to enter a wetland or waterbody as a result of spillage, natural runoff, or flooding. If a spill of any potential pollutant should occur, it is the responsibility of the permittee to remove such material, to minimize any contamination resulting from this spill, and to immediately notify the State Duty Officer at **1-800-943-0003**.

23. **Suitable fill material.** All fill authorized under this permit must consist of clean suitable soil material, as defined by s. NR 500.03(214), Wis. Admin. Code, free from hazardous substances as defined by s. 289.01(11), Wis. Stats., and free from solid waste as defined by s. 289.01(11) and (33), Wis. Stats.

24. **Standard for Coverage**. Wetland impacts from the project will cause only minimal adverse environmental impacts as determined by the Department.

25. **Transfers**. Coverage under this permit is transferable to any person upon prior written approval of the transfer by the Department.

26. **Limits of State Liability**. In authorizing work, the State Government does not assume any liability, including for the following:
    a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.
    b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the State in the public interest.
    c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.
    d. Design or construction deficiencies associated with the permitted work.
    e. Damage claims associated with any future modification, suspension, or revocation of this WDNR-GP1-2017.

27. **Reevaluation of Decision**. The Department may suspend, modify or revoke authorization of any previously authorized activity and may take enforcement action if any of the following occur:

    a. The applicant fails to comply with the terms and conditions of WDNR-GP1-2017.
    b. The information provided by the applicant in support of the permit application proves to have been false, incomplete, or inaccurate.
    c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

Attachment: PacketDocs (3478 : The Hoff Group for Dave Schenker)

City of Mequon

11300 N Buntrock Ave 64W
Mequon, WI 53092-1930
Phone (262) 242-2530
Fax (262) 242-5042
dbialk@ci.mequon.wi.us

OFFICE OF THE FIRE CHIEF

December 19, 2017

Mr. David Hoff
The Hoff Group, Inc.
6938B N. Santa Monica Blvd
Fox Point, WI 53217

**RE: Dry Land Access to 10950 N. Cedarburg Road**

Dear Mr. Hoff,

Pursuant to our meeting today, I have reviewed your proposed redevelopment plans for the referenced property. I understand you are proposing 6 new residential condominiums on this site.

Your plans show the existing parcel and roadway serving it are currently below the 100-year floodplain elevation. The proposed redevelopment will bring the grades of the site up above the 100-year floodplain, but approximately 250 feet of existing off-site roadway leading to your development will remain below the 100-year floodplain elevation.

We are only talking about 250 feet of road that will have a maximum of 17" of standing water on it during a 100-year storm event.

Based on the information you presented and the facts in this letter, I have no problem accessing your property during a 100-year storm event.

Your request for a waiver to the Dryland Access Requirement is granted.

Thank you.

David L. Bialk, Chief
Mequon Fire Department

Attachment: PacketDocs (3478 : The Hoff Group for Dave Schenker)

City of Mequon

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

www.ci.mequon.wi.us

Department of Community Development

**TO:** **Planning Commission**

**FROM:** **JAC ZADER, ASSISTANT DIRECTOR COMMUNITY DEVELOPMENT**

**DATE:** **September 5, 2018**

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

| | |
|---|---|
| Applicant: | David Hoff |
| Status of Applicant: | Offer to Purchase |
| Requested Action: | Remove from Table<br>Development Agreement<br>Landscape Plan<br>Building Plan |
| Existing Use: | Vacant |
| Existing Zoning: | R-6 (Plex Residential)<br>PUD (Planned Unit Development)<br>R-3 (Suburban Residential) |
| Proposed Zoning: | R-6 (Suburban Residential Attached)<br>PUD (Planned Unit Development Overlay) |
| Existing Land Use Plan: | Residential 1-1.5 acre<br>Institutional |
| Land Use Plan: | Residential Plex |
| Lot Size: | 13 acres |
| Location: | 12431 N Green Bay Road and parcel to the west. A one acre portion of 12424 N Green Bay Road and a 1.6 acre portion of 5555 W Highland Drive. |
| Tax Key: | #14-014-07-005.00 & #14-015-04-003.01 & #14-014-02-000.00 |
| District: | #3 |

**Background:**
The applicant is requesting development agreement, landscaping plan and building plan approval for the project located at 12431 N Green Bay Road and land to the west as well as a portion of 12424 N Green Bay Road and 5555 W Highland Drive. The development agreement was tabled at the July 23, 2018 meeting.

**Building Designs:**

As with past plex developments, the applicant is required to submit three different conceptual building designs for review and approval. The applicant has submitted three designs with brick or stone options for a total of five different variations. All of the proposed designs include brick or stone as the primary material. Secondary materials vary depending on the design but include fiber cement siding, stucco and fiber cement shake. Staff is supportive of the proposed concept designs. Staff will require that no one building design be used in more than half of the buildings in the development. Specific building approval will be at the discretion of the Architectural Review Board.

**Development Agreement:**
Please see attached draft development agreement for Phase I authored by Planning and Engineering staff to address the necessary improvements for the development. The development agreement provides the opportunity to construct three (3) model buildings prior to final plat approval with the understanding that the unit can't be sold or title transferred until the associated plat is recorded. In the past, staff would limit the number of model buildings allowed prior to final plat to two. In this case, the applicant states that in order to get closure from the DNR for environmental cleanup, the contaminated soil needs to be removed. The soil is adjacent to the proposed three buildings on the city piece (see map). The applicant would like to excavate and remove the soil when the foundations are being dug and replace the contaminated soil with clean fill. Staff has no objection to this request.

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

- Install street trees along Green Bay Road

Staff feels that this section of Green Bay Road should have a less formal pattern for the street trees. Staff will recommend that the total number of street trees is based on the 30 foot spacing and the trees are cluster in groups consistent with the proposed landscape screening buffering along Green Bay Road. The Tree Board has not taken action on the street tree plan. Typically, the Tree Board takes action prior to Planning Commission approval but they were unable to convene a meeting prior to the September 5th meeting. If the Tree Board makes substantial changes to the street tree plan, if will return to the Commission for final approval.

**Engineering Report:**
Bridget Henk, Assistant City Engineer, has reviewed the application and has the following comments:
The development agreement is based on the standard development agreement language and was reviewed by the developer and the City Attorney. The sanitary sewer connects to the Village of Thiensville's sanitary sewer system which is part of an Inter-Governmental Agreement. The specific language included in the Inter-Governmental Agreement was included in the draft Development Agreement for the project.
The conceptual plan was reviewed with the building and site plan was reviewed by planning commission July 23, 2018. The Engineering Division has no additional comments.

**Staff Recommendation:**
Staff recommends **approval** of the building plan, landscape plan, and development agreement subject to the following condition(s):

1. Common Council approval of the rezoning.
2. Street tree plan shall be approved by the Tree Board.
3. Architectural design of residential buildings shall comply with the attached Exhibits and the

Architectural Board's publication entitled "Guidelines for Residential Structures".

Attachments:
PacketDocs1 (PDF)

# David Hoff

| | | | |
|---|---|---|---|
| AC | Arrival Corridor | LTD | Limited Use |
| A-1 | Agricultural Preserve | OA | Agricultural Overlay |
| A-2 | General Agricultural | PUD | Planned Unit Development Overlay |
| B-1 | Neighborhood Business | P-1 | Park & Recreation |
| B-2 | Community Business | R-1 | Single-Family Residential (5 Ac. Min.) |
| B-3 | Office & Service Business | R-1B | Single-Family Residential (2.5 Ac. Min.) |
| B-4 | Business Park | R-2 | Single-Family Residential (2.0 Ac. Min.) |
| B-5 | Light Industrial | R-2B | Single-Family Residential (1.5 Ac. Min.) |
| B-6 | Rural Industrial | R-3 | Single-Family Residential (1.0 Ac. Min.) |
| B-7 | Rural Business | R-4 | Single-Family Residential (3/4 Ac. Min.) |
| C-1 | Shoreland/Wetland Conservancy | R-5 | Single-Family Residential (1/2 Ac. Min.) |
| C-2 | General Conservancy | R-6 | Single-Family Residential (4 du/Ac) |
| CGO | Central Growth Overlay | RM | Multi-Family Residential |
| FFO | Flood Fringe Overlay | TC | Town Center |
| FW | Floodway | TDR | Transfer of Development Rights |
| IPS | Institutional & Public Service | | |

Attachment: PacketDocs1 (3479 : The Woods at Highland Park)

THEHOFFGROUP
ARCHITECTURE | PROJECT MANAGEMENT | DEVELOPMENT

August 6, 2018

Mr. Jac Zader
Assistant Director of Community Development
City of Mequon

**RE: Woods at Highland Park**
**Development Agreement Section 9 (c)**

Dear Jac:

Per our discussion last week, I am requesting that the City of Mequon allow my firm to start construction of all 3 duplex "model" buildings (6 units) located on the City Property at the Woods at Highland Park (see attached exhibit). This is a provision in our proposed Development Agreement under section 9 (c).

Sigma Environmental completed a Phase II Environmental Site Assessment on the entire 11 acre site, and found that there is buried construction debris and slight soil contamination on the south side of the 3.3 acre parcel currently owned by the City of Mequon. We have submitted a RAP (Remedial Action Plan) to the DNR to allow us to excavate the basements of buildings 1, 2 and 3 and dispose of the soil, and fill the site around these buildings with clean fill in order to obtain DNR Case Closure for this property.

This is a critical hurdle for us to cross in the redevelopment of the City parcel. We must get Case Closure from the DNR on the City Property before our condominium buyers can get the necessary financing to close on their permanent mortgages in Phase I of the development, and for us to move forward on future phases of the project.

If we only break ground on two of the buildings on the City parcel, we will not be able to get the DNR Case Closure required for the development and no one will be able to get financing. Lack of financing will effectively shut our development down. We respectfully request that we be allowed to start construction of three buildings concurrently with the installation of the site improvements so we can remediate *all* of the contamination, get DNR Case Closure, and then get financing for the project. Note that the Development Agreement already requires that we provide vehicle access to all buildings under construction for inspection and emergency services so this will not be an issue.

Please contact me with any other questions you may have about this development.

Thank you.

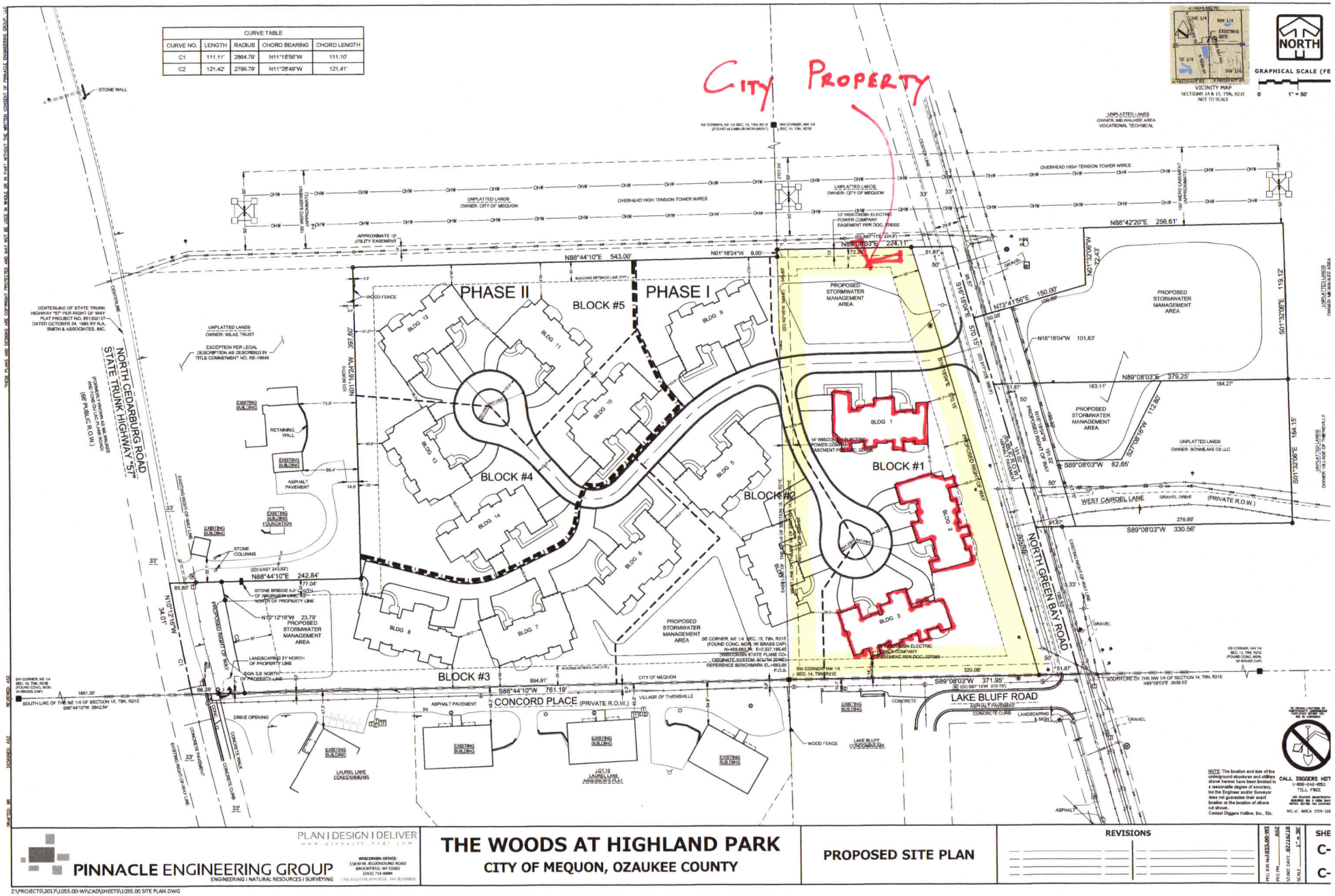
**THE HOFF GROUP**

David J. Hoff AIA
President

**6938 N. Santa Monica Blvd** **Fox Point, WI 53217**

**Phone: 414-228-3613** **davidh@northtrack.org** **Fax 414-228-3600**

Attachment: PacketDocs1 (3479 : The Woods at Highland Park)




Attachment: PacketDocs1 (3479 : The Woods at Highland Park)

# THE WOODS AT HIGHLAND PARK

## CITY OF MEQUON, WI

## PRINCETON - Ns / Sf - BRICK

## PRINCETON - Nf / Sf - BRICK

* N - INDICATES NOTRE DAME UNIT
* S - INDICATES STANFORD UNIT
* s - INDICATES SIDE LOADING GARAGE
* f - INDICATES FRONT LOADING GARAGE

THESE CONSTRUCTION DOCUMENTS AND ANY REPRODUCTION IN WHOLE OR IN PART ARE INSTRUMENTS OF SERVICE FOR USE SOLELY WITH RESPECT TO THIS PROJECT. ARCHITECTURAL DEVELOPMENT SERVICES INC. SHALL RETAIN ALL COMMON LAW, STATUTORY, AND OTHER RESERVED RIGHTS, INCLUDING THE COPYRIGHT, UNLESS OTHERWISE AGREED UPON IN WRITING. THESE CONSTRUCTION DOCUMENTS SHALL NOT BE REPRODUCED OR COPIED IN ANY MANNER OR ARE TO BE USED ON ANY OTHER PROJECT OTHER THAN THE SPECIFICALLY INDICATED HEREIN WITHOUT WRITTEN PERMISSION FROM AND DUE COMPENSATION GIVEN TO ARCHITECTURAL DEVELOPMENT SERVICES INC. © COPYRIGHT 2018

DEVELOPER
THE HOFF GROUP
6938 N SANTA MONICA BLVD.
FOX POINT, WI 53217
ATTN: DAVID HOFF

COMPLETION DATE
NOT COMPLETE

REVISIONS
MEQUON PLANNING COMMISSION 3/12/18

DESIGNED BY B. TOM
DRAWN BY
CHECKED B. TOM

ADS ARCHITECTURAL DEVELOPMENT SERVICES INC.
www.architecturaldevelopmentservices.com
150 NORTH SUNNY SLOPE RD STE 250
BROOKFIELD, WI 53005
(262) 787 - 1701

JOB NUMBER
148918-E

SHEET NO.
1 OF 5

Attachment: PacketDocs1 (3479 : The Woods at Highland Park)

# THE WOODS AT HIGHLAND PARK

## CITY OF MEQUON, WI

## PRINCETON - Ns / Sf - STONE

## PRINCETON - Nf / Sf - STONE

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SHEET NO.
2 OF 5

Attachment: PacketDocs1 (3479 : The Woods at Highland Park)

# THE WOODS AT HIGHLAND PARK

## CITY OF MEQUON, WI

## NOTRE DAME - Ns / Nf - BRICK

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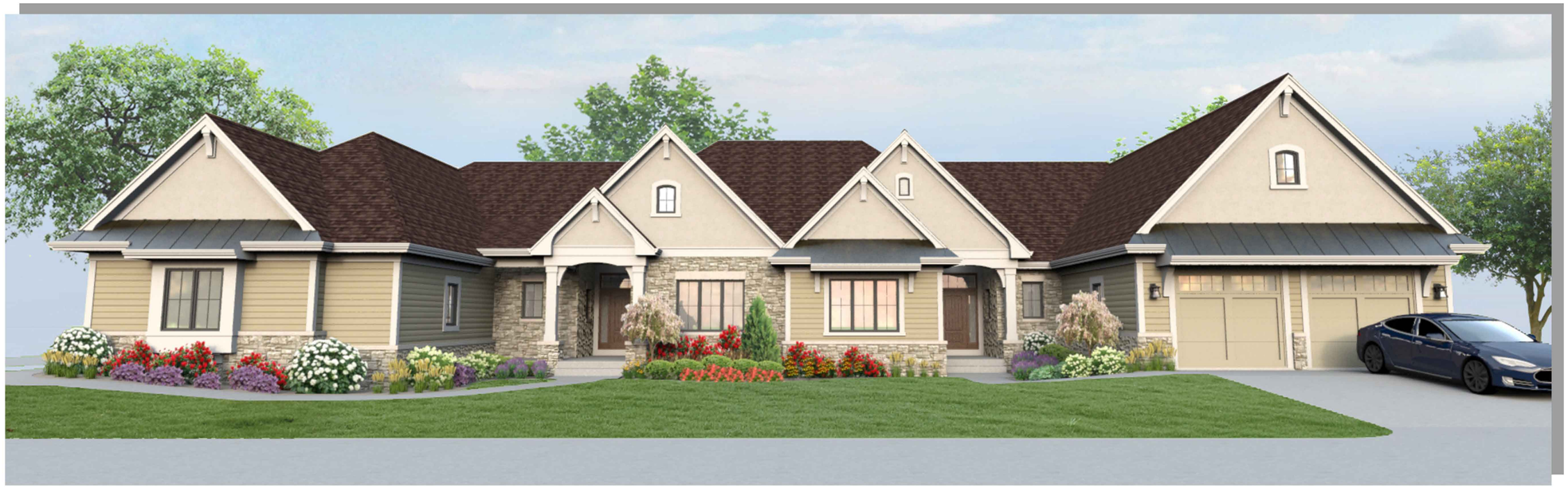
SHEET NO.
3 OF 5

Attachment: PacketDocs1 (3479 : The Woods at Highland Park)

# THE WOODS AT HIGHLAND PARK

## CITY OF MEQUON, WI



## NOTRE DAME - Ns / Nf - STONE

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MEQUON PLANNING COMMISSION 3/12/18

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JOB NUMBER
148918-E

SHEET NO.
4 OF 5

Attachment: PacketDocs1 (3479 : The Woods at Highland Park)

# THE WOODS AT HIGHLAND PARK

## CITY OF MEQUON, WI

## STANFORD - Ss / Sf - STONE

## STANFORD - Sf / Ss - STONE

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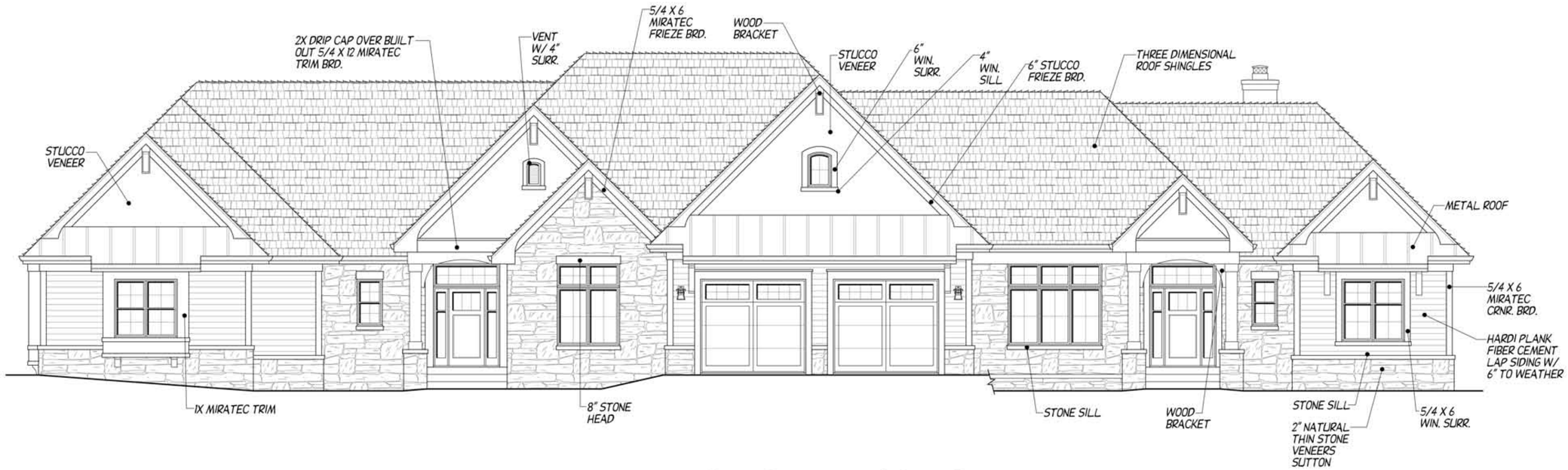
SHEET NO.
5 OF 5

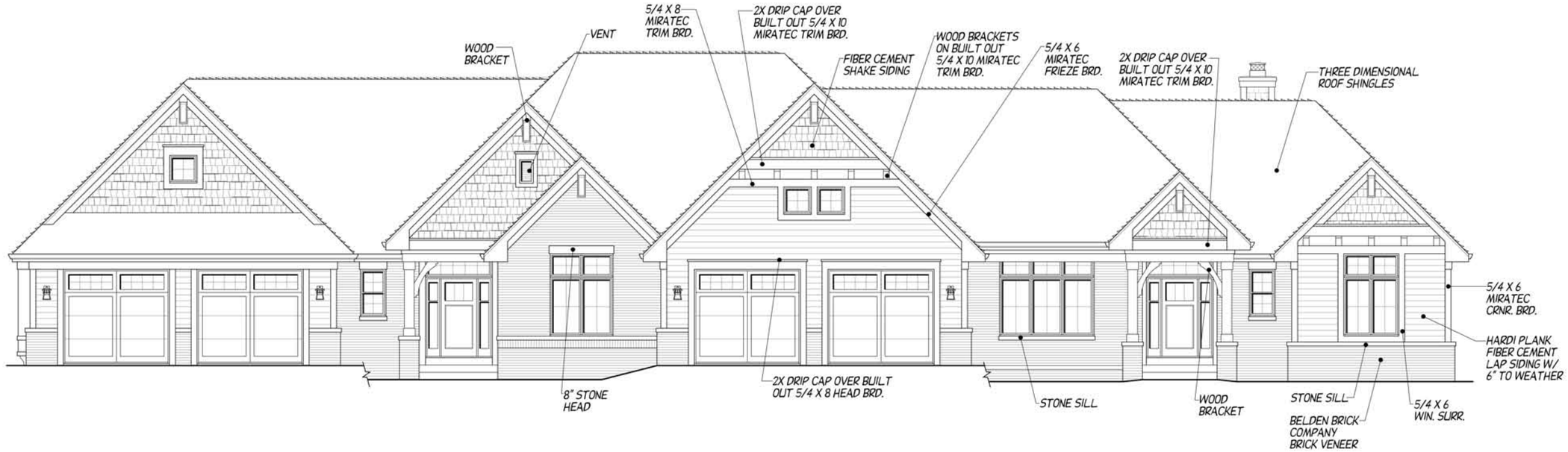
Attachment: PacketDocs1 (3479 : The Woods at Highland Park)

# THE WOODS AT HIGHLAND PARK

## CITY OF MEQUON, WI




## PRINCETON - Ns / Sf - Stone




## PRINCETON - Nf / Sf - BRICK

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ATTN: DAVID HOFF

COMPLETION DATE
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REVISIONS
MEQUON PLANNING COMMISSION 8/2/18

DESIGNED BY B. TOM
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CHECKED B. TOM

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JOB NUMBER
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SHEET NO.
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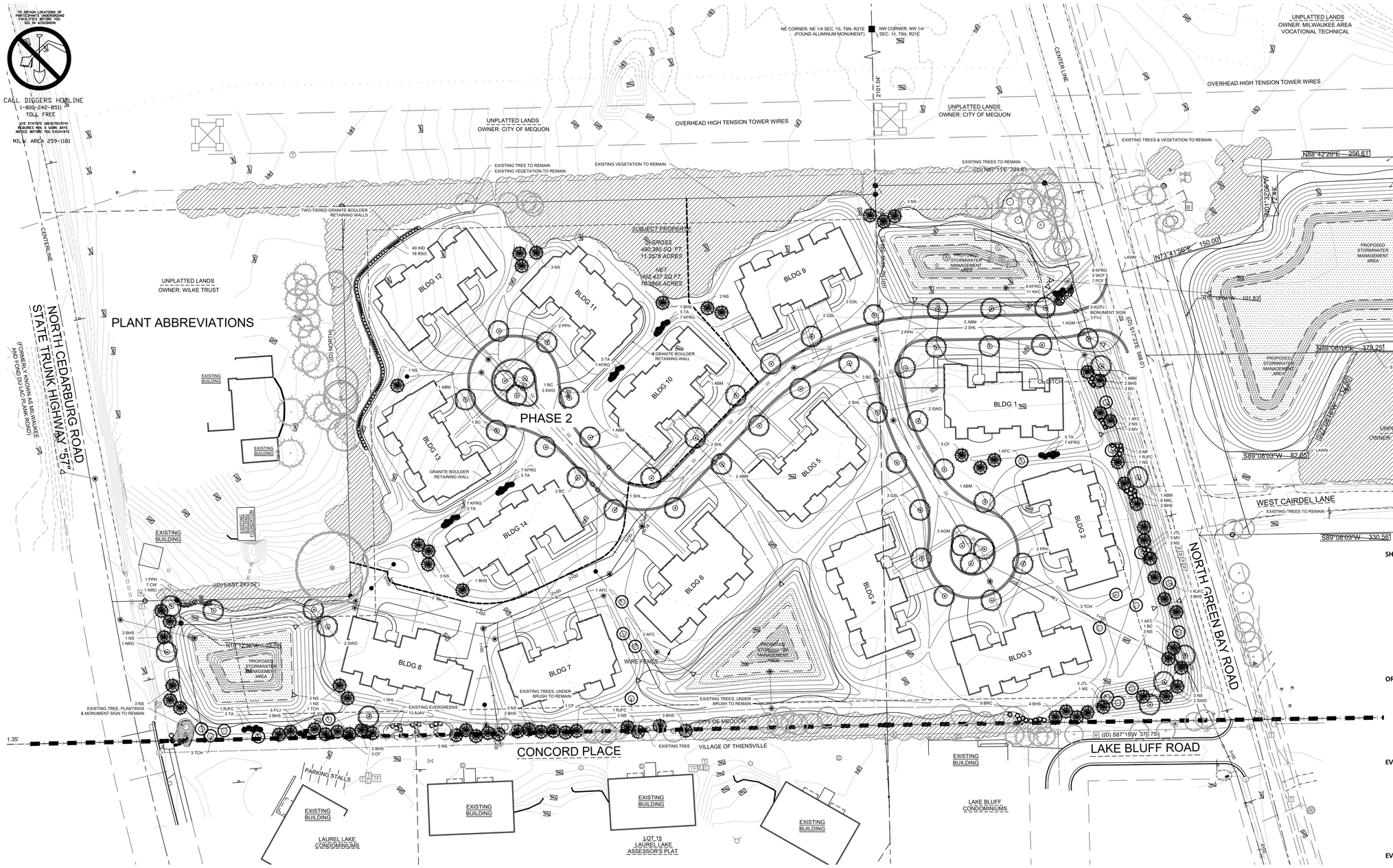


# OVERALL LANDSCAPE PLAN

Scale: 1" = 50'0"

NORTH

## PLANT ABBREVIATIONS

**SHADE TREES (DECIDUOUS)**

| | |
|---|---|
| ABM | Autumn Blaze Maple |
| PPH | Prairie Pride Hackberry |
| SHL | Skyline Honeylocust |
| AGM | Autumn Gold Maidenhair |
| SWO | Swamp White Oak |
| NRO | Northern Red Oak |
| BC | Bald Cypress |
| GSL | Greenspire Linden |

**ORNAMENTAL TREES (DECIDUOUS)**

| | |
|---|---|
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| AFC | Adams Flowering Crabapple |
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**EVERGREEN TREES**

| | |
|---|---|
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| FVJ | Fairview Upright Juniper (upright) |
| NS | Norway Spruce |
| BHS | Black Hills Spruce |
| TA | Techny Arborvitae |

**EVERGREEN SHURBS**

| | |
|---|---|
| KCPJ | Kallay Compact Pfitzer Juniper |

**DECIDUOUS SHRUBS**

| | |
|---|---|
| BRC | Brilliant Red Chokeberry |
| MF | Meadowlark Forsythia |
| CW | Common Witchhazel |
| MKL | Miss Kim Dwarf Lilac |
| AJAV | Autumn Jazz Arrowood Viburnum |
| MV | Mohican Viburnum |

**ORNAMENTAL GRASSES**

| | |
|---|---|
| KFRG | Karl Foerster Feather Reed Grass |

**HERBACEOUS PERENNIALS**

| | |
|---|---|
| PCF | Magnus Purple Coneflower |
| WCF | White Swan Coneflower |
| KKC | Dwarf Catmint |

PLANT ABBREVIATIONS

HELLER & ASSOCIATES, LLC
LANDSCAPE ARCHITECTURE
P.O. Box 1359
Lake Geneva, Wisconsin 53147
ph 262.639.9733
david@wdavidheller.com

PROJECT

# THE WOODS AT HIGHLAND PARK

North Green Bay Road
Mequon, WI

ISSUANCE AND REVISIONS

| DATE | DESCRIPTION |
|---|---|
| 8.10.18 | CITY SUBMITTAL |

These plans were prepared by:
W. David Heller, ASLA
Registered Landscape Architect
#438-014

Information contained herein is based on survey information, field inspection, and believed to be accurate.

SHEET TITLE

OVERALL LANDSCAPE PLANTING PLAN

| | |
|---|---|
| PROJECT MANAGER | WDH |
| PROJECT NUMBER | 18-01 |
| DATE | 08.10.18 |
| SHEET NUMBER | L 1.0 |

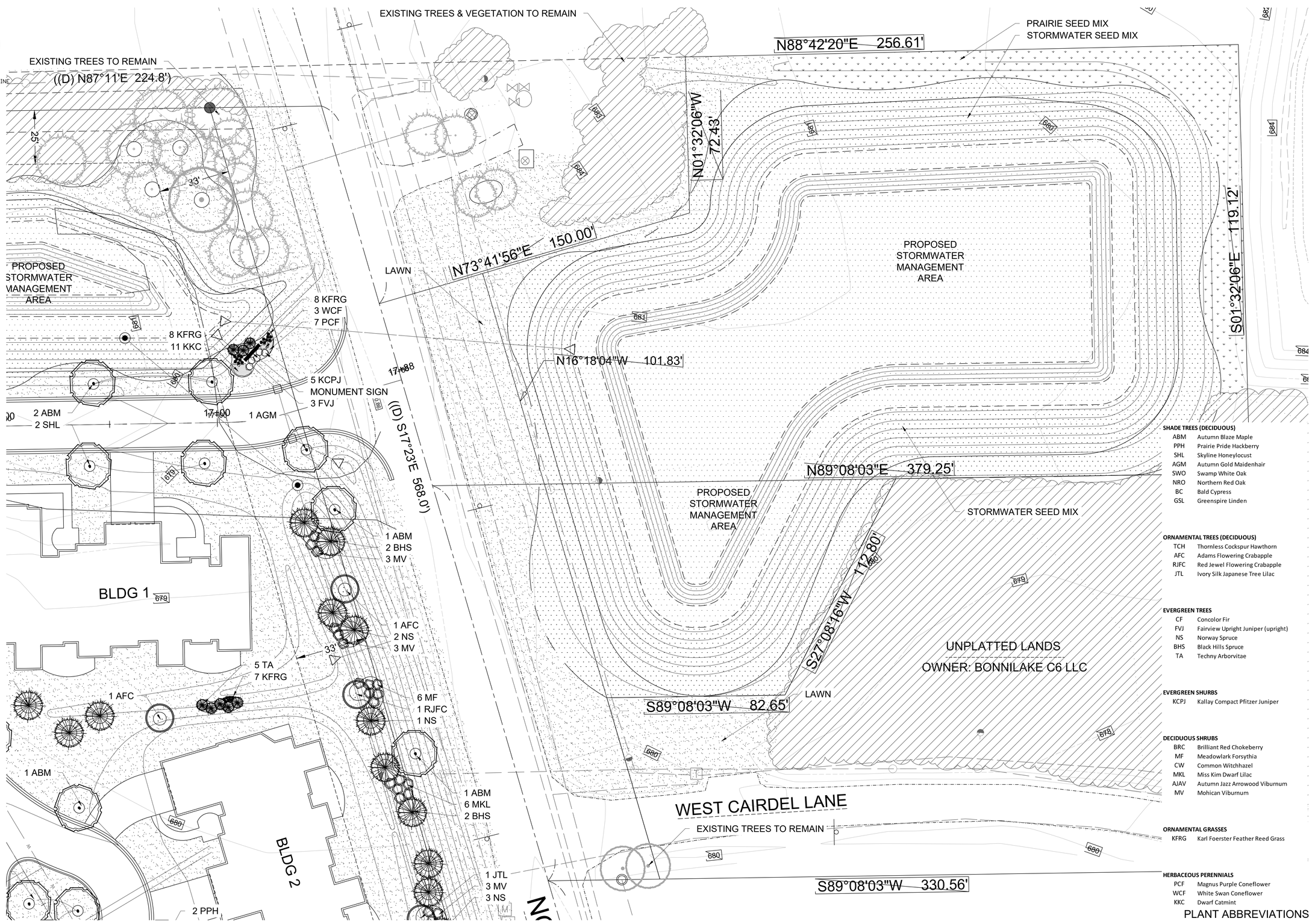
Attachment: PacketDocs1 (3479 : The Woods at Highland Park)

TO OBTAIN LOCATIONS OF PARTICIPANTS UNDERGROUND FACILITIES BEFORE YOU DIG IN WISCONSIN

CALL DIGGERS HOTLINE
1-800-242-8511
TOLL FREE

WIS STATUTE 182.0715(2)(a) REQUIRES MIN. 3 WORK DAYS NOTICE BEFORE YOU EXCAVATE

MILW. AREA 259-1181

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| GSL | Greenspire Linden |

**ORNAMENTAL TREES (DECIDUOUS)**

| | |
|---|---|
| TCH | Thornless Cockspur Hawthorn |
| AFC | Adams Flowering Crabapple |
| RJFC | Red Jewel Flowering Crabapple |
| JTL | Ivory Silk Japanese Tree Lilac |

**EVERGREEN TREES**

| | |
|---|---|
| CF | Concolor Fir |
| FVJ | Fairview Upright Juniper (upright) |
| NS | Norway Spruce |
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**EVERGREEN SHRUBS**

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| KCPJ | Kallay Compact Pfitzer Juniper |

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**ORNAMENTAL GRASSES**

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**HERBACEOUS PERENNIALS**

| | |
|---|---|
| PCF | Magnus Purple Coneflower |
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| KKC | Dwarf Catmint |

PLANT ABBREVIATIONS

# ENLARGED LANDSCAPE PLAN

Scale: 1" = 20'0"

HELLER & ASSOCIATES, LLC
LANDSCAPE ARCHITECTURE
P.O. Box 1359
Lake Geneva, Wisconsin 53147
ph 262.639.9733
david@wdavidheller.com

PROJECT

THE WOODS AT HIGHLAND PARK

North Green Bay Road
Mequon, WI

ISSUANCE AND REVISIONS

| DATE | DESCRIPTION |
|---|---|
| 8.10.18 | CITY SUBMITTAL |

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SHEET TITLE

ENLARGED LANDSCAPE PLANTING PLAN: EAST

| | |
|---|---|
| PROJECT MANAGER | WDH |
| PROJECT NUMBER | 18-01 |
| DATE | 08.10.18 |
| SHEET NUMBER | L 1.1 |

Attachment: PacketDocs1 (3479 : The Woods at Highland Park)

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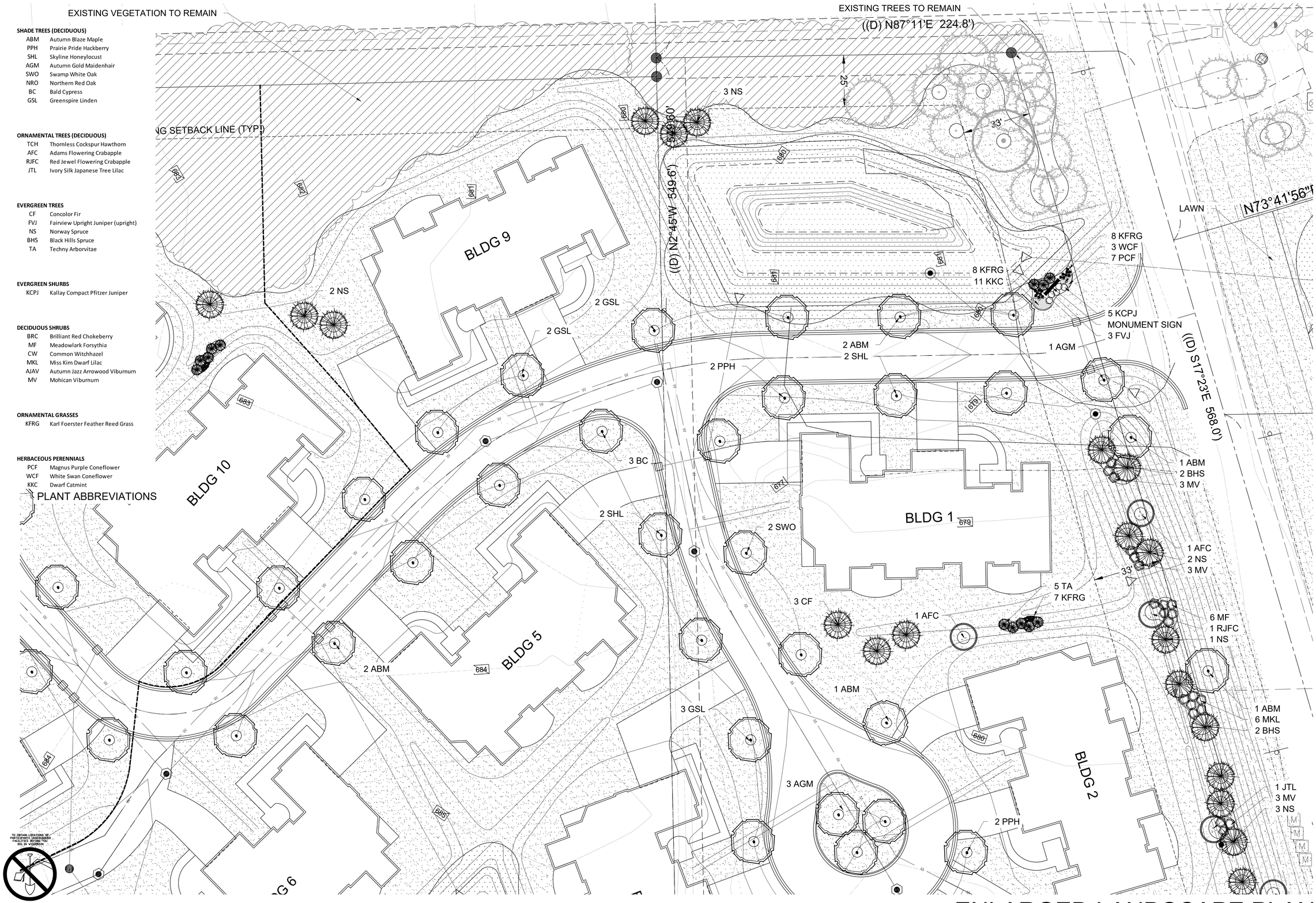
PLANT ABBREVIATIONS




# ENLARGED LANDSCAPE PLAN

Scale: 1" = 20'0"

NORTH

HELLER & ASSOCIATES, LLC
LANDSCAPE ARCHITECTURE
P.O. Box 1359
Lake Geneva, Wisconsin 53147
ph 262.639.9733
david@wdavidheller.com

PROJECT

## THE WOODS AT HIGHLAND PARK

North Green Bay Road
Mequon, WI

ISSUANCE AND REVISIONS

| DATE | DESCRIPTION |
|---|---|
| 8.10.18 | CITY SUBMITTAL |

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SHEET TITLE

## ENLARGED LANDSCAPE PLANTING PLAN: NORTHEAST

| | |
|---|---|
| PROJECT MANAGER | WDH |
| PROJECT NUMBER | 18-01 |
| DATE | 08.10.18 |

SHEET NUMBER

L 1.2

Attachment: PacketDocs1 (3479 : The Woods at Highland Park)

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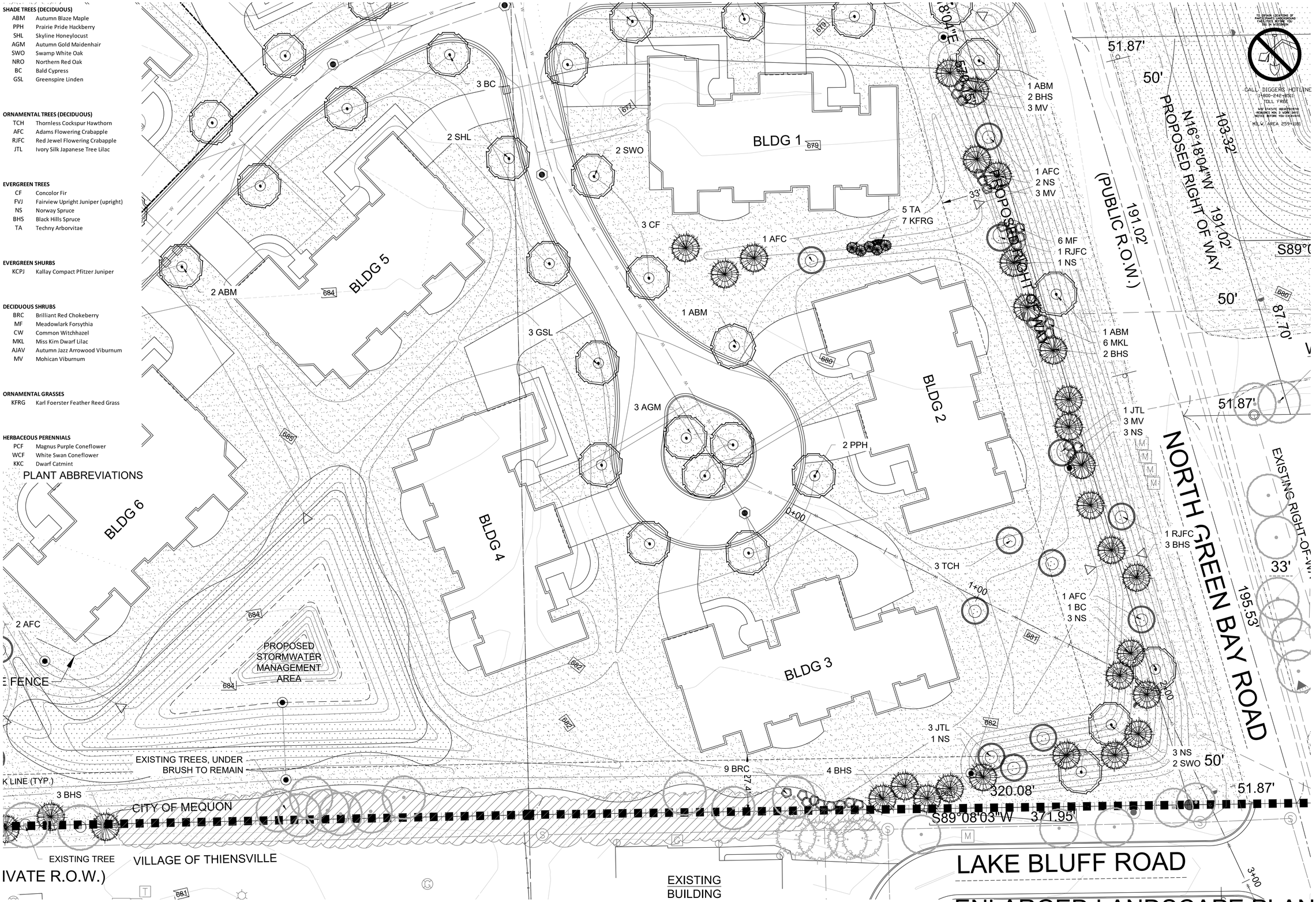


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Mequon, WI

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## ENLARGED LANDSCAPE PLANTING PLAN: SOUTHEAST

| | |
|---|---|
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| PROJECT NUMBER | 18-01 |
| DATE | 08.10.18 |
| SHEET NUMBER | |

L 1.3

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TOLL FREE

WIS STATUTE 182.0175(9)(a) REQUIRES MIN. 3 WORK DAYS NOTICE BEFORE YOU EXCAVATE

MILW. AREA 259-1181

**SHADE TREES (DECIDUOUS)**

| | |
|---|---|
| ABM | Autumn Blaze Maple |
| PPH | Prairie Pride Hackberry |
| SHL | Skyline Honeylocust |
| AGM | Autumn Gold Maidenhair |
| SWO | Swamp White Oak |
| NRO | Northern Red Oak |
| BC | Bald Cypress |
| GSL | Greenspire Linden |

**ORNAMENTAL TREES (DECIDUOUS)**

| | |
|---|---|
| TCH | Thornless Cockspur Hawthorn |
| AFC | Adams Flowering Crabapple |
| RJFC | Red Jewel Flowering Crabapple |
| JTL | Ivory Silk Japanese Tree Lilac |

**EVERGREEN TREES**

| | |
|---|---|
| CF | Concolor Fir |
| FVJ | Fairview Upright Juniper (upright) |
| NS | Norway Spruce |
| BHS | Black Hills Spruce |
| TA | Techny Arborvitae |

**EVERGREEN SHURBS**

| | |
|---|---|
| KCPJ | Kallay Compact Pfitzer Juniper |

**DECIDUOUS SHRUBS**

| | |
|---|---|
| BRC | Brilliant Red Chokeberry |
| MF | Meadowlark Forsythia |
| CW | Common Witchhazel |
| MKL | Miss Kim Dwarf Lilac |
| AJAV | Autumn Jazz Arrowood Viburnum |
| MV | Mohican Viburnum |

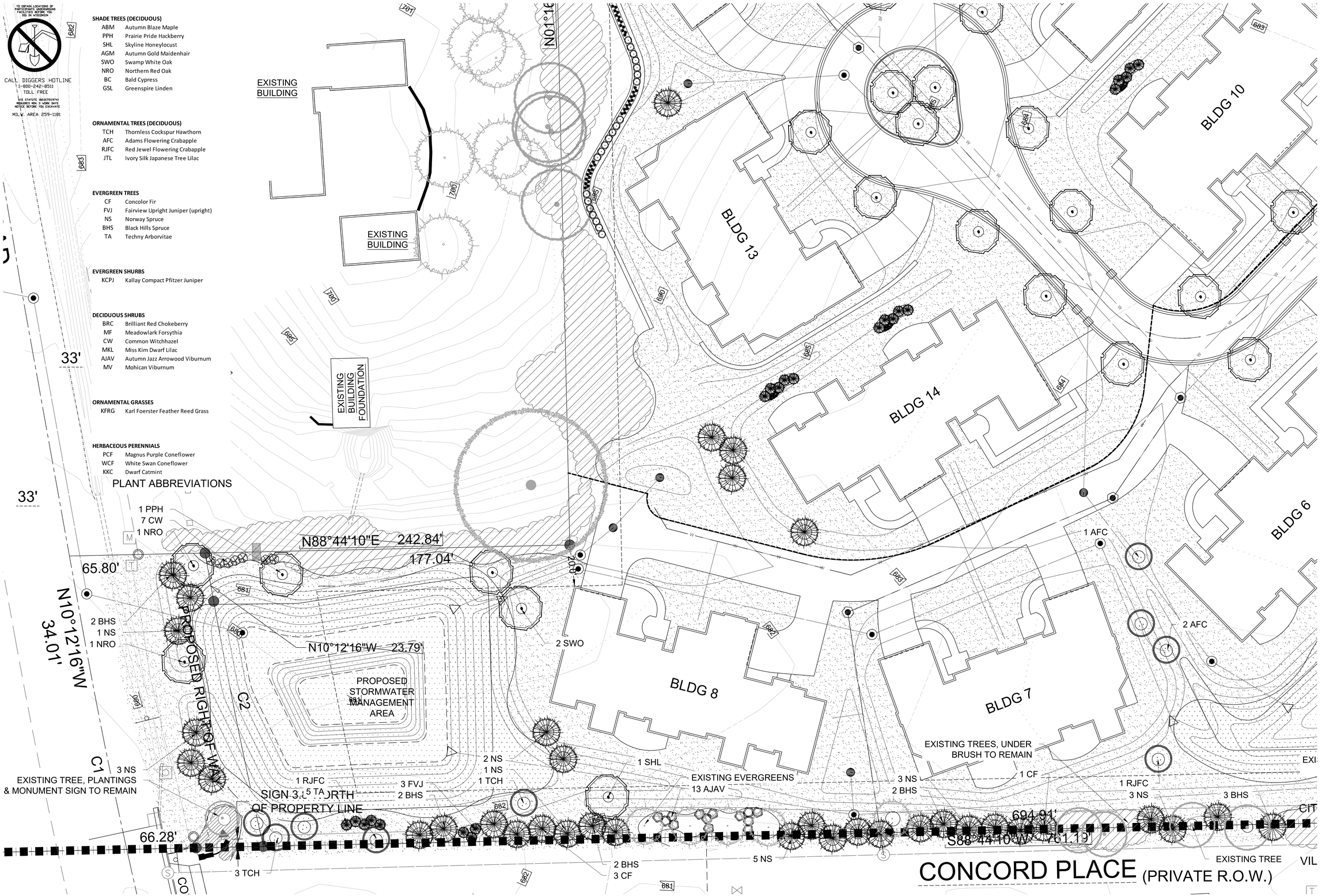
**ORNAMENTAL GRASSES**

| | |
|---|---|
| KFRG | Karl Foerster Feather Reed Grass |

**HERBACEOUS PERENNIALS**

| | |
|---|---|
| PCF | Magnus Purple Coneflower |
| WCF | White Swan Coneflower |
| KKC | Dwarf Catmint |

PLANT ABBREVIATIONS




# ENLARGED LANDSCAPE PLAN

Scale: 1" = 20'0"

HELLER & ASSOCIATES, LLC
LANDSCAPE ARCHITECTURE
P.O. Box 1359
Lake Geneva, Wisconsin 53147
ph 262.639.9733
david@wdavidheller.com

PROJECT

## THE WOODS AT HIGHLAND PARK

North Green Bay Road
Mequon, WI

ISSUANCE AND REVISIONS

| DATE | DESCRIPTION |
|---|---|
| 8.10.18 | CITY SUBMITTAL |

These plans were prepared by:
W. David Heller, ASLA
Registered Landscape Architect
#438-014

Information contained herein is based on survey information, field inspection, and believed to be accurate.

SHEET TITLE

## ENLARGED LANDSCAPE PLANTING PLAN: SOUTHWEST

| | |
|---|---|
| PROJECT MANAGER | WDH |
| PROJECT NUMBER | 18-01 |
| DATE | 08.10.18 |
| SHEET NUMBER | L 1.4 |

Attachment: PacketDocs1 (3479 : The Woods at Highland Park)

TO OBTAIN LOCATIONS OF PARTICIPANTS UNDERGROUND FACILITIES BEFORE YOU DIG IN WISCONSIN

CALL DIGGERS HOTLINE
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TOLL FREE

WIS STATUTE 182.0175(9)(a) REQUIRES MIN. 3 WORK DAYS NOTICE BEFORE YOU EXCAVATE

MILW. AREA 259-1181

**SHADE TREES (DECIDUOUS)**

| | |
|---|---|
| ABM | Autumn Blaze Maple |
| PPH | Prairie Pride Hackberry |
| SHL | Skyline Honeylocust |
| SWO | Swamp White Oak |
| BC | Bald Cypress |

**EVERGREEN TREES**

| | |
|---|---|
| NS | Norway Spruce |
| BHS | Black Hills Spruce |
| TA | Techny Arborvitae |

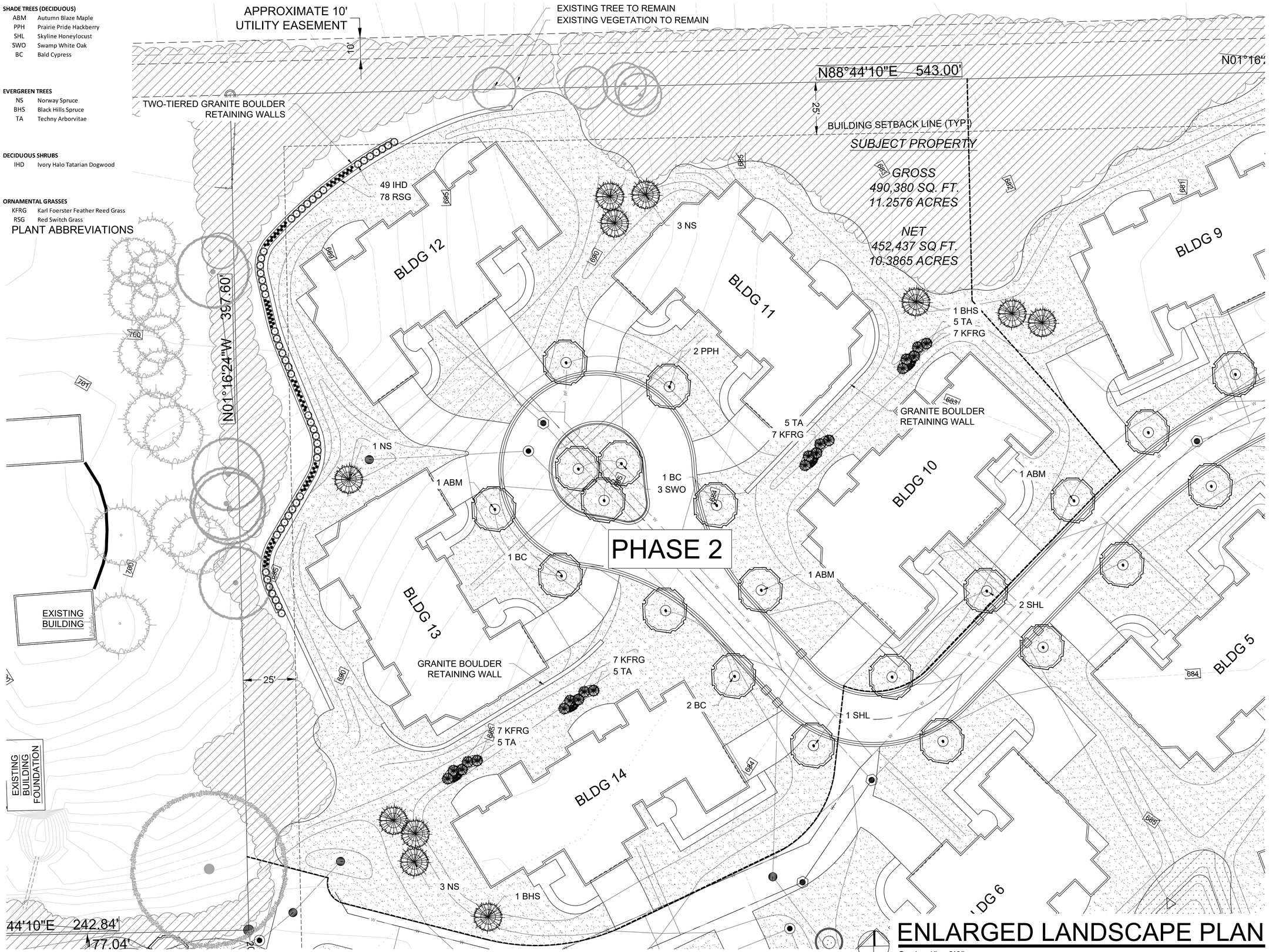
**DECIDUOUS SHRUBS**

| | |
|---|---|
| IHD | Ivory Halo Tatarian Dogwood |

**ORNAMENTAL GRASSES**

| | |
|---|---|
| KFRG | Karl Foerster Feather Reed Grass |
| RSG | Red Switch Grass |

PLANT ABBREVIATIONS




PLANT ABBREVIATIONS

# ENLARGED LANDSCAPE PLAN

Scale: 1" = 8'0"

HELLER & ASSOCIATES, LLC
LANDSCAPE ARCHITECTURE
P.O. Box 1359
Lake Geneva, Wisconsin 53147
ph 262.639.9733
david@wdavidheller.com

PROJECT

## THE WOODS AT HIGHLAND PARK

North Green Bay Road
Mequon, WI

ISSUANCE AND REVISIONS

| DATE | DESCRIPTION |
|---|---|
| 8.08.18 | CITY SUBMITTAL |

These plans were prepared by:
W. David Heller, ASLA
Registered Landscape Architect
#438-014

Information contained herein is based on survey information, field inspection, and believed to be accurate.

SHEET TITLE

## ENLARGED LANDSCAPE PLANTING PLAN: PHASE 2

| | |
|---|---|
| PROJECT MANAGER | WDH |
| PROJECT NUMBER | 18-01 |
| DATE | 08.08.18 |
| SHEET NUMBER | |

L 1.5

Attachment: PacketDocs1 (3479 : The Woods at Highland Park)

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WIS STATUTE 182.0175(9)(a) REQUIRES MIN. 3 WORK DAYS NOTICE BEFORE YOU EXCAVATE
MILW. AREA 259-1181

**Proposed Landscape Materials**

| PLANT KEY | QUANTITY | PLANT MATERIAL PROPOSED BOTANICAL NAME | COMMON NAME | CALIPER/HEIGHT SIZE | ROOT | SPECIFICATION / NOTES | PLANT SPACING |
|---|---|---|---|---|---|---|---|
| **SHADE TREES (DECIDUOUS)** | | | | | | | |
| ABM | 3 | Acer xfreemanii 'Autumn Blaze' | Autumn Blaze Maple | 3.0" | B&B | Straight central leader, full and even crown. Prune only after planting | |
| PPH | 2 | Celtis occidentalis 'Prairie Pride' | Prairie Pride Hackberry | 3.0" | B&B | Straight central leader, full and even crown. Prune only after planting | |
| SHL | 3 | Gleditsia triacanthos 'Skyline' | Skyline Honeylocust | 3.0" | B&B | Straight central leader, full and even crown. Prune only after planting | |
| SWO | 3 | Quercus bicolor | Swamp White Oak | 3.0" | B&B | Straight central leader, full and even crown. Prune only after planting | |
| BC | 4 | Taxodium distichum | Bald Cypress | 3.0" | B&B | Straight central leader, full and even crown. Prune only after planting | |

| PLANT KEY | QUANTITY | PLANT MATERIAL PROPOSED BOTANICAL NAME | COMMON NAME | HEIGHT SIZE | ROOT | SPECIFICATION / NOTES | PLANT SPACING |
|---|---|---|---|---|---|---|---|
| **EVERGREEN TREES** | | | | | | | |
| NS | 7 | Picea abies | Norway Spruce | 7-8' | B&B | Evenly shaped tree with branching to the ground | 17' |
| BHS | 2 | Picea glauca 'densata' | Black Hills Spruce | 7-8' | B&B | Evenly shaped tree with branching to the ground | 15' |
| TA | 20 | Thuja occidentalis 'Techny' | Techny Arborvitae | 60" | B&B | Evenly shaped tree with branching to the ground | 60" |

| PLANT KEY | QUANTITY | PLANT MATERIAL PROPOSED BOTANICAL NAME | COMMON NAME | SHRUB SIZE (HEIGHT) | ROOT/ CONT. | SPECIFICATION / NOTES | PLANT SPACING |
|---|---|---|---|---|---|---|---|
| **DECIDUOUS SHRUBS** | | | | | | | |
| IHD | 49 | Cornus alba 'Ivory Halo' | Ivory Halo Tatarian Dogwood | 36" | Cont. | Full, well rooted plant, evenly shaped | 42" |

| PLANT KEY | QUANTITY | PLANT MATERIAL PROPOSED BOTANICAL NAME | COMMON NAME | CONTAINER SIZE | | SPECIFICATION / NOTES | PLANT SPACING |
|---|---|---|---|---|---|---|---|
| **ORNAMENTAL GRASSES** | | | | | | | |
| KFRG | 28 | Calamagrostis acutiflora 'Karl Foerster' | Karl Foerster Feather Reed Grass | #1 | Cont. | Full, well rooted plant | 15-18" |
| RSG | 78 | Panicum virgatum 'Rotstrahlbusch' | Red Switch Grass | #1 | Cont. | Full, well rooted plant | 18" |
| LAWN | 5862 | Lawn Establishment Area / Grading Area | *contractor to determine on site* | | SY | Cedar Creek Premium Blue Tag Seed Mix (Ph: 888-313-6807) | |
| | 52756 | Erosion Matting for sloped seeded areas | *contractor to determine on site* | | SF | EroTex DS75 Erosion Control Blanket (or approved equal) | |

**Hardscape Materials**

| | | | | | |
|---|---|---|---|---|---|
| 405 | Retaining Wall | *Length: 115'* | *Avg Height: 42"* | FSF | SE of Building 11 |
| 400 | Retaining Wall | *Length: 130'* | *Avg Height: 36"* | FSF | South of Building 13 |
| 1500 | Upper Tier Retaining Wall (Two-Tiered Wall) | *Length: 375'* | *Avg Height: 48"* | FSF | Northwest of Buildings 12 & 13 |
| 675 | Lower Tier Retaining Wall (Two Tiered Wall) | *Length: 270'* | *Avg Height: 30"* | FSF | Northwest of Buildings 12 & 13 |
| 35 | Shredded Hardwood Mulch (3" depth) | *Area: 3,780 SF* | | CY | Bark Mulch; apply Preemergent after installation of mulch |
| 34 | Soil Amendments (2" depth) | *Area: 3,780 SF* | | CY | |
| 82 | Pulverized Topsoil (Lawn Area) | *1/2" over all seeded areas* | | CY | |
| 34 | Pulverized Topsoil (2" over bed areas) | *Area: 3,780 SF* | | CY | |

*Landscape counts & quantities are provided as a service to the Landscape Contractor; Landscape Contractor is responsible for verifying these counts and quantities in order to provide a complete landscape installation as outlined on this Landscape Master Plan. In the event that a discrepancy occurs between this schedule and the Landscape Master Plan, the Landscape Master Plan- including the graphics and notations depicted therein- shall govern.

**Seed Compositions:**

Cedar Creek Premium Blue Tag (Ph: 888-313-6807): — Seed at rate of 3# per 1000 SF

10% Mid Atlantic Kentucky Bluegrass — 10% Atlantis Kentucky Bluegrass
20% Merit Kentucky Bluegrass — 10% Dragon Kentucky Bluegrass
20% Boreal Red Fescue — 10% Palmer III Fine Perennial Ryegrass
20% Pennant Fine Perennial Ryegrass

# PLANT & MATERIAL SCHEDULE: SITE PHASE 2

**Proposed Landscape Materials**

| PLANT KEY | QUANTITY | PLANT MATERIAL PROPOSED BOTANICAL NAME | COMMON NAME | CALIPER/HEIGHT SIZE | ROOT | SPECIFICATION / NOTES | PLANT SPACING |
|---|---|---|---|---|---|---|---|
| **SHADE TREES (DECIDUOUS)** | | | | | | | |
| ABM | 7 | Acer xfreemanii 'Autumn Blaze' | Autumn Blaze Maple | 3.0" | B&B | Straight central leader, full and even crown. Prune only after planting | |
| PPH | 5 | Celtis occidentalis 'Prairie Pride' | Prairie Pride Hackberry | 3.0" | B&B | Straight central leader, full and even crown. Prune only after planting | |
| SHL | 5 | Gleditsia triacanthos 'Skyline' | Skyline Honeylocust | 3.0" | B&B | Straight central leader, full and even crown. Prune only after planting | |
| AGM | 4 | Ginkgo biloba 'Autumn Gold' | Autumn Gold Maidenhair | 3.0" | B&B | Straight central leader, full and even crown. Prune only after planting | |
| SWO | 6 | Quercus bicolor | Swamp White Oak | 3.0" | B&B | Straight central leader, full and even crown. Prune only after planting | |
| NRO | 2 | Quercus rubra | Northern Red Oak | 3.0" | B&B | Straight central leader, full and even crown. Prune only after planting | |
| BC | 4 | Taxodium distichum | Bald Cypress | 3.0" | B&B | Straight central leader, full and even crown. Prune only after planting | |
| GSL | 7 | Tilia cordata 'Greenspire' | Greenspire Linden | 3.0" | B&B | Straight central leader, full and even crown. Prune only after planting | |

| PLANT KEY | QUANTITY | PLANT MATERIAL PROPOSED BOTANICAL NAME | COMMON NAME | CALIPER/HEIGHT SIZE | ROOT | SPECIFICATION / NOTES | PLANT SPACING |
|---|---|---|---|---|---|---|---|
| **ORNAMENTAL TREES (DECIDUOUS)** | | | | | | | |
| TCH | 7 | Crataegus crus-gali 'Inermis' | Thornless Cockspur Hawthorn | 7-8' | B&B | Well balanced multi-stemmed tree with minimum four canes, and full appearance | |
| AFC | 6 | Malus x 'Adams' | Adams Flowering Crabapple | 7-8' H | B&B | Well balanced multi-stemmed tree with minimum four canes, and full appearance | |
| RJFC | 4 | Malus x 'Jewelcole' | Red Jewel Flowering Crabapple | 7-8' H | B&B | Well balanced multi-stemmed tree with minimum four canes, and full appearance | |
| JTL | 4 | Syringa reticulata 'Ivory Silk' | Ivory Silk Japanese Tree Lilac | 7-8' | B&B | Well balanced multi-stemmed tree with minimum four canes, and full appearance | |

| PLANT KEY | QUANTITY | PLANT MATERIAL PROPOSED BOTANICAL NAME | COMMON NAME | HEIGHT SIZE | ROOT | SPECIFICATION / NOTES | PLANT SPACING |
|---|---|---|---|---|---|---|---|
| **EVERGREEN TREES** | | | | | | | |
| CF | 7 | Abies concolor | Concolor Fir | 7-8' | B&B | Evenly shaped tree with branching to the ground | 15' |
| FVJ | 6 | Juniperus scopulorum 'Fairview' | Fairview Upright Juniper (upright) | 5-6' | B&B | Evenly shaped tree with branching to the ground | 60" |
| NS | 36 | Picea abies | Norway Spruce | 7-8' | B&B | Evenly shaped tree with branching to the ground | 17' |
| BHS | 20 | Picea glauca 'densata' | Black Hills Spruce | 7-8' | B&B | Evenly shaped tree with branching to the ground | 15' |
| TA | 10 | Thuja occidentalis 'Techny' | Techny Arborvitae | 60" | B&B | Evenly shaped tree with branching to the ground | 60" |

| PLANT KEY | QUANTITY | PLANT MATERIAL PROPOSED BOTANICAL NAME | COMMON NAME | SHRUB SIZE (HEIGHT) | ROOT/ CONT. | SPECIFICATION / NOTES | PLANT SPACING |
|---|---|---|---|---|---|---|---|
| **EVERGREEN SHURBS** | | | | | | | |
| KCPJ | 5 | Juniperus chinensis 'Kallay' | Kallay Compact Pfitzer Juniper | #5 | Cont. | Full rounded well branched shrub | 48" |

| PLANT KEY | QUANTITY | PLANT MATERIAL PROPOSED BOTANICAL NAME | COMMON NAME | SHRUB SIZE (HEIGHT) | ROOT/ CONT. | SPECIFICATION / NOTES | PLANT SPACING |
|---|---|---|---|---|---|---|---|
| **DECIDUOUS SHRUBS** | | | | | | | |
| BRC | 9 | Aronia arbutifolia 'Brilliantissima' | Brilliant Red Chokeberry | 42" | Cont. | Full, well rooted plant, evenly shaped | 48" |
| MF | 6 | Forsythia intermedia 'Meadowlark' | Meadowlark Forsythia | 42" | Cont. | Full, well rooted plant, evenly shaped | 60" |
| CW | 7 | Hamamelis virginiana | Common Witchhazel | 42" | B&B | Full, well rounded plant with moist rootball and healthy appearance | 72" |
| MKL | 6 | Syringa patula 'Miss Kim' | Miss Kim Dwarf Lilac | 24" | Cont. | Full, well rooted plant, evenly shaped | 60" |
| AJAV | 13 | Viburnum dentatum 'Autumn Jazz' | Autumn Jazz Arrowood Viburnum | 42" | Cont. | Full, well rooted plant, evenly shaped | 60" |
| MV | 9 | Viburnum lantana 'Mohican' | Mohican Viburnum | 42" | B&B | Full, well rounded plant with moist rootball and healthy appearance | 60" |

| PLANT KEY | QUANTITY | PLANT MATERIAL PROPOSED BOTANICAL NAME | COMMON NAME | CONTAINER SIZE | | SPECIFICATION / NOTES | PLANT SPACING |
|---|---|---|---|---|---|---|---|
| **ORNAMENTAL GRASSES** | | | | | | | |
| KFRG | 23 | Calamagrostis acutiflora 'Karl Foerster' | Karl Foerster Feather Reed Grass | #1 | Cont. | Full, well rooted plant | 15-18" |

| PLANT KEY | QUANTITY | PLANT MATERIAL PROPOSED BOTANICAL NAME | COMMON NAME | CONTAINER SIZE | | SPECIFICATION / NOTES | PLANT SPACING |
|---|---|---|---|---|---|---|---|
| **HERBACEOUS PERENNIALS** | | | | | | | |
| PCF | 7 | Echinacea purpurea 'Magnus' | Magnus Purple Coneflower | #1 | Cont. | Full, well rooted plant, evenly shaped | 18" |
| WCF | 3 | Echinacea purpurea 'White Swan' | White Swan Coneflower | #1 | Cont. | Full, well rooted plant, evenly shaped | 18" |
| KKC | 11 | Nepeta faassenii 'Kit Cat' | Dwarf Catmint | #1 | Pot | Full, well rooted plant, evenly shaped | 24" |
| LAWN | 19955 | Lawn Establishment Area / Grading Area | *contractor to determine on site* | | SY | Cedar Creek Premium Blue Tag Seed Mix (Ph: 888-313-6807) | |
| | 244270 | Erosion Matting for sloped seeded areas | *contractor to determine on site* | | SF | EroTex DS75 Erosion Control Blanket (or approved equal) | |
| SWSM | 6523 | Stormwater Seed Mix | *see plan for area delineation* | | SY | Cardno / JF New Stormwater Seed Mix | |
| PRAIRIE | 663 | Prairie Seed Mix | *see plan for area delineation* | | SY | Cardno / JF New Economy Prairie Seed Mix | |

**Hardscape Materials**

| | | | | | |
|---|---|---|---|---|---|
| 54 | Shredded Hardwood Mulch (3" depth) | *Area: 5,775 SF* | | CY | Bark Mulch; apply Preemergent after installation of mulch |
| 35 | Soil Amendments (2" depth) | *Area: 5,775 SF* | | CY | |
| 375 | Pulverized Topsoil (All Seeded Areas) | *1/2" over all seeded areas* | | CY | |
| 35 | Pulverized Topsoil (2" over bed areas) | *Area: 5,775 SF* | | CY | |

as a service to the Landscape Contractor; Landscape Contractor is responsible for verifying these counts and quantities in order to provide a complete landscape
laster Plan. In the event that a discrepancy occurs between this schedule and the Landscape Master Plan, the Landscape Master Plan- including the graphics
and notations depicted therein- shall govern.

**Seed Compositions:**

Cedar Creek Premium Blue Tag (Ph: 888-313-6807): — Seed at rate of 3# per 1000 SF

10% Mid Atlantic Kentucky Bluegrass — 10% Atlantis Kentucky Bluegrass
20% Merit Kentucky Bluegrass — 10% Dragon Kentucky Bluegrass
20% Boreal Red Fescue — 10% Palmer III Fine Perennial Ryegrass
20% Pennant Fine Perennial Ryegrass

# PLANT & MATERIAL SCHEDULE: SITE PHASE 1

| | | |
|---|---|---|
| **CARDNO / JF New, Inc.** | | |
| www.cardnojfnew.com | 6140 Cottonwood Road | 6605 Steger Road |
| 128 Sunset Drive | Suite A | Suite A |
| Walkerton, Indiana 46574 | Fitchburg, Wisconsin 53719 | Monee, Illinois 60449 |
| Ph: 574-586-3400 | Ph: 608-661-2965 | Ph: 708-534-3450 |

**Stormwater Seed Mix**

*For Use on Stormwater Management Ponds (SMP) side slopes to Normal Water Line (NWL)*

| Botanical Name | Common Name | PLS Ounces/Acre |
|---|---|---|
| **Permanent Grasses/Sedges/Rushes:** | | |
| *Carex cristatella* | Crested Oval Sedge | 1.00 |
| *Carex frankii* | Bristly Cattail Sedge | 1.00 |
| *Carex lurida* | Bottlebrush Sedge | 2.00 |
| *Carex sparganioidex v. cephaloidea* | Rough-Clustered Sedge | 2.00 |
| *Carex vulpinoidea* | Brown Fox Sedge | 6.00 |
| *Eleocharis ovata* | Blunt Spike Rush | 0.50 |
| *Elymus virginicus* | Virginia Wild Rye | 12.00 |
| *Glyceria striata* | Fowl Manna Grass | 1.25 |
| *Juncus effusus* | Common Rush | 1.00 |
| *Juncus torreyi* | Torrey's Rush | 0.25 |
| *Leersia oryzoides* | Rice Cut Grass | 1.00 |
| *Panicum virgatum* | Switch Grass | 2.00 |
| *Scirpus atrovirens* | Dark Green Rush | 1.00 |
| *Scirpus cyperinus* | Wool Grass | 0.50 |
| *Scirpus fluviatilis* | River Bulrush | 0.25 |
| *Scirpus validus* | Great Bulrush | 6.00 |
| | **Total** | **45.75** |
| **Temporary Cover:** | | |
| *Avena sativa* | Common Oat | 360.00 |
| *Lolium multiflorum* | Annual Rye | 116.00 |
| | **Total** | **476.00** |
| **Forbs:** | | |
| *Alisma* spp. | Water Plantain (Various Mix) | 4.25 |
| *Asclepias incarnata* | Swamp Milkweed | 1.50 |
| *Bidens* spp. | Bidens (Various Mix) | 2.00 |
| *Helenium autumnale* | Sneezeweed | 3.00 |
| *Mimulus ringens* | Monkey Flower | 1.00 |
| *Penthorum sedoides* | Ditch Stonecrop | 0.50 |
| *Polygonum pensylvanicum* | Pinkweed | 4.00 |
| *Rudbeckia subtomentosa* | Sweet Black-Eyed Susan | 1.00 |
| *Sagittaria latifolia* | Broad-Leaf Arrowhead | 1.00 |
| *Senna hebecarpa* | Wild Senna | 1.00 |
| *Thalictrum dasycarpum* | Purple Meadow Rue | 2.00 |
| | **Total** | **21.25** |

| | |
|---|---|
| **Approximate area of coverage:** | |
| Total area (SF) of coverage surrounding SWM ponds: | 58,707 |
| Total area (acres) of coverage surrounding SWM ponds: | **1.35** |

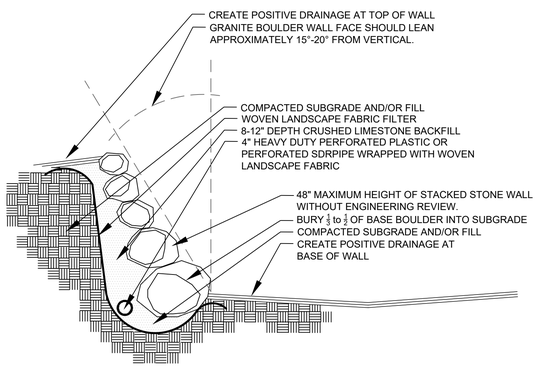
| | | |
|---|---|---|
| **CARDNO / JF New, Inc.** | | |
| www.cardnojfnew.com | 6140 Cottonwood Road | 6605 Steger Road |
| 128 Sunset Drive | Suite A | Suite A |
| Walkerton, Indiana 46574 | Fitchburg, Wisconsin 53719 | Monee, Illinois 60449 |
| Ph: 574-586-3400 | Ph: 608-661-2965 | Ph: 708-534-3450 |

**Economy Prairie Seed Mix**

| Botanical Name | Common Name | PLS Ounces/Acre |
|---|---|---|
| **Permanent Grasses:** | | |
| *Andropogon gerardii* | Big Bluestem | 16.00 |
| *Bouteloua curtipendula* | Side-Oats Gramma | 18.00 |
| *Carex bicknellii / Carex brevior* | Prairie Sedge Mix | 1.00 |
| *Elymus canadensis* | Canada Wild Rye | 16.00 |
| *Panicum virgatum* | Switch Grass | 2.50 |
| *Schizachyrium scoparium* | Little Bluestem | 24.00 |
| *Sorghastrum nutans* | Indian Grass | 18.00 |
| | **Total** | **95.50** |
| **Temporary Cover:** | | |
| *Aveba sativa* | Common Oat | 360.00 |
| *Lolium multiflorum* | Annual Rye | 100.00 |
| | **Total** | **460.00** |
| **Forbs:** | | |
| *Asclepias syriaca* | Common Milkweed | 0.50 |
| *Asclepias tuberosa* | Butterfly Milkweed | 1.00 |
| *Aster leavis* | Smooth Blue Aster | 0.25 |
| *Aster novae-angliae* | New England Aster | 0.75 |
| *Chamaecrista fasciculata* | Partridge Pea | 12.00 |
| *Coreopsis lanceolata* | Sand Coreopsis | 5.00 |
| *Echinacea purpurea* | Broad-Leaved Purple Coneflower | 7.50 |
| *Heliopsis helianthoides* | False Sunflower | 0.25 |
| *Lupinus perennis* | Wild Lupine | 0.50 |
| *Monarda fistulosa* | Wild Bergamot | 0.25 |
| *Pycanthemum tenuifolium* | Common Mountain Mint | 0.50 |
| *Ratibida pinnata* | Yellow Coneflower | 3.50 |
| *Rudbeckia hirta* | Black-Eyed Susan | 8.00 |
| | **Total** | **40.00** |
| Annual/Perennial Forbs Mix | | **24.00** |

| | |
|---|---|
| **Approximate area of coverage:** | |
| Total area (SF) of proposed prairie area: | 5,970 |
| Total area (acres) of proposed prairie area: | **0.14** |

# SPECIALTY SEED MIXES




1 DETAIL — GRANITE BOULER RETAINING WALL
N.T.S. — SECTION

HELLER & ASSOCIATES, LLC
LANDSCAPE ARCHITECTURE
P.O. Box 1359
Lake Geneva, Wisconsin 53147
ph 262.639.9733
david@wdavidheller.com

PROJECT

THE WOODS AT HIGHLAND PARK

North Green Bay Road
Mequon, WI

ISSUANCE AND REVISIONS

| DATE | DESCRIPTION |
|---|---|
| 8.10.18 | CITY SUBMITTAL |

These plans were prepared by:
W. David Heller, ASLA
Registered Landscape Architect
#438-014

Information contained herein is based on survey information, field inspection, and believed to be accurate.

SHEET TITLE

LANDSCAPE SCHEDULES & HARDSCAPE DETAILS

| | |
|---|---|
| PROJECT MANAGER | WDH |
| PROJECT NUMBER | 18-01 |
| DATE | 08.10.18 |
| SHEET NUMBER | L 1.6 |

Attachment: PacketDocs1 (3479 : The Woods at Highland Park)

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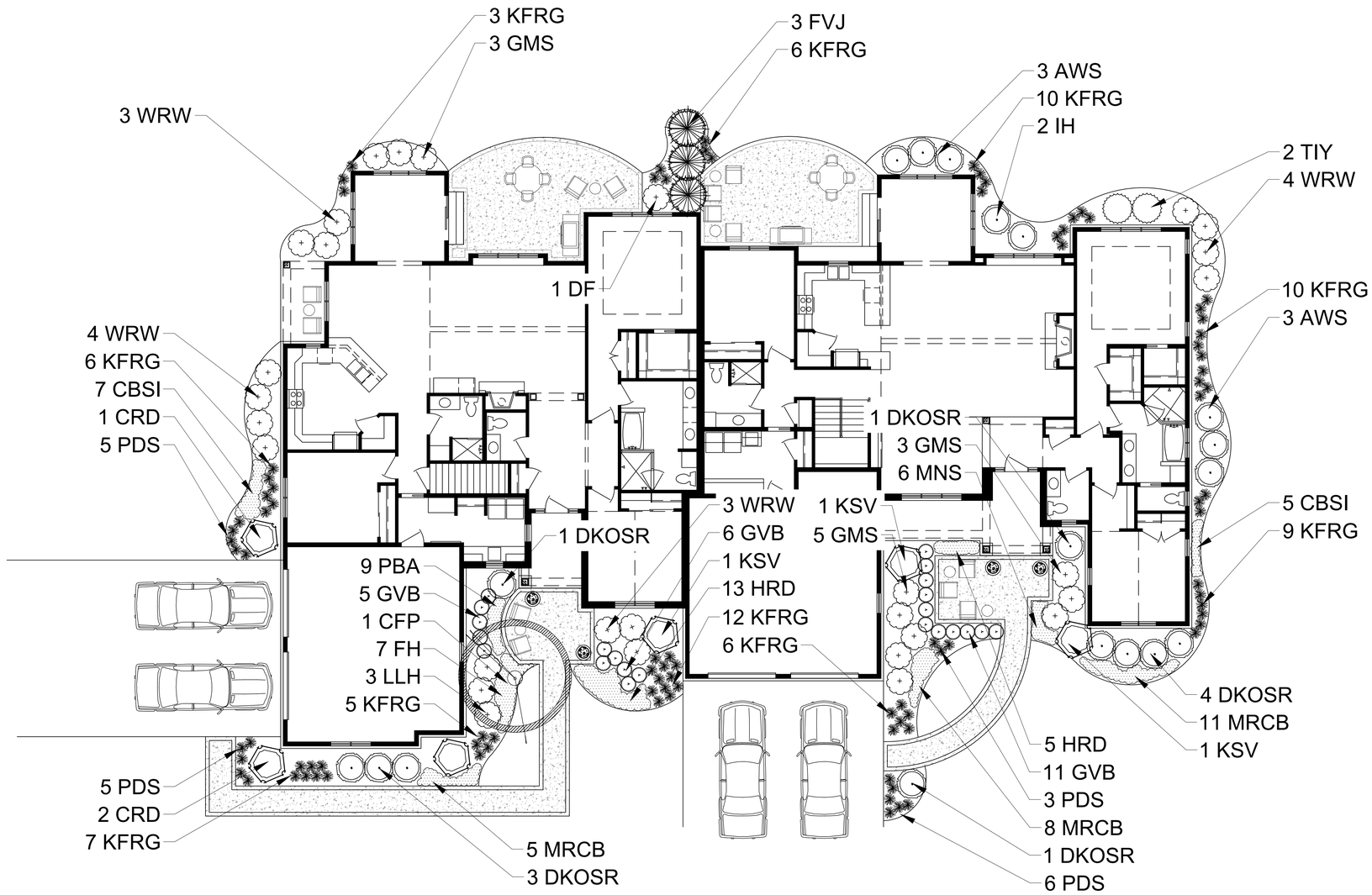
811 or 1-800-242-8511
MILW. AREA 259-1181
WIS STATUTE 182.0175(1974)
REQUIRES MIN. 3 WORK DAYS
NOTICE BEFORE YOU EXCAVATE




**ORNAMENTAL TREES (DECIDUOUS)**

| | |
|---|---|
| CFP | Chanticleer Flowering Pear |

**EVERGREEN TREES**

| | |
|---|---|
| FVJ | Fairview Upright Juniper (upright) |

**EVERGREEN SHURBS**

| | |
|---|---|
| GVB | Green Velvet Boxwood |
| TIY | Taunton Intermediate Yew |

**DECIDUOUS SHRUBS**

| | |
|---|---|
| CRD | Cardinal Redtwig Dogwood |
| DF | Dwarf Fothergilla |
| IH | Incrediball Hydrangea |
| LLH | Little Lime Hydrangea |
| DKOSR | Double Pink Knock Out Rose |
| AWS | Anthony Waterer Spirea |
| GMS | Goldmound Spirea |
| KSV | Fragrant Koreanspice Viburnum |
| WRW | Wine & Roses Compact Wiegela |

**ORNAMENTAL GRASSES**

| | |
|---|---|
| KFRG | Karl Foerster Feather Reed Grass |
| PDS | Prairie Dropseed |

**HERBACEOUS PERENNIALS**

| | |
|---|---|
| PBA | Peach Blossom Astilbe |
| HRD | Happy Returns Daylilly |
| MRCB | Midnight Rose Coralbells |
| FH | Francee Hosta |
| CBSI | Caesars' Brother Siberian Iris |
| MNS | May Night Salvia |

PLANT ABBREVIATIONS

# FOUNDATION LANDSCAPE PLAN

Scale: 1" = 8'0"

HELLER & ASSOCIATES, LLC
LANDSCAPE ARCHITECTURE
P.O. Box 1359
Lake Geneva, Wisconsin 53147
ph 262.639.9733
david@wdavidheller.com

PROJECT

THE WOODS AT HIGHLAND PARK

North Green Bay Road
Mequon, WI

ISSUANCE AND REVISIONS

| DATE | DESCRIPTION |
|---|---|
| 2.28.18 | ISSUE TO OWNER |
| 3.02.18 | ISSUE TO OWNER |
| 3.04.18 | ISSUE TO OWNER |
| 3.06.18 | ISSUE TO OWNER |
| 3.07.18 | ISSUE TO OWNER |

These plans were prepared by:
W. David Heller, ASLA
Registered Landscape Architect
#438-014

Information contained herein is based on survey information, field inspection, and believed to be accurate.

SHEET TITLE

FOUNDATION LANDSCAPE PLAN: PRINCETON

FORMERLY ISSUED AS SHEET L1.2

| | |
|---|---|
| PROJECT MANAGER | WDH |
| PROJECT NUMBER | 18-01 |
| DATE | 08.10.1 |
| SHEET NUMBER | L 1.7 |

Attachment: PacketDocs1 (3479 : The Woods at Highland Park)

TO OBTAIN LOCATIONS OF PARTICIPANTS UNDERGROUND FACILITIES BEFORE YOU DIG IN WISCONSIN

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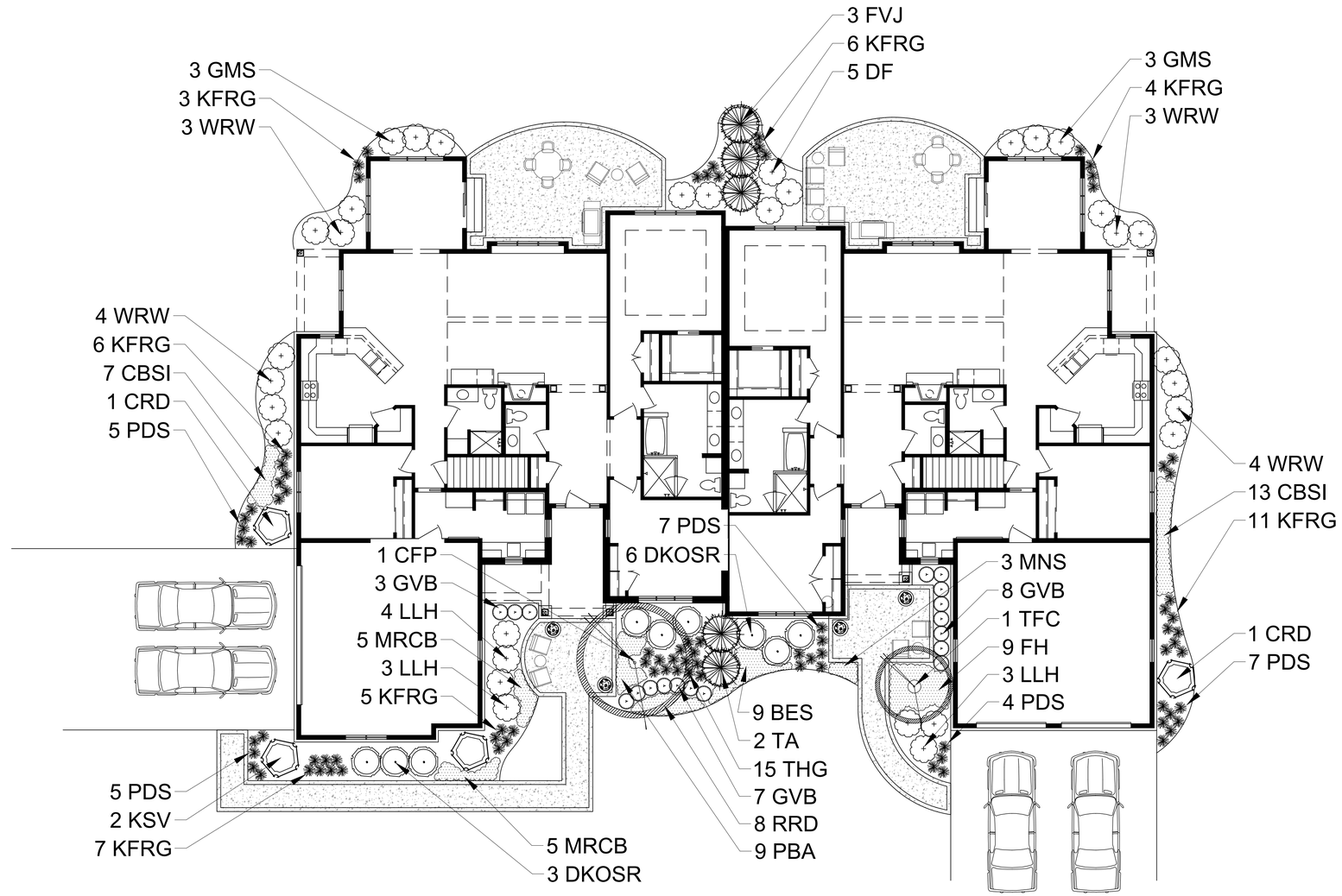


**ORNAMENTAL TREES (DECIDUOUS)**

| | |
|---|---|
| TFC | Tina Flowering Crabapple |
| CFP | Chanticleer Flowering Pear |

**EVERGREEN TREES**

| | |
|---|---|
| FVJ | Fairview Upright Juniper (upright) |
| TA | Techny Arborvitae |

**EVERGREEN SHURBS**

| | |
|---|---|
| GVB | Green Velvet Boxwood |

**DECIDUOUS SHRUBS**

| | |
|---|---|
| CRD | Cardinal Redtwig Dogwood |
| DF | Dwarf Fothergilla |
| LLH | Little Lime Hydrangea |
| DKOSR | Double Pink Knock Out Rose |
| GMS | Goldmound Spirea |
| KSV | Fragrant Koreanspice Viburnum |
| WRW | Wine & Roses Compact Wiegela |

**ORNAMENTAL GRASSES**

| | |
|---|---|
| KFRG | Karl Foerster Feather Reed Grass |
| THG | Tufted Hair Grass |
| PDS | Prairie Dropseed |

**HERBACEOUS PERENNIALS**

| | |
|---|---|
| PBA | Peach Blossom Astilbe |
| RRD | Rosy Returns Daylilly |
| MRCB | Midnight Rose Coralbells |
| FH | Francee Hosta |
| CBSI | Caesars' Brother Siberian Iris |
| BES | Black-eyed Susan |
| MNS | May Night Salvia |

PLANT ABBREVIATIONS

# FOUNDATION LANDSCAPE PLAN

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PROJECT

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ISSUANCE AND REVISIONS

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| 3.07.18 | ISSUE TO OWNER |

These plans were prepared by:
W. David Heller, ASLA
Registered Landscape Architect
#438-014

Information contained herein is based on survey information, field inspection, and believed to be accurate.

SHEET TITLE

FOUNDATION LANDSCAPE PLAN: NOTRE DAME

FORMERLY ISSUED AS SHEET L1.3

| | |
|---|---|
| PROJECT MANAGER | WDH |
| PROJECT NUMBER | 18-01 |
| DATE | 08.10.18 |
| SHEET NUMBER | L 1.8 |

Attachment: PacketDocs1 (3479 : The Woods at Highland Park)

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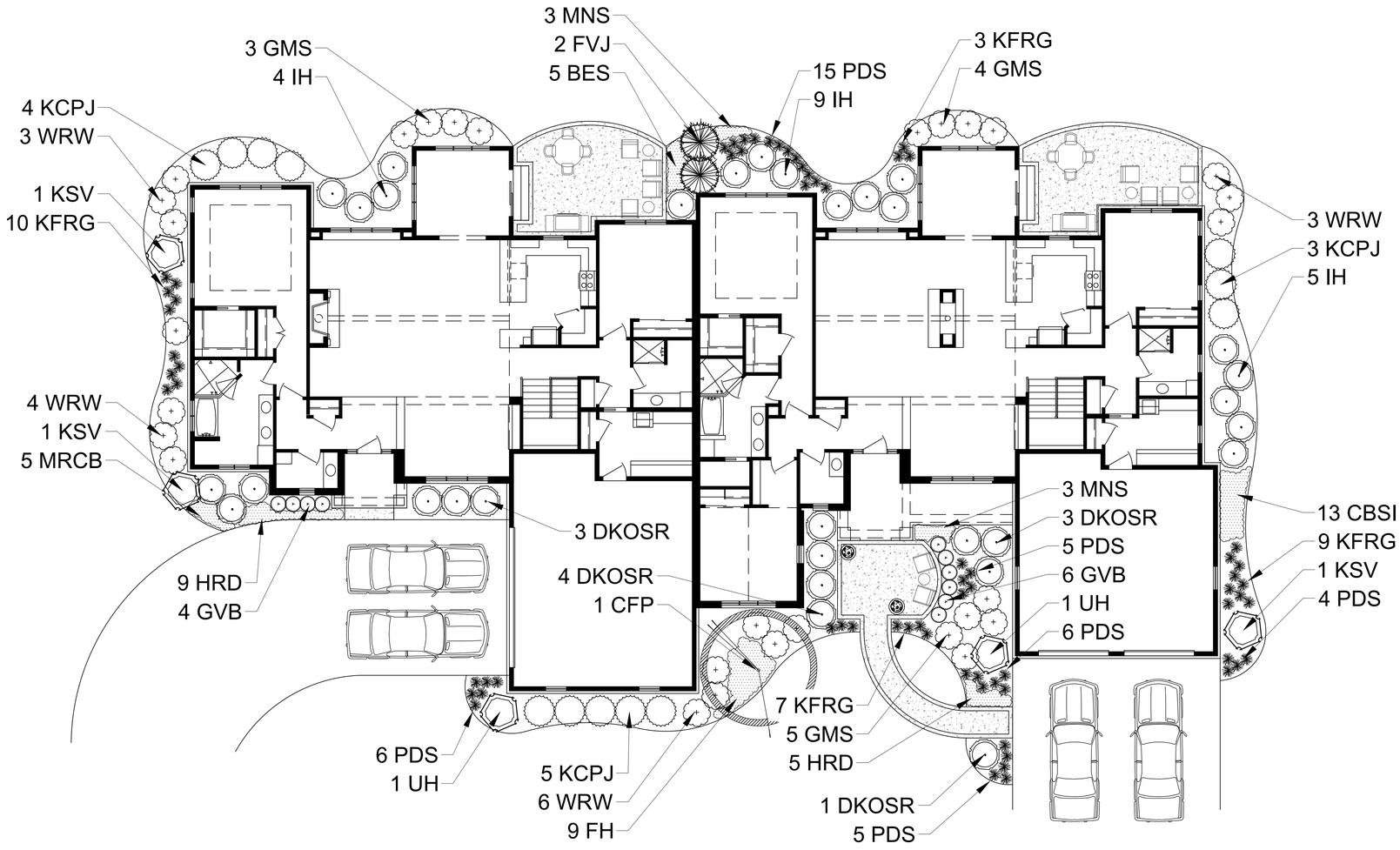


**ORNAMENTAL TREES (DECIDUOUS)**

| | |
|---|---|
| CFP | Chanticleer Flowering Pear |

**EVERGREEN TREES**

| | |
|---|---|
| FVJ | Fairview Upright Juniper (upright) |

**EVERGREEN SHURBS**

| | |
|---|---|
| GVB | Green Velvet Boxwood |
| KCPJ | Kallay Compact Pfitzer Juniper |

**DECIDUOUS SHRUBS**

| | |
|---|---|
| IH | Incrediball Hydrangea |
| UH | Unique Hydrangea |
| DKOSR | Double Pink Knock Out Rose |
| GMS | Goldmound Spirea |
| KSV | Fragrant Koreanspice Viburnum |
| WRW | Wine & Roses Compact Wiegela |

**ORNAMENTAL GRASSES**

| | |
|---|---|
| KFRG | Karl Foerster Feather Reed Grass |
| PDS | Prairie Dropseed |

**HERBACEOUS PERENNIALS**

| | |
|---|---|
| HRD | Happy Returns Daylilly |
| MRCB | Midnight Rose Coralbells |
| FH | Francee Hosta |
| CBSI | Caesars' Brother Siberian Iris |
| BES | Black-eyed Susan |
| MNS | May Night Salvia |

PLANT ABBREVIATIONS

# FOUNDATION LANDSCAPE PLAN

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PROJECT

THE WOODS AT HIGHLAND PARK

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ISSUANCE AND REVISIONS

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| 3.07.18 | ISSUE TO OWNER |

These plans were prepared by:
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Registered Landscape Architect
#438-014

Information contained herein is based on survey information, fiel
inspection, and believed to be accurate.

SHEET TITLE

FOUNDATION LANDSCAPE PLAN: STANFORD

FORMERLY ISSUED AS SHEET L1.4

| | |
|---|---|
| PROJECT MANAGER | WDI |
| PROJECT NUMBER | 18-01 |
| DATE | 08.10.1 |
| SHEET NUMBER | |

L 1.9

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# PRINCETON PLANT & MATERIAL SCHEDULE

| PLANT KEY | QUANTITY | PLANT MATERIAL PROPOSED BOTANICAL NAME | COMMON NAME | CALIPER/HEIGHT SIZE | ROOT | SPECIFICATION / NOTES | PLANT SPACING |
|---|---|---|---|---|---|---|---|
| **Proposed Landscape Materials** | | | | | | | |
| **ORNAMENTAL TREES (DECIDUOUS)** | | | | | | | |
| CFP | 1 | Pyrus calleryana 'Chanticleer' | Chanticleer Flowering Pear | 2.5" | B&B | Straight central leader, full and even crown. Prune only after planting | |

| PLANT KEY | QUANTITY | PLANT MATERIAL PROPOSED BOTANICAL NAME | COMMON NAME | HEIGHT SIZE | ROOT | SPECIFICATION / NOTES | PLANT SPACING |
|---|---|---|---|---|---|---|---|
| **EVERGREEN TREES** | | | | | | | |
| FVJ | 3 | Juniperus scopulorum 'Fairview' | Fairview Upright Juniper (upright) | 8-10' | B&B | Evenly shaped tree with branching to the ground | 60" |

| PLANT KEY | QUANTITY | PLANT MATERIAL PROPOSED BOTANICAL NAME | COMMON NAME | SHRUB SIZE (HEIGHT) | ROOT/ CONT. | SPECIFICATION / NOTES | PLANT SPACING |
|---|---|---|---|---|---|---|---|
| **EVERGREEN SHURBS** | | | | | | | |
| GVB | 22 | Buxus 'Green Velvet' | Green Velvet Boxwood | 18" HT | Cont. | Full rounded well branched shrub | 24-30" |
| TIY | 2 | Taxus xmedia 'Tautoni' | Taunton Intermediate Yew | 24"W | B&B | Full rounded well branched shrub | 42" |

| PLANT KEY | QUANTITY | PLANT MATERIAL PROPOSED BOTANICAL NAME | COMMON NAME | SHRUB SIZE (HEIGHT) | ROOT/ CONT. | SPECIFICATION / NOTES | PLANT SPACING |
|---|---|---|---|---|---|---|---|
| **DECIDUOUS SHRUBS** | | | | | | | |
| CRD | 3 | Cornus sericea 'Cardinal' | Cardinal Redtwig Dogwood | 42" | Cont. | Full, well rooted plant, evenly shaped | 48" |
| DF | 1 | Fothergilla gardeni | Dwarf Fothergilla | 24" | B&B | Full, well rounded plant with moist rootball and healthy appearance | 30" |
| IH | 2 | Hydrangea arborescens 'Abetwo' | Incrediball Hydrangea | 24" | Cont. | Full, well rooted plant, evenly shaped | 48" |
| LLH | 3 | Hydrangea paniculata 'Jane' | Little Lime Hydrangea | 24" | Cont. | Full, well rooted plant, evenly shaped | 42" |
| DKOSR | 10 | Rosa 'Double Knock Out' (Pink) | Double Pink Knock Out Rose | 24" | Cont. | Full, well rooted plant, evenly shaped | 48" |
| AWS | 6 | Spirea xbumalda 'Anthony Waterer' | Anthony Waterer Spirea | 24" | Cont. | Full, well rooted plant, evenly shaped | 36" |
| GMS | 11 | Spirea xbumalda 'Goldmound' | Goldmound Spirea | 18-24" | Cont. | Full, well rooted plant, evenly shaped | 36" |
| KSV | 3 | Viburnum carlesii | Fragrant Koreanspice Viburnum | 42" | Cont. | Full, well rooted plant, evenly shaped | 60" |
| WRW | 14 | Wiegela florida 'Wine & Roses' | Wine & Roses Compact Wiegela | 24" | Cont. | Full, well rooted plant, evenly shaped | 42" |

| PLANT KEY | QUANTITY | PLANT MATERIAL PROPOSED BOTANICAL NAME | COMMON NAME | CONTAINER SIZE | | SPECIFICATION / NOTES | PLANT SPACING |
|---|---|---|---|---|---|---|---|
| **ORNAMENTAL GRASSES** | | | | | | | |
| KFRG | 72 | Calamagrostis acutiflora 'Karl Foerster' | Karl Foerster Feather Reed Grass | #1 | Cont. | Full, well rooted plant | 15-18" |
| PDS | 21 | Sporobolus heterolepis | Prairie Dropseed | #1 | Cont. | Full, well rooted plant | 18" |

| PLANT KEY | QUANTITY | PLANT MATERIAL PROPOSED BOTANICAL NAME | COMMON NAME | CONTAINER SIZE | | SPECIFICATION / NOTES | PLANT SPACING |
|---|---|---|---|---|---|---|---|
| **HERBACEOUS PERENNIALS** | | | | | | | |
| PBA | 9 | Astilbe roseum 'Peach Blossom' | Peach Blossom Astilbe | #1 | Cont. | Full, well rooted plant, evenly shaped | 15" |
| HRD | 18 | Hemerocallis 'Happy Returns' | Happy Returns Daylilly | #1 | Cont. | Full, well rooted plant, evenly shaped | 18" |
| MRCB | 24 | Heuchera 'Midnight Rose' | Midnight Rose Coralbells | #1 | Cont. | Full, well rooted plant, evenly shaped | 18" |
| FH | 7 | Hosta fortunei 'Francee' | Francee Hosta | #1 | Cont. | Full, well rooted plant, evenly shaped | 18" |
| CBSI | 12 | Iris sibirica 'Caesars' Brother' | Caesars' Brother Siberian Iris | #1 | Cont. | Full, well rooted plant, evenly shaped | 18" |
| MNS | 6 | Salvia xsupeba 'May Night' | May Night Salvia | #1 | Cont. | Full, well rooted plant, evenly shaped | 18" |
| LAWN | 17800 | Lawn Establishment Area / Grading Area | | | SF | | |
| SOD | 1980 | Sodded Areas (identified on plan) | *see plan for area delineation* | | SY | Fresh cut, weed free; Bluegrass Blend Sod; Water immediately after installation | |
| **Hardscape Materials** | | | | | | | |
| | 400 | Concrete Front Entry Walk & Courtyard | *Nf Unit (see plan for location)* | | SF | | |
| | 250 | Concrete Front Entry Walk & Courtyard | *Sf (see plan for location)* | | SF | | |
| | 320 | Concrete Rear Patio | *Nf Unit (see plan for location)* | | SF | | |
| | 300 | Concrete Rear Patio | *Sf (see plan for location)* | | SF | | |
| | 24 | Shredded Hardwood Mulch (3" depth) | *2,735 SF* | | CY | Bark Mulch; apply Preemergent after installation of mulch | |
| | 17 | Soil Amendments (2" depth) | *2,735 SF* | | CY | | |
| | 55 | Pulverized Topsoil (Lawn Area) | *17,800 SF* | | CY | | |
| | 17 | Pulverized Topsoil (2" over bed areas) | *2,735 SF* | | CY | | |
| | 28 | 2" PVC Sleeve | *irrigation / lighting access: See plan for location(s)* | | LF | Schedule 40 PVC | |
| | | Downspout Extentions | *determine at time of installation* | | LF | | |
| | | Downspout Adapters | *determine at time of installation* | | EA | | |

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# NOTRE DAME PLANT & MATERIAL SCHEDULE

| PLANT KEY | QUANTITY | PLANT MATERIAL PROPOSED BOTANICAL NAME | COMMON NAME | CALIPER/HEIGHT SIZE | ROOT | SPECIFICATION / NOTES | PLANT SPACING |
|---|---|---|---|---|---|---|---|
| **Proposed Landscape Materials** | | | | | | | |
| **ORNAMENTAL TREES (DECIDUOUS)** | | | | | | | |
| CFP | 1 | Pyrus calleryana 'Chanticleer' | Chanticleer Flowering Pear | 3.0" | B&B | Straight central leader, full and even crown. Prune only after planting | |

| PLANT KEY | QUANTITY | PLANT MATERIAL PROPOSED BOTANICAL NAME | COMMON NAME | HEIGHT SIZE | ROOT | SPECIFICATION / NOTES | PLANT SPACING |
|---|---|---|---|---|---|---|---|
| **EVERGREEN TREES** | | | | | | | |
| FVJ | 2 | Juniperus scopulorum 'Fairview' | Fairview Upright Juniper (upright) | 8-10' | B&B | Evenly shaped tree with branching to the ground | 60" |

| PLANT KEY | QUANTITY | PLANT MATERIAL PROPOSED BOTANICAL NAME | COMMON NAME | SHRUB SIZE (HEIGHT) | ROOT/ CONT. | SPECIFICATION / NOTES | PLANT SPACING |
|---|---|---|---|---|---|---|---|
| **EVERGREEN SHURBS** | | | | | | | |
| GVB | 10 | Buxus 'Green Velvet' | Green Velvet Boxwood | 18" HT | Cont. | Full rounded well branched shrub | 24-30" |
| KCPJ | 12 | Juniperus chinensis 'Kallay' | Kallay Compact Pfitzer Juniper | 24" W | Cont. | Full rounded well branched shrub | 48" |

| PLANT KEY | QUANTITY | PLANT MATERIAL PROPOSED BOTANICAL NAME | COMMON NAME | SHRUB SIZE (HEIGHT) | ROOT/ CONT. | SPECIFICATION / NOTES | PLANT SPACING |
|---|---|---|---|---|---|---|---|
| **DECIDUOUS SHRUBS** | | | | | | | |
| IH | 18 | Hydrangea arborescens 'Abetwo' | Incrediball Hydrangea | #5 | Cont. | Full, well rooted plant, evenly shaped | 48" |
| UH | 2 | Hydrangea paniculata 'Unique' | Unique Hydrangea | 42" | Cont. | Full, well rooted plant, evenly shaped | 60" |
| DKOSR | 11 | Rosa 'Double Knock Out' (Pink) | Double Pink Knock Out Rose | 18" | Cont. | Full, well rooted plant, evenly shaped | 48" |
| GMS | 12 | Spirea xbumalda 'Goldmound' | Goldmound Spirea | 24" | Cont. | Full, well rooted plant, evenly shaped | 36" |
| KSV | 3 | Viburnum carlesii | Fragrant Koreanspice Viburnum | 42" | Cont. | Full, well rooted plant, evenly shaped | 60" |
| WRW | 16 | Wiegela florida 'Wine & Roses' | Wine & Roses Compact Wiegela | 24" | Cont. | Full, well rooted plant, evenly shaped | 42" |

| PLANT KEY | QUANTITY | PLANT MATERIAL PROPOSED BOTANICAL NAME | COMMON NAME | CONTAINER SIZE | | SPECIFICATION / NOTES | PLANT SPACING |
|---|---|---|---|---|---|---|---|
| **ORNAMENTAL GRASSES** | | | | | | | |
| KFRG | 29 | Calamagrostis acutiflora 'Karl Foerster' | Karl Foerster Feather Reed Grass | #1 | Cont. | Full, well rooted plant | 15-18" |
| PDS | 41 | Sporobolus heterolepis | Prairie Dropseed | #1 | Cont. | Full, well rooted plant | 18" |

| PLANT KEY | QUANTITY | PLANT MATERIAL PROPOSED BOTANICAL NAME | COMMON NAME | CONTAINER SIZE | | SPECIFICATION / NOTES | PLANT SPACING |
|---|---|---|---|---|---|---|---|
| **HERBACEOUS PERENNIALS** | | | | | | | |
| HRD | 14 | Hemerocallis 'Happy Returns' | Happy Returns Daylilly | #1 | Cont. | Full, well rooted plant, evenly shaped | 18" |
| MRCB | 5 | Heuchera 'Midnight Rose' | Midnight Rose Coralbells | #1 | Cont. | Full, well rooted plant, evenly shaped | 18" |
| FH | 9 | Hosta fortunei 'Francee' | Francee Hosta | #1 | Cont. | Full, well rooted plant, evenly shaped | 18" |
| CBSI | 13 | Iris sibirica 'Caesars' Brother' | Caesars' Brother Siberian Iris | #1 | Cont. | Full, well rooted plant, evenly shaped | 18" |
| BES | 5 | Rudbeckia fulgida 'Goldsturm' | Black-eyed Susan | #1 | Cont. | Full, well rooted plant, evenly shaped | 18" |
| MNS | 6 | Salvia xsupeba 'May Night' | May Night Salvia | #1 | Cont. | Full, well rooted plant, evenly shaped | 18" |
| LAWN | 17800 | Lawn Establishment Area / Grading Area | | | SF | | |
| SOD | 1980 | Sodded Areas (identified on plan) | *see plan for area delineation* | | SY | Fresh cut, weed free; Bluegrass Blend Sod; Water immediately after installation | |
| **Hardscape Materials** | | | | | | | |
| | 10 | Concrete Front Entry Walk | *Nf Unit (see plan for location)* | | SF | | |
| | 235 | Concrete Front Entry Walk & Courtyard | *Sf Unit (see plan for location)* | | SF | | |
| | 240 | Concrete Rear Patio | *Nf Unit (see plan for location)* | | SF | | |
| | 260 | Concrete Rear Patio | *Sf Unit (see plan for location)* | | SF | | |
| | 26 | Shredded Hardwood Mulch (3" depth) | *2,730 SF* | | CY | Bark Mulch; apply Preemergent after installation of mulch | |
| | 17 | Soil Amendments (2" depth) | *2,730 SF* | | CY | | |
| | 55 | Pulverized Topsoil (Lawn Area) | *17,800 SF* | | CY | | |
| | 17 | Pulverized Topsoil (2" over bed areas) | *2,730 SF* | | CY | | |
| | 28 | 2" PVC Sleeve | *irrigation / lighting access* | | LF | Schedule 40 PVC | |
| | | Downspout Extentions | *determine at time of installation* | | LF | | |
| | | Downspout Adapters | *determine at time of installation* | | EA | | |

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# STANFORD PLANT & MATERIAL SCHEDULE

| PLANT KEY | QUANTITY | PLANT MATERIAL PROPOSED BOTANICAL NAME | COMMON NAME | CALIPER SIZE | ROOT | SPECIFICATION / NOTES | PLANT SPACING |
|---|---|---|---|---|---|---|---|
| **Proposed Landscape Construction Preparation** | | | | | | | |
| **ORNAMENTAL TREES (DECIDUOUS)** | | | | | | | |
| TFC | 1 | Malus sargentii 'Tina' | Tina Flowering Crabapple | 7-8' H | B&B | Well balanced multi-stemmed tree with minimum four canes, and full appearance | |
| CFP | 1 | Pyrus calleryana 'Chanticleer' | Chanticleer Flowering Pear | 3.0" | B&B | Straight central leader, full and even crown. Prune only after planting | |

| PLANT KEY | QUANTITY | PLANT MATERIAL PROPOSED BOTANICAL NAME | COMMON NAME | HEIGHT SIZE | ROOT | SPECIFICATION / NOTES | PLANT SPACING |
|---|---|---|---|---|---|---|---|
| **EVERGREEN TREES** | | | | | | | |
| FVJ | 3 | Juniperus scopulorum 'Fairview' | Fairview Upright Juniper (upright) | 8-10' | B&B | Evenly shaped tree with branching to the ground | 60" |
| TA | 2 | Thuja occidentalis 'Techny' | Techny Arborvitae | 8' | B&B | Evenly shaped tree with branching to the ground | 60" |

| PLANT KEY | QUANTITY | PLANT MATERIAL PROPOSED BOTANICAL NAME | COMMON NAME | SHRUB SIZE (HEIGHT) | ROOT/ CONT. | SPECIFICATION / NOTES | PLANT SPACING |
|---|---|---|---|---|---|---|---|
| **EVERGREEN SHURBS** | | | | | | | |
| GVB | 18 | Buxus 'Green Velvet' | Green Velvet Boxwood | 24" HT | Cont. | Full rounded well branched shrub | 24-30" |

| PLANT KEY | QUANTITY | PLANT MATERIAL PROPOSED BOTANICAL NAME | COMMON NAME | SHRUB SIZE (HEIGHT) | ROOT/ CONT. | SPECIFICATION / NOTES | PLANT SPACING |
|---|---|---|---|---|---|---|---|
| **DECIDUOUS SHRUBS** | | | | | | | |
| CRD | 2 | Cornus sericea 'Cardinal' | Cardinal Redtwig Dogwood | 42" | Cont. | Full, well rooted plant, evenly shaped | 48" |
| DF | 5 | Fothergilla gardeni | Dwarf Fothergilla | 24" | B&B | Full, well rounded plant with moist rootball and healthy appearance | 30" |
| LLH | 10 | Hydrangea paniculata 'Jane' | Little Lime Hydrangea | 24" | Cont. | Full, well rooted plant, evenly shaped | 42" |
| DKOSR | 9 | Rosa 'Double Knock Out' (Pink) | Double Pink Knock Out Rose | 24" | Cont. | Full, well rooted plant, evenly shaped | 48" |
| GMS | 6 | Spirea xbumalda 'Goldmound' | Goldmound Spirea | 24" | Cont. | Full, well rooted plant, evenly shaped | 36" |
| KSV | 2 | Viburnum carlesii | Fragrant Koreanspice Viburnum | 42" | Cont. | Full, well rooted plant, evenly shaped | 60" |
| WRW | 14 | Wiegela florida 'Wine & Roses' | Wine & Roses Compact Wiegela | 24" | Cont. | Full, well rooted plant, evenly shaped | 42" |

| PLANT KEY | QUANTITY | PLANT MATERIAL PROPOSED BOTANICAL NAME | COMMON NAME | CONTAINER SIZE | | SPECIFICATION / NOTES | PLANT SPACING |
|---|---|---|---|---|---|---|---|
| **ORNAMENTAL GRASSES** | | | | | | | |
| KFRG | 44 | Calamagrostis acutiflora 'Karl Foerster' | Karl Foerster Feather Reed Grass | #1 | Cont. | Full, well rooted plant | 15-18" |
| THG | 15 | Deschampsia cespitosa | Tufted Hair Grass | #1 | Cont. | Full, well rooted plant | 24" |
| PDS | 26 | Sporobolus heterolepis | Prairie Dropseed | #1 | Cont. | Full, well rooted plant | 18" |

| PLANT KEY | QUANTITY | PLANT MATERIAL PROPOSED BOTANICAL NAME | COMMON NAME | CONTAINER SIZE | | SPECIFICATION / NOTES | PLANT SPACING |
|---|---|---|---|---|---|---|---|
| **HERBACEOUS PERENNIALS** | | | | | | | |
| PBA | 9 | Astilbe roseum 'Peach Blossom' | Peach Blossom Astilbe | #1 | Cont. | Full, well rooted plant, evenly shaped | 15" |
| RRD | 8 | Hemerocallis 'Rosy Returns' | Rosy Returns Daylilly | #1 | Cont. | Full, well rooted plant, evenly shaped | 18" |
| MRCB | 10 | Heuchera 'Midnight Rose' | Midnight Rose Coralbells | #1 | Cont. | Full, well rooted plant, evenly shaped | 18" |
| FH | 9 | Hosta fortunei 'Francee' | Francee Hosta | #1 | Cont. | Full, well rooted plant, evenly shaped | 18" |
| CBSI | 20 | Iris sibirica 'Caesars' Brother' | Caesars' Brother Siberian Iris | #1 | Cont. | Full, well rooted plant, evenly shaped | 18" |
| BES | 9 | Rudbeckia fulgida 'Goldsturm' | Black-eyed Susan | #1 | Cont. | Full, well rooted plant, evenly shaped | 18" |
| MNS | 3 | Salvia xsupeba 'May Night' | May Night Salvia | #1 | Cont. | Full, well rooted plant, evenly shaped | 18" |
| LAWN | 17800 | Lawn Establishment Area / Grading Area | | | SF | | |
| SOD | 1980 | Sodded Areas (identified on plan) | *see plan for area delineation* | | SY | Fresh cut, weed free; Bluegrass Blend Sod; Water immediately after installation | |
| **Hardscape Materials** | | | | | | | |
| | 385 | Concrete Front Entry Walk & Courtyard | *Nf Unit (see plan for location)* | | SF | | |
| | 225 | Concrete Front Entry Walk & Courtyard | *Sf Unit (see plan for location)* | | SF | | |
| | 330 | Concrete Rear Patio | *Nf Unit (see plan for location)* | | SF | | |
| | 330 | Concrete Rear Patio | *Sf Unit (see plan for location)* | | SF | | |
| | 24 | Shredded Hardwood Mulch (3" depth) | *2,550 SF* | | CY | Bark Mulch; apply Preemergent after installation of mulch | |
| | 16 | Soil Amendments (2" depth) | *2,550 SF* | | CY | | |
| | 55 | Pulverized Topsoil (Lawn Area) | *17,800 SF* | | CY | | |
| | 16 | Pulverized Topsoil (2" over bed areas) | *2,550 SF* | | CY | | |
| | 28 | 2" PVC Sleeve | *irrigation / lighting access* | | LF | Schedule 40 PVC | |
| | | Downspout Extentions | *determine at time of installation* | | LF | | |
| | | Downspout Adapters | *determine at time of installation* | | EA | | |

FORMERLY ISSUED AS SHEET L1.5

HELLER & ASSOCIATES, LLC
LANDSCAPE ARCHITECTURE
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david@wdavidheller.com

PROJECT

THE WOODS AT HIGHLAND PARK

North Green Bay Road
Mequon, WI

ISSUANCE AND REVISIONS

| DATE | DESCRIPTION |
|---|---|
| 2.28.18 | ISSUE TO OWNER |
| 3.02.18 | ISSUE TO OWNER |
| 3.04.18 | ISSUE TO OWNER |
| 3.06.18 | ISSUE TO OWNER |
| 3.07.18 | ISSUE TO OWNER |

These plans were prepared by:
W. David Heller, ASLA
Registered Landscape Architect
#438-014

Information contained herein is based on survey information, fiel inspection, and believed to be accurate.

SHEET TITLE

LANDSCAPE SCHEDULES: FOUNDATIONS

PROJECT MANAGER WDI

PROJECT NUMBER 18-01

DATE 08.10.1

SHEET NUMBER

L 2.0

Attachment: PacketDocs1 (3479 : The Woods at Highland Park)

TO OBTAIN LOCATIONS OF PARTICIPANTS UNDERGROUND FACILITIES BEFORE YOU DIG IN WISCONSIN

DIGGERS HOTLINE

CALL DIGGERS HOTLINE
811 or 1-800-242-8511
MLW. AREA 259-1181
WIS STATUTE 182.0175(1974)
REQUIRES MIN. 3 WORK DAYS
NOTICE BEFORE YOU EXCAVATE

1. Contractor responsible for contacting Diggers Hotline (811 or 800-242-8511) to have site marked prior to excavation or planting.

2. Contractor to verify all plant quantities shown on Plant & Material List and landscape planting symbols and report any discrepancies to Landscape Architect or General Contractor.

3. All plantings shall comply with standards as described in American Standard of Nursery Stock - Z60.1 ANSI (latest version). Landscape Architect reserves the right to inspect, and potentially reject any plants that are inferior, compromised, undersized, diseased, improperly transported, installed incorrectly or damaged. No sub-standard "B Grade" or "Park Grade" plant material shall be accepted. Plant material shall originate from nursery(ies) with a similar climate as the planting site.

4. Any potential plant substitutions must be approved by Landscape Architect or Owner. All plants must be installed as per sizes indicated on Plant & Material Schedule, unless approved by Landscape Architect. Any changes to sizes shown on plan must be submitted in writing to the Landscape Architect prior to installation.

5. Topspoil in Parking Lot Islands (if applicable): All parking lot islands to be backfilled with topsoil to a minimum depth of 18" to insure long-term plant health. Topsoil should be placed within 3" of finish grade by General Contractor / Excavation Contractor during rough grading operations/activity. The landscape contractor shall be responsible for the fine grading of all disturbed areas, planting bed areas, and lawn areas. Crown all parking lot islands a minimum of 6" to provide proper drainage, unless otherwise specified.

6. Tree Planting: Plant all trees slightly higher than finished grade at the root flare. Remove excess soil from the top of the root ball, if needed. Remove and discard non-biodegradable ball wrapping and support wire. Removed biodegradable burlap and wire cage (if present) from the top $\frac{1}{3}$ of the rootball and carefully bend remaining wire down to the bottom of the hole. Once the tree has been placed into the hole and will no longer be moved, score the remaining $\frac{2}{3}$ of the burlap and remove the twine. Provide three slow release fertilizer for each tree planted.

7. Tree Planting: Backfill tree planting holes 80% existing soils removed from excavation and 20% plant starter mix. Avoid air pockets and do not tamp soil down. Discard any gravel, rocks, heavy clay, or concrete pieces. When hole is $\frac{2}{3}$ full, trees shall be watered thoroughly, and water left to soak in before proceeding to fill the remainder of the hole. Water again to full soak in the new planting. Each tree shall receive a 3" deep, 4-5' diameter (see planting details or planting plan) shredded hardwood bark mulch ring around all trees planted in lawn areas. Do not build up any mulch onto the trunk of any tree. Trees that are installed incorrectly will be replaced at the time and expense of the Landscape Contractor.

8. Shrub Planting: All shrubs to be planted in groupings as indicated on the Landscape Plan. Install with the planting of shrubs a $^{50}/_{50}$ mix of plant starter with topsoil. Install topsoil into all plant beds as needed to achieve proper grade and displace undesirable soil (see planting detail). Remove all excessive gravel, clay and stones from plant beds prior to planting. When hole(s) are $\frac{2}{3}$ full, shrubs shall be watered thoroughly, and water left to soak in before proceeding. Provide slow-release fertilizer packets at the rater of 1 per 24" height/diamter of shrub at planting.

9. Mulching: All tree and shrub planting beds to receive a 3" deep layer of high quality shredded hardwood bark mulch (not pigment dyed or enviro-mulch). All perennial planting areas (groupings) shall receive a 2" layer of shredded hardwood bark mulch, and groundcover areas a 1-2" layer of the same mulch. Do not mulch annual flower beds (if applicable). Do not allow mulch to contact plant stems and tree trunks.

10. Edging: All planting beds shall be edged with a 4" deep spade edge using a flat landscape spade or a mechanical edger. Bedlines are to be cut crisp, smooth as per plan. A clean definition between landscape beds and lawn is required. Pack mulch against lawn edge to hold in place.

11. Plant bed preparation/Soil Amendment composition: All perennial, groundcover and annual areas (if applicable) are required to receive a blend of organic soil (Soil Amendments) amendments prior to installation. Roto-till the following materials at the following ratio, into existing soil beds or installed topsoil beds to a depth of approximately 8"-10". Containerized and balled & burlapped plant material should be back-filled with amended soil:

Per 100 SF of bed area (Soil Amendment composition):
¾ CY Peat Moss or Mushroom Compost
¾ CY blended/pulverized Topsoil
¼ CY composted manure

In roto-tilled beds only, also include in above mixture:
2 lbs Starter Fertilizer

12. Lawn Installation for all sodded turfgrass areas: Contractor to furnish and prepare blended topsoil (2" minimum) and sod bed, removing all debris and stones ½" and larger. Apply a 10-10-10 starter lawn fertilizer uniformly throughout areas prior to laying sod. Use only premium sod blend according to TPI (revised 1995) and ASPA Standards. Install sod uniformly with staggered joints, laid tightly end to end and side to side. Roll sod with a walk behind roller and water immediately upon installation to a 3" depth. Stake any sod installed on slopes steeper than 1:3, and in all swale applications. Contractor is responsible to provide a smooth, uniform, healthy turf, and is responsible for the first two mowings of the newly installed turf, and is also responsible for watering during this period.

13. Installation preparation for all seeded areas: remove/kill off any existing unwanted vegetation prior to seeding. Prepare the topsoil (if adequate or provide as in item #6 above) and seed bed by removing all surface stones 1" or larger. Apply a starter fertilizer and specified seed uniformly at the specified rate, and provide mulch covering suitable to germinate and establish turf. Provide seed and fertilizer specifications to Landscape Architect and Owner prior to installation. Erosion control measures are to be used in swales and on slopes in excess of 1:3 and where applicable (see Civil Engineering Drawings). Methods of installation may vary are the discretion of the Landscape Contractor on his/her responsibility to establish and guarantee a smooth, uniform, quality turf. A minimum of 2" of blended, prepared and non-compacted topsoil is required for all lawn areas. If straw mulch is used as a mulch covering, a tackifier may be necessary to avoid wind dispersal of mulch covering. Marsh hay containing reed canary grass is NOT acceptable as a mulch covering.

An acceptable quality seed installation is defined as having:
No bare spots larger than one (1) square foot
No more than 10% of the total area with bare areas larger than one (1) square foot
A uniform coverage through all turf areas

14. No-Mow seed areas: "No-Mow" fine fescue seed mix with annual rye nurse crop (available at Cedar Creek Seed Farm 888-313-6807; or Prairie Nursery 608-296-3679) or approved equivalent mix from a reputable seed mix provider. Apply at 220 lbs per acre or at rate recommended by supplier. Prepare seed bed and soil as specified in item #13 above.

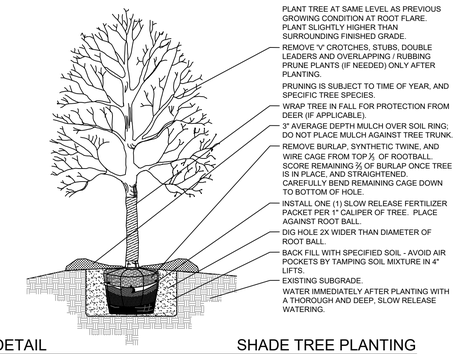
15. Native Prairie Seed Mix / Stormwater Seed Mix: Native seed mixes as listed on the Plant and Material List or other seeding schedules outlined on the landscape plan set. Seed mixes available from Prairie Nursery 608-296-3679 or JF New 608-848-1789 or approved equivalent mix from a reputable seed mix provider. Apply at rates specified herein, or per supplier recommendation. Prepare soil and seed bed as in item #13 above.

16. Warranty and Replacements: All plantings are to be watered thoroughly at the time of planting, through construction and upon completion of project as required. Trees, Evergreens, and Shrubs (deciduous and evergreen) shall be guaranteed (100% replacement) for a minimum of one (1) year from the date of project completion. Perennials, groundcovers, and ornamental grasses shall be guaranteed for a minimum of one (1) growing season. Perennials, groundcovers, and ornamental grasses planted after September 15th shall be guaranteed through May 31st of the following year. Only one replacement per plant will be required during the warranty period, except for losses or replacements due to failure to comply with specified requirements. Watering and general ongoing maintenance instructions are to be supplied by the Landscape Contractor to the Owner upon completion of the project.

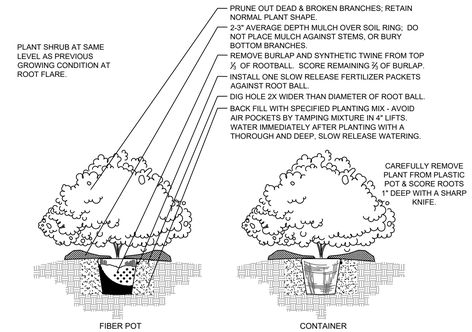
17. The Landscape Contractor is responsible for the watering and maintenance of all landscape areas for a period of 45 days after the substantial completion of the landscape installation. This shall include all trees, shrubs, evergreens, perennials, ornamental grasses, turf grass, no-mow grass, and native prairie seed mix / stormwater seed mix. Work also includes weeding, edging, mulching (only if required), fertilizing, trimming, sweeping up grass clippings, pruning and deadheading.

18. Project Completion: Landscape Contractor is responsible to conduct a final review of the project, upon completion, with the Landscape Architect, Client or Owner / Client Representative, and the General Contractor to answer questions, provide written care instructions for new plantings and turf, and insure that all specifications have been met.

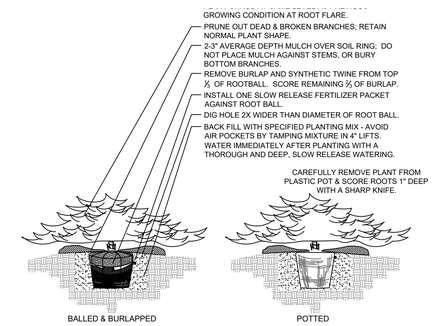
## LANDSCAPE GENERAL NOTES



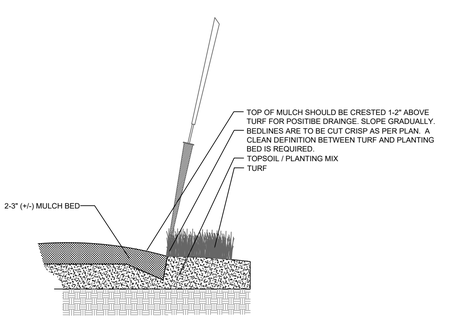

1 DETAIL SHADE TREE PLANTING
N.T.S. SECTION



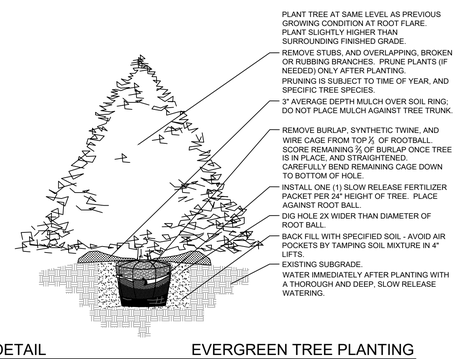

2 DETAIL DECIDUOUS SHRUB PLANTING (POTTED)
N.T.S. SECTION



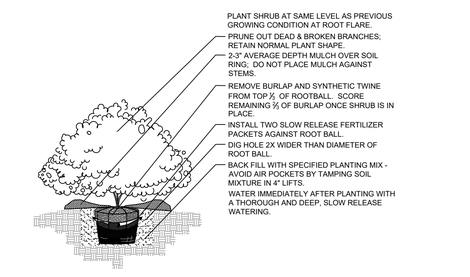

3 DETAIL EVERGREEN SHRUB PLANTING
N.T.S. SECTION



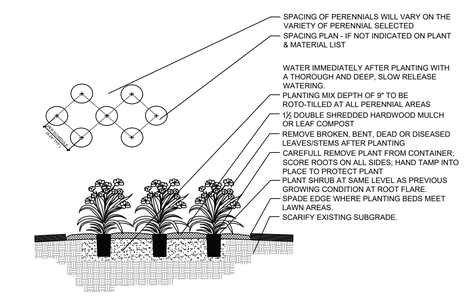

4 DETAIL SPADE EDGE PLANT BED EDGE DETAIL
N.T.S. SECTION



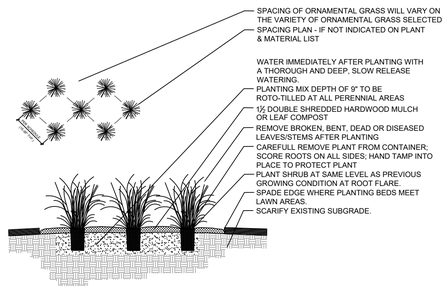

5 DETAIL EVERGREEN TREE PLANTING
N.T.S. SECTION




6 DETAIL DECIDUOUS SHRUB PLANTING (B&B)
N.T.S. SECTION




7 DETAIL GROUNDCOVER / PERENNIAL PLANTING
N.T.S. SECTION




8 DETAIL ORNAMENTAL GRASS PLANTING
N.T.S. SECTION

## PLANTING & HARDSCAPE DETAILS

FORMERLY ISSUED AS SHEET L1.6

HELLER & ASSOCIATES, LLC
LANDSCAPE ARCHITECTURE
P.O. Box 1359
Lake Geneva, Wisconsin 53147
ph 262.639.9733
david@wdavidheller.com

PROJECT
CRANEWOODS AT
HIGHLAND PARK
North Green Bay Road
Mequon, WI

ISSUANCE AND REVISIONS

| DATE | DESCRIPTION |
|---|---|
| 2.28.18 | ISSUE TO OWNER |
| 3.02.18 | ISSUE TO OWNER |
| 3.04.18 | ISSUE TO OWNER |
| 3.06.18 | ISSUE TO OWNER |
| 3.07.18 | ISSUE TO OWNER |

These plans were prepared by:
W. David Heller, ASLA
Registered Landscape Architect
#438-014

Information contained herein is based on survey information, fiel
inspection, and believed to be accurate.

SHEET TITLE
LANDSCAPE DETAILS & NOTES

PROJECT MANAGER WDH
PROJECT NUMBER 18-01
DATE 08.10.1
SHEET NUMBER
L 2.1

Attachment: PacketDocs1 (3479 : The Woods at Highland Park)

August 27th, 2018

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

Dear Ms. Tollefson:

I appreciate the opportunity to assist the City of Mequon with landscape architectural review services. The following is a review of the landscape submittal for The Woodlands at Highland Park, a proposal for a new high density residential development within Mequon's Highland Park development. This is the first review of the plans dated 08/10/18. The landscape plans are submitted by Heller & Assoc., Llc. Landscape Architecture.

The nature of this review will be to assess the landscape plan for completeness; address appropriateness of both, aesthetic design and buffering for the site/location. The plan will be assessed on how the proposed plant palette and proposed plant density addresses the Planning Commission's request for greater buffering/treatments at the following site zones/adjacencies: 1. Street Frontage Zone; 2. Property Line Buffer Zone; 3. Out-Lot Zones; 4. Open Space Zone; 5. Detention/Retention Basins; 6. Loading Dock Buffer; 7. Refuse/Recycle station buffer.

***General Overview:*** Dated 08/10/18, the plan sheets are titled: L1.0-L1.9. Sheet L1.0 is a development overview and phasing plan, provided at 1"=50' scale; sheets L1.1-L1.5 are scaled at 1"=20'; Sheet L1.6 contains Phase 1 & 2 plant schedules; Sheets L1.7- L1.9, scaled 1"=8', provide three separate foundation planting plans; sheets L2.0-L2.1, contain foundation schedules, plan notes are details.

- The plan is sealed and signed by a WI RLA, as required by code.

- The scale of the overall proposed Landscape sheets vary, as listed above. The plans are clean and the information is discernable.

  - This is a thoughtfully designed landscape plan; while not an endorsement, the design is commensurate with other high-density residential developments within Mequon.

  - The plan provides attached plant schedules, with: common name, scientific name, size specified and the total quantities, as required. While the multiple plant schedules make sense, given the phasing, the foundation planting schedules represent the # of proposed plants for 1 unit…and nowhere within the plans specify how many of each type of units are proposed. I would prefer to see the plans state what each schedule applies to which structure. Relying on a contractor to interpret the foundation graphic to develop accurate plant counts, seems like an invitation to incorrect bids. See specific notes below regarding the proposed plant sizes and required audit of the stated quantities.

  - The plan provides the location of the Street trees. Although the existing N. Greenbay Rd. ROW fails to depict the proposed ROW trees. If there is none, this application is required to provide 1 tree per 35' of existing ROW.

  - Also, the proposal should provide the existing ROW trees with the following information:



Attachment: PacketDocs1 (3479 : The Woods at Highland Park)

1.depict graphically on the plan < scale accordingly>, 2. species and 3. caliper.

- Amend sheet L1.0 to provide/indicate which proposed structures are: Princeton, Stanford, Notre Damn. Provide a schedule or statement outlining the total of each proposed structures.

- The plan provides a standard set of planting notes to the landscape contractor. These notes help define the designer's intent, as well as, protect the owner from defective work and, or defines which contractor has responsibility for what areas. Note #4 shall be amended to include: Plant substitutions must be approved by Owner & City of Mequon Planning Staff .

❖ ***Review* /Outline of the <u>proposed plant types</u> and quantities:**

➢ **Phase 1 < ROW/Open space/ two detention basin buffers>**

- Twelve deciduous Tree Species, (Total proposed deciduous trees – 56)
- Five Coniferous Tree Species, (Total proposed conifer trees –79)
- Six Deciduous Shrub Species, (Total proposed decid. shrubs –50
- One Coniferous Shrub Species, (Total proposed conifer shrubs --5)
- Three- Perennials, Bulbs/corms, Groundcover Species, (Total proposed groundcovers/perennials –*21*)
- One Decorative Grass species, (Total proposed grasses – 23)

➢ **Phase 2 < ROW/Open space>**

- Five deciduous Tree Species, (Total proposed deciduous trees – 15)
- Three Coniferous Tree Species, (Total proposed conifer trees –29)
- One Deciduous Shrub Species, (Total proposed decid. shrubs –49
- Two Coniferous Shrub Species, (Total proposed conifer shrubs --24)
- Zero- Perennials, Bulbs/corms, Groundcover Species, (Total proposed groundcovers/perennials –*0*)
- Two Decorative Grass species, (Total proposed grasses – 106)

➢ **Princeton foundation plant schedule < X seven units>**

- One deciduous Tree Species, (Total proposed deciduous trees – 1)
- Zero Coniferous Tree Species, (Total proposed conifer trees –0)
- Nine Deciduous Shrub Species, (Total proposed decid. shrubs –53
- One Coniferous Shrub Species, (Total proposed conifer shrubs --5)
- Six- Perennials, Bulbs/corms, Groundcover Species, (Total proposed groundcovers/perennials –*76*)
- Two Decorative Grass species, (Total proposed grasses – 93)

➢ **Notre Dame foundation plant schedule < X four units)**

- Two deciduous Tree Species, (Total proposed deciduous trees – 2)
- Two Coniferous Tree Species, (Total proposed conifer trees –5)

Attachment: PacketDocs1 (3479 : The Woods at Highland Park)

- Seven Deciduous Shrub Species, (Total proposed decid. shrubs –48
- One Coniferous Shrub Species, (Total proposed conifer shrubs --18)
- Three- Perennials, Bulbs/corms, Groundcover Species, (Total proposed groundcovers/perennials –*85*
- Three Decorative Grass species, (Total proposed grasses – 85)

➢ **Stanford foundation plant schedule < X three units>**

- One deciduous Tree Species, (Total proposed deciduous trees – 1)
- One Coniferous Tree Species, (Total proposed conifer trees –2)
- Six Deciduous Shrub Species, (Total proposed decid. shrubs –59
- Two Coniferous Shrub Species, (Total proposed conifer shrubs --22)
- Six- Perennials, Bulbs/corms, Groundcover Species, (Total proposed groundcovers/perennials –52)
- Two Decorative Grass species, (Total proposed grasses – 70)

## *Plant Schedule Comments:*

- Specified Size
  - **<u>Deciduous Trees:</u>**
    1. The size of every proposed Deciduous Tree is under size. City of Mequon has required a minimum of a 3.5" caliper tree since 2010. Revise the plan schedule to reflect a 3.5" caliper , as measured 16" above the top of the rootball.
    2. Ornamental trees: Provide City of Mequon has required a minimum of a 3.0" caliper tree since 2010. Revise the plan schedule to reflect a 3.0" caliper, as measured 16" above the top of the rootball.

**General Schedule comments:**

- The City of Mequon will maintains the right to reject any Landscape material "For Cause."
- The species proposed have the ability to perform in the local soils.
- The proposed plant palettes are commonly used throughout Ozaukee Co. None of the proposed plants are listed in the 2016 Wisconsin NCRS Invasive prohibited or regulated lists.
- As a Note: "The City of Mequon has a performance based acceptance. Seeded turf will require long term watering, multiple fertilizer applications and often, multiple over seeding to achieve an acceptable turf."

➢ **Recommended Revisions to the Planting Schedule, includes:**

1) As required for the past several years – I would recommend the proposed plant sizes to be revised to the following size standards:

Attachment: PacketDocs1 (3479 : The Woods at Highland Park)

- The plant schedule shall be amended to specify all deciduous tree sizes to have a 3.5 inch caliper @ 16" above the root ball; also, all conifer trees to have a minimum 7ft height above the rootball and have a full form, per the proposed code.
- Per ANSI z 60.1, the plantings shall meet height equivalency consistent of the stated caliper. Planting instruction: Trees selected may meet caliper requirements, but failing to meet height requirements, or root ball size requirements will be rejected by the city for cause.

2) Audit the following Plant Schedule quantities, or amend plan with correct graphic count:

- **Princeton**
  - KFRG – Proposed 72, counted 74
  - PDS- Proposed 21, counted19
- **NotreDame**
  - KFRG – Proposed 44, counted 42
  - PDS- Proposed 26, counted 28

## ➢ *Zone Comments:*

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

- **1. Street Frontage Zone**:
  The Proposed ROW Code requires 1 tree per each side of/30 feet of CL length.
  - N. Greenbay Rd. ROW Street Trees: Green Bay Rd. ROW must be addressed. Coordinate Plantings with City of Mequon Plantings Staff & City Forester.
  - Amend the plan to show any existing trees within the Greenbay Rd. ROW setback. . If existing trees are present, plans needs to be amended, by:
    - Show any existing trees, OR;
    - Propose ROW trees, at 1 tree per 30' of ROW.
    - City forester may require removal of invasive species.

  Fails to meet the Revised Landscape code, for ROW plantings. Action per planning staff/Planning Board recommendations.
- **2. Parking Lot:**< NA> Driveways & Garage
  **No Proposed Parking Lot Interior Zone**.
  No Parking lot requirement**.**
  **No Parking Periphery Buffer**:

- **Property Line Buffer:** The plan addresses all four PL's. The surrounding use/adjacencies are. The adjacent developments are both Single family residential and Multi family residential. The south PL requires a Minimum buffering due to compatible uses". The North PL is occupied by a Regional Electric conveyance and the plan graphic represents a 17-60' wide buffer of existing vegetation.
- The West PL is adjacent to a Single Family property, City Staff may wish to review this buffer. I would suggest the proposal provide a double line of offset Conifer trees to mitigate the location of the detention basin to the Single Family property's viewshed. –

Attachment: PacketDocs1 (3479 : The Woods at Highland Park)

**Proposal partially Meets Proposed Code intent & nature. Please see staff actions provided above.**

- **Interior Lot Zones:** Required- 1 Large/Medium tree & 2 large shrubs per every 1000 SF of open space. The area between the proposed structures have a minimum of Tree or shrub groupings. **Fails to Meets Proposed Code - Enforcement is per staff & P&Z Board decision.**
- **Building Foundation Plantings –** The footing proposal is well done. The proposal meets the Proposed City of Mequon Landscape codes for footing treatments. **Plan meets the new code requirements. -**
- **Detention Basins** The plan falls short here. The proposed code requires a 20'wide planting buffer around 30% of the structure. The trees/plants counted toward other zone requirements are not included in the 30%. The proposed code's Detention Basin buffer provides a very good opportunity to incorporate multiple groups of large & medium shrub & the incorporation of large massings of perennials. I would recommend to be employed along the N. Corporate Parkway and Corporate Dr. ROW. **Plan fails to meet new code requirements, but actions to be determined per City staff & P&Z Board decision.**
- **Trash Enclosure:** The development shows no external Refuse/Recycle center. **N/A**

- ***Summary of Landscape Observations:***

It is this reviewer's opinion, the Planning Commission/City Staff should enforced this review's: 1) stated minimum deciduous tree sizes, 2) provide Missing ROW trees per code; 3) readdress Detention Basin Buffers along the Greenbay Rd ROW and the North PL @ the existing Single Family housing with the application of offset Conifer Tree plantings, and deciduous shrub massing.

This concludes the landscape review of the Woodlands at Highland Park Landscape submission.

I hope City of Mequon planning staff and the commission finds the information presented and recommendations useful.

Sincerely,

M. Terry Higgins

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

Attachment: PacketDocs1 (3479 : The Woods at Highland Park)

# Beckett Collection
# Beckett 1 Light Outdoor Post Mount WZC
49724WZC (Weathered Zinc)

Project Name: _____
Location: _____
Type: _____
Qty: _____
Comments: _____

## Ordering Information

| | |
|---|---|
| Product ID | 49724WZC |
| Finish | Weathered Zinc |
| Available Finishes | WZC, WZC |
| Collection | Beckett Collection |

## Dimensions

| | |
|---|---|
| Weight | 13.00 LBS |

## Specifications

| | |
|---|---|
| Material | Aluminum |
| Diffuser Description | Etched Seeded |

## Electrical

| | |
|---|---|
| Voltage | 120V |

## Qualifications

| | |
|---|---|
| Safety Rated | Wet |
| Warranty | www.kichler.com/warranty |

## Primary Lamping

| | |
|---|---|
| Light Source | Incandescent |
| Lamp Included | Not Included |
| # of Bulbs/LED Modules | 1 |
| Socket Wire | 105 |
| Socket Type | Medium |
| Lamp Type | A21 |

## Dimensions

| | |
|---|---|
| Height | 20.00" |
| Width | 12.25" |

## Alternate Lamps

| Lamp Included | Bulb Listing | Light Source | Max Wattage/Range | Bulb Product ID | Dimming |
|---|---|---|---|---|---|
| No | Alternate | LED | 20W | | |
| No | Hybrid | CFL | 30-52W | | |

Attachment: PacketDocs1 (3479 : The Woods at Highland Park)

**Kichler**
7711 East Pleasant Valley Road
Cleveland, Ohio 44131-8010
Toll free: 866.558.5706 or kichler.com

**Notes:**
1) Information provided is subject to change without notice. All values are design or typical values when measured under laboratory conditions.
2) Incandescent Equivalent: The incandescent equivalent as presented is an approximate number and is for reference only.

KICHLER

# DEVELOPMENT AGREEMENT

## The Woods at Highland Park – Phase 1

Articles of agreement made and entered into this _____ day of _____, 2018, by and between The Woods at Highland Park, hereinafter called the Developer, and the City of Mequon, a municipal corporation of Ozaukee County, Wisconsin, hereinafter called the City.

**WITNESSETH:**

**WHEREAS**, the Developer desires to improve and develop certain lands located in:

See Exhibit A

And as described on attached Exhibit A (the "Development"), and for that purpose requires the installation of certain public improvements; and

**WHEREAS,** the City Engineer's report, attached hereto as Exhibit B, identifying the public improvements and other terms and conditions necessary to this Development (the "Improvements"), and

**WHEREAS,** Section 236.13(2) of the Wisconsin Statutes and Sections 58-634(c) and 58-637 of the Mequon Code of Ordinances provide that as a condition of approval, the City shall require that the Developer make and install or have made and installed, any improvements reasonably necessary; and

**WHEREAS,** the Public Works schedule and budget of the City does not include installation of the said improvements for the said Development, and normally there would be a considerable delay in the installation of said improvements unless the instant agreement were entered into; and

**WHEREAS,** the City believes that the orderly, planned development of said lands will best promote the health, safety and general welfare of the community.

**NOW, THEREFORE,** in consideration of the payment of One Dollar ($1.00) and other good and valuable consideration to each in hand paid by the other, receipt of which is hereby acknowledged, and in consideration of the various approvals granted by the City, and in obedience to the conditions imposed upon said approvals, and the mutual covenants herein contained, the parties agree:

1. The area to be improved shall consist of that area designated in Exhibit A in the proposed development plan granted preliminary plat approval by the Planning Commission.

2. Preliminary plat approval was granted by the Planning Commission on July 23, 2018

3. The Improvements shall be as described on Exhibit B.

4. The Developer will, at its expense, have plans and specifications prepared for the aforesaid Improvements and such plans and specifications shall be submitted to the City Engineer for approval. The plans and specifications to be submitted are indicated in Exhibit C.

5. The Developer will contract for and have constructed, at its expense, all of the Improvements. The City, as a condition of final certification by the City Engineer, and approval and acceptance of dedication of the Improvements by the City, will require that copies of lien waivers from all

contractors and/or material suppliers performing work or supplying materials for the installation of the Improvements be filed with the City.

6. The Developer will pay for all reasonable costs incurred by the City, or its consultant in the review of the engineering plans, landscaping plans, inspection of the construction and/or installation of the Improvements, installation of street signs, review of record drawings for City files, and any other costs that may be incurred by the City in the installation of the Improvements for this Development. The Developer will pay the costs above enumerated within thirty (30) days after being billed by the City. Billing will be made periodically and/or monthly as the improvements are completed and as costs are incurred. Full cost will include labor, equipment, materials, engineering, inspection and overhead costs incidental to said work. Past due amounts on invoices generated by the City are subject to a one and one-half (1.5) percent per month charge, computed from the date of the original invoice.

7. All dedicated Improvements shall be warranted against defects due to faulty materials or workmanship which appear within one (1) year from the date of acceptance of dedication by the City, and Developer shall assign to the City applicable contractor warranties for the Improvements. If any defect should appear during this warranty period, the City shall first seek to enforce any applicable contractor warranty; however, Developer hereby guarantees the Improvements during said warranty period and shall indemnify the City to the extent of any default or failure of any contractor to honor the warranty. Each repair or replacement performed pursuant to this paragraph shall be guaranteed for one (1) year from the completion thereof.

8. Upon certification by the City Engineer that all of the Improvements have been satisfactorily constructed, installed or escrowed in accordance with City of Mequon Zoning Code, inspected and found to be in compliance with City requirements and with the following conditions as described below, and that all other requirements of this agreement have been complied with, Final Plat approval will be granted by the Common Council.

   A. The City Engineer shall only recommend Final Condominium Plat approval to the Planning Commission and Common Council upon certification that:

      i. All of the Improvements have been satisfactorily constructed or installed, completed and approved.

      ii. In the event that installation of the final asphalt surface course, street trees, open space landscaping and/or minimal site restoration as contemplated in Developer's plans approved by the City cannot be completed due to weather conditions at the time in which Developer wishes to obtain Final Plat approval, the City may, in its sole discretion, accept from Developer a Letter of credit in form approved by the City Attorney and in an amount determined by the City Engineer to provide appropriate security to ensure installation is completed within 14 months from Final Plat approval.

   B. The Department of Community Development shall schedule Final Condominium Plat recommendation before the Planning Commission and Common Council only upon certification by the City Engineer that all the improvements have been constructed, installed and approved.

9. The following special provisions shall apply:

   A. Easements are to be provided with the plat for the use of WE Energies, phone, Cable T.V. and other utilities for provision of services to the Condominium Development. The Developer shall provide proof of payment in full for installation of the utilities prior to Final Plat approval.

B. Underground utility installations shall be made without any street pavement removal, unless otherwise specifically approved by the City Engineer.

C. A building permit may be issued for 3 principal structures-6 units prior to the Final Plat being approved and recorded. The building permit for the units shall not be issued until stone base is installed. The stone base shall allow, in the City's sole discretion, access for inspections and emergency personnel. Inspections may be canceled if access is not provided to inspections staff. The Developer agrees and understands that the transfer of title to any lot/residence in this development may not occur until after final certification by the City Engineer that the terms of this agreement have been complied with and the final subdivision plat is approved and recorded.

D. Subject to Section 5 above, the water main shall be within an easement with access provided from a dedicated street, where necessary, in a form acceptable to the City Attorney. Title to the fire protection and water supply facilities shall be dedicated by the Developer to the City upon accceptance of the same by the City's Public Works Committee, without recourse, and free and clear of all encumbrances.

E. The Improvements shall be constructed in strict accordance with the requirements of the City and the City Engineer or his authorized representative, or as directed by said City Engineer; and shall be under and subject to constant inspection by the City Engineer or representative.

F. The Developer agrees that it shall be fully responsible for the Improvements for the Development and appurtenances thereto during the period of the construction of the Improvements, and until certification by the City Engineer, approval of the Improvements, and acceptance of dedication by the City, any damage as may occur to these facilities during this period shall be replaced or repaired by the Developer.

G. Excess topsoil shall only be removed from the subdivision Development by means of end-loading (no screening allowed on site) and trucking from the site. The Developer shall not disrupt topsoil where it is unnecessary, and the final arbiter of necessity shall be the City.

H. The covenants, conditions and restrictions recorded against the property described on Exhibit A shall prohibit future property owners from removing any berms, landscaping or amenities installed on this Development as a condition of landscaping, open space, grading or drainage plans, and from placement of landscape features, berms or plantings which disrupt flow of run-off in drainage ways or courses approved as a condition of the grading and drainage plans, without express written consent from the City Engineer and by action of the Planning Commission.

I. The Developer, its successors and assigns along with individual future condominium owners are hereby notified that "impact" fees will be assessed by the City against the Developer and/or condominium owners, pursuant to the requirements of Sections 58-138 et seq. of the Mequon Code of Ordinances, which payment is due prior to obtaining a building permit. The parties understand and acknowledge at this time that the City retains full right and authority to amend and modify its impact fee ordinance, the methodology by which impact fees are calculated or the numerical component values of the impact fee calculation in the future, such that the resultant impact fee amounts in effect from time to time may differ from the impact fee assessment which is currently in effect as of the date of this agreement, and that such modifications and amendments are not susceptible of determination at this time.

10. The Developer shall not be released or discharged from the obligations assumed under this agreement until final inspection and certification of all the Improvements has been made by the City Engineer in writing, and the Improvements have been approved and their dedication accepted by the City.

11. The Developer hereby agrees that the costs and value of said improvements will become an integral value of the abutting lots and that no future lot assessment will be made on behalf of the Developer.

12. Provisions of this agreement which may specify design criteria for the construction of required improvements are subject to change by the City Engineer, upon written notice to Developer and based on changes in applicable codes or regulations, for the purpose of reflecting the most up-to-date design standards for required improvements. The design standards in effect at the preliminary approval shall apply to all improvements for a period of two years.

13. Developer shall indemnify, defend, and hold the City and its officers harmless from, penalties, fines, costs, or loss (including reasonable fees for attorneys, consultants, and experts) that arise as a result of the presence or suspected presence in or on the real property dedicated or conveyed to the City by, under, pursuant to, or in connection with the Subdivision Plat or this Agreement including, but not limited to street rights of way, of any toxic or hazardous substances arising from any activity occurring prior to the acceptance of dedication of all Improvements. Without limiting the generality of the foregoing, the indemnification by Developer shall include costs incurred in connection with any site investigation or any remedial, removal, or restoration work required by any local, state, or federal agencies because of the presence or suspected presence of toxic or hazardous substances on or under the real property, whether in the soil, groundwater, air or any other receptor. The City agrees that it will immediately notify Developer of the discovery of any contamination or of any facts or circumstances that reasonably indicate that such contamination may exist in or on the real property. The City also agrees that following notification to Developer that contamination may exist, the City shall make all reasonable accommodations to allow Developer to examine the real property and conduct such clean-up operations as may be required by appropriate local, state, or federal agencies to comply with applicable laws.

14. Execution of this agreement shall be accepted by the City as adequate provision for improvements within the meaning of Section 236.13(2) of the Wisconsin Statues.

15. This agreement shall be binding upon the heirs, successors, executors and assigns of the parties hereto.

16. If the final plat conforms substantially to the preliminary plat as approved, including any conditions of that approval and to local plans and ordinances adopted as authorized by law, it is entitled to approval. If the final plat is not submitted within 24 months of satisfaction of the last required condition of approval of the preliminary plat, any approving authority may refuse to approve the final plat. The final plat may, if permitted by the approving authority, constitute only that portion of the approved preliminary plat, which the Developer proposes to record at that time. The Preliminary Plat shall be deemed an expression of approval or conditional approval of the layout submitted as a guide to the preparation of the Final Plat which will be subject to further consideration by the Planning Commission at the time of its submission.

17. It is understood that this Development Agreement may need to be amended to cover changes to the standards regarding landscaping, stewardship plans, stormwater management, grading and/or other plans.

18. In accordance with section 58-635(3)(e), if the Developer fails to commence construction within two (2) years of development agreement approval, then the development agreement shall become null and void.

**CITY OF MEQUON**

By_____
**Dan Abendroth, Mayor**

By_____
**Caroline Fochs, City Clerk**

**OWNER**

The Woods at Highland Park

By: _____

By: _____

STATE OF WISCONSIN )
)SS
OZAUKEE COUNTY )

Personally came before me, this _____ day of _____, 2018, the above named Mayor and City Clerk, to me known to be the persons who executed the foregoing instrument and acknowledged the same.

_____

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

STATE OF WISCONSIN )
)SS
WAUKESHA COUNTY )

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

_____

_____
Notary Public, Waukesha County, Wisconsin
My Commission (expires) (is)_____

Approved by: _____
City Attorney

# EXHIBIT A

# DEVELOPMENT AGREEMENT

**The Woods at Highland Park**

DESCRIPTION OF AREA INCORPORATED IN THE SAID DEVELOPMENT:

EXHIBIT B

CITY OF MEQUON

WISCONSIN
* * * * *

DEPARTMENT OF PUBLIC WORKS

ENGINEERING DIVISION

TERMS AND CONDITIONS INCORPORATED INTO DEVELOPMENT AGREEMENT BY AND BETWEEN THE CITY OF MEQUON AND THE WOODS AT HIGHLAND PARK

The proposed development plans granted concept approval and preliminary plat approval by the Planning Commission have been reviewed by the Engineering Division and this report is hereby submitted in accordance with the procedural requirements established by the Common Council.

Notwithstanding anything herein to the contrary, the parties acknowledge that the Developer intends to complete the improvements necessary to provide access prior to construction of principal structures, and other improvements may be constructed and obligations may be performed by Developer, as indicated below, by requiring its lot purchasers to so perform in the lot purchasers' contracts or declaration of restrictions.

The following public works improvements and conditions are necessary:

1. Sanitary Sewer System

   a. An Owner's t Agreement with the Village of Thiensville is required to define the specifics of the Sanitary Sewer requirements.

   b. Installation of a sanitary sewer system designed to meet the ultimate needs of this development, in accordance with the Village of Thiensville's sanitary sewer system plan. Installation of one sewer lateral from the sanitary sewer main to the limits of the sanitary sewer utility easement or, road right-of-way.

   c. Sanitary sewer plans/profile shall conform to the Village of Thiensville requirements and Sewer and Water Construction in Wisconsin and additional requirements of the Milwaukee Metropolitan Sewerage District (MMSD) shall apply.

   d. The Village of Thiensville shall approve all sanitary sewer connections.

   e. Connection to the existing sanitary sewer shall be done in accordance with the Village's specifications.

   f. The lateral locations shall not deviate from the approved plan unless approved by the Village and the City.

   g. Sanitary sewer main and lateral connections shall be installed in Phase I.

2. Water Supply System

   a. Installation of a water supply and distribution system for the proposed Development with mains, hydrants, valves and laterals for each lot. The plans, specifications and installation shall be in accordance with the City Standard Specifications for Land Development, latest edition.

b. The City shall review and approve all water main plans to be installed in a City road right-of-way or easement.

c. Connection to the City of Mequon water system shall be in accordance with the City of Mequon Standard Specifications for Land Development, latest edition and be subject to a Water Services Agreement.

d. The City will determine the lateral locations to avoid removal of any specimen trees; the City shall approve all lateral locations.

e. The public mainline shall meet the City's master plan for the area, in terms of depth and size, and be extended to the adjacent properties. Specifically, the watermain shall extend west to Cedarburg Road to allow for future looping of the water main system. The dead end main shall be terminated with a hydrant, in a location and configuration approved by the Water Utility.

f. Easements shall be provided to adjacent single family lots for access for potential future connection.

g. The mainline water main shall meet Water Utility standards for ISO recommended fire flows of 2500 gpm, which may require 12" pipe for the dead end main.

h. Dead end mains must be terminated with a public hydrant and phasing plans and construction to be approved through a Water Services Agreement.

3. Fire Protection Water Supply

a. The water for fire protection will be supplied to the Development water system through the City of Mequon Water System.

b. All fire hydrant locations shall be approved by the City's Fire Chief.

4. Grading and Drainage Plan

a. The Developer shall submit a master site grading plan. The master grading plan shall indicate which lots are designed for the following: full exposure, partial exposure, and lots that are limited to front load entry garage only. The Developer shall grade the site in conformance with the approved grading and drainage plan. The future owners/builders who construct the principal building shall be responsible for siting the principal building, rough and fine grading the building pad to comply with the master grading plan.

b. The Master Grading/Drainage/Storm Sewer and Erosion Control Plans shall comply with the requirements of the City's Standard Specifications for Land Development, latest edition.

c. Grading and drainage plan showing 2' contours for both existing and proposed grades, City approved building pad grades, culverts or storm sewers. Cross-section and profiles of all drainage ways and erosion protection as required, must be indicated on the plans and detailed.

d. Site grading plan showing only minimum setback and offset dimensions, and City approved building grades.

e. Erosion Control Plan for land disturbing activities showing existing contours at least 200' into adjacent parcels. This plan will show location and dimension of all construction site management measures to control erosion and sedimentation.

f. Rough grade as necessary to establish lot grades in accordance with future building grades, top-soiling, seeding and mulching as required, to all exposed ground surfaces to prevent erosion.

g. The grading plan shall include minimum elevations for proposed top of principal building foundation wall based on proposed building envelopes shown on the approved specimen tree plan and City approved finished yard grades.

h. Grading and filling shall be kept to a minimum, including in individual building envelopes.

i. The Developer is responsible for top-soiling, seeding and mulching, as required to all exposed ground surfaces to prevent erosion, including disturbance by utility contractors.

5. Storm Drainage System

a. Drainage System Plan showing all tributary areas to the proposed subdivision drainage system and downstream analysis. Included on the system plan should be all proposed and existing drainage structures in the drainage system area.

b. Drainage easements must be shown by dimension and detailed cross-section.

c. Installation and construction of a complete storm drainage system, including culverts, storm sewer, and open ditches as required to adequately drain the surface water from and through the Development. Erosion protection and minimum velocity design shall be provided for in the storm drainage system design. All areas adjacent to existing and proposed roadways shall be restored to conform with the approved roadway cross-section.

d. The storm water facilities shall be installed before the impervious surface.

e. Additional considerations will be required on all ditch slopes exceeding five percent (5%). All roadside ditches or drainage easements shall have a minimum one percent (1%) slope. Areas less than one percent (1%) will require further analysis.

f. The Development will be required to provide on-site stormwater detention and demonstrate to the City Engineer that the Development shall comply with the City's stormwater ordinance and MMSD Chapter 13 rules and regulations.

g. The Developer shall submit hydrologic calculations for the 2, 10 and 100 year development conditions.

h. The Developer shall provide hydraulic calculations showing pond discharge rates under proposed conditions. Under proposed conditions, the stormwater management must demonstrate that the 2, 10 and 100 year discharge rate will be less than pre-settlement conditions.

i. All sump pump discharge pipes shall discharge to a roadside ditch, storm sewer or other location approved by the City. For roadways with an urban section a sump pump collection system shall be required in accordance with the City’s Standard Specifications for Land development, latest edition.

j. Submittal, at the time of architectural review and approval, of a sump pump discharge and roof drainage plan in accordance with Storm Water management Plan approved by the City Engineer.

k. If the storm sewer design includes underground piping, a set of utility plans showing all plan and profile views of sanitary water and storm sewer shall be used and kept current during all phases of construction.

l. Detention Basin/Pond Maintenance Agreement:

The Developer shall design and construct storm water facilities, including detention and/or retention pond(s), in accordance with the approved storm water drainage plan such that they are adequate to accommodate expected surface water flow within and through the Development, in accordance with applicable City ordinances, Chapter 13 of the Milwaukee Metropolitan Sewerage District rules, and the regulations of WDNR, as may be applicable. Thereafter, it shall be the responsibility of the Developer and/or its successors and assigns, as provided below, that such storm water facilities shall be maintained to meet or exceed the standards to which they were constructed, such that in the future, they continue to accommodate the maximum potential volumes of flow through and within the development, and meet applicable performance standards for storage and release.

Accordingly, the following requirements are applicable to this Development and conditions of approval of the preliminary plat and the development agreement, pertaining to detention basin/pond maintenance.

i. All stormwater drainage and storage facilities, including detention basin(s)/pond(s), shall be maintained and cared for by the Developer and subsequently, at such time as the Developer passes control of the stormwater elements of the Development and responsibility for maintenance thereof to the Condominium Association they shall be maintained in accordance with this Section 5.g.

ii. In order that the perpetual care and maintenance of all stormwater drainage and storage facilities shall be provided for, the Developer shall create or cause to be created an entity (the Condominium Association) with a perpetual existence under the laws of the State of Wisconsin for the express purpose, *inter alia*, of assuming all responsibility in connection with the perpetual maintenance of the stormwater facilities. Developer shall provide by contract, declaration of covenants, deed provision, or otherwise that all condominium owners in the development, including Developer, shall be members of the Association solely by virtue of being a condominium owner, and shall be jointly responsible for its obligations, which obligations shall be assessable as against such members. If, as contemplated by the parties, any portions of the Development in or on which is located stormwater drainage and storage facilities, including detention basin(s)/pond(s), shall be conveyed to other assigns and/or successors in interest, then Developer shall provide by contract, declaration of covenants, deed provision, or otherwise that such other assigns and/or successors in interest shall assume all responsibility in connection with the perpetual maintenance of those stormwater facilities. The Developer shall have no further responsibility for such maintenance, only after arms length sale of the condominium by the Developer, conveyance of outlots and/or common areas to the Condominium Association or other good faith grantees, and acceptance of dedication of the Improvements by the City.

iii. The following minimum standards for future care and maintenance of the stormwater drainage and storage facilities, including detention basin(s)/pond(s), shall be adhered to by Developer and Developer's assigns and successors in interest:

A. Provide normal and customary cleaning and maintenance to the detention basin(s), and pond(s) located in this Development including, but not be limited to, weed and algae control, dam stabilization, emergency overflow, outlet structure (including trash rack), dredging and biological control.

B. As necessary, dredging of the storm water facilities shall require permits and approvals under Section 30.20 Wisconsin Statutes, to remove materials from the

bed of a pond ultimately connected to Lake Michigan from the Wisconsin Department of Natural Resources (WDNR).

C. Make chemical treatments as necessary, in keeping with the regulatory requirement(s) that the application of EPA/State Registered Chemicals to detention basins/ponds or lakes is regulated by the WDNR. With few exceptions, a permit must be filed with, and approved by the WDNR, prior to chemical treatment. In certain circumstances, a representative of the WDNR will monitor or supervise the chemical treatment. Contact the WDNR for additional information.

D. The detention basin(s)/pond(s) shall be certified by a licensed professional engineer or land surveyor as a condition of Final Plat approval. To assure compliance with the approved plans, the Developer shall be responsible to recertify the detention basin(s)/pond(s) as a condition of transferring ownership to the Condominium Association, but in no event shall such recertification occur later than two years after the approval of the Final Plat.

E. The detention basin(s), pond(s) certification shall be submitted with an as-built record drawing.

F. The detention basin(s)/pond(s) shall be inspected in compliance with the Inspection Report Form supplied by the City. Any deficiencies shall be corrected immediately. A copy of the report form, including but not limited to photographs or diagrams of the deficiency and corrections with the certification shall be provided to the Homeowners Association, and any other assigns and successors in interest of Developer, and shall be promptly submitted to the City Engineer for review and approval. Specific areas shall include, but not be limited to:

- Bio-retention facility
- Pond containment berms are stable and free of animal burrowings
- Detention storage volume
- Erosion
- Vegetative cover
- Sediment accumulation
- Trash rack/culvert functions
- Outlet flow
- High water level
- Water surface elevation at time of survey
- Normal pond water level
- Emergency overflow

iv. To guarantee performance of all of the foregoing obligations concerning the private stormwater drainage and storage facilities, including detention basin(s)/pond(s), the developer shall, in accordance with City ordinance 58-677(b), deposit an escrow or letter of credit to guarantee a good faith execution of the approved control plan and any permit conditions. The escrow / letter of credit shall be in an amount equal to 125% of the estimated cost of construction and maintenance of the storm water management practices and the City will release the portion of the Financial Guarantee less any costs incurred by the city to complete installation of practices, upon submission of a certification in accordance with 58-678(h).

v. Not less than ninety days prior to the final expiration of the Developer's LOC obligations, or at such time as the Developer shall convey the outlot(s) or common area(a) in or on

which are located the stormwater drainage and storage facilities, including detention basin(s)/pond(s), to the Condominium Association or other assigns or successors in interest, whichever is later, the Developer shall have the detention basin(s)/pond(s) recertified in accordance with d. and e. above.

vi. At any time in the future, if, in the opinion of the City, either the Developer (in keeping with the limitations upon its responsibility as expressed herein), the Condominium Association, or any other assigns or successors in interest, shall fail to maintain the stormwater drainage and storage facilities, including detention basin(s)/pond(s), the City, at its option, may give the Developer, the Subdivision Homeowners Association or other assigns or successors in interest, as may be interested, written notice requiring any or all of them within thirty (30) days thereafter, to cure the failure and to maintain and to provide the required care. If the notified party fails to comply with the demands of the notice, the City shall have the right , but not the obligation, to perform the work necessary to correct the deficiency, and to charge the cost thereof, including administrative charges, to the Developer, and/or to the Subdivision Homeowners Association, and/or other assigns and successors in interest, by drawing upon the LOC, and/or by imposing such charge as a special charge for services pursuant to §66.0627, Wisconsin Statutes, and if not promptly paid by the party to whom the charges were invoiced, as a lien and special tax on the property(ies).

vii. The City Engineer has the authority to stop work, amend, or alter remediation measures to the detention basin/ponds. Failure to comply will result in the issuance of a municipal citation by a forfeiture as prescribed by law, or may be addressed in an action for injunction, mandatory injunction, or any combination of remedies. Each day a violation exists shall constitute a separate offense.

viii. Upon 75% (or fewer) of the condominiums within this Development being sold, a Condominium Association shall be created.

ix. This agreement and all of its covenants are and shall be covenants running with the land, and shall encumber the Development, and shall be binding on the heirs, personal representatives, successors and assigns of the parties hereto. This agreement shall be recorded with the Ozaukee County Register of Deeds office. The Development covenants and restrictions shall include this language and not by reference.

6. <u>Erosion and Run-off Control</u>

a. Installation and construction of improvements in the proposed Development shall be done in conformance with the City in cooperation with the Ozaukee County Land Conservation Guidelines (SCS) and Department of Natural Resources "Wisconsin Construction Site Best Management Practice Handbook," latest edition, requirements, with respect to erosion and sedimentation control. Temporary stormwater quality measures during construction activities shall include, as a minimum, the installation of silt fence and temporary sediment basins.

b. The Developer shall install the drainage system, including roads (unpaved, but with gravel surface), first. The swale and ditches shall be sodded or planted with fast growing grasses immediately after grade certification by the City or designated agent. The City may request temporary mulching if ground is exposed for more than 7 days. Straw, hay bales, check dams or silt fences shall be placed in the drainage system as sediment traps in accordance with established Best Management practices. The City will decide what situation is appropriate for sod and will determine the sediment trap method to be used.

c. The Developer may not commence land disturbing activities until all erosion control measures are installed and approved by the City. An erosion control permit must be approved which requires the Developer to construct in conformance with the City's erosion control ordinance.

d. Excavated soil shall not be allowed to be piled near the drainage system. A topsoil stockpile area shall be identified and used, complete with appropriate erosion control measures.

e. The surface of exposed bare soils shall be protected by mulches or by temporary annual grasses, or erosion matting.

f. The Developer will periodically inspect and maintain any measures utilized above. All erosion control devices shall be inspected after each rain event.

7. Streets

a. The road design standards shall be subject to the review and approval by the City Engineer and Fire Chief. The roads, whether public of private, shall be constructed in compliance with the City Standard Specifications for Land Development, latest edition, unless otherwise approved by the City.

b. Private access roads/driveways shall be approved by the City Engineer and Fire Chief.

c. Construction of a twelve (12) inch road base consisting of twelve (12) inches of one and one-quarter inch (1 1/4") crushed stone base course for all new streets. The initial surface shall consist of three inches (2.5") of bituminous binder course. The roads shall be constructed to the City's typical cross-section and in accordance with the City's standard specifications for land development.

d. In developments with sanitary sewer the final one and one-half inch (1 ½") asphalt surface course shall be applied following the construction of the binder course.

e. Should the money in the account be inadequate to defray the cost of surfacing to include inspection, shouldering, road failures, base repairs and defects and utility adjustments, the Developer shall make up any shortage of funds.

f. The Developer shall provide to the City a performance bond, Letter of Credit or Cash Bond, in a form approved by the City Attorney subject to prior review and approval by the City, to provide security for compensation to the City for wear and tear and accelerated deterioration of City streets as a result of infrastructure improvement associated with the hauling of stone and asphalt attributable to the approved Development.

Prior to commencement of any construction activity, the Developer shall establish with the City a performance bond, Letter of Credit or Cash Bond, in a form approved by the City Attorney, for road damage, in the amount equal to $1,000 per residential lot in the proposed Development. Should the proposed development be approved as a phased Development, the performance bond and evaluation process shall be established prior to commencement of each phase of Development. Prior to the commencement of any construction activity, the following provisions shall be complied with:

i. The Developer shall meet with City Engineering and Public Works staff to identify and agree to a specific "haul" route for all construction equipment and material supplies associated with the Development. The Developer shall agree to confine the movement of its construction equipment to the approved route unless approved otherwise by the City Engineer or Public Works Director.

ii. Prior to commencement of construction, the City shall videotape and perform a road evaluation of the agreed to haul route. This evaluation, known as a service condition rating or SCR, shall be used as the base line for establishing the level of damage that occurs as a result of the Development.

iii. At the conclusion of the construction activity and prior to the recording of the final plat, the City will again videotape and perform a post development SCR of the Developer's "haul" route.

iv. Prior to the City acceptance of the Improvements, the Developer will repair the road or pay to the City for the Dollar amount for the estimated repairs.

The road account and road evaluation is only applicable to that portion of the approved haul route that lies within the corporate limits of the City.

8. Landscaping and Open Spaces

a. A street tree plan shall be subject to the review and approval of the Tree Board and Planning Commission. The species and installation of street trees shall conform to the street tree ordinance.

b. Landscape plans for the open space, public street cul-de-sac, and detention pond buffering shall be designed by a licensed landscape architect and shall be reviewed and approved by City staff. The City may have a licensed landscape architect review the submitted landscape plans.

c. Signage and entryway landscape plans shall be reviewed and approved by City staff.

d. A letter of credit issued by a local bank on the US Chamber of Commerce model form or reasonable equivalent, and subject to prior review and approval by the City Attorney, equal to 25% of the landscape and street trees contract cost to insure that all private open space landscaping that dies within three (3) years of installation will be replaced by the Developer.

9. Miscellaneous

a. The Developer shall be responsible for maintaining and repairing all damage done to City streets as a result of excessive hauling operations and Development construction pursuant to section 7(f) above.

b. The Developer shall be responsible for the material and installation of street name signs and regulatory/public safety signs (speed limit, stop sign, etc).

c. All construction shall conform to the “Standard and Specifications for Development Construction in the City of Mequon,” latest edition.

d. Wetland Boundaries shall be identified and marked in the field and verified by the Wisconsin Department of Natural Resources. The wetlands and setbacks shall be identified on the plat. Wetland boundary markers shall be maintained and setbacks observed during all phases of land disturbance and construction.

e. The City Engineer may make changes to the approved plans and specifications for any of the improvements covered under this agreement which are necessary to correct oversights, omissions, and errors to compensate for changing site conditions, or to complete fully the work in accordance with sound engineering practice. The Developer shall perform the work as changed entirely at its expense without any claim for reimbursement.

f. Submittal and Planning Commission approval of the maintenance agreement and street tree landscape plan, if applicable.

g. Submittal of underground utility easements.

h. All sanitary, drainage, water and other utility easements must be shown on the plat. All sanitary, water and drainage easements must be prepared separately for each lot or parcel and recorded at the Developer's expense. These documents shall be required at the time of final plat approval and approved by the City.

i. Submittal of proposed driveway culvert size plan where applicable.

j. Developer shall be responsible for the cost of installation of one WE-Energies standard street light mounted on a wooden pole, or may provide upgraded street light and mounting, as shall be approved by the City, at the main entrance to the Development. The City Public Works Department shall arrange for the installation permit and coordinate the installation. Developer shall pay for labor and materials within 30 days after being invoiced. After acceptance of dedication of the Improvements by the City, the City shall assume responsibility for the monthly energy costs and future maintenance for the street light

10. Special Provisions

a. The development process shall strictly conform to the conditions of approval of the Preliminary Plat and other approvals, and as set forth in the Development Agreement. Request for final plat approval is subject to Engineering Department certification that all improvements required to be installed have been completed and approved, and as to the Improvements, approval and acceptance of their dedication by the City.

**The remainder of this page is intentionally left blank.**

EXHIBIT C

**CITY OF MEQUON**
**WISCONSIN**
*** * * * ***

**ENGINEERING DEPARTMENT**
**DEVELOPMENT AGREEMENT**

**Development Title**

**The Woods at Highland Park**

Prior to the issuance of building permits, payment of the REC household connection fee to the Village of Theinsville is required.

City of Mequon

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

www.ci.mequon.wi.us

Department of Community Development

**TO:** **Planning Commission**

**FROM:** **PA PHOUALA VANG, PLANNER**

**DATE:** **September 5, 2018**

**SUBJECT:** **Paul Apfelbach for Fillinger Family. The applicant is seeking rezoning recommendation from R-1 to R-1/PUD and concept plan approval to allow for a 13-lot single-family subdivision on 70 acres located at the corner of Bonniwell and Riverland Roads (Riverland Estates).**

| | |
|---|---|
| Applicant: | Hillcrest Realty<br>Oyvind Solvang<br>Paul Apfelbach |
| Status of Applicant: | Agent |
| Requested Action: | Rezoning Recommendation<br>Concept Plan |
| Existing Use: | Agriculture |
| Existing Zoning: | R-1 (5-acre minimum)<br>C-2 (General Conservancy)<br>OA (Agricultural Overlay) |
| Proposed Zoning: | R-1 (5-acre minimum)<br>C-2 (General Conservancy)<br>PUD (Planned Unit Development) |
| Land Use Plan: | Residential 5 Acre Minimum |
| Lot size: | 68.12 acres |
| Location: | Corner of Bonniwell Road and Riverland Road |
| Tax Key: | #14-001-09-001.00 |
| District: | #1 |

**Background:**
The applicant is requesting rezoning recommendation for a 13-lot conservation subdivision development on 68 acres located at the corner of Bonniwell Road and Riverland Road. The concept plan results in a density of one (1) unit per five (5) acres which is consistent with the Land Use Designation. The conservation plan proposes approximately 52% open space with lots ranging from 2 to 2.9 acres in size to be served by a public road.

**Parcel History:**
There have been recent attempts to develop the property. The applicant requested the use of six TDR credits to develop 19 lots ranging from 1.3-4.5 acres on the site (see attached). The use of the property as a receiving site for the TDR credits was denied at the Parks and Open Space

Board, and the applicant is now requesting the rezoning for a PUD to develop a 13-lot conservation subdivision without any TDR Credits.

**Rezoning Analysis:** Some factors to consider when analyzing a rezoning request include:
**Is the proposed rezoning consistent with existing and surrounding Land Use Designations?**
The Land Use Plan Map shows the surrounding area as primarily Residential 5 acre and Critical Environmental. An amendment to the Land Use Plan is not required as part of the rezoning. Staff finds the proposal consistent with the surrounding Land Use designations.
**Are there reasonable uses under existing zoning?**
The existing R-1 zoning allows 13 lots with five acre minimum lot sizes. Development of the parcel under the current zoning would preclude the ability to provide common open space features, an open space buffer around the development, and would limit public access. Development under the existing zoning also would not prioritize protection of the woodlands and wetlands.

**Has there been a change in character or trend in development in area of proposal?**
There has not been a change in character in the area over the years. The area remains predominately single-family homes with lots sizes of approximately two to five acres in size.

**Proposed Yield Plan:**
As part of the PUD process, staff requires a yield plan to establish the number of zoning compliant lots achievable. The yield plan shows 13 lots, conforming to the R-1 and C-2 district standards (see attached). A few of these lots would contain significant environmental features which is undesirable.

**Proposed Concept Plan:**
The concept plan shows thirteen lots surrounded by common open space. The 150-200 feet deep open space along Riverland Road preserves the rural character of the area. The proposed plan shows two stormwater ponds for the development. The site contains woodlands, wetlands and an Isolated Natural Resource Area as classified by SEWRPC. The plan shows open spaces along the perimeter of the subdivision which preserve the wetlands and much of the existing woodlands.

*LOT SIZES and LAYOUT*
The concept plan shows lots ranging from 2-2.9 acres. The proposed lot sizes are larger than other subdivisions in the area with the exception of Hidden Farm which does not have PUD zoning. The lots are also larger than previously approved conservation subdivisions, which have 1.5 to 2 acre lot sizes (The Uplands, Country Breeze Estates, Sutton Ridge, Hawks Glen and Ashbury Woods). The following table shows characteristics of surrounding subdivisions:

| **Subdivision** | **Zoning** | **Number of Lots** | **Lot Size** |
|---|---|---|---|
| Hidden Farm | R-1B | 12 | 2-4.3 acres |
| The Uplands* | R-1/PUD | 7 | 1.5-1.8 acres |
| Country Breeze Estates* | R-1/PUD | 10 | 1.7-2.1 acres |

*Conservation Subdivision
The concept plan shows 13 lots that average 2.53 acres in size which creates larger lots sizes than other conservation subdivisions in Mequon. The larger lot sizes shown on the concept plan do limit the ability to incorporate other goals of conservation subdivisions. One of the goals that the concept plan fails to achieve is creating pockets of open space between lots. Pockets of open space create connectivity between the perimeter open space and the proposed road for greater

accessibility and provide open space between small groupings of lots. The concept plan also does not cluster lots in groups of no more than 3 to 4 and does not show any walking/bike trails or other open space amenities. Staff recommends including a trail in the open space area along the perimeter of the subdivision that links together the plan's features (wooded areas, ponds and road) within the site. There is a significant wooded area on the northwest portion of the proposed subdivision. A portion of the woodlands is shown on proposed Lot 7, Lot 8 and Lot 9. One of the benefits of a conservation subdivision is preservation of significant environmental features and this can be achieved by keeping the woodlands within outlots versus privately owned lots. The public benefit of preservation is achieved by placing a deed restriction over the outlots. Staff recommends for the entire woodland area to be remain within the open space area.

Staff recommends accomplishing the goals for conservation subdivisions by requiring the following:

- Incorporate a pedestrian/bike trail system in the open space area.
- Create pockets of open space between the proposed lots by reducing lot sizes and clustering the lots into groups of no more than 3 to 4.
- Keep woodland area within outlots and protected by a deed restriction.

The applicant has indicated that the proposed larger lots are more in line with market demand and are a better product in this area. In addition, the larger lots allow more space so that the mound systems can be placed further away from the proposed dwellings, which is desirable from an aesthetic standpoint.

Staff recommends meeting the goals of conversation subdivisions listed above. The proposed concept plan meets some of the goals of conservation subdivision by having perimeter open space and preserving many of the environmental features. If the Planning Commissions determines that the hybrid concept plan meets enough of the goals of a conversation subdivision and approves the lot lines as shown on the concept plan, staff recommends a deed restriction that will not allow for any land disturbing activities to take place within the woodland areas on the individual lots.

*ACCESS and INTERCONNECTIVITY:*
The plan shows access to the subdivision from Riverland Road with a public road.

<u>Connectivity</u>:
The three options regarding connectivity are as follows:

1. Require no connection;
2. Require a road reservation suggesting a road would be constructed in the future when the City deems it necessary;
3. Require a road dedication and require immediate construction of a road sub to the adjacent property line.

Staff recommends no connection due to the existing conditions. There is an existing subdivision to the west with no opportunity for connection. Since the property is surrounded by wetlands and woodlands, there is no opportunity for interconnectivity to adjacent properties to the north or south.

*OPEN SPACES:*
Based on staff calculations, the subdivision contains 52% open space around the perimeter of the development. The Planning Commission policy has been for 60% open space in conservation subdivisions. The open space preserves most of the woodlands and wetlands on the site.

Creating pockets of open space between the proposed lots and reducing lot sizes as staff recommended would increase the open space.

The applicant has indicated that the open space areas can be divided into five regions, including: 1) the stormwater ponds, 2) Riverland Road buffer, 3) northwest wooded area, 4) spruce tree farm and 5) remaining outlet area, to be constructed as follows:

Stormwater ponds

The ponds will be constructed to meet regulatory storm water management guidelines. The perimeter of the ponds will be seeded with grass, supplemented with a native prairie and flower mix. Subsequent certifications will be managed by the homeowners association.

Riverland Road buffer

The lots have been set back from Riverland Road to maintain the current vista and rural feel. Grading and land disturbing activities will be held to a minimum in order to keep the rural, farm condition. The moving of some spruce trees from the tree farm area will break up the grass and native shrubs. No berms will be constructed to isolate the homes. A modest project entry sign and low maintenance welcoming entry landscaping will be constructed.

Northwest wooded area

This part of the project area will be left natural. The lot configuration avoids the woods but some of the wooded area is located on individual lots. The applicant indicates that a tree preservation easement would be appropriate as this area of woods should be maintained. Again, staff recommends for this entire wooded area to remain off individual lots.

Spruce tree farm

The applicant indicates that hundreds of trees were planted approximately 15 years ago by the Fillinger family in this area located outside the proposed lots on the west side of the project. These trees have grown and will benefit from minor thinning in order to allow for more room. Trees will be relocated to the other areas throughout the project based on site lines evaluated in the field.

Remaining outlot(s)

The remaining outlot grading will be minimized in order to preserve existing natural swale and trees. Areas include the south west corner and the west boundary. These areas have not been actively tilled and are very natural in appearance and will be left alone subject to the control of invasive species and weeds. Trees from the property will also be randomly placed that will result in a long term existence of many pine trees.

Staff supports maintaining the rural characteristic along Riverland Road and the overall plan for the open space areas. An open space plan shall be submitted at the time of the preliminary plat approval.

**Site Conditions:**

The site seems appropriate for a conservation subdivision development in that it contains wetlands, woodlands and interesting topography. The City Forester, Mike Gies, has walked the site to identify specimen trees. He indicated that the woodland area contains a significant amount of desirable specimen trees. According to the concept plan, a portion of the woodlands is located on three of the individual lots. The City Forester has concerns regarding the woodland area shown on Lots 8 and 9 due to the heavy concentration of specimen trees. Staff recommends for the entire wooded area to be in the outlot. The site does contain wetlands. See Engineering comments below regarding the wetlands on site.

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

The conceptual plan details 13 lots that have access to Riverland Road via a proposed public roadway that connects to Riverland road at two separate locations. The roadway will be required to include median islands, acceleration lanes, deceleration lanes and bypass lane at the intersections with Riverland Road, per the Standard Specifications for Land Development.
The concept plan provided does not include the footprint of buildable area for each lot, which is a requirement of preliminary plat approval.
Wetlands appear to be present on site. The Wisconsin DNR surface water data viewer and aerial photos were used to confirm that wetlands are potentially present. A wetland delineation report with concurrence by the Wisconsin Department of Natural Resources is required. Any filling or disturbance of the wetlands is subject to WDNR approval. The wetland setbacks shall be shown on the preliminary plat.

The site is located outside the City's sewer service area. A soil evaluation report for the usage of septic or mound systems is required. Per Ordinance 58-632 (d) No parcel of land may be divided where public sanitary sewer is unavailable or where soil conditions preclude the installation of approved septic or mound systems unless the divided parcel(s) are deed restricted to uses which do not require a sewage disposal facility.
Fire cisterns ae required for fire protection of the site per the Standard Specifications for Land Development. The Fire Chief has indicated that a fee in lieu of the installation of a fire cistern(s) would be acceptable. This type of fee has been accepted by the City in the past, the requirements of which would outlined in the Development Agreement should the project move forward.
The site proposes an increase in impervious surface in excess of one half acre and site disturbance of greater than an acre therefore requires a stormwater management plan (SWMP). The proposed site will be required to provide additional stormwater management to meet the current City of Mequon, WDNR and MMSD criteria.
There is significant offsite drainage that flows through the center of the site, this drainage shall be accounted for the in the Stormwater Management Plan and in the subdivision layout and design.
The site proposes land disturbance in excess of one acre, therefore a City erosion control permit is required. Evidence of the WDNR required WRAPP permit shall also be provided for the site.
A Filling and Excavation permit is required. The total amount of filling and excavation for materials imported or export greater than 1,000 cubic yards would require Planning Commission review and approval.
**Staff Recommendation:**
Planning staff recommends the Planning Commission recommend <u>approval</u> of the rezoning and concept plan subject to the following condition(s):

1. Common Council approval of the rezoning.
2. All buildings shall maintain a minimum building setback of 50' from the public road right-of-way and a minimum 20' offset from the side and rear property lines and a building setback of 100' from Riverland Road, with increased offsets on lots adjacent to wetlands as required by the Department of Natural Resources (DNR).
3. Pedestrian/bike paths and the necessary easements shall be required as noted in the staff report.
4. Pockets of open space between the proposed lots by reducing lot sizes and clustering the lots into groups of no more than three shall be required.
5. The woodland area shall be kept within the outlots.

6. The development shall comply with preliminary plat, development agreement, and final plat requirements.
7. There shall be a permanent open space buffer along the perimeter of this development as illustrated in the attached development concept plan.
8. An open space plan shall be submitted at the time of the preliminary plat approval.
9. The final plat shall include a deed restriction that requires no land disturbing activity within the wooded area, including removal of specimen trees, without the approval of the City of Mequon.
10. Architectural design of residential buildings shall comply with the Architectural Board's publication entitled "Guidelines for Residential Structures" and are subject to the Architectural Review Board.
11. Street trees are subject to the approval of the Tree Board and Planning Commission.
12. Street lighting, if proposed, is subject to the approval of the Planning Commission.
13. Entryway signage and landscaping is subject to the approval of staff.
14. Any substantial change to the general concept plans illustrated in the attached exhibits shall require appropriate amendment to this ordinance.
15. Easements shall be over existing and proposed drainage ways with supporting declaration language requiring Home Owners Association maintenance.
16. Legal documents requiring the Home Owners Association to maintain pedestrian trails within the common open space, wetland buffers, and stormwater facilities.
17. The entire property is subject to the City of Mequon Tree Preservation Ordinance and necessary preservation easements, if any.
18. Staff review and approval of appropriate landscape/open space easement documents and maintenance agreements.
19. Execution and recording of a Development Agreement.
20. Engineering Division review and approval of grading, drainage, and erosion control plans in conformance to City ordinances and the Standard Specifications for Land Development.
21. Application for and approval of a City erosion control permit, subject to applicable fees and conditioned upon WDNR issuance of a WRAPP permit.
22. Application for and approval of a City Filling and Excavation Permit, if applicable.
23. Applicant shall provide the wetland delineation report and show setbacks on the preliminary plat.
24. Applicant shall provide wetland fill approval from the WDNR, if filling of the wetlands is proposed.
25. Applicant shall provide a soil evaluation report verifying that each of the 13 lots may be served via approved septic or mound systems.
26. The final road design shall be subject to the review and approval of Engineering and the Fire Departments, in accordance with the Standard Specifications for Land Development.
27. Fire Department approval of the number and location of fire cisterns. Alternatively, a fee in lieu of fire cistern(s) could be accommodated through the Development Agreement.
28. Median islands are required at the subdivision entrances.
29. A bypass lane and acceleration/deceleration lanes are required on Riverland Road at both entrances.
30. Approval of a storm water management plan for the site in conformance to City ordinances, WDNR and MMSD Chapter 13, including execution of a Storm Water Facilities Maintenance and Easement Agreement.
31. The existing drainage through the center of the site is required to be accounted for in the layout and design of the subdivision.

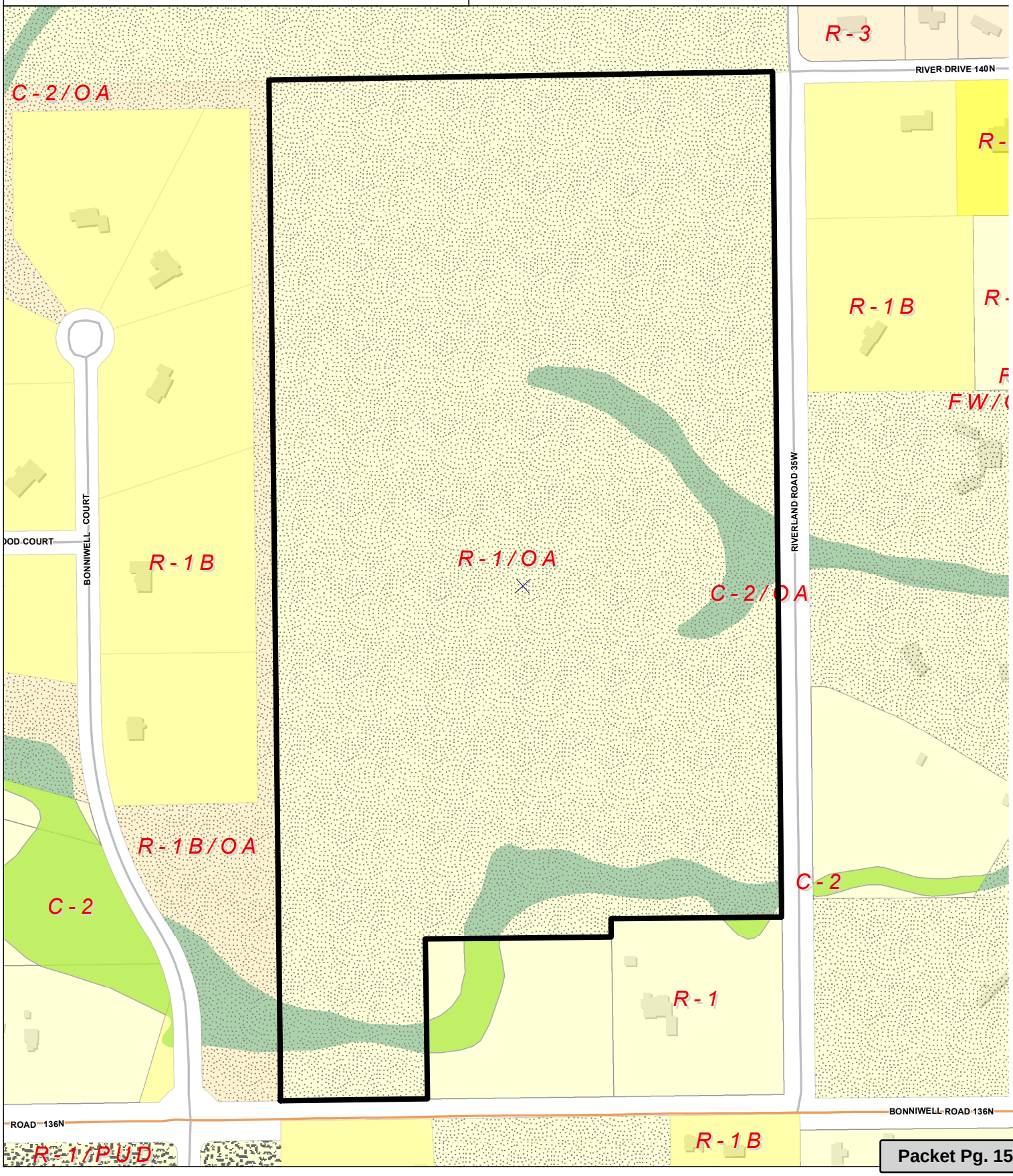
As a condition of approval and issuance of the permit, the city engineer will require in accordance with City ordinance 58-677(b) that the applicant deposit an escrow or letter of credit

to guarantee a good faith execution of the approved control plan and any permit conditions. The escrow / letter of credit shall be in an amount equal to 125% of the estimated cost of construction and maintenance of the storm water management practices and the City will release the portion of the Financial Guarantee less any costs incurred by the city to complete installation of practices, upon submission of a certification in accordance with 58-678(h

Attachments:
Attachments (PDF)

# Paul Apfelbach for Fillinger Family

| | | | |
|---|---|---|---|
| AC | Arrival Corridor | LTD | Limited Use |
| A-1 | Agricultural Preserve | OA | Agricultural Overlay |
| A-2 | General Agricultural | PUD | Planned Unit Development Overlay |
| B-1 | Neighborhood Business | P-1 | Park & Recreation |
| B-2 | Community Business | R-1 | Single-Family Residential (5 Ac. Min.) |
| B-3 | Office & Service Business | R-1B | Single-Family Residential (2.5 Ac. Min.) |
| B-4 | Business Park | R-2 | Single-Family Residential (2.0 Ac. Min.) |
| B-5 | Light Industrial | R-2B | Single-Family Residential (1.5 Ac. Min.) |
| B-6 | Rural Industrial | R-3 | Single-Family Residential (1.0 Ac. Min.) |
| B-7 | Rural Business | R-4 | Single-Family Residential (3/4 Ac. Min.) |
| C-1 | Shoreland/Wetland Conservancy | R-5 | Single-Family Residential (1/2 Ac. Min.) |
| C-2 | General Conservancy | R-6 | Single-Family Residential (4 du/Ac) |
| CGO | Central Growth Overlay | RM | Multi-Family Residential |
| FFO | Flood Fringe Overlay | TC | Town Center |
| FW | Floodway | TDR | Transfer of Development Rights |
| IPS | Institutional & Public Service | | |




Attachment: Attachments (3476 : Paul Apfelbach for Fillinger Family)

# RIVERLAND ESTATES PRELIM DESIGN

Number of Lots = 13 + 2 Outlots
Lineal feet of street = 2,188 LF

Part of the NE 1/4 and SE 1/4 of the SW 1/4 of Section 1,
Township 9 North, Range 21 East, City of Mequon, Ozaukee County, Wisconsin

100 0 100 200 300

Bearings are referenced to the
Ozaukee County coordinate system

DAVEL ENGINEERING & ENVIRONMENTAL, INC.
CIVIL ENGINEERING CONSULTANTS
1811 Racine Street Menasha, WI 54952
Ph: 920-991-1866 Fax: 920-830-9595
www.davel.pro

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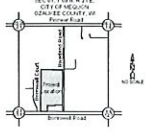
Attachment: Attachments (3476 : Paul Apfelbach for Fillinger Family)

Concept of

# Riverland Estates

All of Parcel 1 CSM 3494 being part of the Northeast 1/4 of the Southwest 1/4 and Southeast 1/4 of the Southwest 1/4 of Section 1, Township 9 North, Range 21 East, City of Mequon, Ozaukee County, Wisconsin

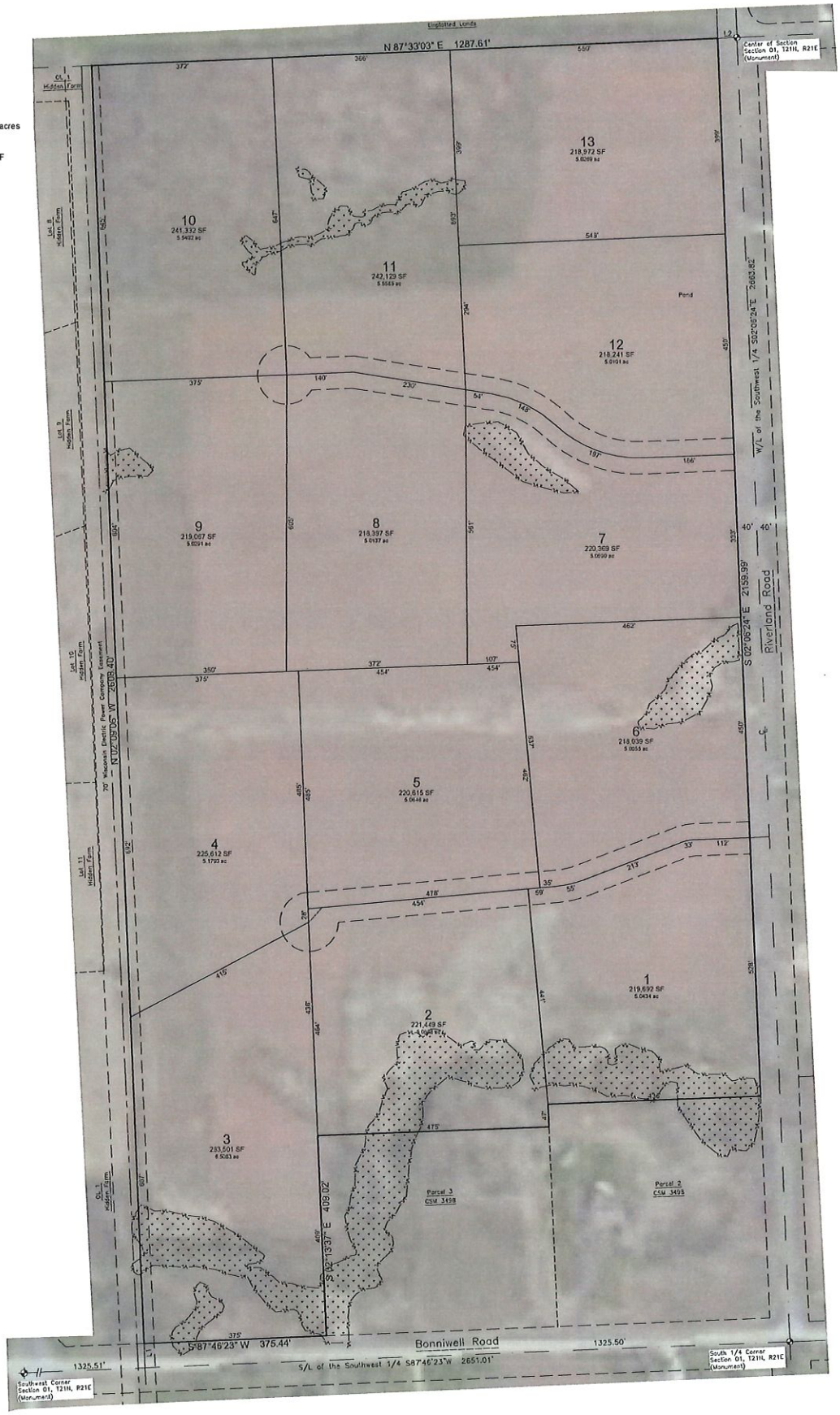
LOCATION MAP




**SUPPLEMENTARY DATA**
Total Area = 2,967,415 SF 68.1225 acres
Number of Lots = 13 Lots
Average lot size = 5.0 Acres
Lineal feet of private street = 1,932 LF
Approving Authorities
City of Mequon
Objecting Authorities
Department of Administration
NOTES

Utility and Drainage Easements will be shown on Final Plat

| LINE TABLE | | |
|---|---|---|
| Line | Bearing | Length |
| L1 | S 02°06'06" E | 53.00' |
| L2 | N 87°33'03" E | 43.00' |




DAVEL ENGINEERING & ENVIRONMENTAL, INC.
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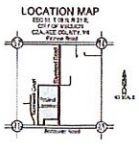
Attachment: Attachments (3476 : Paul Apfelbach for Fillinger Family)

Concept of

# Riverland Estates

All of Parcel 1 CSM 3494 being part of the Northeast 1/4 of the Southwest 1/4 and Southeast 1/4 of the Southwest 1/4 of Section 1, Township 9 North, Range 21 East, City of Mequon, Ozaukee County, Wisconsin

LOCATION MAP



**SUPPLEMENTARY DATA**

Total Area = 2,967,415 SF 68.1225 acres
R/W Area = 174,965 SF 4.0166 acres
Net Area = 2,792,450 SF 64.1058 acres
Number of Lots = 19 Lots/4Outlots
Average lot size = 2.0 Acres
Lineal feet of street = 2,731 LF
Approving Authorities
City of Mequon
Objecting Authorities
Department of Administration
NOTES

Utility and Drainage Easements will be shown on Final Plat

| LINE TABLE | | |
|---|---|---|
| Line | Bearing | Length |
| L1 | S 02°00'00" E | 50.00 |
| L2 | N 87°33'03" E | 40.00 |
| L3 | S 02°13'34" E | 46.55 |

DAVEL ENGINEERING & ENVIRONMENTAL, INC.
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Date: 05/14/2018
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Sheet: 1 of 1

Attachment: TDR Map (3264 : TDR Credit Receiving Site)

Attachment: Attachments (3476 : Paul Apfelbach for Fillinger Family)

City of Mequon

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

www.ci.mequon.wi.us

Department of Community Development

**TO:** **Planning Commission**

**FROM:** **PA PHOUALA VANG, PLANNER**

**DATE:** **September 5, 2018**

**SUBJECT:** **Boulder Venture for Associated Bank. The applicant is seeking rezoning recommendation from B-2 to B-2/PUD and concept plan approval for two proposed developments to allow a financial institution and a fast food restaurant to share access, parking, storm water management and green space for the properties located at 11223 & 11249 N. Port Washington Road.**

| | |
|---|---|
| Applicant: | Boulder Venture<br>Robert Schmidt<br>Curt Smith |
| Status of Applicant: | Agent |
| Requested Action: | Rezoning Recommendation<br>Concept Plan |
| Existing Use: | Anchor Bank<br>Vacant |
| Existing Zoning: | B-2 (Community Business) |
| Proposed Zoning: | B-2 (Community Business)<br>PUD (Planned Unit Development) |
| Existing Land Use Plan: | Community Commercial |
| Proposed Land Use Plan: | Community Commercial |
| Lot size: | 2.66 acres |
| Location: | 11223 & 11249 N. Port Washington Road |
| Tax Key: | #15-019-16-014.00 & #15-019-16-105.00 & #15-019-16.016.00 |
| District: | #2 |

**Background:** The applicant is requesting a rezoning recommendation and concept plan approval for a commercial development on 2.66 acres of land located at 11223 & 11249 N Port Washington Road. The property at 11249 N Port Washington Road is currently occupied by Associated Bank (formerly Bank Mutual) and the property at 11223 N Port Washington Road is vacant. Both properties are owned by Associated Bank. An additional .08 acre parcel owned by Associated Bank will be included in the PUD.

The current zoning of the properties is B-2. The applicant is requesting to rezone the properties to B-2 (Community Commercial)/PUD (Planned Unit Development) so that the developments can share site access, parking, storm-water management and green space. As Phase I of the project, the applicant is proposing to develop a new 2-story facility for Associated Bank on the south end of the site while the current Associated Bank branch remains open and operating. Once Associated Bank relocates to the new facility, the existing building will be demolished and a new ~6,800 square foot building will be constructed on the north portion of the development as part of Phase II. The proposed user for the north building is expected to be a fast-food restaurant

although the applicant has not identified a specific user. Restaurants are a conditional use in the B-2 District.

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

- **Is the proposed rezoning consistent with existing and surrounding Land Use Designations?** The Land Use Plan Map designates the site as Community Commercial. The proposed PUD zoning classification would allow for the developments on the site to share access, storm water and parking. Other land use designations in the area include Office, Community Commercial, Neighborhood Commercial and Critical Environmental. The area is a mix of land use categories with designations of Office and Commercial along the Port Washington Road corridor.

- **Is there a Public Interest?** There is a public interest in developing underutilized and vacant properties in Mequon. Staff believes the rezoning to PUD will provide a greater opportunity for the vacant parcel to develop under the shared access, parking and open space.

- **Are there reasonable uses under existing zoning?**
  There are a number of uses that are reasonable for the site under the B-2 zoning district. The zoning to PUD allows for deviations from the code for development while also achieving greater synergy and a comprehensive, master planned site. Currently the vacant lot does not meet the lot requirements of the B-2 District which makes developing the vacant parcel more difficult.

- **Has there been a change in character or trend in development in area of proposal?**
  While there has not been a change in character in the area, there has been investment in both new development and redevelopment. The area remains a mix of office and retail uses. The rezoning will not change the character of the area.

**Concept Site Plan**

The concept plan shows a total of two buildings on the proposed 2.66 acre lot. One of the buildings is a single-tenant, two-story building on the south end which will be the new Associated Bank building (Phase I). The building to the north (Phase II) is shown with a drive-thru and is expected to be a fast-food restaurant. The concept plan shows the proposed buildings in line with adjacent building setbacks. The building to the south is closer to Port Washington Road to match the PNC Bank building and the building to the north is set back at a distance similar to the Starbucks development. Staff would prefer for the south building to be flipped so the long side of the building faces Port Washington and the drive-thru is in the rear. The concept plan shows potential conflict areas on the Phase II site between the entry point and front row parking. Staff also has concerns with the dead end parking area north of the building and with the overall drive-thru and site circulation.

The plan shows a 32% green space ratio for Phase I and Phase II which fails to meet the 40% code requirement and requires a waiver. In the past, the Commission has approved a reduction in open space ratio for redevelopment sites which had non-conforming lot sizes. The proposed development would meet lot size requirements of the B-2 district once the parcels are combined. The applicant is requesting a waiver to the open space to accommodate parking for the Phase II food service user. In order to meet the 40% open space, approximately 27 stalls including the drive aisle would need to be eliminated on Phase II. Staff feels that there are opportunities to increase the open space for the development. The concept plan shows a total FAR of 11.9% for the entire development which complies with the 30% requirement.

*ACCESS and INTERCONNECTIVITY:*

The plan shows access from an existing driveway off Port Washington Road. Staff has concerns with the potential traffic conflict between this development and the McDonald's/Walgreens development across Port Washington Road. The proposed development would increase the number of vehicles utilizing the median opening. There is an existing right-in/right-out drive access on the vacant south property. The concept plans eliminates this drive access. A second driveway on the Phase I site may alleviate some traffic concerns. If a southern driveway is proposed, PNC Bank to the south would be required to eliminate their driveway per the conditions of their previously approved conditional use grant. The conditional use grant requires the elimination of the PNC Bank driveway on Port Washington Road and sharing access with the development to the north.

**Site Conditions:**
The City Forester, Mike Gies, has indicated that there are no concerns regarding specimen trees on the site.

**Staff Comments:**
While staff is supportive of the PUD in general, there are concerns with the concept plan including the layout of the proposed two-story bank building, the open space ratio, site circulation and access. Staff and the applicant want the Commissioner's feedback in order to resolve these site and building design issues. Staff believes that the intent of the PUD is to assist with the unique conditions that arise in consolidating sites for redevelopment, however, greater synergy between the two sites should be achieved and staff believes there are improvements necessary to the plan in order to create a cohesive aesthetic with the current development pattern and style along Port Washington Road.

**Engineering Report:**
Bridget Henk, Assistant City Engineer, has reviewed the application and has the following comments:
Access to the north parcel is provided by an existing driveway at the Port Washington Road median. The south site has access on Port Washington Road through an existing curb opening. The north access point does not align with the median and is recommended to be aligned with the development on the east side of Port Washington Road. Port Washington Road is the jurisdiction of Ozaukee County, approval of the alignment and access points is subject to Ozaukee County approval.
The site is located within the City's sewer service area and connection to the public utility is required. There is currently sanitary sewer service and water service available on the site.

Wetlands do not appear to be present on site. The Wisconsin DNR surface water data viewer and aerial photos were used to confirm that wetlands are not present.
The site proposes land disturbance in excess of one acre, therefore a City erosion control permit is required. Evidence of the WDNR required WRAPP permit shall also be provided for the site.

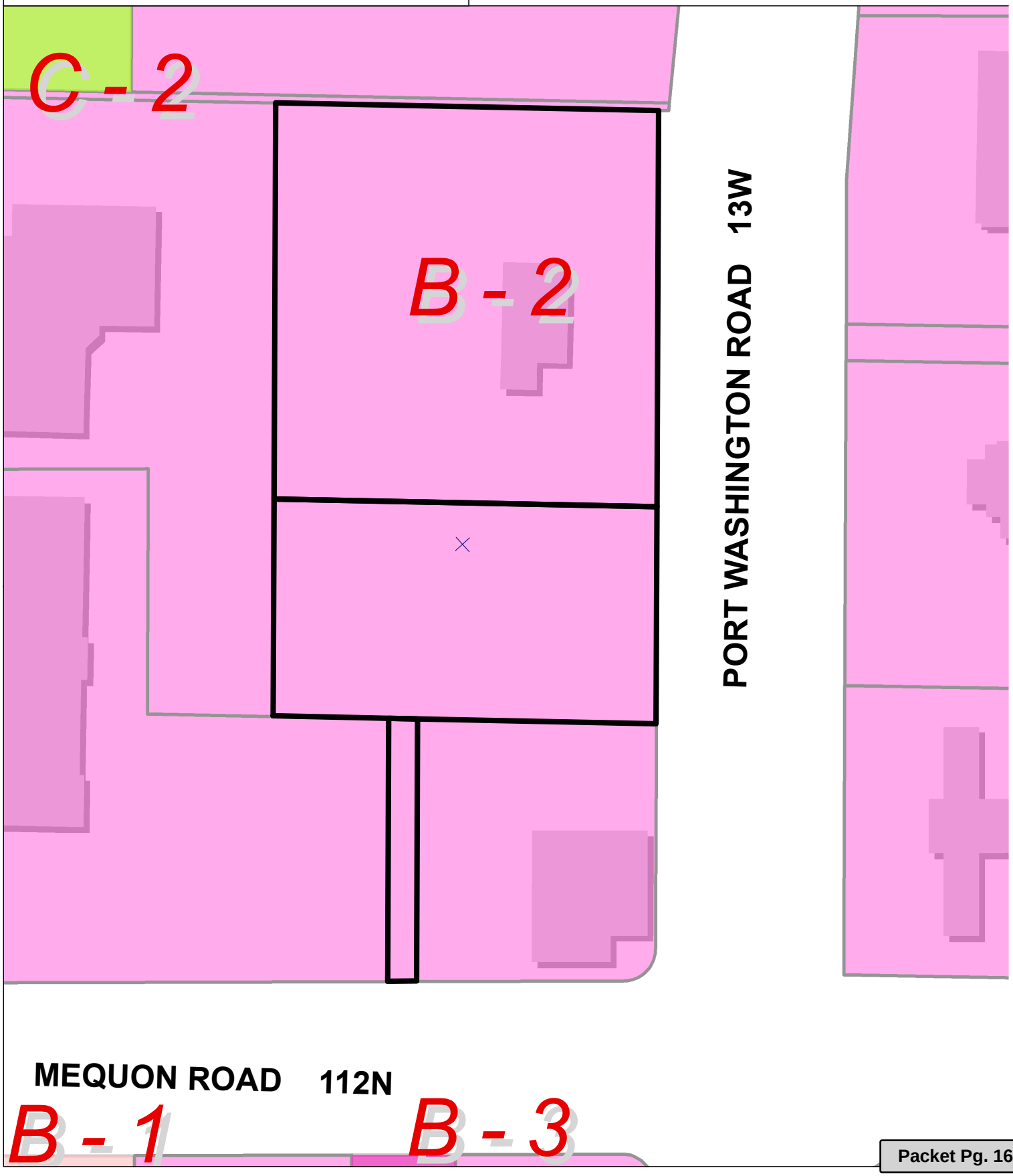
The site proposes an increase in impervious surface in excess of one half acre and site disturbance of greater than an acre and therefore requires a stormwater management plan (SWMP). The proposed site will be required to provide stormwater management to meet the current City of Mequon, WDNR and MMSD criteria.
A Filling and Excavation permit is required for any export or import of materials.
**Staff Recommendation**:
Planning staff recommends the Planning Commission table the rezoning request and concept plan.

Attachments:

PacketDocs (PDF)

# Boulder Venture for Associated Bank

| | | | |
|---|---|---|---|
| AC | Arrival Corridor | LTD | Limited Use |
| A-1 | Agricultural Preserve | OA | Agricultural Overlay |
| A-2 | General Agricultural | PUD | Planned Unit Development Overlay |
| B-1 | Neighborhood Business | P-1 | Park & Recreation |
| B-2 | Community Business | R-1 | Single-Family Residential (5 Ac. Min.) |
| B-3 | Office & Service Business | R-1B | Single-Family Residential (2.5 Ac. Min.) |
| B-4 | Business Park | R-2 | Single-Family Residential (2.0 Ac. Min.) |
| B-5 | Light Industrial | R-2B | Single-Family Residential (1.5 Ac. Min.) |
| B-6 | Rural Industrial | R-3 | Single-Family Residential (1.0 Ac. Min.) |
| B-7 | Rural Business | R-4 | Single-Family Residential (3/4 Ac. Min.) |
| C-1 | Shoreland/Wetland Conservancy | R-5 | Single-Family Residential (1/2 Ac. Min.) |
| C-2 | General Conservancy | R-6 | Single-Family Residential (4 du/Ac) |
| CGO | Central Growth Overlay | RM | Multi-Family Residential |
| FFO | Flood Fringe Overlay | TC | Town Center |
| FW | Floodway | TDR | Transfer of Development Rights |
| IPS | Institutional & Public Service | | |




Attachment: PacketDocs (3477 : Boulder Venture for Associated Bank)

# 11223 & 11249 N. Port Washington Road

## Project Narrative

Boulder Venture LLC plans to redevelop the existing 2.66 acre property into a new commercial development containing two state of the art buildings.

The property is currently occupied by an Associated Bank branch that was formerly known as Bank Mutual. The current building was developed in 1992.

The project plan is to develop a new 2-story facility for Associated Bank on the south end of the site, while the current Associated Bank branch remains open and operating (Phase 1). Once Associated Bank relocates to the new facility, the current branch will be demolished to make way for a new building on the north end of the site (Phase 2).

**Floor Area Ratio**: The FAR for the project is prosed at 11.9% (13,800 / 115,975)

**Greenspace:** The site interior Greenspace Ratio is 13%, and the overall site Greenspace Ratio is 32%

**Parking Ratio**: The parking ratio for the proposed new bank branch is 5.42 : 1,000 (39 / 7.2)

The parking ratio for the proposed retail building is 11.36 : 1,000 (75 / 6.6)

**Access**: The property currently has two access points to Port Washington Rd. There is a full-access drive at the north end of the site that aligns with the median opening. There is a right-in/right-out access drive at the south end of the site near the driveway to PNC. The project plan is to keep the full access drive as it currently functions, and close the right-in/right-out driveway to avoid conflicts with the PNC driveway.

**Stormwater**: Stormwater for the entire development will be managed in a new stormwater facility in the northwest corner of the site.

**Ownership Structure** The property is currently owned By Associated Bank. Boulder Venture is acting as developer for the project. Upon turnover of the new bank facility to Associated, Boulder Venture will purchase the north parcel from Associated Bank, and Associated Bank will remain owner of the south parcel. Ownership of each parcel will be through a recorded condominium plat.

Attachment: PacketDocs (3477 : Boulder Venture for Associated Bank)

**Requested Variances** The developer is requesting a greenspace variance for the overall site from 40% to 32%. The north building is anticipated to be occupied by food service type uses. In order to provide enough parking spaces for theses businesses to operate successfully, we are requesting to trade a limited amount of greenspace for needed parking spots.

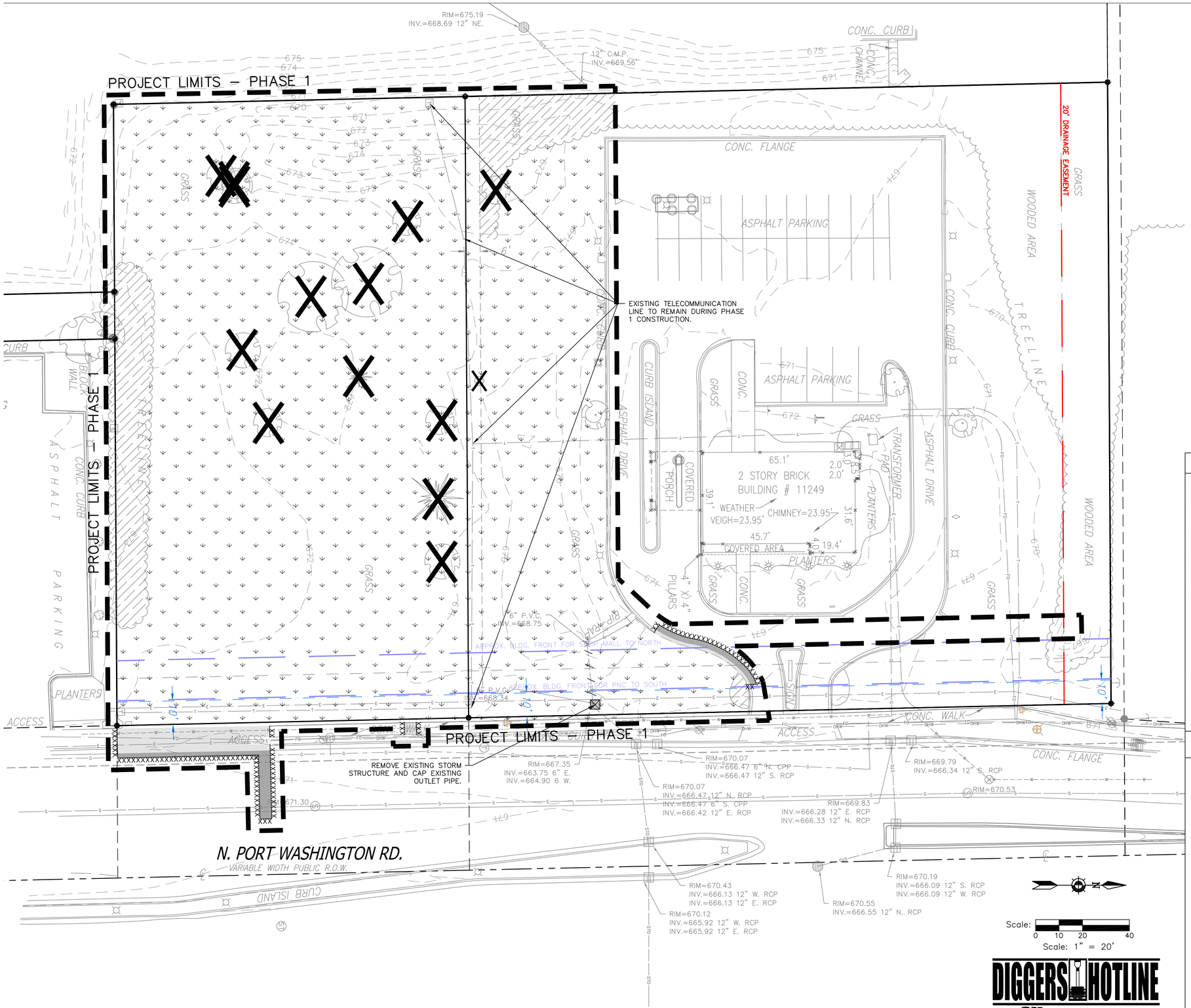
**PUD Zoning Request** PUD zoning is being requested so that the two separate parcels can share site access, parking, storm-water management, and green space.

**Phasing Plan**

Phase 1 of the development will include the construction of the shared stormwater facility, the shared access drive along the east boundary of the property, and the construction of the site, building and landscaping for a new 2-story bank branch for Associated Bank. Phase 1 is expected to begin in the spring of 2019, and be completed by the fall of 2019.

Phase 2 of the development will include the demolition of the current bank branch, and construction of the site, building, and landscaping for a +/- 6,800 s.f. building on the north portion of the development. Phase 2 is expected to begin in the fall of 2019, and be completed by the summer of 2020.

Attachment: PacketDocs (3477 : Boulder Venture for Associated Bank)

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## DEMOLITION LEGEND

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- XXXXXXXXXXX SAWCUT FULL DEPTH
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- GAS DENOTES UTILITIES TO BE ABANDONED AND REMOVED.
- CAUTION KNOWN UTILITY AND POTENTIAL CONFLICT EXIST
- EXISTING BUILDING AND FOUNDATION TO BE RAZED. REFER TO ARCHITECTURAL AND STRUCTURAL DRAWINGS FOR ADDITIONAL INFORMATION.
- DENOTES EXISTING STORM INLETS TO BE REMOVED. ALL STORM SEWER INLETS SHALL HAVE INLET PROTECTION UNTIL REMOVED.

## DEMOLITION NOTES

1. CONSULT WITH OWNER TO DETERMINE A SAFE STORAGE LOCATION OF ITEMS SPECIFICALLY CALLED OUT TO BE SALVAGED FOR OWNER REUSE. EXERCISE CARE DURING REMOVAL AND TRANSPORT TO PREVENT DAMAGE.

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

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6. GENERAL CONTRACTOR OR THEIR SUB CONTRACTORS ARE RESPONSIBLE FOR VERIFYING OWNERSHIP OF AND COORDINATING THE DEMOLITION AND/OR RELOCATION OF ALL EXISTING UTILITIES FROM EXISTING BUILDINGS AND WITHIN THE PROJECT LIMITS, INCLUDING BUT NOT LIMITED TO ELECTRICAL/FIBER OPTIC/TELEPHONE/CABLE/GAS/WATER/SANITARY/STORM. DEMOLITION OF THIS UTILITY WORK MUST BE IN ACCORDANCE WITH ALL STATE, FEDERAL, & LOCAL REGULATIONS.

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PLAN COMMISSION SET

ASSOCIATED BANK CC 180605
MEQUON

MEQUON, WI

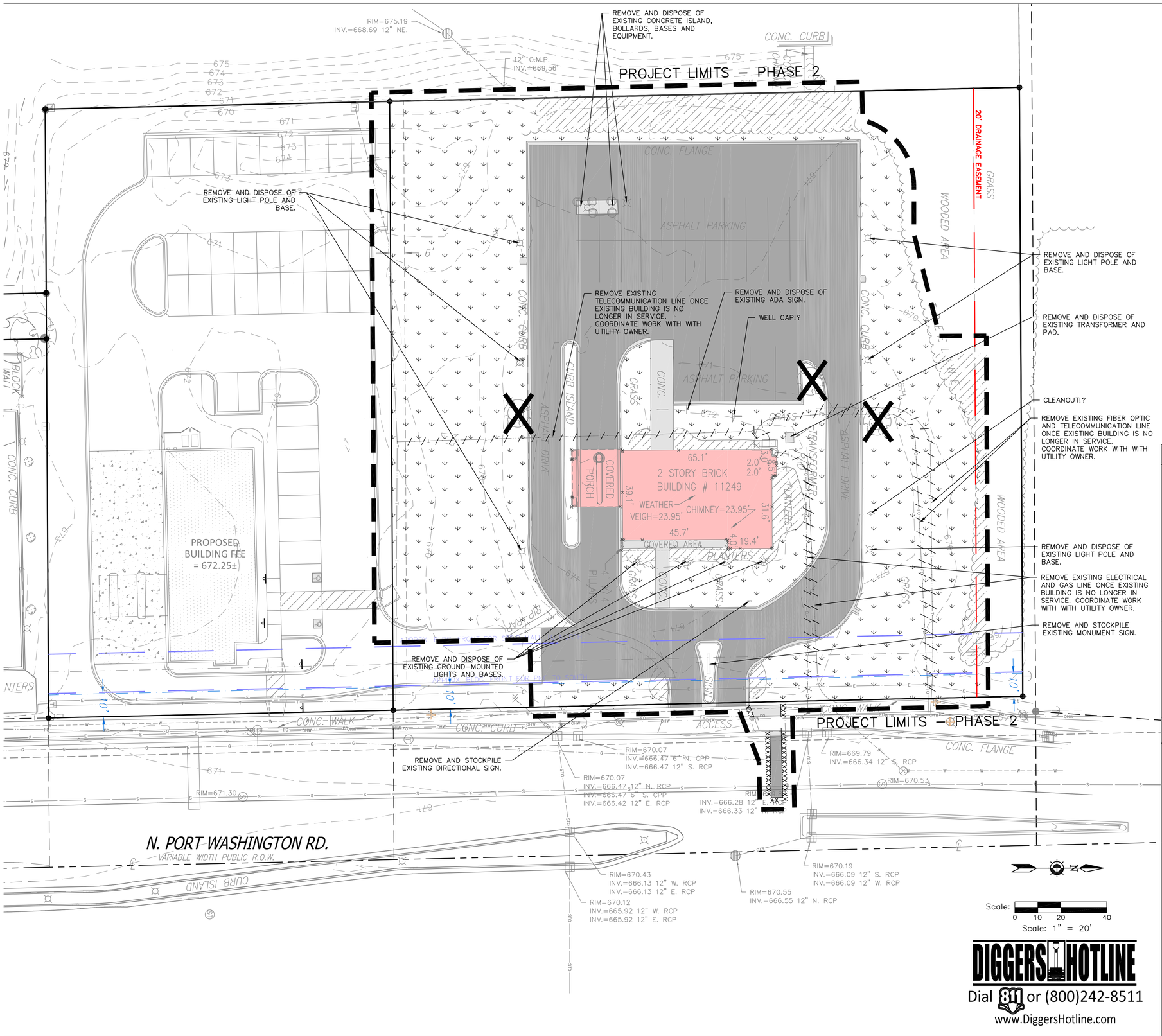
Issue Date 08/03/2018

RCA Project No.: 180605
Sheet Title

SITE DEMOLITION PLAN - PHASE 1

Sheet No. C101A

Attachment: PacketDocs (3477 : Boulder Venture for Associated Bank)

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MEQUON

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RCA Project No.: 180605
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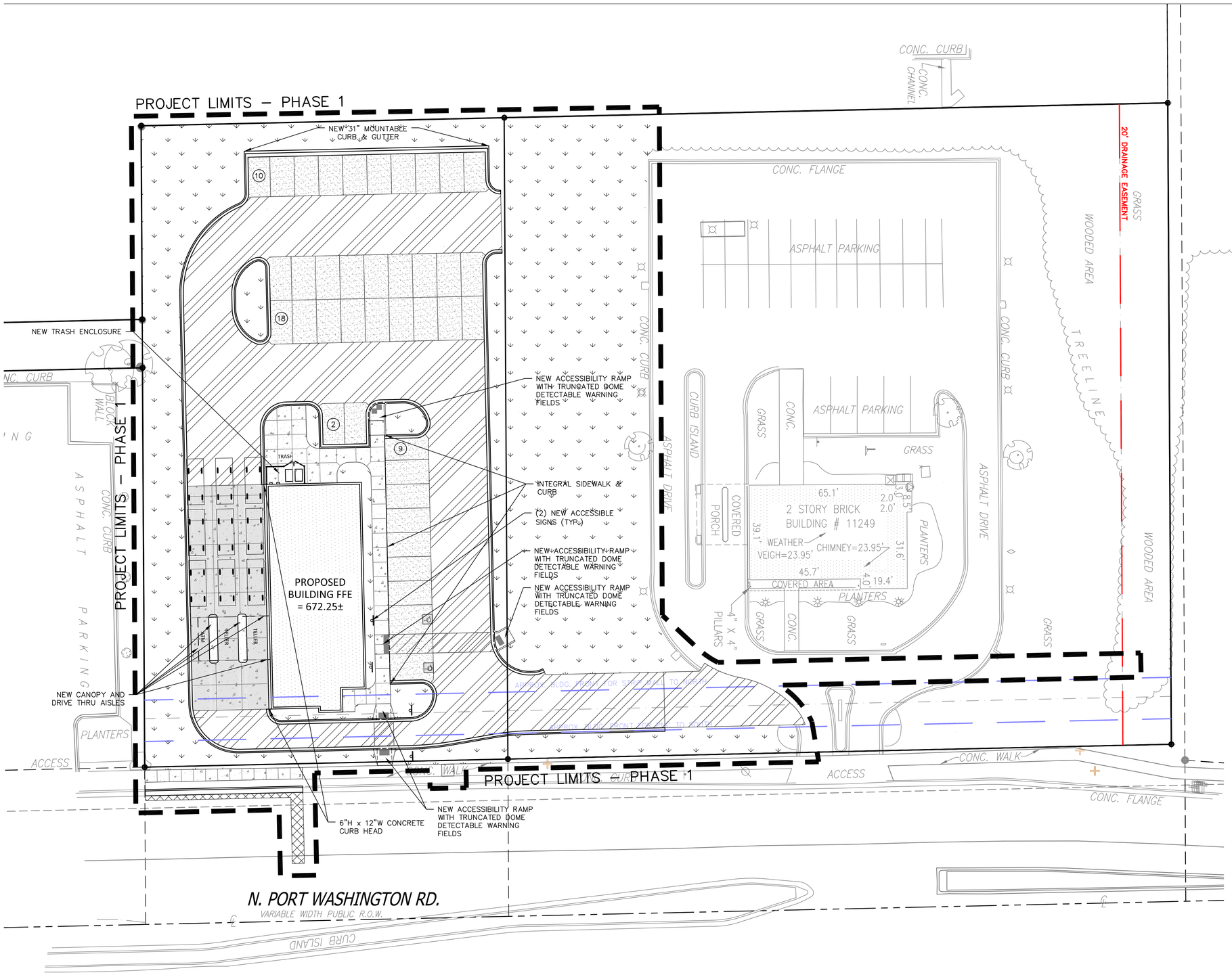
SITE DEMOLITION PLAN - PHASE 2

Sheet No. C101B

Attachment: PacketDocs (3477 : Boulder Venture for Associated Bank)

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## HATCH LEGEND

- AREAS DISTURBED BY CONSTRUCTION (NOT SPECIFICALLY CALLED OUT ON THE LANDSCAPE PLANS) TO BE RESTORED WITH MINIMUM 4" TOPSOIL, SEED, FERTILIZER, AND MULCH (TYP). USE SALVAGED TOPSOIL OR IMPORT TOPSOIL IF REQUIRED.
- NEW ASPHALTIC CONCRETE (LIGHT DUTY)
- NEW ASPHALTIC CONCRETE (HEAVY DUTY)
- NEW CONCRETE SLAB
- NEW HEAVY DUTY CONCRETE SLAB
- NEW 18–INCH HIGH–SIDE CURB & GUTTER UNLESS OTHERWISE NOTED
- NEW 18–INCH LOW–SIDE CURB & GUTTER UNLESS OTHERWISE NOTED

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MEQUON

MEQUON, WI

Issue Date 08/03/2018

RCA Project No.: 180605
Sheet Title
SITE PLAN - PHASE 1

Sheet No. C102A

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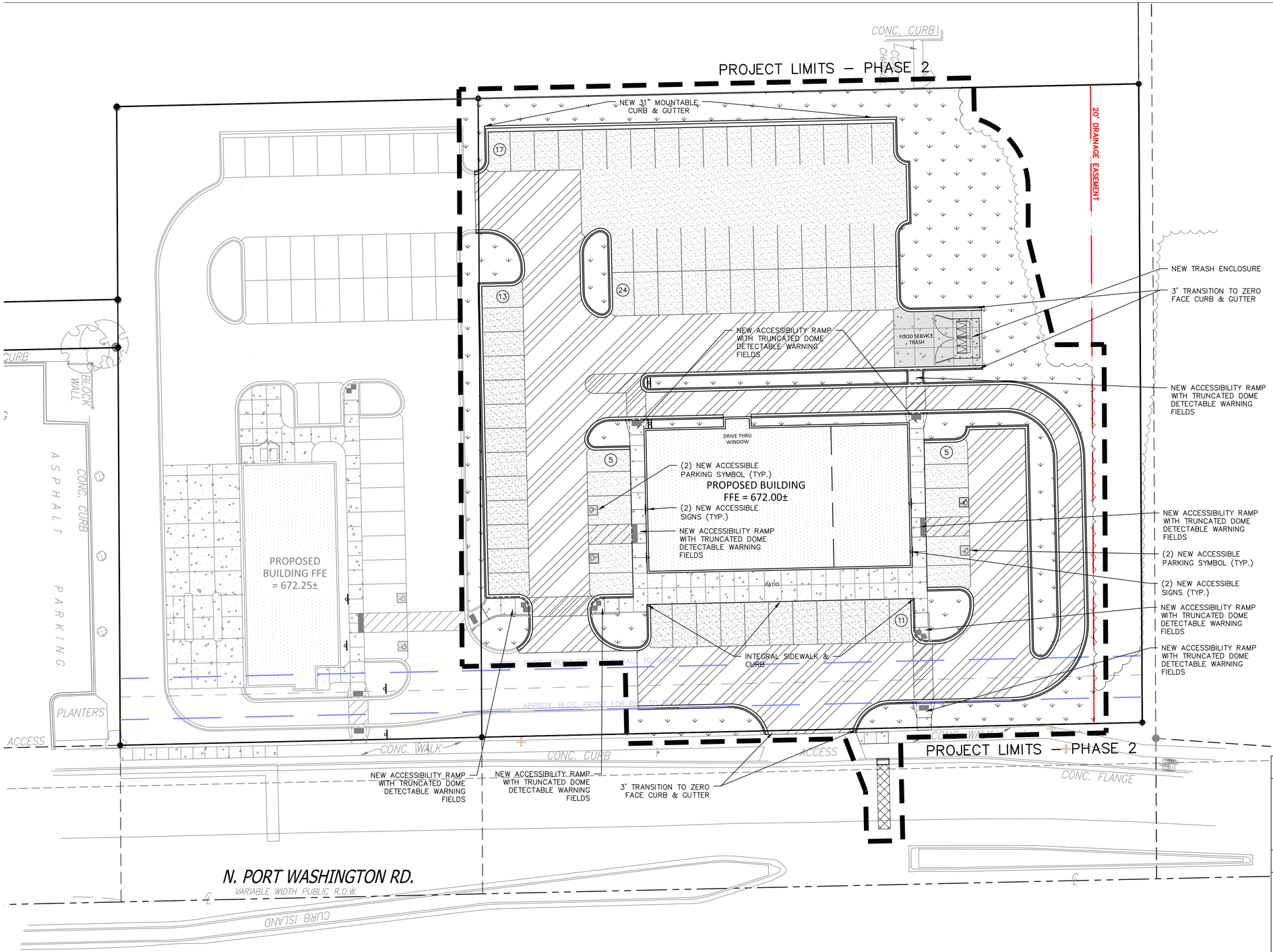


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## SITE STATISTICS

GREEN SPACE:
(3) PARCEL AREA: 115,975 SQ. FT.
TOTAL GREEN SPACE: 36,558 SQ. FT. (32%)
TOTAL INTERNAL GREEN SPACE: 14,659 SQ. FT. (13%)

PARKING:
TOTAL PARKING STALLS: 114
ADA STALLS: 4

## HATCH LEGEND

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Sheet No. C102B

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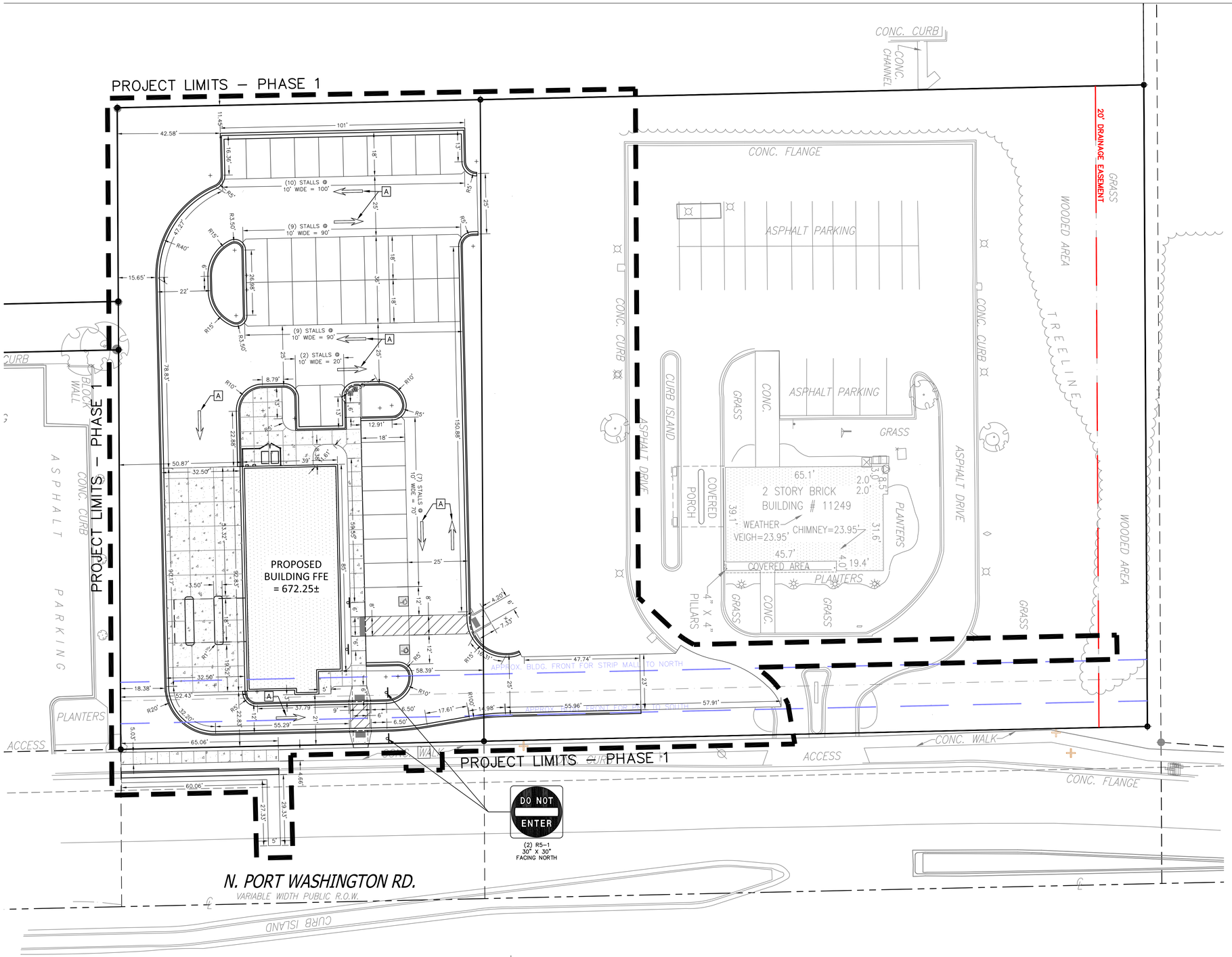


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## PAVEMENT MARKING LEGEND

- A — PAVEMENT MARKING ARROWS, LATEX PAVEMENT MARKING PAINT, WHITE (SEE WDOT PAVEMENT MARKING S.D.D.)
- B — PAVEMENT MARKING STOP LINE, LATEX PAVEMENT MARKING PAINT, WHITE (SEE WDOT PAVEMENT MARKING S.D.D.)

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PLAN COMMISSION SET

ASSOCIATED BANK CC 180605
MEQUON

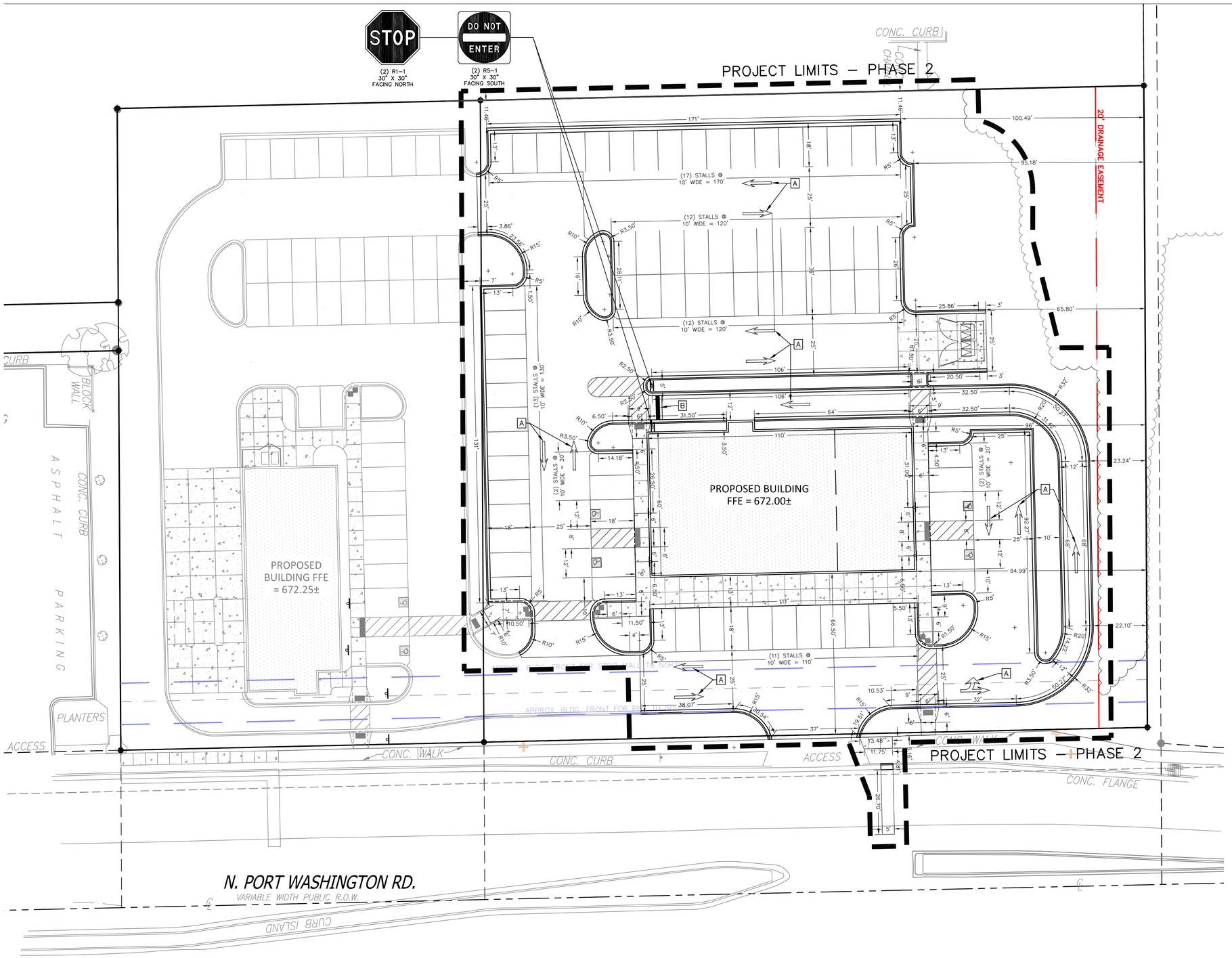
MEQUON, WI

Issue Date 08/03/2018

RCA Project No.: 180605
Sheet Title
SITE GEOMETRIC & TRAFFIC CONTROL PLAN - PHASE 1

Sheet No.
C103A

Attachment: PacketDocs (3477 : Boulder Venture for Associated Bank)




Scale: 0 10 20 40
Scale: 1" = 20'

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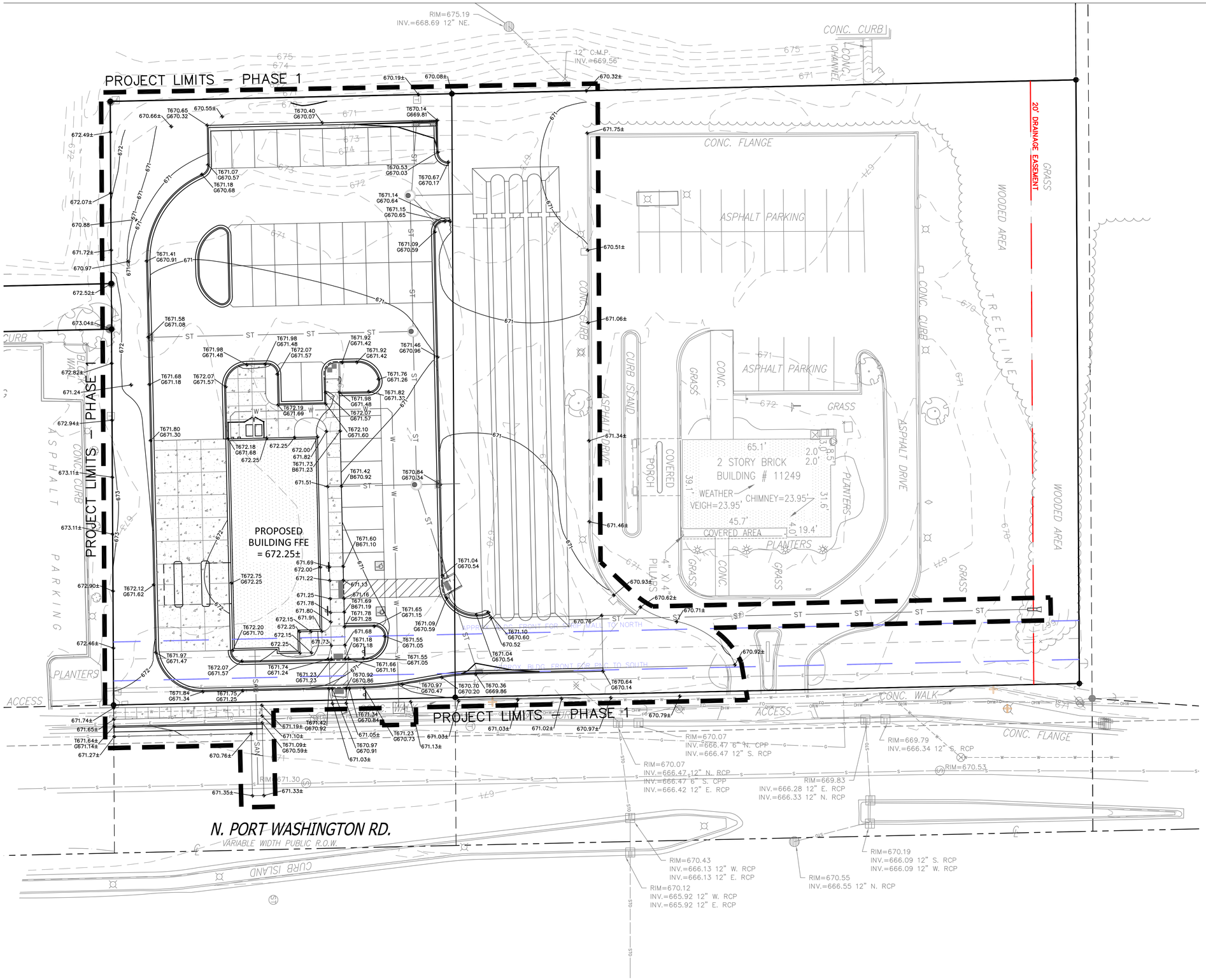
MEQUON, WI

Issue Date 08/03/2018

RCA Project No.: 180605
Sheet Title
SITE GEOMETRIC & TRAFFIC CONTROL PLAN - PHASE 2

Sheet No.
C103B

Attachment: PacketDocs (3477 : Boulder Venture for Associated Bank)

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## GRADING LEGEND

| | |
|---|---|
| 672 | EXISTING CONTOUR MINOR |
| 670 | EXISTING CONTOUR MAJOR |
| 672 | PROPOSED CONTOUR MINOR |
| 675 | PROPOSED CONTOUR MAJOR |
| 670.00 | PROPOSED SPOT GRADE |
| 665.0± | MATCH EXISITNG SPOT GRADE |
| T670.00 G665.00 | PROPOSED TOP OF CURB PROPOSED BOTTOM OF CURB |
| T670.0± G665.0± | MATCH EXISTING TOP OF CURB MATCH EXISTING BOTTOM OF CURB |

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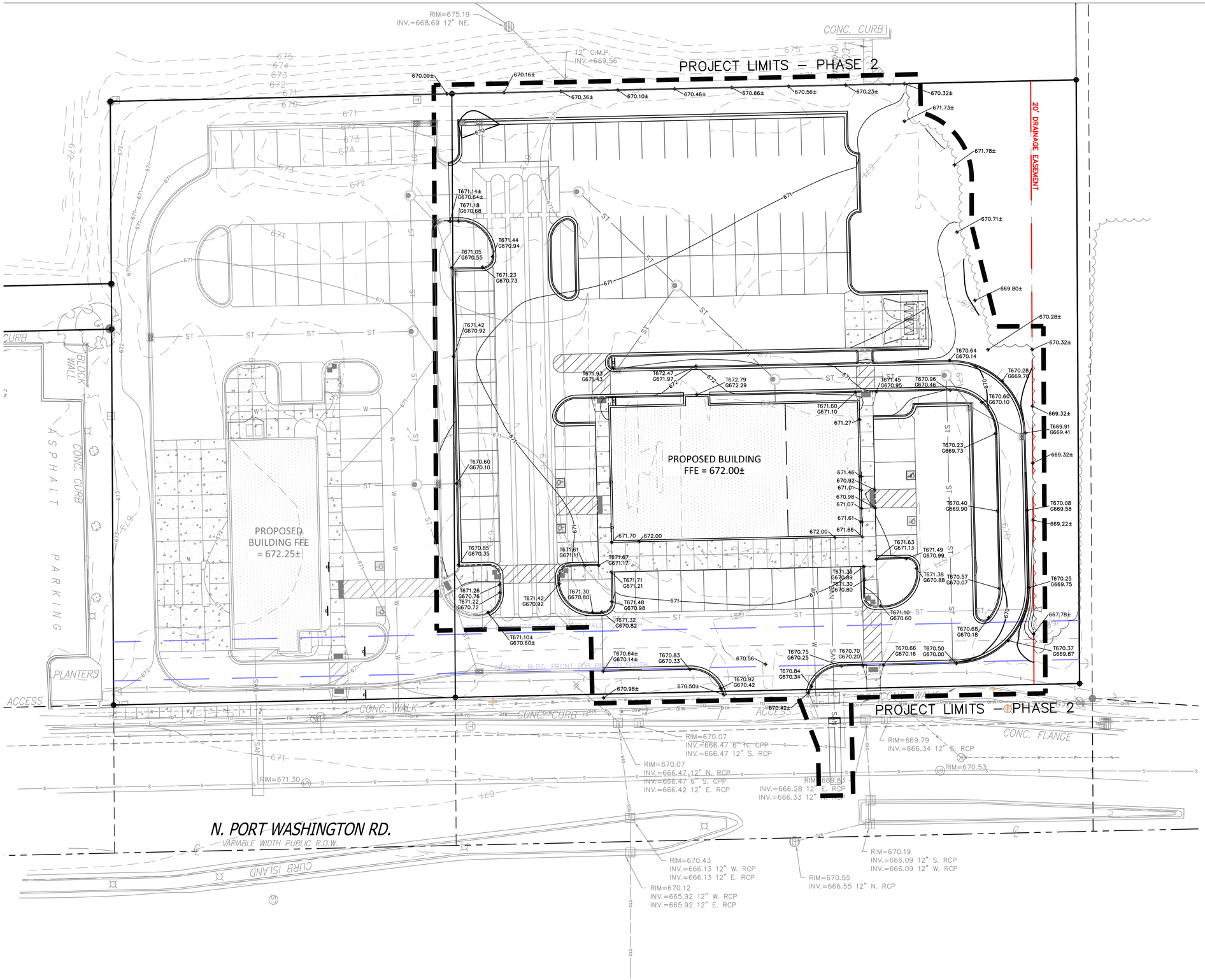
RCA Project No.: 180605

Sheet Title

SITE GRADING
PLAN - PHASE 1

Sheet No. C104A

Attachment: PacketDocs (3477 : Boulder Venture for Associated Bank)

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## GRADING LEGEND

| | |
|---|---|
| 672 | EXISTING CONTOUR MINOR |
| 670 | EXISTING CONTOUR MAJOR |
| 672 | PROPOSED CONTOUR MINOR |
| 675 | PROPOSED CONTOUR MAJOR |
| 670.00 | PROPOSED SPOT GRADE |
| 665.0± | MATCH EXISITNG SPOT GRADE |
| T670.00 | PROPOSED TOP OF CURB |
| G665.00 | PROPOSED BOTTOM OF CURB |
| T670.0± | MATCH EXISTING TOP OF CURB |
| G665.0± | MATCH EXISTING BOTTOM OF CURB |

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Issue Date 08/03/2018

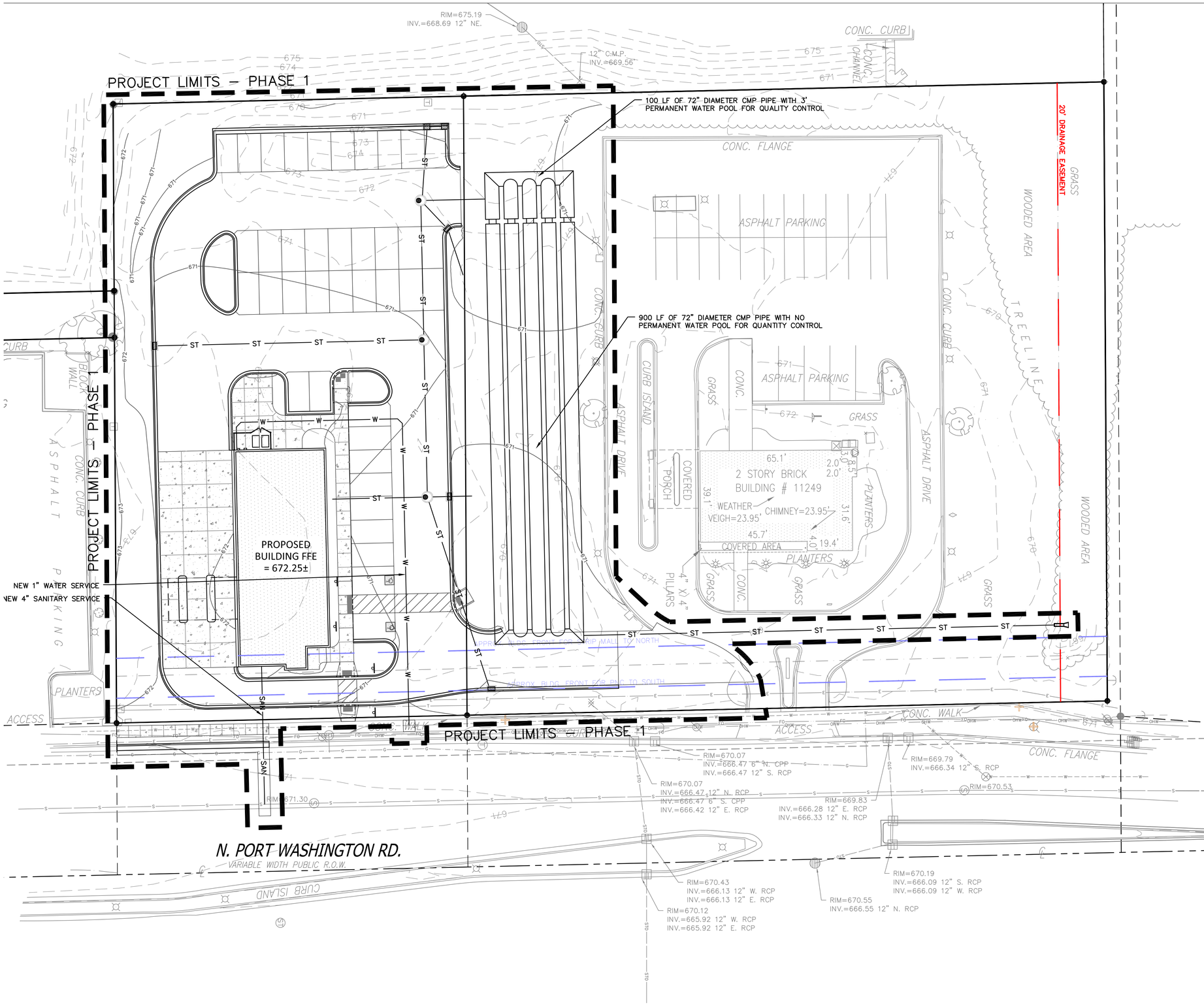
RCA Project No.: 180605

Sheet Title

SITE GRADING
PLAN - PHASE 2

Sheet No. C104B

Attachment: PacketDocs (3477 : Boulder Venture for Associated Bank)

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## SITE UTILITY LEGEND AND NOTES

CAUTION

KNOWN UTILITY AND POTENTIAL CONFLICT EXIST WITH EXISTING UNDERGROUND UTILITIES. PRIOR TO UTILITY INSTALLATION, CONTRACTOR TO EXCAVATE AND EXPOSE EXISTING UTILITIES, VERIFY LOCATIONS AND ELEVATIONS, AND CONTACT ENGINEER IF CONFLICTS EXIST WITH PROPOSED CONSTRUCTION AND EXISTING UNDERGROUND UTILITIES..

1. PER PROJECT SPECIFICATIONS AND THE STANDARD SPECIFICATIONS FOR SEWER AND WATER CONSTRUCTION IN WISCONSIN, THE POINT OF COMMENCEMENT FOR THE LAYING OF SEWER PIPE SHALL BE AT THE LOWEST POINT IN THE PROPOSED SEWER LINE. THE PIPE SHALL BE LAID WITH THE BELL END OF THE BELL AND SPIGOT PIPE, OR WITH THE RECEIVING GROOVE END OF THE TONGUE AND GROOVE PIPE, POINTING UPGRADE. WHEN A NEW SEWER IS TO BE CONNECTED TO AN EXISTING SEWER NOT TERMINATING IN A MANHOLE, THE CONTRACTOR SHALL UNCOVER THE EXISTING SEWER TO ALLOW ANY ADJUSTMENTS IN LINE AND GRADE TO BE MADE BEFORE PIPE IS LAID.

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

3. GENERAL CONTRACTOR OR THEIR SUB CONTRACTORS SHALL APPLY FOR AND OBTAIN ALL THEIR REQUIRED PERMITS AND APPROVALS PRIOR TO THE START OF THEIR WORK. CONSULT WITH AND OBTAIN FROM ENGINEER COPIES OF ENGINEERING DESIGN APPROVAL PERMITS, INCLUDING BUT NOT LIMITED TO WDNR, STATE OR LOCAL PLUMBING, WDOT, COUNTY, AND STORM WATER MANAGEMENT.

4. GENERAL CONTRACTOR OR THEIR SUB CONTRACTORS SHALL CONTACT DIGGER'S HOTLINE TO ALLOW THEM SUFFICIENT TIME TO LOCATE EXISTING UTILITIES PRIOR TO COMMENCEMENT OF WORK.

5. GENERAL CONTRACTOR OR THEIR SUB CONTRACTORS ARE RESPONSIBLE FOR COORDINATING THEIR WORK WITH ALL OTHER CONTRACTORS.

6. GENERAL CONTRACTOR OR THEIR SUB CONTRACTORS ARE RESPONSIBLE FOR VERIFYING OWNERSHIP OF AND COORDINATING THE DEMOLITION AND/OR RELOCATION OF ALL EXISTING UTILITIES FROM EXISTING BUILDINGS AND WITHIN THE PROJECT LIMITS, INCLUDING BUT NOT LIMITED TO ELECTRICAL/FIBER OPTIC/TELEPHONE/CABLE/GAS/WATER/SANITARY/STORM. DEMOLITION OF THIS UTILITY WORK MUST BE IN ACCORDANCE WITH ALL STATE, FEDERAL, & LOCAL REGULATIONS.

7. FOR ALL WORK, GENERAL CONTRACTOR OR THEIR SUB CONTRACTORS ARE RESPONSIBLE FOR REVIEWING BID DOCUMENTS, VERIFYING THE VERTICAL AND HORIZONTAL LOCATION OF ALL EXISTING UTILITIES WITHIN THE PROJECT LIMITS, AND INCLUDE IN THEIR CONTRACT THE RELOCATION OF SAID UTILITIES (NOTED OR NOT ON THE BID DOCUMENTS) AS NECESSARY TO PROVIDE PROPER DEPTH/CLEARANCE PER UTILITY OWNER'S REQUIREMENTS.

8. ALL EXISTING UTILITY LINES SHALL BE FULLY PROTECTED AND SUPPORTED/SHORED DURING CONSTRUCTION TO KEEP LINES IN SERVICE AND TO PREVENT DAMAGE. WHERE NEW UNDERGROUND UTILITIES ARE TO BE INSTALLED BELOW EXISTING UTILITIES, SUPPORT EXISTING LINES IN PLACE. PROVIDE RESTRICTION OF BOTH HORIZONTAL AND VERTICAL MOVEMENT OF UTILITY. AFTER NEW UTILITIES HAVE BEEN INSTALLED, EXISTING UTILITIES SHALL BE BACKFILLED IN SAME MANNER AS THAT SPECIFIED FOR NEW UTILITIES. PROVIDE FLOWABLE CONCRETE FILL DIRECTLY BENEATH EXISTING UTILITIES WHERE SPECIFIED COMPACTION REQUIREMENTS CANNOT BE ACHIEVED.

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MEQUON, WI

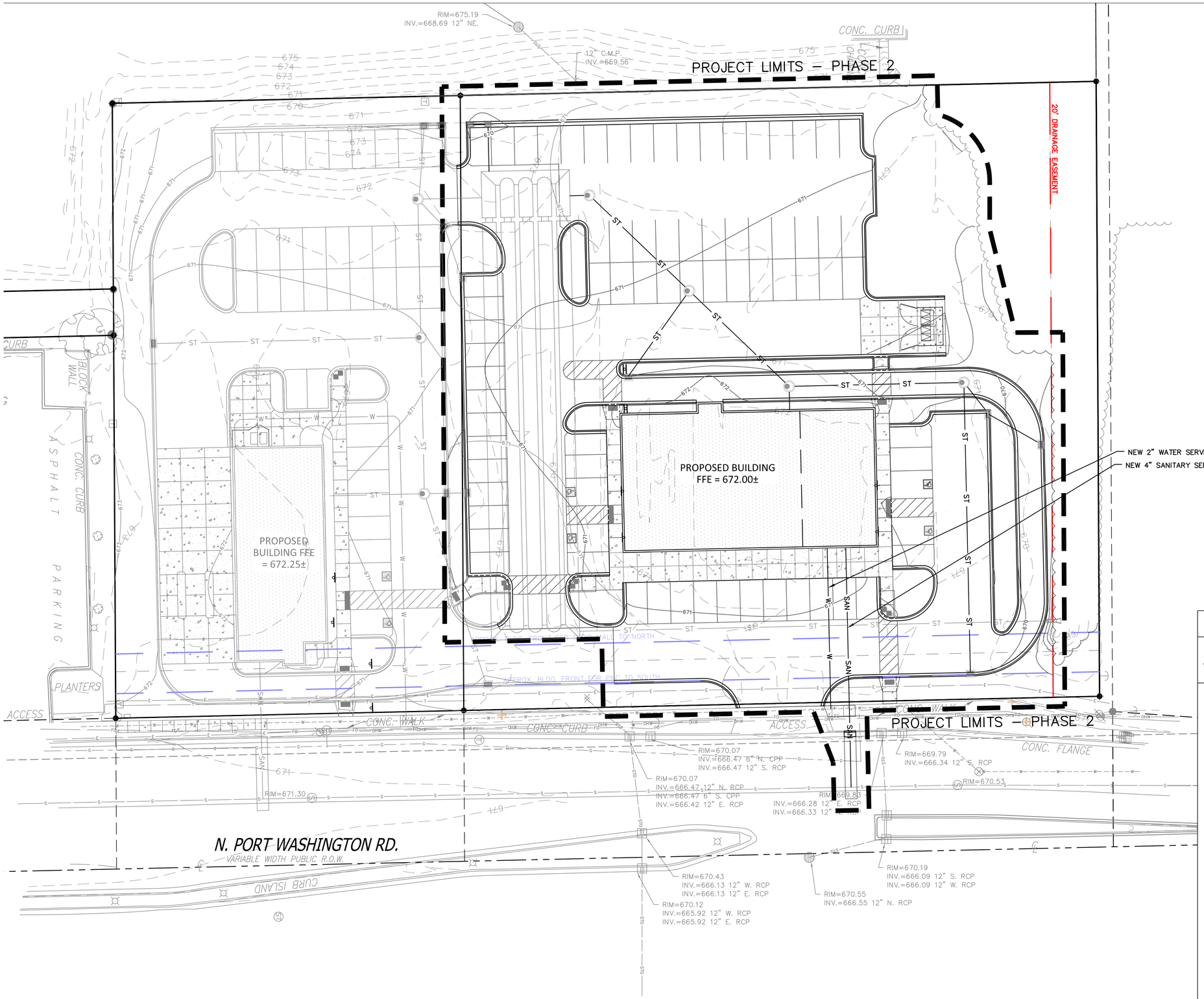
Issue Date 08/03/2018

RCA Project No: 180605
Sheet Title

SITE UTILITY PLAN - PHASE 1

Sheet No. C105A

Attachment: PacketDocs (3477 : Boulder Venture for Associated Bank)

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## SITE UTILITY LEGEND AND NOTES

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MEQUON, WI

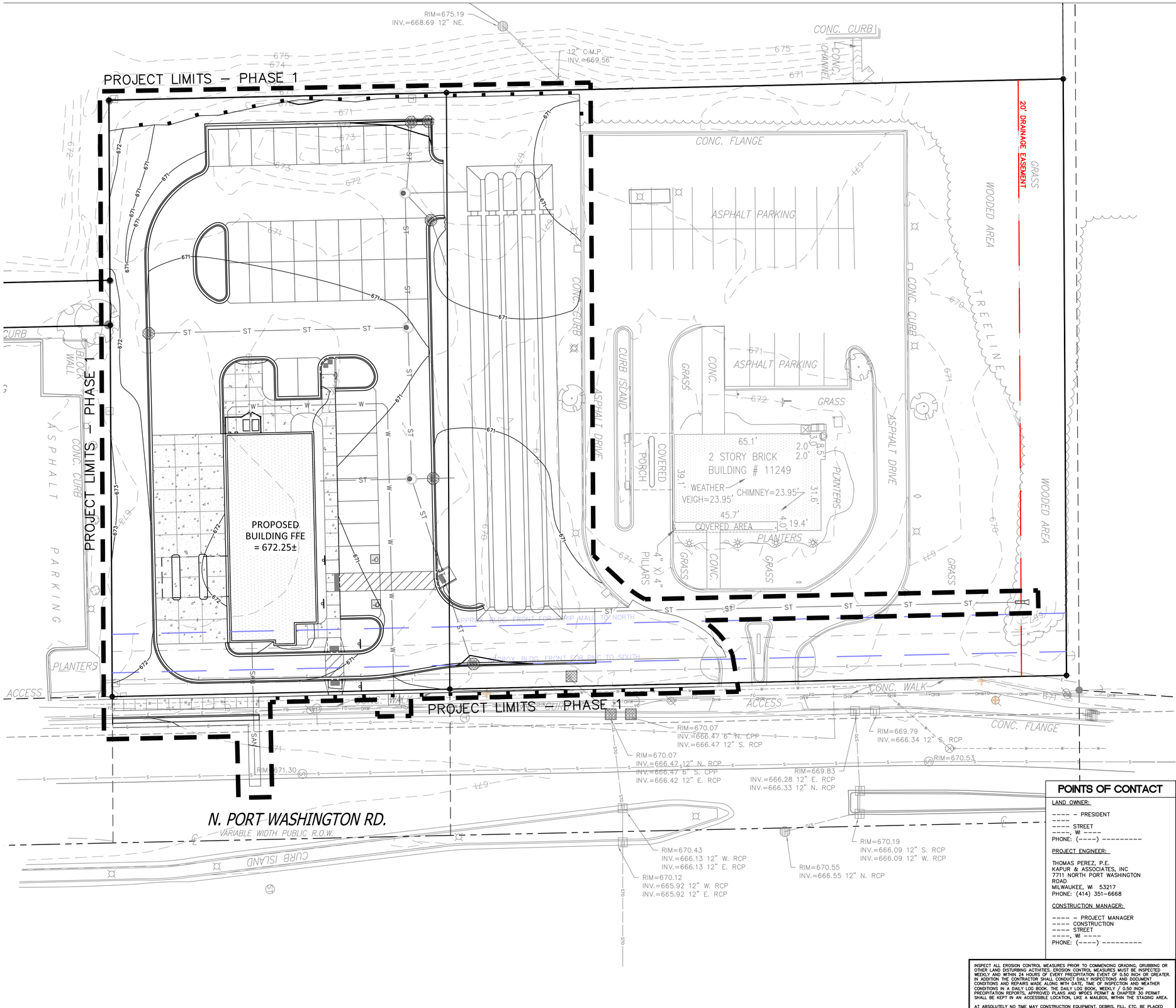
Issue Date 08/03/2018

RCA Project No.: 180605
Sheet Title

SITE UTILITY
PLAN - PHASE 2

Sheet No. C105B

Attachment: PacketDocs (3477 : Boulder Venture for Associated Bank)

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## POINTS OF CONTACT

LAND OWNER:

---- – PRESIDENT
----
---- STREET
----, WI ----
PHONE: (----) ----------

PROJECT ENGINEER:

THOMAS PEREZ, P.E.
KAPUR & ASSOCIATES, INC
7711 NORTH PORT WASHINGTON ROAD
MILWAUKEE, WI 53217
PHONE: (414) 351-6668

CONSTRUCTION MANAGER:

---- – PROJECT MANAGER
---- CONSTRUCTION
---- STREET
----, WI ----
PHONE: (----) ----------

INSPECT ALL EROSION CONTROL MEASURES PRIOR TO COMMENCING GRADING, GRUBBING OR OTHER LAND DISTURBING ACTIVITIES. EROSION CONTROL MEASURES MUST BE INSPECTED WEEKLY AND WITHIN 24 HOURS OF EVERY PRECIPITATION EVENT OF 0.50 INCH OR GREATER. IN ADDITION THE CONTRACTOR SHALL CONDUCT DAILY INSPECTIONS AND DOCUMENT CONDITIONS AND REPAIRS MADE ALONG WITH DATE, TIME OF INSPECTION AND WEATHER CONDITIONS IN A DAILY LOG BOOK. THE DAILY LOG BOOK, WEEKLY / 0.50 INCH PRECIPITATION REPORTS, APPROVED PLANS AND WPDES PERMIT & CHAPTER 30 PERMIT SHALL BE KEPT IN AN ACCESSIBLE LOCATION, LIKE A MAILBOX, WITHIN THE STAGING AREA.

AT ABSOLUTELY NO TIME MAY CONSTRUCTION EQUIPMENT, DEBRIS, FILL, ETC. BE PLACED WITHIN WETLANDS, WATERWAYS OR FLOOD PLAINS UNLESS IDENTIFIED IN THE PLANS.

## EROSION CONTROL LEGEND

FILTER FABRIC FENCE SEE DETAIL ----/----

DESIGNATES PROPOSED INLETS THAT MUST BE PROTECTED AFTER THEY HAVE BEEN CONSTRUCTED. SEE DETAIL ----/----

DESIGNATES EXISTING INLETS THAT MUST BE PROTECTED SEE DETAIL ----/----

INSTALL EROSION MAT ON ALL SLOPES GREATER THAN 4:1 AND ALL DRAINAGE SWALES

USE CLASS I, TYPE A FROM WISDOT PRODUCT APPROVED LIST FOR ALL SIDE SLOPES

USE CLASS II, TYPE B FOR ALL DRAINAGE SWALES. INSTALL EROSION MAT ON THE BOTTOM OF AND A MINIMUM OF 2 FEET VERTICALLY UP THE SIDE SLOPES OF ALL DRAINAGE SWALES. CLASS I, TYPE A MAY BE USED FOR THE REMAINDER OF THE SIDE SLOPES IN DRAINAGE SWALES EXCEEDING 2 FEET VERTICALLY.

INSTALL CLASS III TRM, TYPE B FROM WISDOT PRODUCT APPROVED LIST. CLASS I, TYPE A MUST ALSO BE INSTALLED IN THIS AREA PER WDNR TECHNICAL BULLETIN 1053

DRAINAGE SWALE

TRIANGULAR SILT DIKES SEE DETAIL ----/----

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MEQUON

MEQUON, WI

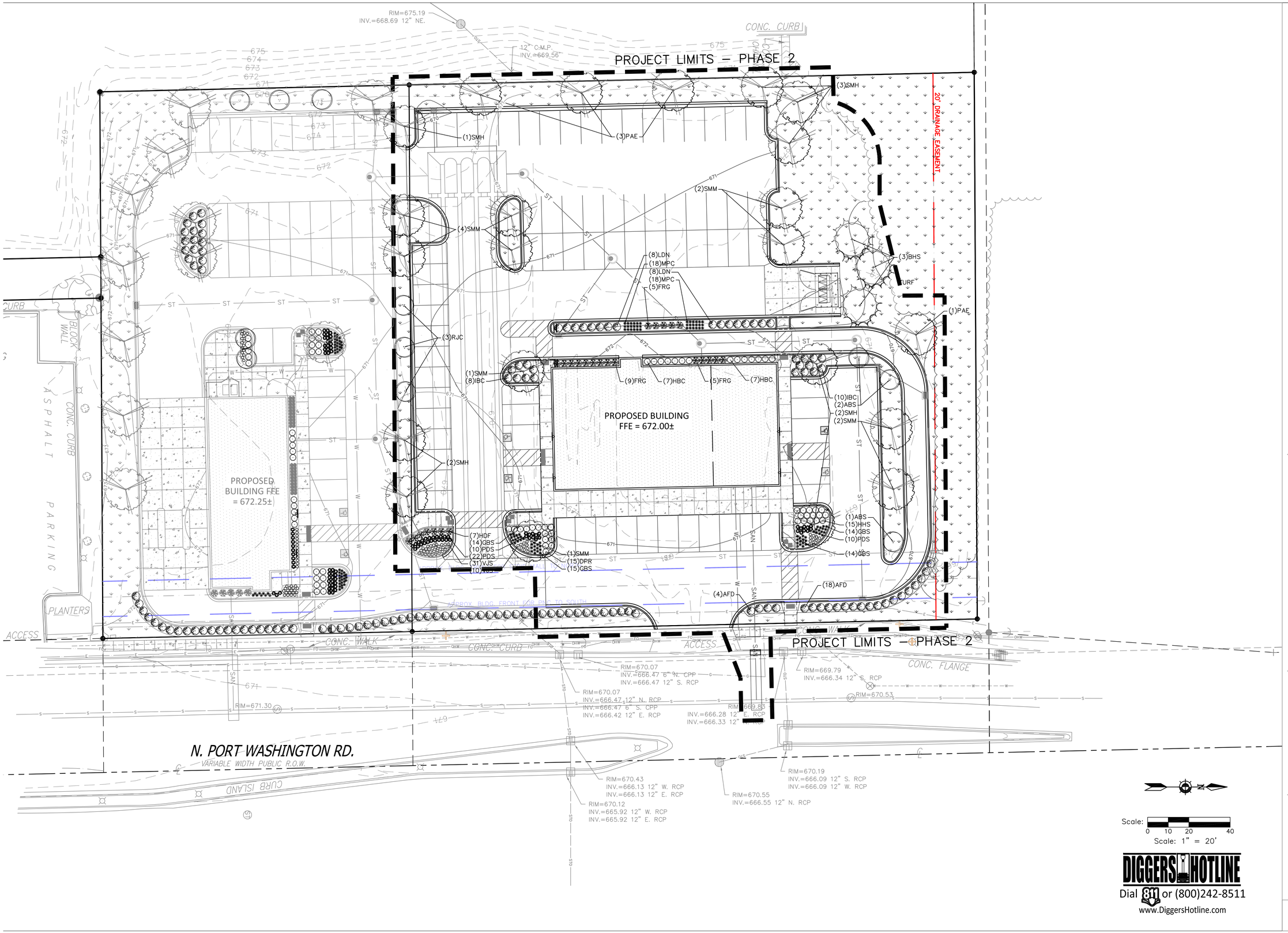
Issue Date 08/03/2018

RCA Project No.: 180605
Sheet Title

SITE EROSION CONTROL PLAN - PHASE 1

Sheet No. C106A

Attachment: PacketDocs (3477 : Boulder Venture for Associated Bank)

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MEQUON

MEQUON, WI
Issue Date 08/03/2018

RCA Project No.: 180605
Sheet Title
SITE LANDSCAPE
PLAN - PHASE 2

Sheet No.
L101B

Attachment: PacketDocs (3477 : Boulder Venture for Associated Bank)

## Plant Schedule: Phase 1

| | Scientific Name | Common Name | Quantity | Spacing | Install Size | Size Maturity in ft. (Height/Spread) |
|---|---|---|---|---|---|---|
| **Deciduous Trees:** | | | | | | |
| ABS | Amelanchier x. grandiflora 'Autumn Brillance' PP5,717 | Autumn Brillance Serviceberry | 2 | Per Plan | 1.5" caliper B&B | 20-25'/20-25' |
| PAE | Ulmus americana 'Princeton' | Princeton American Elm | 4 | Per Plan | 2" caliper B&B | 60-80'/40-60' |
| RJC | Malus 'Jewelcole' PP3,267 | Red Jewel Crabapple | 3 | Per Plan | 1.5" caliper B&B | 20'/15' |
| SMH | Gleditsia tricanthos 'Shademaster' PP1,515 | Shademaster Honeylocust | 6 | Per Plan | 2" caliper B&B | 60'/35' |
| SMM | Acer miyabei 'Morton' | State Street Miyabei Maple | 3 | Per Plan | 2" caliper B&B | 50'/40' |
| **Deciduous Shrubs:** | | | | | | |
| AFD | Cornus stolonifera 'Farrow' PP18,523 | Arctic Fire Dogwood | 59 | Per Plan | #3 cont. | 3-4'/3-4' |
| DHW | Weigela florida 'Dark Horse' PP14,381 | Dark Horse Weigela | 10 | Per Plan | #3 cont. | 3'/3' |
| DPR | Rosa rugosa 'Dwarf Pavement' | Dwarf Pavement Rose | 16 | Per Plan | #2 cont. | 2-3'/5' |
| HHS | Lonicera periclymenum 'Honeybush' | Honeybush Honeysuckle | 5 | Per Plan | #2 cont. | 2'/3-4' |
| IBC | Aronia melanocarpa 'Morton' | Iroquois Beauty Black Chokeberry | 17 | Per Plan | #3 cont. | 2-3'/4-5' |
| **Perennials** | | | | | | |
| AMG | Sesleria autumnalis | Autumn Moor Grass | 10 | Per Plan | 1 gal. | 12-18"/12-18" |
| FRG | Calamagrostis brachytricha | Fall Blooming Feather Reed Grass | 5 | Per Plan | 1 gal. | 3-5'/2' |
| GBS | Rudbeckia fulgida 'Goldsturm' | Goldsturm Black-Eyed Susan | 13 | Per Plan | 1 gal. | 18"/12" |
| LBS | Schizachyrium scorparium | Little Bluestem | 40 | Per Plan | 1 gal. | 3'/18" |
| PDS | Sporobulus heterolepsis | Prairie Dropseed | 42 | Per Plan | 1 gal. | 2'/18" |
| SDD | Hemerocallis 'Stella D'Oro' | Stella D'Oro Daylilly | 34 | Per Plan | 1 gal. | 12-18"/16-24" |
| VJS | Sedum 'Vera Jameson' | Vera Jameson Sedum | 55 | Per Plan | 1 gal. | 6-12"/12-18" |

NOTE: Installation contractor is responsible for verifying plant count from plan. Plan quantities take precedence over list.

## Plant Schedule: Phase 2

| | Scientific Name | Common Name | Quantity | Spacing | Install Size | Size Maturity in ft. (Height/Spread) |
|---|---|---|---|---|---|---|
| **Deciduous Trees:** | | | | | | |
| ABS | Amelanchier x. grandiflora 'Autumn Brillance' PP5,717 | Autumn Brillance Serviceberry | 3 | Per Plan | 1.5" caliper B&B | 20-25'/20-25' |
| PAE | Ulmus americana 'Princeton' | Princeton American Elm | 4 | Per Plan | 2" caliper B&B | 60-80'/40-60' |
| SMM | Acer miyabei 'Morton' | State Street Miyabei Maple | 6 | Per Plan | 2" caliper B&B | 50'/40' |
| RJC | Malus 'Jewelcole' PP3,267 | Red Jewel Crabapple | 3 | Per Plan | 1.5" caliper B&B | 20'/15' |
| SMH | Gleditsia tricanthos 'Shademaster' PP1,515 | Shademaster Honeylocust | 6 | Per Plan | 2" caliper B&B | 60'/35' |
| **Evergreen Trees:** | | | | | | |
| BHS | Picea glauca var densata | Black Hills Spruce | 3 | Per Plan | 2" caliper B&B | 20-40'/15-25' |
| **Deciduous Shrubs:** | | | | | | |
| AFD | Cornus stolonifera 'Farrow' PP18,523 | Arctic Fire Dogwood | 22 | Per Plan | #3 cont. | 3-4'/3-4' |
| DPR | Rosa rugosa 'Dwarf Pavement' | Dwarf Pavement Rose | 15 | Per Plan | #2 cont. | 2-3'/5' |
| IBC | Aronia melanocarpa 'Morton' | Iroquois Beauty Black Chokeberry | 18 | Per Plan | #3 cont. | 2-3'/4-5' |
| HBC | Clethra alnifolia 'Hummingbird' | Hummingbird Clethra | 14 | Per Plan | #3 cont. | 3-5'/3-4' |
| HHS | Lonicera periclymenum 'Honeybush' | Honeybush Honeysuckle | 15 | Per Plan | #3 cont. | 2'/3-4' |
| LDN | Physocarpus opulifolius 'Donna May' PP22,634 | Little Devil Ninebark | 16 | Per Plan | #3 cont. | 3-4'/3-4' |
| **Perennials** | | | | | | |
| FRG | Calamagrostis brachytricha | Fall Blooming Feather Reed Grass | 19 | Per Plan | 1 gal. | 3-5'/2' |
| GBS | Rudbeckia fulgida 'Goldsturm' | Goldsturm Black-Eyed Susan | 57 | Per Plan | 1 gal. | 18"/12" |
| HDF | Pennisetum alopecuroides 'Hameln' | Hameln Dwarf Fountain Grass | 7 | Per Plan | 1 gal. | 2-3'/24-36" |
| MPC | Echinacea purpurea 'Magnus' | Magnus Purple Coneflower | 36 | Per Plan | 1 gal. | 3-4'/18" |
| PDS | Sporobulus heterolepsis | Prairie Dropseed | 42 | Per Plan | 1 gal. | 2'/18" |
| VJS | Sedum 'Vera Jameson' | Vera Jameson Sedum | 41 | Per Plan | 1 gal. | 6-12"/12-18" |

NOTE: Installation contractor is responsible for verifying plant count from plan. Plan quantities take precedence over list.

CITY PLANNING NOTE:

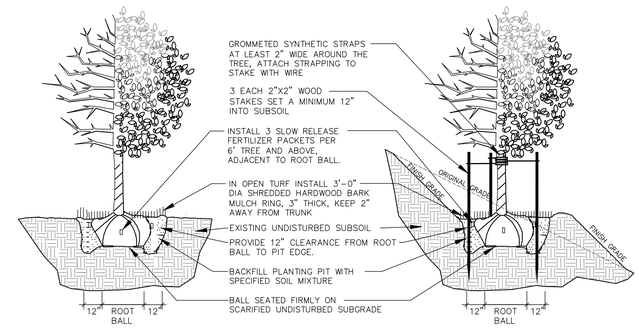
PARKING LOT SHADING (30% OF PARKING AREA)
TOTAL PARKING AREA: 23,642 SF

REQUIRED SHADED AREA: 7,093 SF
PROVIDED SHADED AREA: 10,122 SF

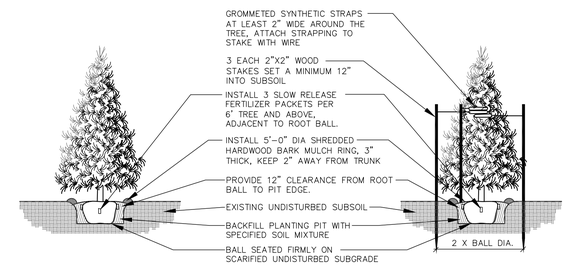
### 1 LANDSCAPE SCHEDULE
REFER TO SPECIFICATIONS FOR ADDITIONAL INFORMATION

1. ALL PLANT MATERIAL SHALL BE OBTAINED FROM A NURSERY LOCATED IN ZONE 5, CONFORM TO APPLICABLE REQUIREMENTS OF THE CURRENT EDITION OF THE AMERICAN STANDARD FOR NURSERY STOCK, AND BOTANICAL NAMES SHALL BE ACCORDING TO THE CURRENT EDITION OF "STANDARDIZED PLANT NAMES PREPARED BY THE AMERICAN JOINT COMMITTEE ON HORTICULTURE NOMENCLATURE.
2. CONTRACTOR TO PROVIDE TO THE LANDSCAPE ARCHITECT SAMPLES OF ALL BARK AND MINERAL/STONE MULCHES, DECORATIVE GRAVELS, MAINTENANCE STRIP STONE, OR OTHER GROUND COVER MATERIALS FOR APPROVAL PRIOR TO INSTALLATION.
3. BARK MULCH TO BE FRESHLY ACQUIRED HARDWOOD SHREDDED BARK MULCH. NOT DOUBLE MILLED, EXCESSIVE DIRT AND DUST LIKE MATERIAL OR OLD MATERIAL IS NOT ACCEPTABLE.
4. LANDSCAPE EDGING TO BE ALUMINUM EDGING. REFER TO SPECIFICATION 32 93 00 PLANTS FOR ADDITIONAL INFORMATION.
5. ALL PLANTING AREAS TO RECEIVE A 3–INCH THICK LAYER OF HARDWOOD SHREDDED BARK MULCH WITH PRE EMERGENT HERBICIDE AND ALUMINIUM EDGING. EDGING TO BE INSTALLED BETWEEN DIFFERENT TYPES OF MULCHES, BETWEEN MULCHES AND TURF, AND/OR WHERE SPECIFICALLY NOTED ON THE PLAN. REFER TO SPECIFICATION 32 93 00 PLANTS FOR ADDITIONAL INFORMATION.
6. INSTALL SHOVEL CUT EDGE AROUND ALL INDIVIDUAL TREES AND SHRUBS IN LAWN AREAS AND ALONG PAVEMENT WHERE PLANTING AREAS ABUT TO PREVENT HARDWOOD SHREDDED BARK MULCH FROM SPILLING OUT OF PLANTING AREA.
7. CONTRACTOR RESPONSIBLE FOR MAINTENANCE OF PLANT MATERIAL FOR 90 DAYS FROM INSTALLATION, INCLUDING WATERING, WEEDING, ETC. CONTRACTOR IS RESPONSIBLE FOR MAINTENANCE OF SEEDED AREAS FOR 60 DAYS FROM INSTALLATION, INCLUDING WATERING, WEEDING, ETC. CONTRACTOR TO PROVIDE AND REVIEW MAINTENANCE INSTRUCTIONS WITH THE OWNER PRIOR TO THE COMPLETION OF THESE MAINTENANCE PERIODS. REFER TO SPECIFICATIONS FOR ADDITIONAL REQUIREMENTS.
8. CLEANLY PRUNE AND REMOVE DAMAGED BRANCHES, DEAD WOOD, AND ROOTS IMMEDIATELY PRIOR TO PLANTING. DO NOT CUT LEADERS OR LEAVE "V" CROTCHES OR DOUBLE LEADERS UNLESS A MULTI–STEM TREE IS SPECIFIED.
9. REMOVE BURLAP, WIRE BASKET, ROPE, TWINE, AND ALL SYNTHETIC MATERIAL FROM THE ROOTS, TRUNK, OR CROWN OF PLANT.
10. REMOVE EXCESS SOIL ABOVE ROOT COLLAR.
11. PLANT TREES AND SHRUBS SO THAT THE ROOT COLLAR IS 2" ABOVE FINISHED GRADE OR SEVERAL INCHES ABOVE GRADE IF PLANT IS INSTALLED IN POOR SOILS.
12. PLANT TREES AND SHRUBS WITH SAME ORIENTATION AS WHEN HARVESTED FROM THE NURSERY OR TO SHOWCASE THE MOST AESTHETIC VIEW.
13. PLANT ALL TREES WITH THREE SLOW RELEASE FERTILIZER PACKETS, SPACED EQUIDISTANT AROUND THE EDGE OF THE ROOT BALL.
14. PLANT ALL SHRUBS WITH ONE SLOW RELEASE FERTILIZER PACKET, PLACED BELOW THE ROOTING SYSTEM.
15. WATER AND TAMP BACKFILL AND ROOTS OF ALL NEWLY SET PLANT MATERIAL SO THE SOIL AND ROOTS ARE THOROUGHLY SOAKED AND AIR POCKETS ARE REMOVED.
16. FOR INDIVIDUAL TREES PLANTED IN TURF AREAS, PROVIDE CONTINUOUS 3" SOIL SAUCER TO CONTAIN WATER & MULCH (TREES ON SLOPES SHALL BE SAUCERED ON THE DOWNHILL SIDE)
17. INSTALL 3" THICK SHREDDED HARDWOOD BARK MULCH RING 3'–0" DIA. FOR DECIDUOUS TREES IN LAWN AREAS, 5'–0" DIA. FOR EVERGREEN TREES. KEEP MULCH 2" AWAY FROM TRUNKS.
18. STAKING – ONLY STAKE EVERGREEN TREES 5'–0" OR GREATER IN HEIGHT OR TREES THAT ARE UNABLE TO REMAIN UPRIGHT AFTER PLANTING. TREES WILL BECOME STRONGER FASTER WHEN THE TOP 2/3 OF THE TREE IS FREE TO SWAY. DO NOT ATTACH WIRE DIRECTLY TO TREES OR THROUGH HOSES – UTILIZE GROMMETED, SYNTHETIC STRAPS AT LEAST 2" WIDE AROUND THE TREE, ATTACH STRAPPING TO STAKE WITH WIRE. STAKE ONLY WHEN NECESSARY. STAKES SHOULD BE DRIVEN DEEPLY INTO THE GROUND TO PREVENT DISLODGING. CHECK AT LEAST EVERY THREE MONTHS FOR BINDING OR OTHER PROBLEMS. STAKES AND TIES SHOULD BE REMOVED SIX MONTHS TO ONE YEAR AFTER PLANTING.
19. REFER TO SPECIFICATIONS 32 93 00 PLANTS AND 32 92 00 TURF AND GRASSES FOR ADDITIONAL INFORMATION.

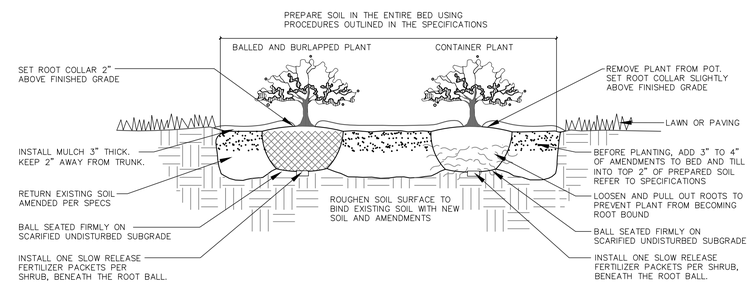
### 2 LANDSCAPE NOTES
REFER TO SPECIFICATIONS FOR ADDITIONAL INFORMATION



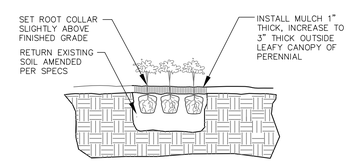

### 3 DECIDUOUS TREE PLANTING, STAKING, & PLANTING ON A SLOPE
N.T.S.




### 4 EVERGREEN TREE PLANTING & STAKING
N.T.S.




### 5 DECIDUOUS & EVERGREEN SHRUB PLANTING
N.T.S.




### 6 PERENNIAL PLANTING
N.T.S.

Copyright
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756 North Milwaukee Street, Suite 250
Milwaukee, Wisconsin 53202
Telephone 414.431.0101

RINKA|CHUNG
RINKA|CHUNG ARCHITECTURE INC

Associated Bank

KAPUR & ASSOCIATES, INC.
CONSULTING ENGINEERS
7711 N. PORT WASHINGTON ROAD
MILWAUKEE, WISCONSIN 53217
Phone: 414.351.6668 Fax: 414.351.4117
www.kapurengineers.com

PLAN COMMISSION SET

ASSOCIATED BANK CC 180605
MEQUON

MEQUON, WI

Issue Date 08/03/2018

RCA Project No.: 180605
Sheet Title

SITE LANDSCAPE DETAILS - PHASE 1

Sheet No. L102

Attachment: PacketDocs (3477 : Boulder Venture for Associated Bank)

City of Mequon

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

www.ci.mequon.wi.us

Department of Community Development

**TO:** **Planning Commission**

**FROM:** **BRIDGET HENK, ASSISTANT CITY ENGINEER**

**DATE:** **September 5, 2018**

**SUBJECT:** **Gregory Thompson. The applicant is seeking building and site approval to allow for a proposed storage unit development (StorageShopUSA) for the property located at 5717 W. Donges Bay Road (located in the Donges Bay Corporate Park). The applicant has appealed previous conditions of approval from the April 9, 2018 Planning Commission meeting (items 14 and 17) to the City of Mequon Board of Appeals. The Board of Appeals has remanded the matter back to the Planning Commission.**

| | |
|---|---|
| Applicant: | Gregory A. Thompson |
| Status of Applicant: | Owner (contract to purchase) |
| Requested: | Building and Site Plan Amendment |
| Existing Zoning: | B – 5 (Light Industrial) |
| | C-2 General Conservancy |
| Land Use Plan: | Industrial |
| Lot size: | 63.08 acres |
| Location: | 5717 W. Donges Bay Road |
| Tax Key: | #14-026-06-012.00 |
| District: | #4 |

**Background:** The building and site plan approval and CSM for 5715 W Donges Bay Road were tabled at the meeting on March 12, 2018 and conditionally approved on April 9,2 018 with 21 Conditions of Approval.

The applicant filed an appeal with the City Clerk and appeared before the Board of Appeals on July 5, 2018 and continued on August 2, 2018 objecting to conditions 14 and 17 of the Planning Commission Conditions of Approval. Those conditions of approval read as follows:

The water services shall be bored or directionally drilled across the street with laterals serving each condominium from the building directly to the public watermain.

Engineering Division review and approval of grading, drainage, sanitary sewer, watermain, and erosion control plans in conformance to City ordinances and the Standard Specifications for Land Development.

At the Planning Commission meeting on April 9, 2018 the objection to conditions 14 and 17 were not heard by the Planning Commission. The Board of Appeals has remanded the matter back to Planning Commission to hear the objection. In addition, the Board of Appeals has required that the decision, transcripts of the testimony and all exhibits are provided for review by the Planning Commission.

**Planning Commission Conditions 14 and 17 background:**

Both conditions are standard for developments in the City of Mequon and were included in the staff report for the development prior to Planning Commission review on April 9$^{th}$. At the meeting the applicant was given the opportunity to speak about the project and to speak about any of the conditions of approval. The applicant did not indicate any concerns with conditions

14 and 17 at that time. The minutes of the meeting and the staff report are included within the packet.

The requirement of Item 14 for individual laterals for separately owned buildings is a requirement of the City's tariff for the Water Utility. Per the City Attorney, any appeal of that requirement should be directed to the **Water Utility Commission**.
Further, the requirement for the utility design to follow the Standard Specifications for Land Development are outlined in the City of Mequon Code of Ordinances:
Section 58-599(f): Construction specifications for drainage swales, curbs and gutters and storm drains are contained in "City of Mequon Standard Specifications for Land Development, Seventh Edition, December 2002, or any amendment or revision thereof approved by the common council.
Section 58-600(a): No principal building involving human use or occupancy shall be permitted on a lot unless provision is insured for safe and adequate facilities for water supply and disposal of sewage. Satisfactory evidence to this effect shall be submitted to the engineer who shall verify that such facilities are satisfactory and in conformity to all applicable ordinances. Construction specifications for sewerage disposal facilities are contained in the publication City of Mequon Standard Specifications for Land Development, Seventh Edition, December 2002, or any amendment or revision thereof approved by the common council.
Section 58-601(b): Construction specifications for water systems are contained in the publication "City of Mequon Standard Specifications for Land Development, Seventh Edition, December 2002, or any amendment or revision thereof approved by the common council.
Section 58-603(2): All land disturbing activities shall comply with the city "City of Mequon Standard Specifications for Land Development, Seventh Edition, December, 2002, or any amendment or revision thereof approved by the common council.
Section 58-603(11): The applicant must complete and file with the city a land disturbing permit and erosion control plan and application. Plans must be submitted in compliance with the City of Mequon's standard specifications for land development.
Please note that the ordinance sections outlined do not provide for the ability for the Planning Commission to waive the requirements of the Standard Specifications for Land Development, as opposed to Section 58-605(a), which does allow for such a waiver (emphasis added): All streets shall be constructed in accordance with the publication "City of Mequon Standard Specifications for Land Development, Seventh Edition, December 2002, or any amendment or revision thereof approved by the common council. *The planning commission may waive or modify these specifications if, in its judgment, it is not adverse to the public health, safety and welfare.*

**Construction and Plan Review Status**

The applicant has provided engineering plans that conform to the requirements of condition 14 and 17. The applicant has been provided an application for the lateral installation. The construction plans for the exterior elements has been approved and building permits have been issued. The developer may commence construction based on the approved plans.

In the time since the Board of Appeals hearing, Mr. Thompson has also reached out the Public Service Commission for their opinion on the matter. Steve Kemna of the PSC replied vai email that:

> "… PSC staff does not provide opinions about these types of complicated issues by only looking at the Utility's tariff. Following the filing of a complaint, information from the Utility and relevant admin code and statute must also be considered. So I cannot answer your question based on the tariff language alone."

The email correspondence with PSC is included in the packets.

**Staff Recommendation**

Staff recommends that the Planning Commission retain condition 17 and amend condition 14 to read:

14. The water connection to the property shall be bored or directionally drilled under Baldev Court. The connection shall be made in accordance with the Water Tariff and Department of Safety and Professional Service regulations, as applicable. Any deviation to the Water Tariff regulations shall be brought before the Water Utility Commission.

Attachments:
082918 Email with PSC (PDF)

## Bridget Henk

**From:** Brian Sajdak <brian@wrslegal.net>
**Sent:** Wednesday, August 29, 2018 10:27 AM
**To:** Bridget Henk; Kristen Lundeen; Jim Voigt
**Subject:** FW: Mr. Greg Thompson inquiry regarding water lateral requirementsfor commercial development in Mequon, WI (CCS# 217681)

FYI

---

**From:** gthompson
**Sent:** Wednesday, August 29, 2018 10:03 AM
**To:** 'Brian C. Sajdak'
**Subject:** FW: Mr. Greg Thompson inquiry regarding water lateral requirementsfor commercial development in Mequon, WI (CCS# 217681)

Just a follow-up clarification

I highlighted in yellow the significant language

Can you forward to the people you forwarded the last communication – I would but don't know that was

---

**From:** Kemna, Stephen - PSC [mailto:Stephen.Kemna@wisconsin.gov]
**Sent:** Wednesday, August 29, 2018 9:37 AM
**To:** 'gthompson'
**Cc:** Schuldes, Sharon - PSC; McGarry, Rory P - PSC
**Subject:** Mr. Greg Thompson inquiry regarding water lateral requirements for commercial development in Mequon, WI (CCS# 217681)

Greg:

Thank you for your follow up email dated August 28, 2018. You asked the following question:
Q) "Does the PSC's interpretation of Mequon's water tariff suggest that the tariff gives the City the authority to demand I install a public water main to serve the buildings on my one parcel/property, especially if there are no plans for any public main extension to neighboring lands?"

A) Please understand that PSC staff does not provide opinions about these types of complicated issues by only looking at the Utility's tariff. Following the filing of a complaint, information from the Utility and relevant admin code and statute must also be considered. So I cannot answer your question based on the tariff language alone. Also, I am not able to find any documentation that Mequon is demanding that you install a public water main. It is my understanding that on Page 32 of the attached pdf, "2018-07-05 Board of Appeals – Full Agenda – 1943.pdf", the City of Mequon mentions three possible options: A) Individual laterals to each building, B) An 8-inch public water main with fire hydrant, or C) A private water main that would be sized based on the City's coordination with DSPS. Given this information, all I can do is state that in the past, PSC staff has identified three permissible configurations for water laterals that serve separate condominium buildings: Option #1, #2 and #3 shown in figures below. If your four proposed buildings are located on one parcel with one tax parcel number and are not condominiums then Options #1 and #2 would be considered permissible. In other words, I would discourage the utility from permitting a public water main to serve such a development. If there is any chance that these buildings could be converted to condominiums in the future, then Option #3, the public water main option, would be acceptable as well. It is PSC staff's opinion that if a public water main

Attachment: 082918 Email with PSC (3482 : Gregory Thompson)

were installed then the Utility would have the authority to determine its size as dictated by its ordinances or other written policies.

Please be aware that this informal response is the opinion of PSC staff and is not binding on the Commission. Additionally, PSC staff only used information you provided in preparing this informal response. If a complaint is filed, PSC staff may then contact the utility and other individuals, businesses or agencies to obtain and/or exchange information about your particular issue. Detailed information on filing a complaint can be found at https://psc.wi.gov/Pages/ForConsumers/LogAComplaint.aspx.

Thank you,

**Steve Kemna, PE**
Public Service Engineer
Public Service Commission of Wisconsin
Division of Water, Telecommunications and Consumer Affairs
Phone: (608) 266-3768

---

**From:** gthompson [mailto:ssusa@tds.net]
**Sent:** Tuesday, August 28, 2018 12:00 PM
**To:** Kemna, Stephen - PSC <Stephen.Kemna@wisconsin.gov>
**Subject:** RE: Mr. Greg Thompson inquiry regarding water lateral requirements for commercial development in Mequon, WI (CCS# 217681)

Thank you for the clarification – just a follo0w-up if I may

Mequon is requiring that the 8in main be public and I need to give them an easement (pg 32 of the full agenda packet) – sorry it wasn't more clear. Can you please respond given this clarification
More specifically, does the PSC's interpretation of Mequon's water tarrif suggest that the tariff gives the City the authority to demand I install a public water main to serve the buildings on my one parcel/property, especially if there are no plans for any public main extension to neighboring lands?

Thanks

greg

---

**From:** Kemna, Stephen - PSC [mailto:Stephen.Kemna@wisconsin.gov]
**Sent:** Tuesday, August 28, 2018 10:54 AM
**To:** 'gthompson'
**Cc:** McGarry, Rory P - PSC; Schuldes, Sharon - PSC
**Subject:** Mr. Greg Thompson inquiry regarding water lateral requirements for commercial development in Mequon, WI (CCS# 217681)

Greg:

Thank you for your email dated August 9, 2018 asking PSC staff to answer the three questions shown below. It is my understanding that you want to know PSC staff opinion before you decide whether or not to file a complaint against the City of Mequon. Please be aware that this informal response is the opinion of PSC staff and is not binding on the Commission. Additionally, PSC staff only used information you provided in preparing this informal response. If a



Attachment: 082918 Email with PSC (3482 : Gregory Thompson)

complaint is filed, PSC staff may then contact the utility and other individuals, businesses or agencies to obtain and/or exchange information about your particular issue. Detailed information on filing a complaint can be found at https://psc.wi.gov/Pages/ForConsumers/LogAComplaint.aspx.

It is my understanding that you have submitted plans to the City of Mequon for a four building (eight unit) commercial development in Mequon, WI (you have not decided whether it will be a condominium or not). You submitted a utility plan to the City of Mequon that shows a 2-inch private water main serving the four buildings (I could not find anywhere on the plan that indicated it was master metered). It is my understanding (without having had the opportunity to discuss the issue with Mequon) that the City of Mequon rejected your plan and told you that you have two options: 1) install an 8-inch private main (master metered?), or 2) install four individual water services, one to each of the four buildings. Mequon has unique language in their water tariff called, "Customer Connection Rules". They refer to "Section C" of these rules to justify their decision. You claim that DSPS approved your 2-inch private water main design, and that the City of Mequon may not create private water line standards more stringent than those of DSPS. It is also my understanding that you claim that Mequon has treated you in an unjust discriminatory fashion because other communities (like Oak Creek) have approved your 2-inch private main design on other similar developments.

Here are PSC staff's informal responses to your questions:

1. Does the City of Mequon's Water Utility Tariff dictate the size of the private water main serving one (1) parcel of land with 4 structures?
   Mequon's water tariff contains information regarding water laterals in the "Customer Connection Rules, Section C" at the end of the water tariff. Section C appears to require that the private water lateral meet the "Utility's specifications". It appears that you have had some communication with DSPS about this issue. It sounds to me like this is a legal issue regarding who has ultimate authority over the sizing of private water mains, DSPS or the local municipality. PSC staff does not have an opinion in this matter at this time. I would recommend that you consult with your attorney to resolve this issue.

2. Does the water tariff dictate the configuration of how a property owner will be served or can the owner request it?
   "Schedule X-1" and "Section C", both found in Mequon's water tariff, do provide some information on the permissible configuration for water laterals. Another source of information is found in Wis. Admin. Code § PSC 185.53, which states: "Metering Configuration. (1) MASTER METERING. Unless a utility owns the water distribution facilities within a mobile home park, condominium association, trust, etc., the private system shall be master metered and the park owner, condominium association, trust, etc., shall be the utility's billable customer. (2) INDIVIDUAL METERING. A utility may only provide retail service directly to individual dwellings within a mobile home park, condominium association, trust, etc., if the distribution facilities within the mobile home park, condominium association, trust, etc., are owned by the utility on easements. Such facilities may only be accepted for ownership at a utility's discretion and only if the facilities meet the utility's construction standards and the requirements of ss. PSC 185.51 and 185.52."

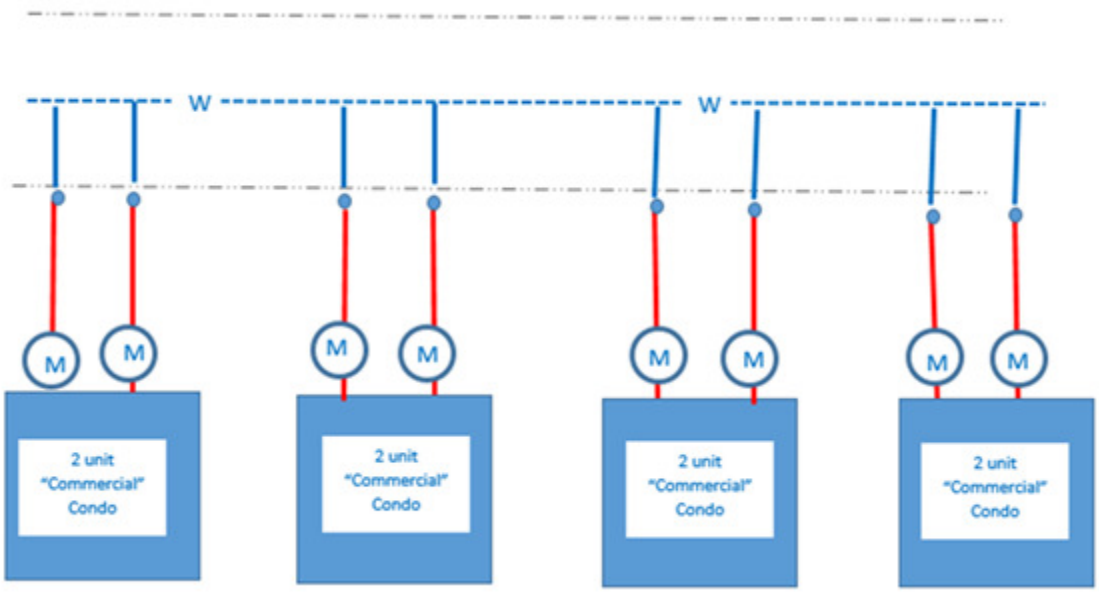
   In the past, PSC staff has identified three permissible configurations for water laterals that serve separate condominium buildings: Option #1, #2 and #3 shown below. If your four proposed buildings are located on one parcel and are not condominiums then Options #1 and #2 would be considered permissible.

Attachment: 082918 Email with PSC (3482 : Gregory Thompson)

**Option #1 – Each condo is served by its own water lateral and meter.**

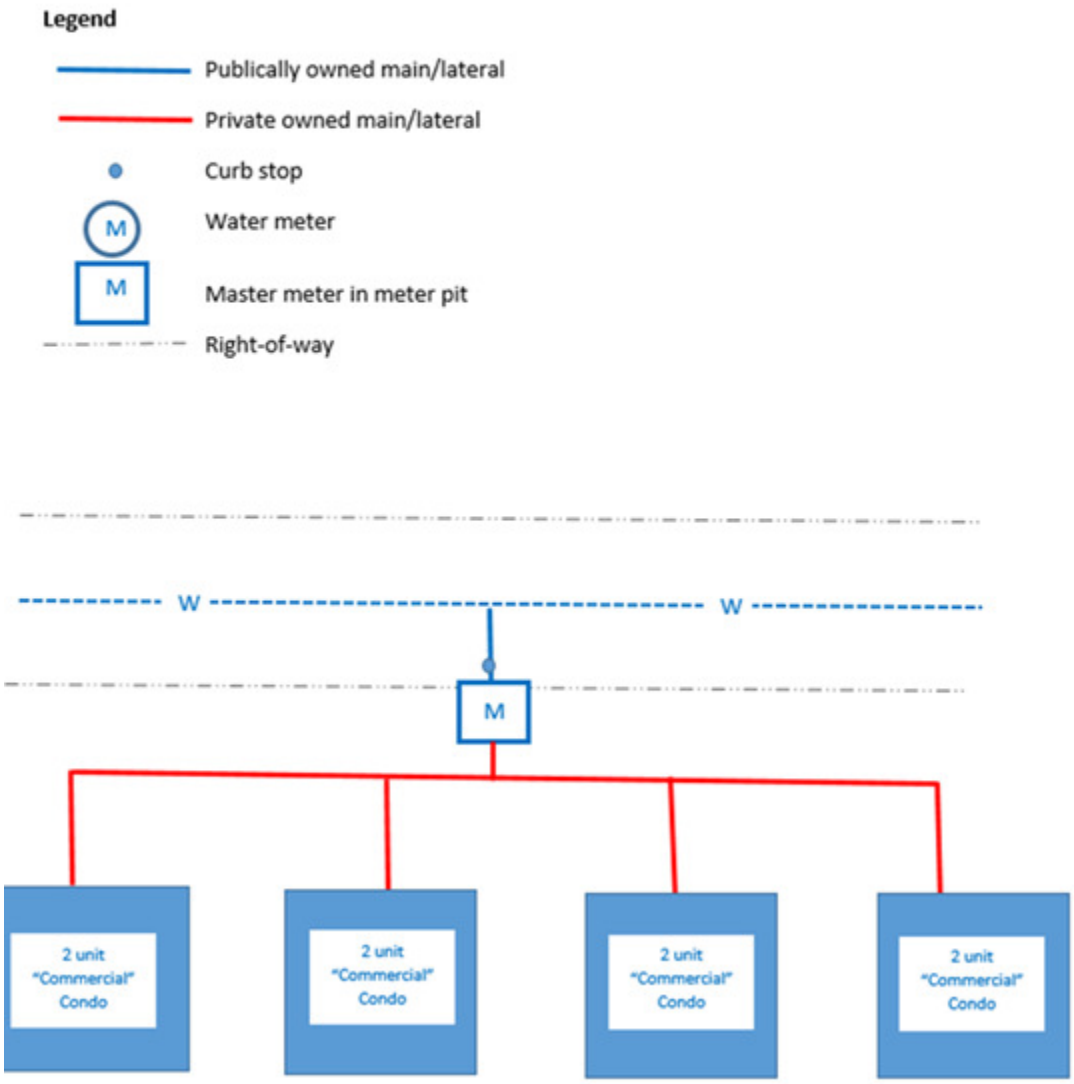
**Legend**

- Publically owned main/lateral
- Private owned main/lateral
- Curb stop
- Water meter
- Master meter in meter pit
- Right-of-way



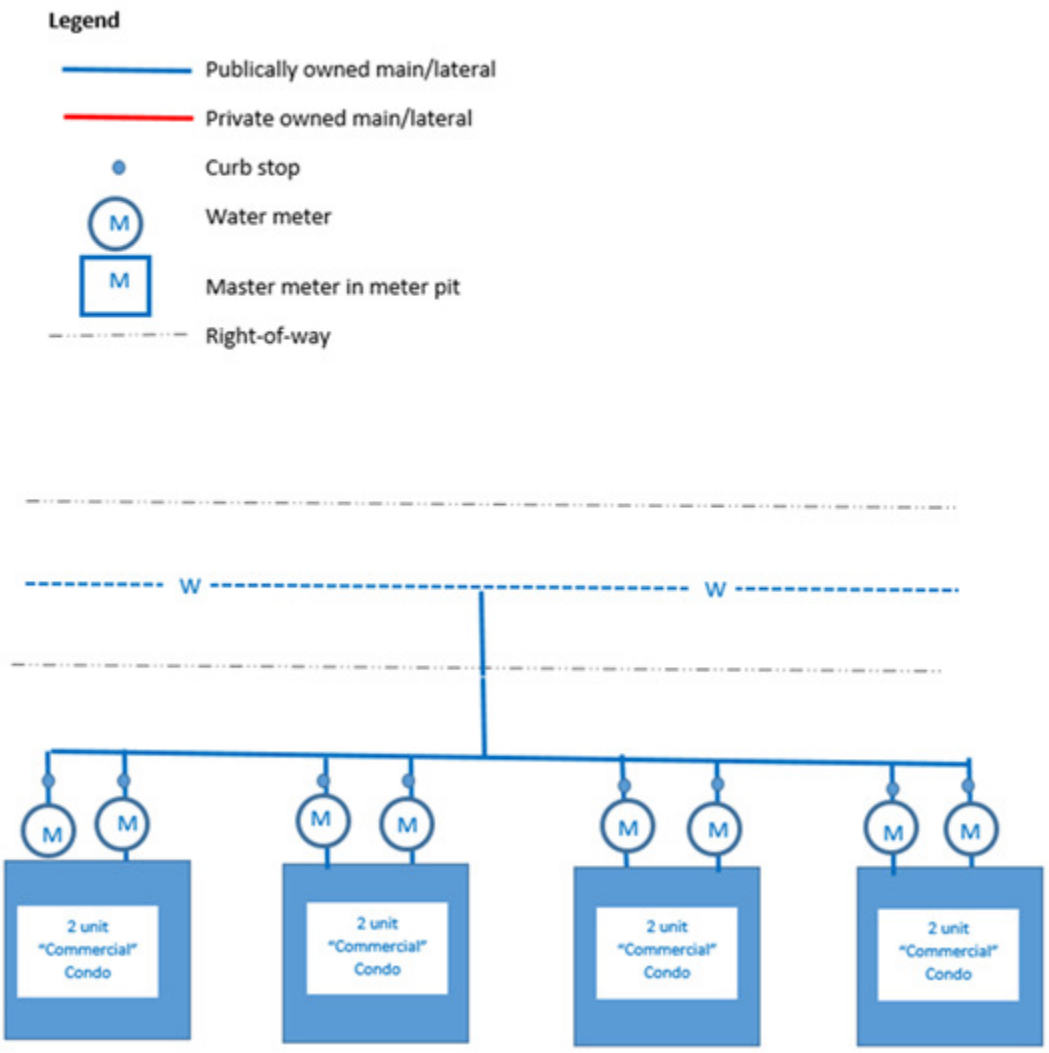

Attachment: 082918 Email with PSC (3482 : Gregory Thompson)

**Option #2 - Condo association is master metered, and the condo association owns the private water system.**




Attachment: 082918 Email with PSC (3482 : Gregory Thompson)

**Option #3 – Utility chooses to take ownership of private water system (if it meets or is upgraded to meet Utility standards) with associated easements. Condos are individually metered.**




3. <u>Can a municipality require that a private property owner install a "public water main" (on private property giving back an easement to the city) when it only serves that owner's property with no future plans?</u>
Based on the information you provided, it is my understanding that Mequon wanted you to either install an 8-inch private main or separate private laterals. I don't recall seeing any information about Mequon requiring you to install a public water main. You should consult with your attorney on this question.

I hope this helps,

**Steve Kemna, PE**
Public Service Engineer
Public Service Commission of Wisconsin
Division of Water, Telecommunications and Consumer Affairs
Phone: (608) 266-3768



Attachment: 082918 Email with PSC (3482 : Gregory Thompson)

**From:** gthompson [mailto:ssusa@tds.net]
**Sent:** Thursday, August 9, 2018 4:11 PM
**To:** Kemna, Stephen - PSC <Stephen.Kemna@wisconsin.gov>
**Subject:** RE: Greg Thompson inquiry regarding water lateral ownership for his commercial condo development in Mequon, WI

Here you go.
I would prefer you contact the city once you have completely reviewed the information and then we had another set of questions or a phone call.

Also, the subject line of your email says that I inquired about lateral ownership. As you will see from the information I have provided, who owns the lateral is not at issue.

Thanks
greg

**From:** Kemna, Stephen - PSC [mailto:Stephen.Kemna@wisconsin.gov]
**Sent:** Thursday, August 9, 2018 2:36 PM
**To:** 'ssusa@tds.net'
**Subject:** Greg Thompson inquiry regarding water lateral ownership for his commercial condo development in Mequon, WI

Greg:

Thank you for your phone call inquiring about water lateral rules, code and statute for your commercial condominium development in Mequon. Please send me the following information so that I can address your inquiry.

1. Description of the issue and a statement of what you want the PSC to do for you.
2. Sketch showing your development including:
   - Property address
   - Tax parcel numbers
   - Square footage of buildings
   - Roadways (labelled)
   - Public water main
   - Buildings (identify how many condo units per building)
   - Right-of-way
   - Proposed layout of private water mains
   - Proposed location of meter(s)
3. Description of commercial condo governing association
4. Describe who will own private water mains and bill individual condo units
5. Copy of all correspondence with Utility

Thank you,

Attachment: 082918 Email with PSC (3482 : Gregory Thompson)

Steve Kemna, PE
Public Service Engineer
Public Service Commission of Wisconsin
Division of Water, Telecommunications and Consumer Affairs
Hill Farms State Office Building, 6th floor
4822 Madison Yards Way
P.O. Box 7854
Madison, WI 53707-7854
Phone: (608) 266-3768
Fax: (608) 266-3957
Email: Stephen.Kemna@wisconsin.gov

Attachment: 082918 Email with PSC (3482 : Gregory Thompson)

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

**www.ci.mequon.wi.us** **Department of Community Development**

**TO:** **Planning Commission**

**FROM:** **BRIDGET HENK, ASSISTANT CITY ENGINEER**

**DATE:** **September 5, 2018**

**SUBJECT:** **Gregory Thompson Board of Appeals Documentation**

Board of Appeals DRAFT Minutes from August 2, 2018
Board of Appeals packets from July 5, 2018 and August 2, 2018
Transcript from July 5, 2018
Transcript from August 2, 2018

Attachments:
Thompson Attachment (PDF)

City of Mequon

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Mequon, WI 53092
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draft

**BOARD OF APPEALS**
**Thursday, August 2, 2018**
**6:00 PM**
**Christine Nuernberg Hall**

**Minutes**

1) Call to Order, Roll Call

Present:
Board Member Lawrence Clancy
Board Member Ramona Larson
Chair Kathleen Massey
Board Member Robert Stern
Board Member Lori Kornblum

Absent: Board Member Joseph Russell
Board Member Thomas Flanagan

Also Present: City Clerk Fochs, City Attorney Sajdak, Assistant City Engineer Bridget Henk, Director of Operations Jim Voigt, Thomas Braun the Section Chief at the Plumbing Department at the Department of Safety and Professional Services, Anita Kornburger from U.S. Legal Support, press and interested public.

Board Member Stern confirmed that he listened to the audio tape of the entire proceeding of the 7-5-18 Board of Appeals meeting from which he had to leave early.

The subpoena issued to Mr. Thomas Braun was read into record as Exhibit E.

All parties appearing before the Board of Appeals were sworn.

A complete transcript of the proceedings can be made available upon request.

2) Approve meeting minutes of July 5, 2018

Motion to approve the minutes of July 5, 2018.

**RESULT:** **Approved by Voice Acclamation [Unanimous]**
**MOVED BY:** Board Member Stern
**SECONDED BY:** Board Member Kornblum

Attachment: Thompson Attachment (3489 : Gregory Thompson Board of Appeals Documentation)

| | |
|---|---|
| **AYES:** | Clancy, Larson, Massey, Stern, Kornblum |

3) Hear evidence concerning; debate, deliberate and decide the request of:

a. Applicant: Gregory A. Thompson
Owner: Gregory A. Thompson
Appeal: Appealing the April 9, 2018 Planning Commission conditions of approval for Storage Shop USA at 5717 W. Donges Bay Road

Seeing no objections, Chairman Massey opened the public hearing. She reminded Mr. Thompson and staff that they are still under oath. Mr. Braun was sworn.

Mr. Thomas Braun of the Department of Safety and Professional Services, stated that he is not here as an expert witness and has been instructed by his department attorney to provide only pertinent information.

The Board, Mr. Thompson and Ms. Henk questioned Mr. Braun regarding public vs private water mains, water pressure and water quality jurisdiction, minimum sizes for of city mains, and the DNR's regulation of public system easements, metering requirements, Mequon's water tariff, and line flushing. Mr. Braun stated that all private water mains require plan review by the Department of Safety and Professional Services and the municipality cannot be more stringent than the plumbing code for private mains except as specifically permitted by code rule. Public mains are under the jurisdiction of the Department of Natural Resources.

Attorney Sajdak outlined the parameters of the Board's pending decision. This is an appeal of the determination of the Planning Commission and typically would apply the certiorari review standard, which means that the Board of Appeals would look at the record before the Planning Commission and make a determination as to whether or not the Board thinks there is an error in what took place. The appellant did not raise this issue before the Planning Commission on April 9, 2018. Our code states that if the Board is to rely on information that was not necessarily available to the Planning Commission, the appropriate step would be to remand the issue back to the Planning Commission so they can consider this issue. Additionally there is conflict of law between the state plumbing code and the Water Tariff.
Mr. Thompson confirmed that the Planning Commission approved the Conditional Use subject to twenty-one (21) conditions and he did not address the issue of water connection at the Planning Commission.

Attorney Sajdak clarified that the Board is hearing an appeal of the Planning Commission's decision. The Board's responsibility is to make a determination as to whether or not the Planning Commission's decision should stand, specifically as it relates to the issue of whether or not they had the authority to impose Condition 14 on the development. Condition14 required that the "water services shall be bored or directionally drilled across the street with laterals serving each condominium from the building directly to the public water main."

Further discussion ensued on the choice of law, interpretation of condominium, property subdivision, definition of "premise".

Attachment: Thompson Attachment (3489 : Gregory Thompson Board of Appeals Documentation)

Motion to close the public hearing.

**RESULT:** **Approved by Roll Call Vote [Unanimous]**
**MOVED BY:** Board Member Stern
**SECONDED BY:** Board Member Kornblum

**AYES:** Clancy, Larson, Massey, Stern, Kornblum

The Board deliberated. Recommendation to remand the issue back to the Planning Commission. Information and evidence provided to the Board of Appeals about Conditions 14 and 17 was not presented to the Planning Commission. Discussion ensued on the Board's ability make recommendations to the Planning Commission, and the use of the meeting transcripts.

Motion to remand this issue back to the Planning Commission with the opportunity for Mr. Thompson to raise any additional issues.

**RESULT:** **Approved by Roll Call Vote [Unanimous]**
**MOVED BY:** Board Member Clancy
**SECONDED BY:** Board Member Stern

**AYES:** Clancy, Larson, Massey, Stern, Kornblum

Motion to request transcripts from both the July 5th and August 2nd, 2018 Board of Appeals hearings at no cost to any party and available to Mr. Thompson and attach the copy of the transcript with the entire record and Decision that will be provided to the Planning Commission.

**RESULT:** **Approved by Roll Call Vote [Unanimous]**
**MOVED BY:** Board Member Kornblum
**SECONDED BY:** Board Member Larson

**AYES:** Clancy, Larson, Massey, Stern, Kornblum

Motion to instruct the Planning Commission that there is a choice of law issue facing the Board of Appeals and to state the conflict between the state plumbing code and the water tariff and to receive their interpretation of that conflict and its bearing on the this particular decision to impose this particular requirement on Mr. Thompson.

**RESULT:** **Approved by Roll Call Vote [4 to 1]**
**MOVED BY:** Board Member Kornblum
**SECONDED BY:** Board Member Clancy

Attachment: Thompson Attachment (3489 : Gregory Thompson Board of Appeals Documentation)

| | |
|---|---|
| **AYES:** | Clancy, Larson, Stern, Kornblum |
| **NAYS:** | Massey |

4) Adjourn

Motion to adjourn at 8:04 PM.

| | |
|---|---|
| **RESULT:** | **Approved by Roll Call Vote [Unanimous]** |
| **MOVED BY:** | Board Member Clancy |
| **SECONDED BY:** | Board Member Stern |

| | |
|---|---|
| **AYES:** | Clancy, Larson, Massey, Stern, Kornblum |

Respectfully Submitted,
*Kathy Andrykowski*

Attachment: Thompson Attachment (3489 : Gregory Thompson Board of Appeals Documentation)

City of Mequon

11333 N. Cedarburg Road
Mequon, WI 53092
Phone: 262-236-2911
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www.ci.mequon.wi.us

Office of the City Clerk

**BOARD OF APPEALS**
**Thursday, July 5, 2018**
**6:00 PM**
**Christine Nuernberg Hall**

**Amended Agenda**

1. Call to Order, Roll Call

2. Approve meeting minutes of April 19, 2018

3. Hear evidence concerning; debate, deliberate and decide the request of:

   a. Applicant: Gregory A. Thompson
      Owner: Gregory A. Thompson
      Appeal: Appealing the April 9, 2018 Planning Commissions conditions of approval for Storage Shop USA at 5717 W. Donges Bay Road.

   b. Applicant: Veridian Homes
      Owner: Veridian Homes
      Appeal: Appeal of the March 2, 2018 Architectural Review Board decision at 8055 W. Mourning Dove Lane.

   Withdrawn

4. Adjourn

**Dated: June 26, 2018** **/s/ Kathleen Massey, Chairman**

Notice is hereby given that a quorum of other governmental bodies may be present at this meeting to present, discuss and/or gather information about a subject over which they have decision-making responsibility, although they will not take formal action thereto at this meeting.

Persons with disabilities requiring accommodations for attendance at this meeting should contact the City Clerk's Office at 262-236-2911, twenty-four (24) hours in advance of the meeting.

Any questions regarding this agenda may be directed to the City Clerk's Office at 262-236-2911, Monday through Friday, 8:00 AM– 4:30 PM.

Attachment: Thompson Attachment (3489 : Gregory Thompson Board of Appeals Documentation)

# BOARD OF APPEALS APPLICATION

## CITY OF MEQUON, WISCONSIN

Applicant: Gregory A. Thompson Address: 6810 Cross Country Rd
City/zip: Verona WI 53593

Owner: same Address: ~~[illegible]~~ Storage Shop USA
City/zip: Mequon Baldar Ct
5717 W Dondes Bay Rd

Contact Person/Name: same

Phone Number: 608 444-1575 Email: SSUSA@TDS.NET

**TO THE ZONING BOARD OF APPEALS:**

The above hereby requests an appeal/~~variance~~ in regard to ~~Section No.~~ Item 14 & 17 approval ~~of the Mequon Code of Ordinances regarding:~~
conditions of the April 11, 2018 Plan Commission Approval

*(street address or legal description)*

in order to: See attached

**APPLICANT MUST PROVIDE:**
Application form
$215 filing fee

**1 copy each of the following documents**
1. Copy of denial letter
2. Letter explaining hardship or practical difficulty in complying with the ordinance requirement(s)
3. Detailed dimension drawing of/and indicating area where appeal/variance is requested
4. Elevation drawings if appropriate (4 views)

**FOR OFFICE USE ONLY**

Receiving Officer: Reagan Rogers Received Date: 5/10/18
Parcel #: Hearing Date: 7/5/18
Zoning District: B-5 and C-2 Receipt #: 002449-0016
Alderman & District #: Ald. John Wirth, Dist. #4 Published: 6/21/18

c: Notice of scheduled hearing to DISTRICT ALDERPERSON, OWNER(S) OF RECORD as listed in the Office of the Assessor of all lands within 1320 feet of subject property (when hearing involves a proposed zoning district classification change or conditional use grant); copy of mailing list attached for case file/record (if applicable), and WI DNR District and Main Office (if applicable).

G:\Board of Appeals\FORMS\FORM_Application_03-18.doc

Attachment: Thompson 07-05-18 appeal for packet (3327 : Gregory A. Thompson appeal - 5717 W. Dondes Bay Road)
Attachment: Thompson Attachment (3489 : Gregory Thompson Board of Appeals Documentation)

# SUBSTANTIVE AND PROCEDURAL GUIDE TO VARIANCES FOR APPLICANTS TO THE BOARD OF APPEALS

## I. CRITERIA FOR ISSUANCE OF VARIANCE:

To qualify for a variance, an applicant has the burden of proof to demonstrate at a public hearing before the Board of Appeals the following:

1. Unnecessary hardship due to the unique physical limitations of the property and not the particular circumstances of the applicant. The unnecessary hardship must not be self-imposed by the applicant or the prior owners of the property. Further, economic loss or financial hardship does not justify a variance.

2. The variance will not create substantial detriment to the adjacent or neighboring property, and will not be contrary to the public interest or public safety.

**The foregoing criteria are defined in the State Statutes and/or Mequon Ordinances and have been interpreted by the Courts. This guide is intended merely to assist applicants and not intended as a substitute for the criteria defined in the Statutes and ordinances as interpreted by the Courts. As noted above, the burden is upon the applicant, not the Board of Appeals or the City to present sufficient evidence to support the findings to be made by the Board of Appeals based upon the evidence presented at the public hearings.**

## II. DETERMINATION

In making its findings and determinations, the Board of Appeals may consider factors such as: characteristics of the property, including, but not limited to, relative placement of improvements thereon with respect to property boundaries or otherwise applicable setbacks; existing and future use of property; useful life of improvements at issue; disability of an occupant; aesthetics; degree of non-compliance with the requirement allowed by the variance; proximity to and character of surrounding properties; zoning of the area in which property is located and neighboring areas; and the purpose and intent of the Zoning Code subsection imposing the requirements.

Any variance granted by the Board of Appeals may contain conditions that it deems necessary, including, but not limited to, conditions that:

1. Prescribe the duration of the variance to be:

   a. Permanent, thereby remaining permanently with the property;
   b. A specified length of time; or,
   c. The time period during which the property is owned or occupied by a particular person;

2. Require the performance of additional actions to the mitigation or enhancement of impacts resulting from the variance; or,
3. Prescribe a limitation on the action effectively authorized by the variance.

Attachment: Thompson 07-05-18 appeal for packet (3327 : Gregory A. Thompson appeal - 5717 W. Donges Bay Road)
Attachment: Thompson Attachment (3489 : Gregory Thompson Board of Appeals Documentation)

City of Mequon

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Email: ppvang@ci.mequon.wi.us
DEPARTMENT OF COMMUNITY DEVELOPMENT

April 11, 2018

Gregory Thompson
6810 Cross Country Road
Verona, WI 53593

**Re: Conditional Use Grant**
**Building and Site Plan**
**Certified Survey Map**

Dear Gregory;

At their April 9, 2018 meeting, the Planning Commission took the following action regarding the request for building and site plan, certified survey map and conditional use grant approval to allow for storage uses within the storage units for a proposed development (StorageShopUSA) for the property located at 5717 W. Donges Bay Road (located in the Donges Bay Corporate Park).

**Approval** of the building and site plan, certified survey map and conditional use grant based on the following conditions:

1. Planning staff review and approval of final site, landscaping, dumpster, lighting and elevation plans prior to the issuance of permits.
2. All ground or roof-level mechanical equipment shall be well screened from public view with screening or landscaping.
3. Dumpster enclosure details to be submittal and approved by staff.
4. Submittal of a revised lighting plan that includes cut sheets for staff review and approval. All fixtures shall be classified as full cutoff.
5. No outdoor storage is permitted on site.
6. Revised elevations showing all the windows the same size and board and batten siding on the gable with a horizontal band treatment that extends from the roofline to the brick columns that cap the overhead door on the front elevations of all buildings and board and batten siding with a horizontal band treatment on the gable wall on the east elevation of Buildings 1 and 2 and all doors on the side elevations.
7. The landscaping plan shall be updated to address size of proposed spruce to be shown at 7' and to show the existing landscaping along the west property line.
8. A landscaping escrow equal to 125% of the improvement costs for installation of landscaping by a licensed contractor and an escrow equal to 25% of the landscape contract cost to insure that landscaping that dies within three (3) years of installation will be replaced by the applicant.
9. The applicant shall make any technical corrections to the final CSM.
10. Compliance with the Tree Preservation Ordinance.
11. Final staff review and approval of CSM.
12. Connection to public water and sanitary sewer is required.
13. The sanitary sewer connection shall be to the existing 6" lateral or the existing manhole.
14. The water services shall be bored or directionally drilled across the street with laterals serving each condominium from the building directly to the public watermain.

Attachment: Thompson 07-05-18 appeal for packet (3327 : Gregory A. Thompson appeal - 5717 W. Dondes Bay Road)
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15. The applicant shall submit an electronic file for the proposed certified survey map in a format compatible with AutoCAD 2000 dwg or dxf in Wisconsin State Plane Coordinate system. South Zone (NAD 27).
16. Applicant shall provide wetland fill approval from the WDNR prior to the issuance of building permits.
17. Engineering Division review and approval of grading, drainage, sanitary sewer, watermain, and erosion control plans in conformance to City ordinances and the Standard Specifications for Land Development.
18. Application for and approval of a City Filling and Excavating Permit.
19. Application for and approval of a City erosion control permit.
20. An addition of 0.08 acres of new impervious or 0.07 acres of land disturbance with this application or any future applications will trigger the requirement to provide additional stormwater management to meet the current City of Mequon, WDNR and MMSD criteria.
21. When stormwater facilities are triggered by this application or future applications, as a condition of approval and issuance of the permit, the city engineer will require in accordance with City ordinance 58-677(b) that the applicant deposit an escrow or letter of credit to guarantee a good faith execution of the approved control plan and any permit conditions. The escrow / letter of credit shall be in an amount equal to 125% of the estimated cost of construction and maintenance of the storm water management practices and the City will release the portion of the Financial Guarantee less any costs incurred by the city to complete installation of practices, upon submission of a certification in accordance with 58-678(h).

No building permits will be issued until all conditions of approval are completed and approved by the City staff and until the Certified Survey Map and Conditional Use Grant have been recorded with the Register of Deeds.

Sincerely,

Pa Phouala Vang

Pa Phouala Vang
City Planner

Attachment: Thompson 07-05-18 appeal for packet (3327 : Gregory A. Thompson appeal - 5717 W. Donges Bay Road)
Attachment: Thompson Attachment (3489 : Gregory Thompson Board of Appeals Documentation)

Information submitted by Gregory A. Thompson

Date: May 22, 2018

**THE BASIS FOR THE APPEAL**

Gregory A. Thompson ("Thompson") submits this appeal from and challenge to the City of Mequon Plan Commission's ("Commission"), the Engineering Department's ("Engineering") and the Water Utility's ("Utility") decision to disavow the Department of Safety and Professional Services ("SPS") permit and approval for the private sewer and water mains for Thompson's development located at Baldev Ct, Donges Bay Corporate Park, more commonly known as the StorageShopUSA™ - Mequon project..

The Commission, Engineering, and the Utility, (collectively referred to as the ("City")), will not let Thompson use a private 2-inch water main to serve his development; rather, they demand that either Thompson install an 8-inch main or he provide individual water services to each of the 4 buildings he proposes. In doing so, the City directly violated the State Plumbing Code (SPS 380 – 387) which was officially adopted by ordinance in Section 10-108. In addition, they seek to enforce their Standard Specifications for Land Development ("SSLD") for the water and sewer systems located on private property; claiming they supersede SPS's design and construction requirements.

Thompson was aggrieved when the City erred in its requirements and decisions regarding the sewer and water design and construction on private property and will suffer financial harm by the additional connection fees for individual services and/or the drastic increase in cost to install an 8-inch main, especially when, a SPS approved system will deliver the needed water demand for the development, and there is no harm to the public or separation from public policy. Thompson requests that the City allow construction of the approved SPS system and determine that the specifications for sewer and water construction on private property be governed by SPS; the SSLD would only apply to work in the right of way – as intended.

The Board of Appeals has the duty and the power to hear this appeal pursuant to ordinance Section 58-41(a) and ordinance Section Sec. 2-462.

**BACKGROUND**

Attachment: Thompson 07.05.18 appeal for packet (3327 : Gregory A. Thompson appeal - 5717 W. Donges Bay Road)
Attachment: Thompson Attachment (3489 : Gregory Thompson Board of Appeals Documentation)

Submitted with the building/site plan application on February 12, 2018, were the plumbing plans for a private sewer interceptor main and private water supply main for Thompson's development. The development was then modified and the current plan proposes serving 4 separate 2500sf buildings using a private water and sewer main with individual laterals from those private mains to each building. The SPS permit approval for the proposed system was submitted to the City.

Thompson gained approval for his development on April 9, 2018 with the following conditions outlined in the April 11, 2018 letter:

> *14. The water services shall be bored or directionally drilled across the street with laterals serving each condominium from the building directly to the public watermain*
>
> *17. Engineering Division review and approval of grading, drainage, sanitary sewer, watermain, and erosion control plans in conformance to City ordinances and the Standard Specifications for Land Development.*

After a more detailed review of the plans, Engineering issued the following specific comments:

> *Issue no. 19*
> *The design as submitted is in direct conflict with the City of Mequon Water Tariff, specifically the water connection rules Section C: Commercial Customer Connection (2) On Main.*
>
> *Revisions are required to either meet the watermain standards as marked on the plans and indicated in comments 20-30 or individual laterals can be provided to each building as previously discussed with the developer.*
>
> *The water utility is under the jurisdiction of the Water Utility Commission. The first stage of an appeal can be brought before the Water Utility Commission, however, it should be noted that the Water Utility Commission cannot change the tariff requirements without approval from the State of Wisconsin Public Service Commission.*

Summarily, they would only approve *individual laterals* to each building or installing an 8-inch main instead of a 2-inch main – *Issue No 20 - A minimum 8" diameter watermain is required SSLD 5.0.5*

Attachment: Thompson 07-05-18 appeal for packet (3327 : Gregory A. Thompson appeal - 5717 W. Dondes Bay Road)
Attachment: Thompson Attachment (3489 : Gregory Thompson Board of Appeals Documentation)

The City has erred in its interpretation of the Tariff and SPS 382.

Also, the City indicated that *the first stage of the appeal can be brought before the Water Utility Commission;* however, no such procedure has been put forth and nowhere in the Ordinances does it spell out an appeal process. Thompson has repeatedly asked for the rights and procedures for appeal different than that provided by the Board of Appeals.

Absent any direction, an appeal to the Board of Appeals was filed and accepted on May 9, 2018 pursuant to Ordinance Section Sec. 2-462 and ordinance Section 58-41(a).

**STATEMENT OF FACTS**

There are 2 very distinct codes which are used to regulate water and sewer systems in the state. NR 811 governs community water systems and is regulated by the Department of Natural Resources ("DNR"), and SPS 382.40 which governs water supply systems and is regulated by the Department of Safety and Professional Services ("SPS").

The application of NR 811 and SPS 382 are very specifically stated in the following:

> NR 811.67 Applicability. This subchapter covers water distribution systems for community water systems which are to be located in street rights-of-way or easements. Other piping systems shall be constructed in accordance with the requirements of ch. SPS 382.

The City of Mequon Water Utility is a *community water system* by definition and is governed by NR 811.

> NR 811.01 Applicability. This chapter governs the general operation, design and construction of community water systems…
>
> 811.02 Definitions
>
> **(16)** "Community water system" means a public water system which serves at least 15 service connections used by year-round residents or regularly serves at least 25 year-round residents…
>
> (41) "Municipal water system" means a community water system owned by a city, village, county, town, town sanitary district, utility

Attachment: Thompson 07-05-18 appeal for packet (3327 : Gregory A. Thompson appeal - 5717 W. Donges Bay Road)
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district, public inland lake and rehabilitation district, municipal water district or a federal, state, county or municipal owned institution for congregate care or correction, or a privately owned water utility serving the foregoing.

Thompson's private water main and private interceptor sewer main are *other piping systems* and shall be constructed in *accordance with SPS 382* specifically adopted as City Ordinance Section 10 -108.

SPS 382.40 Water supply systems.

(1) SCOPE. The provisions of this section set forth the requirements for the design and installation of water supply systems.

Note: Chapter NR 811 governs the design and construction of community water systems or waterworks

SPS 381.01 Definitions

**(284)** "Water supply system" means the piping of a *private water main,* water service and water distribution system, fixture supply connectors, fittings, valves, and appurtenances through which water is conveyed to points of usage such as plumbing fixtures, plumbing appliances, water using equipment or other piping systems to be served.

(193) "Private interceptor main sewer" means a sewer serving 2 or more buildings and not part of the municipal sewer system

(195) "Private water main" means a water main serving 2 or more buildings and not part of the municipal water system.

(refer to Figure 382 showing tap into existing main)

(199) "Public water main" means a water supply pipe for public use owned and controlled by a public authority.

Attachment: Thompson 07-05-18 appeal for packet (3327 : Gregory A. Thompson appeal - 5717 W. Dondes Bay Road)
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(282) "Water service" means that portion of a water supply system from the water main or private water supply to the building control valve.

Thompson obtained an approval from SPS for a private interceptor sewer main and private water supply on February 21, 2018. A 2-inch private water main was approved.

The City rejected the approved SPS permit at the April 9, 2018 Plan Commission meeting, and Engineering rejected the 2-inch main on their review comments form issued on May 4, 2018. The City has required individual laterals to each building or install an 8-inch main.

Thompson responded to the Engineering comments on May 7, 2018. Those comments are attached and incorporated herein.

The City was made aware that Thompson made inquiry to the Section Chief of Plumbing Division of SPS asking if the City was allowed to dictate the size of a water main on private property when those design parameters are governed by SPS 382. Thomas Braun said the following:

> Mr. Thompson,
> SPS 382 is a state uniform code. There are provisions throughout the code that has specific exceptions where a municipality may incorporate by ordinances making rules more stringent.
> For sewers, an exception allows a municipality to dictate the size of a sewer between the public sewer and lot line.
>
> For private water mains there are no exceptions. A municipality does not have the right to dictate the size of a private water main or water service.
> Running the mains through a building to another building does not change the definition of a private water main.
>
> References:
> SPS 382.03(2) Pursuant to s. 145.13, Stats., this chapter is uniform in
> application and <u>a municipality may not enact</u> an ordinance for the design, construction, installation, supervision, maintenance and inspection of plumbing which is more stringent than this chapter, <u>except as specifically permitted by rule</u>.

Attachment: Thompson 07.05.18 appeal for packet (3397 : Gregory A. Thompson appeal - 5717 W. Dondes Bay Road)
Attachment: Thompson Attachment (3489 : Gregory Thompson Board of Appeals Documentation)

SPS 382.30(4)(b) *Minimum size of building sewers.* 1. 'Gravity flow sewers.'
The minimum size of a gravity flow sanitary building sewer shall be 4_ in diameter. A municipality or sanitary district by ordinance may require that portion of the building sewer between the lot line and the
public sewer to be larger than 4" in diameter.

SPS 382.30(4)(c) 3. A municipality or a sanitary district may by ordinance,
require the minimum size of a private interceptor main sewer to be larger than 4" in diameter.

SPS 381.01(195) "Private water main" means a water main serving 2 or
more buildings and not part of the municipal water system.

Please contact me if you have any questions or concerns.
Thank You

Tom Braun
Section Chief – Plumbing - Public Swimming Pool Programs| Division of Industry Services | State of Wisconsin Dept. of Safety and Professional Services | Office: 715;-634-5124 | | thomas.braun@wisconsin.gov | 10541 Ranch Rd, Hayward, WI. 54843.

*A municipality does not have the right to dictate the size of a private water main or service* pursuant to SPS 382.03(2). Section 5.05 of the SSLD requires the design of the water system to have an 8-inch main which is more stringent than what is required under SPS 382.

SPS, under the authority of the Section Chief Thomas Braun, has made an interpretation with regards to SPS 382 and has concluded that the City does not have the right to dictate Thompson use an 8-inch main instead of the approved 2-inch main. The City is in violation of SPS 382.03(3) which specifically states:

> *A department interpretation of the requirements in this chapter shall supersede any differing interpretation by a lower level jurisdiction. A department decision on the application of the requirements in this*

Attachment: Thompson 07-05-18 appeal for packet (3327 : Gregory A. Thompson appeal - 5717 W. Dondes Bay Road)
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*chapter shall supersede any differing decision by a lower level jurisdiction.*

The information with regards to the Section Chief's, the department's, interpretation was provided to the City on May 7, 2018. There has been no response from the City through May 22, 2018, the deadline for appeal information to be submitted. The City has been given the opportunity to reconsider its position in light of the information provided or suggest evidence to the contrary.

The SSLD can control the design and construction of the sewer and water in the public ROW or access service strips (public dedications through easements) and does so by Ordinance Section 58 - 637. Nowhere in the ordinances does it say the private sewer and water design and installation shall be done *in accordance with* SSLD; rather, it specifically adopts SPS 382 which controls design and construction of sewer and water mains on private property.

The City stated that the private water main *is in direct conflict with the Mequon Water Tariff, specifically the water connection rules Section C: Commercial Customer Connection (2) On Main* ; however, fails to explain or reveal the conflict contained within that section. Not knowing the specific conflict is prejudice to the appeal rights of Thompson.

The Mequon Municipal Water Utility Tariff ("Tariff") sets forth the Utility operating rules and was approved by the Public Service Commission "(PSC").

The Tariff indicates that the application for water service requests "*...the size of the service lateral and the metered desired...*" and Thompson requested a 2-inch water lateral to his property line. Nowhere does it dictate that each building on the same lot or parcel of land shall be served by a separate lateral from the public main.

The City has provided no supporting evidence that they can require each building to be served by a separate water lateral from the public main.

Alternatively, they claim that Thompson's design is in direct conflict with Section C Commercial Customer Connection (2) On-Main of the Tariff which states:

Attachment: Thompson 07-05-18 appeal for packet (3327 : Gregory A. Thompson appeal - 5717 W. Donges Bay Road)
Attachment: Thompson Attachment (3489 : Gregory Thompson Board of Appeals Documentation)

> *Generally, the Utility will install facilities in the public right-of-way to the New Customer's lot line, and the New Customer will be responsible for installing required facilities that meet the Utility's specifications from the outlet of the Curb Stop at the lot line to and into the building.*

Thompson is responsible for *installing utilities that meet the Utility's specifications* from the ... *lot line into the building*. As already stated herein, there are community water systems and private water systems (other than community water systems), and

> ...*other piping systems* shall be constructed in accordance with the requirements of ch. SPS 382.

, and

> City Ordinance Chapter 86, Article II, regarding the Water Utility, adopted no specifications for design and construction

, and

> ..." a municipality may not enact an ordinance for the design, construction, installation, supervision, maintenance and inspection of plumbing which is more stringent than this chapter" (SPS 382).

Thompson's water supply system from the lot line to the building was designed and approved in accordance with SPS 382 and the City cannot dictate the size of the private water main or lateral on private property. The Tariff doesn't have language that poses any direct conflict with Thompson's proposed design.

## REQUEST FOR RELIEF

Thompson requests that the water supply system approved by SPS be approved for installation for the StorageShopUSA™ - Mequon project, and that, the SSLD does not apply to the design, construction, installation, supervision, maintenance and inspection of the private water and sewer systems located on Thompson's private property in accordance with SPS 382.

Attachment: Thompson 07-05-18 appeal for packet (3327 : Gregory A. Thompson appeal - 5717 W. Donges Bay Road)
Attachment: Thompson Attachment (3489 : Gregory Thompson Board of Appeals Documentation)

**RESPONSE TO CITY OF MEQUON REVIEW COMMENT FORM**
**ISSUE NO. 19** & Items 14 & 17 of the April 14th Plan Commission Approval letter.

City Review Comments on Issue 19

> *The design as submitted is in direct conflict with the City of Mequon Water Tariff, specifically the water connection rules Section C: Commercial Customer Connection (2) On Main.*
>
> *Revisions are required to either meet the water main standards as marked on the plans and indicated in comments 20-30 or individual laterals can be provided to each building as previously discussed with the developer.*
>
> *The water utility is under the jurisdiction of the Water Utility Commission. The first stage of an appeal can be brought before the Water Utility Commission, however, it should be noted that the Water Utility Commission cannot change the tariff requirements without approval from the State of Wisconsin Public Service Commission.*

Response

There is no such conflict with "*Section C: Commercial Customer Connection* (2) *On Main.*" as cited. The City's review comments do not provide the specific reason, within Section C (2), that reveals any conflict.

For appeal purposes, the owner requested (at a meeting with City on April 16) the specific reasons why a 2-inch private main would not be allowed. The City's review comments provide no such reason sufficient for the owner to formulate an appeal. What is the direct conflict?

Absent that specific reason, the following argument is made as to why the City's denial of the owner's DSPS approval directly contravenes its own ordinance, Mequon Ordinances Sec. 10-108, and based upon DSPS Section Chief's interpretation of their permit approval, are in violation of SPS 382.03 (3) which specifically states:

> (3) A department interpretation of the requirements in this chapter shall supersede any differing interpretation by a lower level jurisdiction. A department decision on the application of the

Attachment: Thompson 07-05-18 appeal for packet (3327 : Gregory A. Thompson appeal - 5717 W. Dondes Bay Road)
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> requirements in this chapter shall supersede any differing decision by a lower level jurisdiction

A copy of the interpretation is attached.

The Owner has an approved plan from DSPS for a private water main. The Mequon Water Tariff provides that the city install a lateral (service) to a New Customer's property at that New Customer's request. The owner has requested a 2 inch lateral to serve the needs of his development.

The City cites Section C: (2) On-Main which states:

> Generally, the Utility will install facilities in the public right-of-way to the New Customer's lot line, and the New Customer will be responsible for installing required facilities that meet the *Utility's specifications from the outlet of the Curb Stop at the lot line to and into the building.*

Here, the owner (New Customer) has provided a DSPS approved plan for a private water main *from the outlet of the Curb Stop at the lot line to and into the building.*

The *Utility specifications* are clearly put forth in Mequon Ordinances Sec. 10-108. - Adoption of State Plumbing Code which states:

> The provisions of Wis. Stats. ch. 145 and Wis. Admin. **Code SPS chs. 81—87** and NR ch. 113e and all amendments thereto are adopted and by reference made a part of this chapter with the same force and effect as though set out in full.

Code SPS 81- - 87 was renamed to SPS 380 – 387

> **SPS 382.40 Water supply systems.**
> (1) SCOPE. The provisions of this section set forth the requirements for the design and installation of water supply systems.
> Note: Chapter NR 811 governs the design and construction of the [Mequon Water Utility] community water systems or waterworks.
> (emphasis added)

It further defines a water supply system as:

> (284) "Water supply system" means the piping of a private water main, water service and water distribution system, fixture supply connectors, fittings, valves, and appurtenances through which water is conveyed to points of usage such as plumbing fixtures, plumbing appliances, water using equipment or other piping systems to be served.
> (emphasis added)

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Additionally, NR 811(the Code for community water systems such as Mequon Water Utility) defines a water system as

> (74) "Waterworks" or "water system" means all facilities, structures, pipes, conduits and appurtenances by means of which water is delivered to consumers except piping and fixtures inside buildings served, water services and private water mains as defined in ch. SPS 381.
> (emphasis added)

Conclusively, private water mains are regulated under SPS 382, the City adopted SPS 382, and pursuant to SPS 382.03(3), the Section Chief's interpretation has declared that the City of Mequon does not have the right to dictate the size of a private water main or water service; therefore, the owner's request for a 2 inch water main and DSPS approval should be accepted.

**Additional Information**

Mequon Ordinance Chapter 86 Article II - Water Utility adopts no specifications for construction.

Section 58 – Planning and Development, Article VII, Sec. 58-637. - Required improvements states:

> (b) Before the final plat, certified survey map or condominium declaration located within the corporate limits will be approved, the developer shall provide and dedicate, when required by the common council, the following facilities and improvements in accordance with the publication entitled "City of Mequon Standard Specifications for Land Development, Seventh Edition, December 2002, or any amendment or revision thereof approved by the common council: (1) Sanitary and storm sewer mains and laterals, where designed to be served by such utility systems, shall be provided in accordance with section 58-601 of this chapter.

The common council did not require a public dedication of any improvement, and therefore, the requirements of the Standard Specifications of Land Development (SSLD) do not apply. (not only to water but to sanitary sewer)

The *Utility* does not have the right to require design and installation specifications that supersede state code, SPS 382. The City specifically claims that their Standard Specifications for Land Development (SSLD) Section 5.0.5 requires that the owner's private water main be 8 inch. (Issue no. 20 of this form).

Attachment: Thompson 07.05.18 appeal for packet (3327 : Gregory A. Thompson appeal - 5717 W. Dondes Bay Road)
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The owner requested an interpretation of the application of SPS 382 to private water mains on private property. Attached is the email documentation from Tom Braun , Section Chief – Plumbing - Public Swimming Pool Programs| Division of Industry Services | State of Wisconsin Dept. of Safety and Professional Services.

The response to the Department's interpretation request specifically says:

> Mr. Thompson,
>
> SPS 382 is a state uniform code. There are provisions throughout the code that has specific exceptions where a municipality may incorporate by ordinances making rules more stringent.
>
> For sewers, an exception allows a municipality to dictate the size of a sewer between the public sewer and lot line.
>
> For private water mains there are no exceptions. **A municipality does not have the right to dictate the size of a private water main or water service.** (emphasis added)

The City of Mequon has dictated the size of the private water main to be 8 inches instead of the requested and approved 2 inch main and is therefore in violation of SPS 382.03(2), and if chooses to ignore the department interpretation, would be in violation of SPS 382.03(3).

**Appeal**

There is no compelling reason not to allow a 2 inch lateral to serve the owner's property such that, the DSPS approved private water main plan and service laterals can be installed. The 2 inch lateral provides adequate water supply to the development and there are no required fire suppression needs. There would be no harm to the public.

At the meeting on April 16, the owner specifically addressed the process for appeal. Bridget said that an appeal was available through the Water Commission and that a formal denial was required to initiate that process. Bridget said that the current approval was conceptual and that a full engineering review would be necessary and any subsequent denial of the requested private water supply plans would serve as a basis for an appeal.

The City has formally denied the owner's request for a 2inch lateral, and the owner has not been informed of his appeal rights and/or procedure.

Attachment: Thompson 07-05-18 appeal for packet (3327 : Gregory A. Thompson appeal - 5717 W. Donges Bay Road)
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There is no such ordinance supporting an appeal to the Water Utility Commission as suggested in the City's review comments.

> **Sec. 86-50. - Appeals.**
> Any property owner or lessee aggrieved by a decision of the utility manager or designee *to discontinue water service* under sections 86-47 or 86-48 may appeal that decision to the city administrator, as provided below:

Sec. 86-50 is an appeal for a *discontinuation of service* – not a decision as to what service lateral will be installed – the City of Mequon Water Utility and City Water USA made that planning and development decision. An email from Bridget Henk on April 12th stated:

> *Both the City of Mequon Water Utility and City Water USA do not approve the water services as shown on the planning commission submittal*

An appeal is available as outlined in Mequon Ordinances Chapter 2, Article IV, Division 3 – Board of Appeals and it states:

> **Sec. 2-462. - Purpose.**
> The board shall hear appeals taken by <u>any person aggrieved</u> by any officer, <u>department</u>, board or bureau of the city <u>or affected by any decision of any administrative officer or body</u> and shall hear applications for variances from zoning ordinance terms.

The owner is *aggrieved* by the *Engineering Department's* (and/or Mequon Water Utility's) decision to not allow a 2 inch private water main and disavow the DSPS permit. The Engineering Department has erred in its enforcement of Chapter 58 – Planning and Development Regulations, and the Board of Appeals has the duty and the power to hear such appeal action pursuant to Sec. 58-41(a).

Lacking no other remedy, the clear and distinct determination from Mr. Thomas Braun, the Section Chief of DSPS Plumbing Division, that the City of Mequon, unequivocally, "*<u>does not have the right to dictate the size of the private water main or service</u>*" does not preclude a mandamus action as a remedy pursuant to Wis. Stats. § 783.01.

Rather than any action seeking administrative review, hearing, etc, the owner respectfully requests the City of Mequon reconsidered its decision and honor the department's interpretation. There can be no harm to the public and there would be no policy concerns when complying with state law.

Attachment: Thompson Attachment (3489 : Gregory Thompson Board of Appeals Documentation)

Email Correspondence

**gthompson**

**From:** Braun, Thomas L - DSPS <Thomas.Braun@Wisconsin.gov>
**Sent:** Monday, April 23, 2018 9:56 AM
**To:** gthompson
**Subject:** RE: Department interpretation request

Mr. Thompson,
SPS 382 is a state uniform code. There are provisions throughout the code that has specific exceptions where a municipality may incorporate by ordinances making rules more stringent.
For sewers, an exception allows a municipality to dictate the size of a sewer between the public sewer and lot line.

For private water mains there are no exceptions. A municipality does not have the right to dictate the size of a private water main or water service.
Running the mains through a building to another building does not change the definition of a private water main.

References:
**SPS 382.03(2)** Pursuant to s. 145.13, Stats., this chapter is uniform in application and a municipality may not enact an ordinance for the design, construction, installation, supervision, maintenance and inspection of plumbing which is more stringent than this chapter, except as specifically permitted by rule.

**SPS 382.30(4)(b)** *Minimum size of building sewers.* 1. 'Gravity flow sewers.' The minimum size of a gravity flow sanitary building sewer shall be 4_ in diameter. A municipality or sanitary district by ordinance may require that portion of the building sewer between the lot line and the public sewer to be larger than 4" in diameter.

**SPS 382.30(4)(c)** 3. A municipality or a sanitary district may by ordinance, require the minimum size of a private interceptor main sewer to be larger than 4" in diameter.

**SPS 381.01(195)** "Private water main" means a water main serving 2 or more buildings and not part of the municipal water system.

Please contact me if you have any questions or concerns.
Thank You

Tom Braun
Section Chief – Plumbing - Public Swimming Pool Programs| Division of Industry Services | State of Wisconsin Dept. of Safety and Professional Services | Office: 715;-634-5124 | | thomas.braun@wisconsin.gov | 10541 Ranch Rd, Hayward, WI. 54843.
**For General Plumbing Code Related Questions send email to:** DspsSbPlbgTech@wi.gov **or Phone 608-267-9421.**
**For Plumbing Products Related Questions send email to:** DspsSbProductTech@wi.gov
**For Public Swimming Pool Related Questions send email to:** DspsSbPoolTech@wi.gov
The Department offers an e-mail subscription service that provides electronic notification of news and/or notices that may be of interest to you. To sign up for this service, click here.
"The DSPS is committed to service excellence. Visit our survey at: https://www.surveymonkey.com/s/dspsiscustomersatisfactionplumbingpools to evaluate your experience with the DSPS."

Attachment: Thompson 07-05-18 appeal for packet (3327 : Gregory A. Thompson appeal - 5717 W. Dondes Bay Road)
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**From:** gthompson <ssusa@tds.net>
**Sent:** Tuesday, April 17, 2018 11:23 AM
**To:** Benz, Darrin - DSPS <Darrin.Benz@wisconsin.gov>
**Subject:** [WARNING: ATTACHMENT(S) MAY CONTAIN MALWARE]Department interpretation request

Darrin

I have an approved private sewer and water main for a project I am doing in Mequon. (see attached DSPS approval).

Mequon has invoked a condition that my private system comply with their **STANDARD SPECIFICATIONS for LAND DEVELOPMENT** manual (See attached) and are ignoring the permit granted by the Department.

They are in violation of the SPS 382.03 which specifically states:

> **SPS 382.03 Application.**
> **(1)** The provisions of this chapter are not retroactive, unless specifically stated otherwise in the rule.
> **(2)** Pursuant to s. 145.13, Stats., this chapter is uniform in application and a municipality may not enact an ordinance for the design, construction, installation, supervision, maintenance and inspection of plumbing which is more stringent than this chapter, except as specifically permitted by rule.
> **(3)** A department interpretation of the requirements in this chapter shall supersede any differing interpretation by a lower level jurisdiction. A department decision on the application of the requirements in this chapter shall supersede any differing decision by a lower level jurisdiction.
> **Note:** A decision of the department may be appealed. Section 101.02 (6) (e), Stats., outlines the procedure for submitting requests to the department for appeal hearings and the department procedures for hearing appeals.

Mequon has determined that since my private water supply is considered a "main", according to the manual:

> *5.0.5 All water main shall be a minimum of 8" in diameter.*

My plans request a 2 inch water lateral/main from the "public main" to serve 4 buildings. They will not provide a 2 inch lateral/main – they will only provide the 8 inch "main" to the property line based on sec. 5.0.5.

Diagram A-382.40 (4) shows the exact configuration approved by the Department but disallowed by Mequon.
https://docs.legis.wisconsin.gov/code/admin_code/sps/safety_and_buildings_and_environment/380_387/382_.pdf

There are PSC approved rules (see attached PSCW 3595-WR-101) that sets a condition to establishing service that:

> *(2) the property owner has installed or agrees to install a service lateral from the curb stop to the point of use that is not less than 6 feet below the surface of an established or proposed grade and meets the water utility's specifications*
> file:///C:/Users/greg/Downloads/viewfile%20(9).pdf

There are no utility specifications. Mequon Ordinance Chapter 86 Article II talks of the water utility. It adopts no specifications for construction
https://library.municode.com/wi/mequon/codes/code_of_ordinances?nodeId=PTIICOOR_CH86UT_ARTIIWAUT

Can you provide the department interpretation with regards to this matter?

Attachment: Thompson 07-05-18 appeal for packet (3327 : Gregory A. Thompson appeal - 5717 W. Donges Bay Road)
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Does the Department approval include the 2 inch private water main from the curb stop to the Corp cock at the public main or can Mequon supersede the Department's approval and require that section to be 8 inch - based on their adopted manual (which is not incorporated by rule)?

Worse yet, can they require that my entire private system be converted to 8 inch main and dedicated to the utility?

One last question – Can I have the requested 2 in lateral go directly to the first building, and then run underneath to the next building , and then the next, etc (essentially eliminating the private main)?

Thanks
Greg thompson
608 444 1515
StorageShopUSA - Mequon

Attachment: Thompson 07-05-18 appeal for packet (3397 : Gregory A Thompson appeal - 5717 W Dodges Bay Road)
Attachment: Thompson Attachment (3489 : Gregory Thompson Board of Appeals Documentation)

City of Mequon

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ENGINEERING/PUBLIC WORKS

# MEMORANDUM

TO: Board of Appeals

FROM: Bridget Henk, P.E.

DATE: June 22, 2018

SUBJECT: Planning Commission Appeal for Storage Shop USA parcel on Baldev Court

---

The Planning Commission conditional approval on April 9, 2018 included 21 conditions of approval. The applicant is specifically appealing condition number 14 and number 17 as listed below:

14. The water services shall be bored or directionally drilled across the street with laterals serving each condominium from the building directly to the public watermain.

17. Engineering Division review and approval of grading, drainage, sanitary sewer, watermain, and erosion control plans in conformance to City ordinances and the Standard Specifications for Land Development.

The applicant has not provided documentation of unnecessary hardship due to the unique physical limitations of the property or proof that the variance will not create substantial detriment to the adjacent or neighboring property , and will not be contrary to the public interest or public safety. **The applicants documentation does not specifically relate to the appeal of planning commission conditions 14 and 17. The documentation appears to refer to the connection to the watermain.** In lieu of the required documentation, staff has provided the background information on both the Planning Commission Conditions 14 and 17 as well as a response to the applicant's submitted application relating to watermain connection.

Attachment: Thompson Attachment (3489 : Gregory Thompson Board of Appeals Documentation)

**Planning Commission Conditions 14 and 17:**

Both conditions are standard for developments in the City of Mequon and were included in the staff report for the development prior to Planning Commission review on April 9th. At the meeting the applicant was given the opportunity to speak about the project and to speak about any of the conditions of approval. The applicant did not indicate any concerns with conditions 14 and 17 at that time. The minutes of the meeting and the staff report are included with this memorandum.

The requirement of Item 14 for individual laterals for separately owned buildings is a requirement of the City's tariff for the Water Utility. Per the City Attorney, and appeal of that requirement should be directed to the **Water Utility Commission**.

The applicant has provided engineering plans that conform to the requirements of condition 14 and 17. The erosion control permit has been processed and the applicant has been provided an application for the lateral installation. The construction plans for the exterior elements has been approved, with the exception of the sanitary sewer which is currently being reviewed by the Milwaukee Metropolitan Sewerage District (MMSD). The City of Mequon Inspections Division is reviewing the building plans prior to issuance of the building permit.

Further, the requirement for the utility design to follow the Standard Specifications for Land Development are outlined in the City of Mequon Code of Ordinances:

> Section 58-599(f): Construction specifications for drainage swales, curbs and gutters and storm drains are contained in "City of Mequon Standard Specifications for Land Development, Seventh Edition, December 2002, or any amendment or revision thereof approved by the common council.
>
> Section 58-600(a): No principal building involving human use or occupancy shall be permitted on a lot unless provision is insured for safe and adequate facilities for water supply and disposal of sewage. Satisfactory evidence to this effect shall be submitted to the engineer who shall verify that such facilities are satisfactory and in conformity to all applicable ordinances. Construction specifications for sewerage disposal facilities are contained in the publication "City of Mequon Standard Specifications for Land Development, Seventh Edition, December 2002, or any amendment or revision thereof approved by the common council.
>
> Section 58-601(b): Construction specifications for water systems are contained in the publication "City of Mequon Standard Specifications for Land Development, Seventh Edition, December 2002, or any amendment or revision thereof approved by the common council.
>
> Section 58-603(2): All land disturbing activities shall comply with the city "City of Mequon Standard Specifications for Land Development, Seventh Edition, December, 2002, or any amendment or revision thereof approved by the common council.
>
> Section 58-603(11): The applicant must complete and file with the city a land disturbing permit and erosion control plan and application. Plans must be submitted in compliance with the City of Mequon's standard specifications for land development.

Attachment: Thompson 07-05-18 appeal for packet (3327 : Gregory A. Thompson appeal - 5717 W. Donges Bay Road)
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Please note that the ordinance sections outlined do not provide for the ability for the Planning Commission to waive the requirements of the Standard Specifications for Land Development, as opposed to Section 58-605(a), which does allow for such a waiver (emphasis added): All streets shall be constructed in accordance with the publication "City of Mequon Standard Specifications for Land Development, Seventh Edition, December 2002, or any amendment or revision thereof approved by the common council. **The planning commission may waive or modify these specifications if, in its judgment, it is not adverse to the public health, safety and welfare.**

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**Watermain Connection**

On April 16, 2018 after the project was conditionally approved by the Planning Commission, the applicant met with Bridget Henk, Engineering Division; Paul Lauer, Inspections Division; and Jim Voigt, City Water, LLC. The purpose of the meeting was to outline the process and procedures moving forward. It was specifically indicated that the water system could not be officially denied until the plans were submitted for full review and permitting. City staff walked the applicant through 2 options that could be approved.

1. Individual laterals to each building installed from the watermain in Baldev court directly to the buildings. Those laterals would be split within 3-feet inside the building to separate water meters. If the New Customer wishes to expand the project to include additional buildings in the future, additional laterals could be installed.

2. Upsizing the 2-inch line to 8-inches to meet the Standard Specifications for Land Development for public watermain. In addtion, the woatermain would require a fire hydrant and an easement. The plans would need to be reviewed and submitted to the WNDR and meet all City of Mequon construction plan standards.

The Applicant has provided several references to the Department of Safety and Professional Services (DSPS) Plumbing Code and City of Mequon Ordinances. SPS and Chapter 10 of the Building Code generally refer to the individual laterals to the individual buildings, which are not being disputed.

The Municipality is dictating the size of the ***Public*** watermain which is not in violation of Section 382.03(3). The City of Mequon Standard Specifications indicates 8-inches is the minimum size for public watermain in the City of Mequon. In addition, the City of Mequon Water Tariff indicates that each building is to be served by an individual lateral and the lateral cannot change in size from the main to the building. Please see the attached Water Tariff Primer or the Water Tariff in its entirety. Any appeals relating to the water tariff and its interpretation are the jurisdiction of the **Water Utility Commission.**

Baldev Court watermain is currently flushed once a month to keep the water moving in the main line. Having a private main on the system that serves 4 buildings would require flushing at similar frequency to maintain the water quality. The City of Mequon would need to provide the flushing service if the line was public and the owner of the system would need to provide it if the system was private.

The minimum size of existing private watermain in the City of Mequon is 6-inches. This size is determined based on the usage and demand of the system. The preliminary calculations indicate that a 2-inch line would not be sufficient based on the current pressure of the main and the number of proposed buildings intended to serve on the proposed line. The sizing is under the jurisdiction of DSPS. The City would work directly with DSPS to determine the accuracy and applicability of the calculations that were reviewed with the DSPS plumbing submittal. If private watermain is pursued at this location, curb stops to the individual buildings would be

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required per SPS 382.40(4). In addition, the City of Mequon Engineering Division and City Water LLC would require confirmation from WDNR and DSPS that a private watermain would be allowed if each unit has a different owner.

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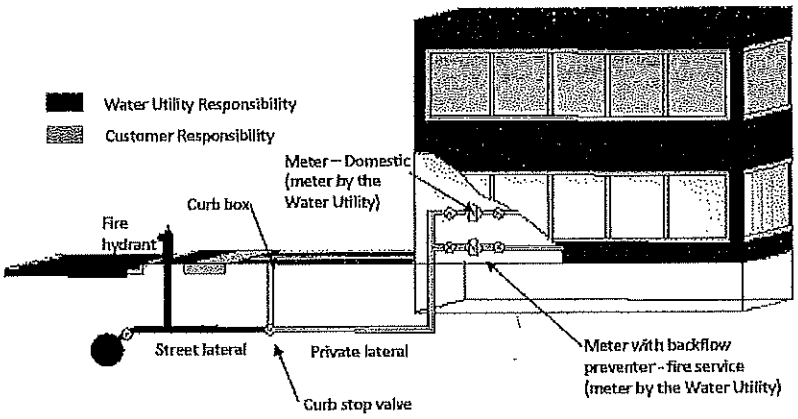
# Water Tariff Primer

Section C of the City of Mequon Water Tariff includes specifications for the connections to the Municipal Water System. There are four connection types: On-Main, Off-main, Commercial or Industrial Development and Commercial Water Trusts.

The development is an on-main site since there is a watermain in Baldev Court that can be used to serve the development. Figure 3 below shows an on-main facility and is a direct exerpt from the City of Mequon Water Tarriff. The City main has capacity to serve the new customer.

Commercial On-Main Facility

Figure 3




The City provides the service to the on-main connection and the New Customer (Applicant) pays the connection charge determined by the utility. The new customer is responsible for installing the required facilities that ***meet the utilities specifications from the outlet of the curb stop at the lot line into the building*** as stated in the Water Tariff C (2)(a).

There are 4 buildings, with 2 units per building proposed as part of the development. The buildings were proposed to be served off of a 2-inch lateral and had individual laterals to the individual buildings. The lateral would be split inside each building and two meters installed to the individual units. The proposed 2-inch lateral is split 4 times to serve each building which violates the Water Operating Rules Section of the Tariff (Establishment of Service, Paragraph 4):

> No division of the water service lateral to any lot or parcel of land shall be made for the extension and independent metering of the supply to an adjoining lot or parcel of land. Except for duplexes, no division of a water service lateral shall be made at the curb for separate supplies for two or more separate premises having frontage on any street or public service strip, whether owned by the same or different parties. Duplexes may be served by one lateral provided (1) individual metered service and disconnection is provided and (2) it is permitted by local ordinance.

The Water Operating Rules specifically allows for duplexes to be split from one lateral. City Water, LLC and the City of Mequon do not object to the sizing of the individual laterals to the individual buildings.

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City of Mequon

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Department of Community Development
Taped and Televised

**PLANNING COMMISSION**
**Regular Meeting**
**Monday, April 9, 2018**
**6:00 PM**
**Christine Nuernberg Hall**

**Agenda**

1) **Call to Order, Roll Call**
   a) Approval of Minutes of March 12, 2018

2) **Consent**
   a) Ralph & Judith Morello. The applicant is seeking certified survey map approval to reconfigure the lots for the properties located at 10050 & 10052 N. Range Line Road.
   b) Carol Krigbaum for Adam Kuhn. The applicant is seeking final condominium plat approval to allow for the conversion of a duplex to a 2-unit condominium for the property located at 10410-10412 N. Magnolia Drive.

3) **Public Hearing**
   a) Gregory Thompson. The applicant is seeking conditional use grant, building and site plan and certified survey map approval to allow for storage uses within the storage units for a proposed development (StorageShop USA) for the property located at 5717 W. Donges Bay Road (located in the Donges Bay Corporate Park).

4) **Regular Business**
   a) MSI General for Charter Manufacturing Company. The applicant is seeking building and site plan approval for a 7,565 sq. ft. building for the property located at 1212 W. Glen Oaks Lane.
   b) Shawn Kison for Kapco Park. The applicant is seeking building and site plan amendment approval to allow for extended hours from May 28th through August 20th for the baseball park located on Concordia University campus at 12800 N. Lake Shore. CANCELLED
   c) John Franceshi for the PJL Group. The applicant is seeking building and site plan amendment approval for exterior renovations for the property located at 10620 N. Port Washington Road (Marathon building).

5) **Policy**
   a) Chapter 58 of the Zoning Code as it relates to Off Street Parking Requirements.

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b) - An Ordinance Amending Chapter 58 of the Mequon Municipal Code as it Relates to Filling, Excavating and Berms. **Recommended by Planning Commission on April 9, 2018; First Reading at Common Council May 8, 2018; Second Reading June 12, 2018.**

6) **Announcements**

7) **Adjourn**

Dated: April 5, 2018 /s/ Dan Abendroth, Chairman

Notice is hereby given that a quorum of other governmental bodies may be present at this meeting to present, discuss and/or gather information about a subject over which they have decision-making responsibility, although they will not take formal action thereto at this meeting.

Persons with disabilities requiring accommodations for attendance at this meeting should contact the City Clerk's Office at 262-236-2914, twenty-four (24) hours in advance of the meeting.

Any questions regarding this agenda may be directed to the Department of Community Development's Office at 262-236-2904, Monday through Friday, 8:00 AM – 4:30 PM

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City of Mequon

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Department of Community Development

**TO:** Planning Commission

**FROM:** PA PHOUALA VANG, PLANNER

**DATE:** April 9, 2018

**SUBJECT:** **Gregory Thompson. The applicant is seeking conditional use grant, building and site plan and certified survey map approval to allow for storage uses within the storage units for a proposed development (StorageShop USA) for the property located at 5717 W. Donges Bay Road (located in the Donges Bay Corporate Park).**

| | |
|---|---|
| Applicant: | Gregory Thompson |
| Status of Applicant: | Owner (contract to purchase) |
| Requested: | Building/Site Plan<br>Certified Survey Map<br>Conditional Use Grant |
| Existing Zoning: | B-5 (Light Industrial)<br>C-2 (General Conservancy) |
| Land Use Plan: | Industrial |
| Lot size: | 63.08 Acres |
| Location: | 5717 W. Donges Bay Road |
| District: | #4 |
| Tax Key: | #14-035-06-012.00 |

**Background:** The building and site plan approval and CSM for 5717 W Donges Bay Road were tabled at the meeting on March 12, 2018. The applicant has revised the building and site plans and is seeking building and site plan approval for four buildings and approval for a three-lot certified survey map of 63.08 acres. The applicant is also seeking conditional use grant approval to allow warehousing as a principal use for each of the units of the development.

**B-5 District Use Standards:** The applicant indicated that the general breakdown for current and past users for his developments is as follows: 51% small business; 31% workshop (business and personal); 18% storage (business and personal). Storage falls under warehousing in the B-5 district and requires a conditional use grant. The conditional use grant approval is to allow for storage, but the property as a whole is not proposed or marketed as a traditional storage facility. Each individual unit will be sold and each separate owner will have different uses for their space. Some of the uses on the list provided do not fall under permitted or conditional uses in the B-5 district. Uses that are considered a conditional use in the B-5 which do not fall under warehousing will require a separate Conditional Use Grant approval from the Planning Commission. Staff will evaluate all uses on a case by case basis to determine if they are permitted, conditional or not allowed.

**B-5 District Site and Technical Standards:** The following table compares the proposed plan to the B-5 district standards:

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| District Regulations: | B-5: | Proposed Use: |
|---|---|---|
| Minimum Lot Area: | 1 acre | 1.597 acres |
| Minimum Lot Width: | 150 feet | 204 feet |
| Building Size: | N/A | 10,080 sq. ft. |
| Open Space Ratio: | 40% | 73% |
| Maximum FAR: | 30% | 14% |
| Maximum Building Height: | 50 feet | 24 feet |
| Building Setback: | 60 feet | 60.5 feet |
| Building Offset (North): | 20 feet | 23.5 feet |
| Building Offset (South): | 20 feet | 22 feet |
| Building Offset (West): | 20 feet | 108 feet |
| Minimum Parking Setback: | 25 feet | 70 feet |
| Minimum Parking Offset (North): | 20 feet | 75 feet |
| Minimum Parking Offset (South): | 20 feet | 90 feet |
| Off-Street Parking: | TBD | 16 stalls |

**Site Plan:**
The revised site plan shows four buildings instead of five. The applicant reduced the number of buildings to four in order to avoid the requirement for a stormwater management plan. There is room for future expansion on the site, which will require building/site plan amendment approval and will trigger the requirement for a stormwater management plan. The applicant has indicated that he is interested in expanding his development once a stormwater management plan is complete for the entire business park. Each building will have two units for a total of 8 units. The applicant is proposing 16 parking spaces, four per tenant space. Parking requirements depend on use and will be determined at the time of occupancy as specific users are identified. A dumpster pad is proposed at the end of the driveway. Dumpster enclosure details must be submitted for review and approval. Access to the site is provided by a driveway connection to Baldev Court. The site plan shows three buildings north of the driveway and one building to the south. There is a 10 foot separation between the buildings to the north.

**Building Design:**
Two of the proposed buildings are 2,500 square feet and the other two buildings are 2,450 square feet. Each building has two units (~1,250 SF), each with their own 12'x13' overhead door. Each unit will have space for an office and plumbing for a bathroom addition if desired by individual owners. The applicant worked with Commissioner J. Schaefer on a revised design for the buildings. The revised plan show the proposed one-story structures designed with light gray and light tan LP SmartSide with 7 inch reveals. Brick columns cap and run the height of the overhead doors. The east elevations of Building 1 and Building 2 face Baldev Court and feature a bump out which will feature a brick exterior from the base to the roof line. All elevations on the buildings have windows. Staff recommends making all the windows the same size.

Staff recommends additional treatments on the east elevations on Building 1 and 2 that face Baldev Court and the front elevations facing the driveway of all the buildings. On the east elevations of Building 1 and 2 facing Baldev Court, staff recommends introducing another material such as a synthetic cedar shake or LP Smartside Cedar Texture on the gable above the brick wall and a horizontal band along the base of the gable wall. On the front elevation of all the buildings, staff recommends either the same cedar shake type material on the gable wall or a horizontal band that extends from the edge of the roofline to the brick columns that cap the overhead doors. Staff recommends awnings over the door on each of the buildings. The overall building height is approximately 24 feet and meets the height requirement.

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Staff recognizes that these additional architectural features may be outside of the standard design and brand for ShopStorageUSA. There are additional design styles that are more in keeping with the industrial use intended for the business parking that could be viable, if the applicant is willing to explore alternative designs.

**Lighting Plan:**
The proposed lighting plan shows 8 wall packs and 8 lights. All fixtures shall be classified as full cutoff. The submittal of cut sheets for the proposed lighting is a condition of approval. A revised lighting plan shall be submitted with correct number of wall packs, lights and total lumens indicated on the plans.

**Landscaping Plan:**
The proposed landscaping plan shows the removal of one street tree. The applicant has not confirmed which street will be removed. As a condition of approval, the applicant shall address which street tree is to be removed and shall replace the tree per City Forester recommendation. The landscape plan shows spruce trees at 6 feet. A revised plan shall show these at a minimum of 7 feet per code. The applicant has indicated that there is existing landscaping along the west property line that acts as a buffer between this development and the residential properties to the west. This existing landscaping species and locations shall be shown on the revised landscape plan to determine if any additional landscape is required. The revised landscaping plan shall show the updated site plan.

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

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

   The use should not create a public health or safety issue for the immediate area. Staff reached out to surrounding communities with project locations listed on the applicant's website. All of the communities that responded did not have knowledge of any complaints to their department or Police Department calls. Other storage facilities in Mequon are 24 hour access and have security gates. While the proposed use is similar to the other storage facilities, the other developments have a great number of storage units and are not owner-occupied. . Because of this distinction, staff does not believe a security gate is necessary at this time. Staff believes the proposed parking should be adequate to handle the proposed demand and that the proposed use should not have a negative impact on access and traffic and should not endanger the public health, safety and general welfare.

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

   The Land Use Plan designates the site as Industrial. The property is zoned B-5 Light Industrial. All adjacent properties are zoned B-5 as well. Warehousing can be considered compatible with the Land Use Plan designation and expected industrial uses in the area. The developments in other communities were approved in industrial/manufacturing zoning districts as permitted uses or in one instance a conditional use category for "contractor's office, shops, and yards in a condominium development with no outdoor storage". Staff will evaluate all future uses on a case by case basis to determine if they are permitted, conditional or not allowed. Outdoor storage is prohibited as a conditional of approval.

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

   Staff believes the proposed use and activities should be harmonious with the surrounding uses. The parcels abutting the proposed use to the west contain single family dwellings. Since the zoning for the area is B-5 (Industrial), these dwellings are considered legal non-conforming uses. The site plan provides separation between development and the residential properties. In addition, there is a landscape buffer between the two uses. Should the species and location of landscaping be inadequate in serving as a buffer, additional landscaping is required. This site proposes a total of 8 units which can be considered a low impact user and should not have a negative impact on the general area.

4. **Will be general conformity with the Land Use Plan, Transportation Plan, Environmental Plan, Park and Recreation Plan or other officially adopted plan.**

As indicated above, warehousing can be considered compatible with the Land Use Plan designation and adjacent future uses.

**Certified Survey Map**
The CSM would create three lots; Lot 1 is 4.24 acres, Lot 2 contains all the proposed structures and is 1.597 acres; Lot 3 is 57.24 acres. The proposed CSM is consistent with the current zoning designation of B-5, requiring one (1) acre minimum lot size and 150 minimum lot width and depth.

The Land Use Plan designates adjacent properties Industrial and Critical Environmental. The surrounding properties are zoned industrial. The site is currently vacant. Access to the lots will be gained off Baldev Court. A drainage easement runs along the west property line and will be included on Lots 1, 2 and 3. An existing storm water detention easement is shown on Lot 3. Wetland delineation from November 9, 2017 is shown on Lot 2. As a conditional of approval, a copy of the wetland delineation report from November 9, 2017 shall be submitted to the City to determine the wetland setback requirement. Planning staff understands Engineering will provide a full technical review of the CSM.

**Engineering Report:**
Bridget Henk, Assistant City Engineer, has reviewed the application and has the following:The conceptual plan details 4 buildings with site access to Baldev Court. The driveway access is proposed through an existing wetland. The wetland fill permit from the WDNR is required prior to issuance of building permits.
The site is located within the City's sewer service area and connection to the public sewer and water utility is required. The sanitary sewer shall connect to the existing manhole or the existing 6" sanitary sewer lateral. The connection to utilities shall be bored or directionally drilled across the street with laterals serving each condominium from the building directly to the public watermain. Open cutting of the existing roadway is not allowed per the City of Mequon Standard Specifications for Land Development.
The site proposes an increase in impervious surface of less than one half acre and site disturbance of less than an acre; therefore, a stormwater management plan (SWMP) is not required. The plans indicate that there will be 0.42 acres of impervious surface and 0.93 acres of land disturbance. An addition of 0.08 acres of new impervious or 0.07 acres of land disturbance with this application or any future applications will trigger the requirement to provide additional stormwater management to meet the current City of Mequon, WDNR and MMSD criteria. The future stormwater management would need to account for all of the site impervious surface.
A City erosion control permit and filling and excavating permit is required.

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The CSM does not close and several errors were identified including in the legal description, including bearings and distances. The CSM shall be corrected prior to recording.

**Staff Recommendation:**

Planning staff recommends **approval** of the building and site plan, certified survey map and conditional use grant based on the following condition(s):

1. Planning staff review and approval of final site, landscaping, dumpster, lighting and elevation plans prior to the issuance of permits.
2. All ground or roof-level mechanical equipment shall be well screened from public view with screening or landscaping.
3. Dumpster enclosure details to be submittal and approved by staff.
4. Submittal of a revised lighting plan that includes cut sheets for staff review and approval. All fixtures shall be classified as full cutoff.
5. Outdoor storage is prohibited on site.
6. Revised elevations showing all the windows the same size and a different material such as LP Smartside Cedar Texture for the gable above the brick wall and a horizontal band along the base of the gable wall on the east elevation of Buildings 1 and 2 and either the LP Smartside Cedar Texture on the gable for the front elevations of all buildings or a horizontal band treatment that extends from the roofline to the brick columns that cap the overhead doors.
7. Revised elevations shall show awnings above the doors of each of the buildings. Metal, plastic or similar material awnings are prohibited.
8. The landscaping plan shall be updated to address size of proposed spruce to be shown at 7' and to show the existing landscaping along the west property line. The requirement of additional landscaping in this area is to be determined by staff approval.
9. A landscaping escrow equal to 125% of the improvement costs for installation of landscaping by a licensed contractor and an escrow equal to 25% of the landscape contract cost to insure that landscaping that dies within three (3) years of installation will be replaced by the applicant.
10. The applicant shall make any technical corrections to the final CSM.
11. Compliance with the Tree Preservation Ordinance.
12. Final staff review and approval of CSM.
13. Connection to public water and sanitary sewer is required.
14. The sanitary sewer connection shall be to the existing 6" lateral or the existing manhole.
15. The water services shall be bored or directionally drilled across the street with laterals serving each condominium from the building directly to the public watermain.
16. The applicant shall submit an electronic file for the proposed certified survey map in a format compatible with AutoCAD 2000 dwg or dxf in Wisconsin State Plane Coordinate system. South Zone (NAD 27).
17. Applicant shall provide the wetland delineation report and a wetland fill approval from the WDNR prior to the issuance of building permits.
18. Engineering Division review and approval of grading, drainage, sanitary sewer, watermain, and erosion control plans in conformance to City ordinances and the Standard Specifications for Land Development.
19. Application for and approval of a City Filling and Excavating Permit.
20. Application for and approval of a City erosion control permit.
21. An addition of 0.08 acres of new impervious or 0.07 acres of land disturbance with this application or any future applications will trigger the requirement to provide additional stormwater management to meet the current City of Mequon, WDNR and MMSD criteria.
22. When stormwater facilities are triggered by this application or future applications, as a condition of approval and issuance of the permit, the city engineer will require in

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accordance with City ordinance 58-677(b) that the applicant deposit an escrow or letter of credit to guarantee a good faith execution of the approved control plan and any permit conditions. The escrow / letter of credit shall be in an amount equal to 125% of the estimated cost of construction and maintenance of the storm water management practices and the City will release the portion of the Financial Guarantee less any costs incurred by the city to complete installation of practices, upon submission of a certification in accordance with 58-678(h).

Attachments:
packet (PDF)

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City of Mequon

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Department of Community Development
Taped and Televised

**PLANNING COMMISSION**
**Regular Meeting**
**Monday, April 9, 2018**
**6:00 PM**
**Christine Nuernberg Hall**

**Minutes**

1) **Call to Order, Roll Call**

**Present:**
Chairman Dan Abendroth
Commissioner Martin Choren
Commissioner Brian Parrish
Commissioner John Stoker
Commissioner James Schaefer
Alternate Alderman John Wirth
Commissioner Rick Lemke
Alternate Stephanie Hawley

a) Approval of Minutes from March 12, 2018

**Action:**
Commissioner Stoker made a motion to approve the March 12, 2018 meeting minutes.
Commissioner Hawley seconded the motion.
*A voice vote was taken; vote passed (8-0).*

2) **Consent**

a) Ralph & Judith Morello. The applicant is seeking certified survey map approval to reconfigure the lots for the properties located at 10050 & 10052 N. Range Line Road.

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|---|---|
| **RESULT:** | **APPROVED [UNANIMOUS]** |
| **MOVER:** | John Wirth, Alderman |
| **SECONDER:** | Brian Parrish, Commissioner |
| **AYES:** | Abendroth, Choren, Parrish, Stoker, J. Schaefer, Wirth, Lemke, Hawley |

b) Carol Krigbaum for Adam Kuhn. The applicant is seeking final condominium plat approval to allow for the conversion of a duplex to a 2-unit condominium for the property located at 10410-10412 N. Magnolia Drive.

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| | |
|---|---|
| **RESULT:** | **APPROVED [UNANIMOUS]** |
| **MOVER:** | John Wirth, Alternate Alderman |
| **SECONDER:** | Brian Parrish, Commissioner |
| **AYES:** | Abendroth, Choren, Parrish, Stoker, J. Schaefer, Wirth, Lemke, Hawley |

**Action:**
Ald. Wirth made a motion to approve the consent items for Morello and Kuhn.
Commissioner Parrish seconded the motion.
*A voice vote was taken; vote passed (8-0).*

3) **Public Hearing**

a) Gregory Thompson. The applicant is seeking conditional use grant, building and site plan and certified survey map approval to allow for storage uses within the storage units for a proposed development (StorageShop USA) for the property located at 5717 W. Donges Bay Road (located in the Donges Bay Corporate Park).

**Action:**
Commissioner Stoker made a motion to open a public hearing.
Commissioner Choren seconded the motion.
*A voice vote was taken; vote passed (8-0).*

A resident asked if the buildings will be used for storage and if there will be a fence.

Mayor Abendroth answered that the buildings will be duplex condominiums that can be used for offices or storage and that the staff report will give more information.

Commissioner Stoker made a motion to close the public hearing.
Ald. Wirth seconded the motion.
*A voice vote was taken; vote passed (8-0).*

City Planner Vang stated that this item was tabled from last month and that the applicant is seeking certified survey map, building and site plan and conditional use grant approval. The conditional use grant approve will allow for warehousing for storage for each unit. The CSM will create three lots with a total of 63.08 acres. Staff is supportive of the CSM as it meets all of the requirements of the B-5 zoning district. The revised site plan shows four buildings which is a reduction from the original plan of five buildings to avoid a requirement of a storm water management plan. Engineering is available for further questions regarding that issue. There is room and a desire from the applicant for expansion on the site if a storm water management plan is completed for the entire business park. There will be two units per building for a total of 8 units with two parking stalls per unit. Parking is determined based on use and due to the uses for each unit being unknown that will be determined on a case by case basis.

The applicant met with Commissioner Jim Schaefer regarding the design of the buildings and the revised plans were shown. Staff does have additional recommendations regarding the design that all front elevations have a different alternative material incorporated into the

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gable section; a full cedar shake siding to break it apart from the rest of the façade. A horizontal band to differentiate the gable from the rest of the building is also recommended. The brick is being extended to the height of the overhead doors. The elevation facing Baldev Court has a bump out added which will be brick on the exterior. Staff recommends that this gable also be an alternative material with a horizontal band. Staff recommends awnings above each door of each building. The applicant added a door on the front façade and has asked to have it also on the Baldev Court side as well. Staff is supportive of this request. Staff recommends that all the windows be the same size.

Staff had recommended cedar shake look alike or cedar pattern siding material for the gables. The applicant is requesting that the Commission consider a vertical siding instead. Planner Vang showed examples of the two options.

The lighting and landscaping plans remain the same. The applicant will need to submit an updated lighting plan to reflect the correct number of lights (8 wall packs and 8 lights). He wil also need to submit cut sheets for the proposed lighting.

As indicated on the previous landscape plan, a street tree will be removed. There is a dense landscaping buffer between the applicant's property and the residential properties to the west. Staff is requesting that the species and type be shown on a revised landscaping plan to determine if additional screening is required.

The conditional use grant (CUG) is being requested to allow for storage for all of the units. It is unknown at this time what users will be in each unit so the CUG will cover all the units for storage and the individual users will not need to apply for a CUG individually. The applicant stated that based on his other locations that about 18% of the units are used for storage. There may be other uses in the B-5 zoning district that may also require a CUG. Staff contacted other communities that have a StorageShop facility located in their communities and there were no reports of complaints or problems associated with this business.

Staff recommends approval of the CSM, the building and site plan subject to the changes in the staff report and the CUG subject to the conditions in the staff report. One of the conditions is that there will not be outdoor storage allowed.

The applicant, Gregory Thompson, stated that the parking is not an issue and 2 stalls per unit are sufficient. The landscape plan will be updated by the landscape architect. He explained that this is flex space that allows extra storage or additional office spaces. He feels this is a nice fit on a parcel that has been sitting vacant for a long time.

Commissioner Jim Schaefer stated that he did meet with the applicant and worked on the building design and staff is recommending hardiplank shingles and the applicant suggested vertical siding. He stated that he prefers shingles except he does not recommend Louisiana Pacific brand as it is staggered on the bottom and looks rustic. Another brand is preferred. The applicant stated he prefers board and batten as it is more durable.

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Commissioner Jim Schafer stated that he and Commissioner Choren did not like the idea of awnings over the doors as recommended by staff. He feels that look messy and it is not needed.

**Action**
Commissioner Stoker made a motion to approve per staff's recommendations excluding the awnings and allowing the applicant to use board and batten instead of hardi shingle.
Commissioner Jim Schaefer seconded the motion.
*A voice vote was taken; vote passed (8-0).*

4) **Regular Business**

a) MSI General for Charter Manufacturing Company. The applicant is seeking building and site plan approval for a 7,565 sq. ft. building for the property located at 1212 W. Glen Oaks Lane.

Planner Vang stated that the proposed building will replace the building damaged by fire. The new building will be slightly reduced in size from 7,878 sq. ft. to 7,565 sq. ft. They are removing a parking area that was directly east of the building. The parking ratio based on the use calculates to 38 stalls and with the removal of the parking area they are proposing 33 parking stalls; so a parking waiver is required. The applicant has indicated that they have approximately 12 employees at full staff with occasional events with up to 25 people. Staff is supportive of the parking waiver based on these numbers. In addition, the site does have room to expand parking if the demand changes in the future.

The proposed building replicates the previous building with similar columns, dormers and roof lines. There are aluminum clad windows on all elevations. They are proposing a second entrance on the south elevation and two doors on the north elevation. The overall building height is 32 feet which meets the requirements. They are proposing two wall mounted accent lights on the east elevation and as a condition of approval the applicant will need to submit dispersion plans and cut sheets.

There are some changes to the landscape plan including the expansion of the driveway to the north. This will require the removal of existing birch trees which will be replaced with four serviceberry trees. Ash trees on the east side of the property will be removed and replaced with four new street trees. There will be additional landscaping to cap the southeast corner of the property as well as additional landscaping at the base of the west elevation. Staff is recommending the addition of three street trees along the existing sidewalk to be placed every 30 feet apart as well as all trees on this site must have a minimum of a 3" caliber. The applicant is proposing a retaining wall to the north of the new drive which will need to approved by staff. Staff does recommend approval based on the conditions listed in the staff report.

The applicant, John Knutson and Jim Olson from MSI General, stated that they agree with all the comments from staff and they are working to address all the conditions required.

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Mayor Abendroth stated that the city is glad they are rebuilding and that the proposed building looks very nice.

**Action**
Ald, Wirth made a motion to approve per conditions listed in the staff report.
Commissioner Choren seconded the motion.
*A voice vote was taken; vote passed (8-0).*

b) Shawn Kison for Kapco Park. The applicant is seeking building and site plan amendment approval to allow for extended hours from May 28th through August 20th for the baseball park located on Concordia University campus at 12800 N. Lake Shore. **CANCELLED**

c) John Franceshi for the PJL Group. The applicant is seeking building and site plan amendment approval for exterior renovations for the property located at 10620 N. Port Washington Road (Marathon building).

Planner Vang stated that this building is known as the Marathon Building and she reminded the Commission that in January the Commission gave building amendment approval for the building directly to the east for Guo Medical. The applicant is proposing replacing the existing materials with a burgundy brick. The rest of the building will be an earth tone siding (Coble Stone color) which also matches the surrounding buildings. The Guo Medical building was required to have the slope surface under the windows match the siding color and the same requirement will be made for this building. The roof will be a charcoal black color. Staff recommends approval based on the conditions in the report.

The applicant stated that the building was built in 1984 and it is somewhat dated so they wanted to update it and make it appear more classical and timeless and so that it better fits in with the surrounding area.

Commissioner Jim Schaefer stated that he likes the addition of the brick as there is not any on the existing building. He stated that Hardiplank does not hold up the slopes and suggested that the applicant use standard seam in that area.

**Action**
Commissioner Parrish made a motion to approve per staff's conditions.
Commissioner Stoker seconded the motion.
*A voice vote was taken; vote passed (8-0).*

5) **Policy**

a) Chapter 58 of the Zoning Code as it relates to Off Street Parking Requirements.

Asst. Dir. Zader stated that staff is in the beginning stages of looking at modifications for the off street parking requirements. The last changes made to the parking requirements was prior to 2001 and since then there has been a lot of changes to the commercial market place as well as work place patterns of behavior and automobile usage. The current code allows the Planning Commission to require less or more parking than the code dictates and staff feels that more precise land use categories would be helpful in guiding applicants and developers in the future to better understand what the code is going to require as part of the process. In

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addition to updating the use classifications, other metrics are being looked at such setbacks, landscaping and physical dimensions. Some examples of the different waivers (based on setbacks, offsets, number of required stalls and stall and aisle dimensions) that have been approved over the years are included in the staff report. The method in which the required parking is calculated will also be reviewed. Asst. Dir. Zader stated that staff will continue to work through the various categories and will bring updated examples to show the Commission.

Ald. Wirth stated that he feels that because the stall size of 9 ft is approved almost uniformly, the 10 ft. option should be removed. He also stated that the interior lot landscaping is a great concept when it works but in reality it does not usually work and is a cost without much benefit. He feels that it looks silly on smaller properties and that often the landscaping is not maintained in the parking lots and looks crummy when it is dead or run over.

Asst. Dir. Zader stated that staff will continue to work on this.

b) An Ordinance Amending Chapter 58 of the Mequon Municipal Code as it Relates to Filling, Excavating and Berms.

Asst. Engineer Henk stated that this is a revision to Section 673, 564 and 603 that all relate to filling, excavating and berms. The changes to all three sections essentially move the language from the ordinance into the standard specifications for land development, specifically Chapter 7. Included in the packet are the revised clean ordinance language, the marked up version of Chapter 7, the revised permit and permit instructions. This whole packet went to the Public Works Committee last month and was reviewed in depth to ensure the regulations were still in place and that they were not duplicated in multiple locations.

Ald. Wirth asked what the benefit is of taking them out of the ordinance and not maintain the regulations in the ordinance.

Asst. Eng. Henk responded that the main reason is for clarity as there were many duplications. She explained that the regulations are still in the ordinance but the specifics of the ordinance; the details, are moved to the Standard Specifications for Land Development. It is very cumbersome to have it all as an ordinance as the Standard Specifications for Land Development is almost 200 pages. Having it as a standard specification gives staff the ability to make changes as needed without going through the ordinance changing process. She explained that the policy related items are still in the ordinance. The details of what needs to be done have been moved to the land development specifications.

There was discussion regarding the fill permit process and the justification for fill permits and grading plans needing to go to Planning Commission.

Asst. Eng. Henk explained that regardless of the amount of fill that the engineering review process is the same to ensure that the drainage works and grading works.

Ald. Wirth asked if there is a way to craft the ordinance to satisfy concerns at staff level approval without making it normal procedure for approval from the Commission.

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Commissioner Stoker feels that because grading plans are required that approval at the engineering staff level should be sufficient and it is not necessary for approval from the Commission.

Commissioner Parrish stated that he does not feel that it is acceptable to take away the homeowners rights to voice concern about neighbors grading plans.

**Action**
Ald. Wirth made a motion to table this issue.
Commissioner Parrish seconded the motion.
*A voice vote was taken; vote passed (8-0).*

6) **Announcements**

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

7) **Adjourn**

Respectfully Submitted,

*Jac Zader*

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Google Maps 5717 W Donges Bay Rd

Map data ©2018 Google 500 ft

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Mequon, WI 53092

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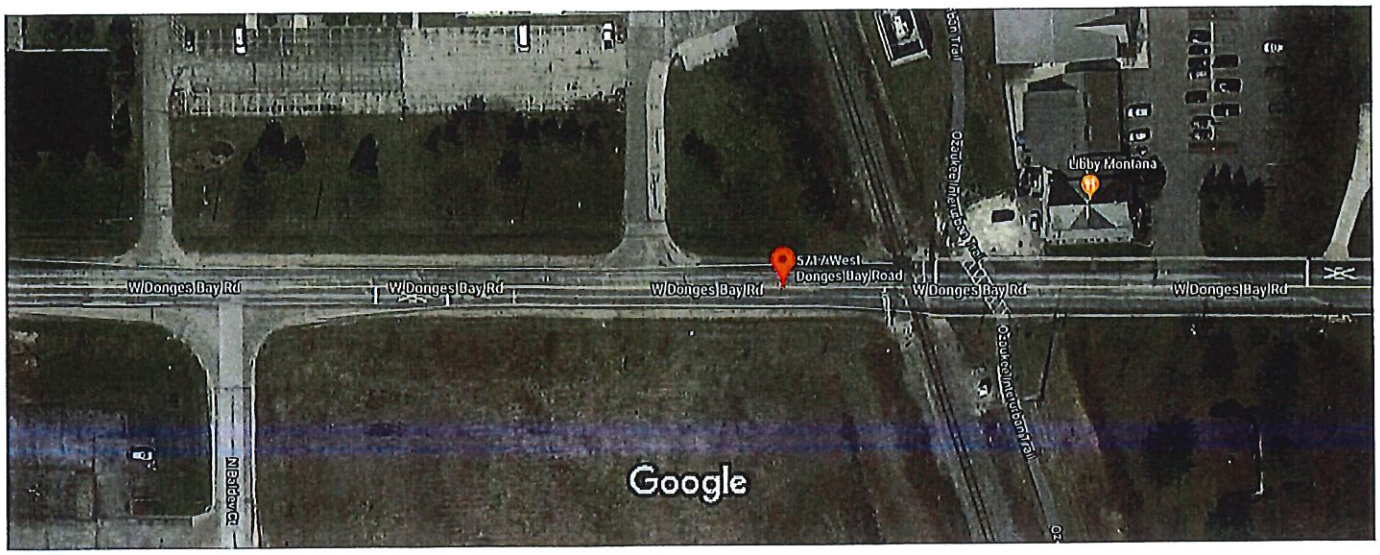
Attachment: Thompson Attachment (3489 : Gregory Thompson Board of Appeals Documentation)

Google Maps 5717 W Donges Bay Rd

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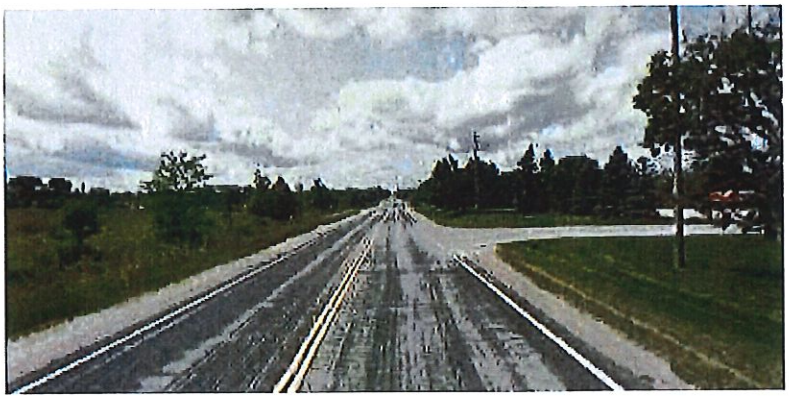

5717 W Donges Bay Rd
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Reply To Information And Record Submitted By The City To The Board Of Appeals.

July 5, 2018
Submitted by Gregory A. Thompson, Appellant

**Direct Response To Memorandum Submitted To BOA By Bridget Henk**

1. The basis for the appeal is clearly stated in the BOA agenda packet, p. 13. Any suggestion that the evidence and documentation submitted does not pertain to items 14 or 17 of the plan commission's conditions of approval has no merit. The plans submitted for review showed one 2 inch water main – not separate laterals to each building from the street main. The design, construction, and maintenance of the private water and sewer system do not have to be in accordance with the SSLD – SPS 382 governs.

2. Immediately after receiving the staff report, Thompson sent an email on April 4th which specifically objected to condition 14. (Exhibit 3 p. 9-10). Based on the lengthy discussions prior to the meeting, it was futile to object at the actual meeting. The city staff knew exactly what Thompson's contentions were.

3. Ms. Henk provides no evidence for the record to support her claim that *"...individual laterals for separately owned buildings is a requirement of the City's tariff for Water Utility."*

4. Thompson was not provided any notice of appeal rights or procedure for any such appeal to the Water Utility commission. On May 23, thirteen days after the notice of appeal was required to be filed for the plan commission action, Ms. Tollefson sends an email and states there is a right to appeal to the Water Utility commission, and that the request needs to be put in writing. Thompson responded back and said the appeal procedure is unreasonable because it doesn't provide the basic steps, timing/deadlines, or references to any ordinances governing such action. (see Exhibit 3, p.20-21 for email correspondence). It is unreasonable for Thompson to proceed with an appeal when notice is not properly given.

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5. Thompson does not object to the SSLD governing other aspects of the development. The Department of Safety and Professional Service Section Chief for Plumbing has interpreted their own code (SPS 382) and specifically states that the City cannot enact an ordinance that is more stringent than SPS 382. The SSLD does not control the design, construction, maintenance, etc. of private water mains, and only by rule does it allow some exceptions for sanitary sewer. (see BOA agenda packet, p. 26-28). Thompson is not asking for a waiver or a variance – the SSLD simply doesn't apply to private water mains, SPS 382 governs.

6. Ms. Henk's statement, "*SPS and Chapter 10 of the Building Code generally refer to the individual laterals to the individual buildings, which are not being disputed.*", has no merit. First, SPS 382 governs private interceptor sewers and private water mains. If not, they would not have needed to issue an approval to Thompson for his development (Exhibit 2 shows the approval letter.) Second, Chapter 10 has adopted the provisions of SPS 382. (BOA agenda packet, p 22 ) It is completely unreasonable and oppressive to imply that SPS 382 doesn't apply to the private water main used to serve those individual buildings.

7. Ms Henk "*specifically indicated that the water system could not be officially denied until the plans were submitted for full review and permitting.*" (BOA agenda packet, p.32). In an email dated April 18, Ms. Henk also provided that if there was a denial, the procedure for an appeal would be provided. In other words, after full review, the specific reason for the denial and the procedures for appeal would be provided.

8. The specific reason for denial was stated in the city's review comments dated May 4, 2018 (Exhibit 4) and states:

    a. *The design as submitted is in direct conflict with the City of Mequon Water Tariff, specifically the water connection rules Section C: Commercial Customer Connection (2) On Main.*

9. The record submitted by Ms. Henk does not show any evidence, support, discussion or even reference to *the water connection rules Section C: Commercial Customer Connection (2) On Main.* In addition, Ms. Henk doesn't respond to Thompson's discussion on

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the issue nor his request, "What is the direct conflict?" (Thompson discussion - BOA agenda packet, p. 21-23)

10. After waiting for the *full review*, the City still didn't give the *specific* reason for the denial. Even given the chance to clarify through this appeal, they remain silent on the issue. Not knowing specifically the reason for a denial is unreasonable and a potential violation of due process.

11. Ms. Henk states the obvious when she claims the city "...is dictating the size of the ***Public*** watermain which is not a violation of SPS 382.03 (3)."; however, you can't have a public water main on private property unless the owner gives the city an easement. More importantly, the City cannot dictate the size of the private water main on private property as the DSPS has already determined. The City can, if they so choose, install an 8 inch main to Thompson's property line but they can't require Thompson continue with an 8 inch main – that would be dictating the size of the private water main. Ms. Henk confusingly offers the tariff rule that the 8 inch **main** can't be reduced at the property line because **laterals** can't be reduced from the main to the building. The plain meaning of *laterals* and *mains* should be clear to engineering staff. The tariff doesn't require the city to install an 8 inch main to Thompson's property and they provide no such evidence that it does. They would choose to only to cause mischief.

12. Private water main maintenance is governed under SPS 382. There are no on-going flushing requirements and the City would not be authorized to flush the private 2 inch water main.

13. Ms. Henk contends that the size of the 2 inch main in insufficient. The DSPS approval doesn't reference any such notion. Water calculations for the sizing of the 2 inch main are done by a registered professional plumbing designer.

14. The form of ownership of the units of a multi-tenant building is irrelevant. A master meter can be provided (as was originally proposed – see Exhibit 5, p. 4 for the meter pit location) whether the units are all under one ownership or individually owned. When individually owned, a condominium would need to be formed, and the association of owners would be the entity receiving the water bill. The water to the association can be turned off at the street curb box.

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**15.** In the Water Tariff Primer, Ms. Henk incorrectly asserts that the buildings *"..will be served off of a 2-inch lateral.."*. The proposed plan has always been identified as the private water *main* and the DSPS approval defined it the same. The private water laterals to each building are split from the private water main. The rules of construction render paragraph 4 of the Establishment of Service inapplicable to the issue. In addition, such an argument was not part of the reasons for the formal denial.

There are not *two or more separate premises having frontage on any street or public service strip*. The specific definition in Ordinance Section 1-2 states that the *term "premises," as applied to real property, includes land and structures*– there is one parcel of land with 4 structures The premise is one lot and consists of 4 buildings and, in its entirety, has *frontage on the public street* (Baldev Ct.). Each building is accessed through a *private driveway* – not a street or public service strip. Other developments have frontage on a *named* street (other than the road the street comes from) and have a public service strip(water and sewer owned by City via easement, dedication, etc). There is only a drive isle and there is no public service strip. There is no split to an adjoining lot or parcel of land.

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## Other Considerations And/Or Clarifications

One building vs. separate buildings - the plumbing is the same

Exhibit 1 shows how the water supply system would be configured if the development consisted of one (1) building with 8 units. The request for water service would be the same and the internal piping is exactly the same as what was proposed for separate buildings. Holding the same methodology used in determining connection requirements and fees for the StorageShopUSA project, the City would not require an 8-inch lateral to the property line and certainly not require that the 8-inch main extend to the building, and then through the building with separate services going to each unit. Exhibit 3, p. 16 shows email documentation Bridget Henk (Engineering) confirming only one lateral is required for a multi-unit building – service to other units is then split off inside the building.

Wisconsin commercial building codes allow building designs to use multiple configurations of fire wall assemblies to separate units/uses – one of those considerations is distance between the other use or building separation distance. The greater the separation, then less stringent the fire wall assemble becomes. The StorageShopUSA development uses separate buildings to eliminate any requirement for a fire wall assemble. As a result, there are no significant fire suppression requirements which require the use of any water service greater than what is necessary to serve the units adequately.

The Wisconsin plumbing code (SPS 382) allows for developments that have multiple buildings by providing specifications for a private water main – a main serving one or more buildings on private property. A state plan submittal and approval is required for such private water main. The StorageShopUSA development obtained a permit for a private 2 inch water main. Exhibit 5, p. 5 shows a typical control valve assembly for multiple buildings on a parcel.

Essentially, the approved 2 inch private water main serving the multiple buildings is the same as the 2-inch lateral that would serve the units if the 4 buildings were simply pushed together and built as one building. It is not reasonable that the water service connection requirement and fees be different for each scenario. It is discriminatory to not treat similar properties similarly and would be

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subject to a valid complaint to the Public Service Commission pursuant to Wis. Stats. 66.0821(5)(a).

Public Vs. Private

Emphasis needs to be placed on the distinction between public and private water mains and water systems. The City water system is regulated by the DNR under NR 811 and the private water systems are regulated by the Department of Safety and Professional Services under SPS 382. The public water systems are located in public right of ways and private property easements dedicated to the city. (see BOA agenda packet, pg 15-16) The private water systems are located on private property. The plan commission approval required connection to the city water system and StorageShopUSA development requested a 2-inch lateral to serve the property. The utility tariff requires that the city bring the service only to the property line (staying on public property), and then, the owner of the private property will plumb the water system to and throughout the building in accordance with utility specifications. In this case, the City has confused the issue by saying that the utility tariff supersedes SPS 382 and that the plumbing on private property shall be according to "utility specifications" or SSLD.

Utility Specifications, SSLD, and SPS 382

The City ordinances and the utility tariff make no specific reference to what the "utility specifications" are or where they can be found. In fact, Exhibit 6 shows the tariff rules from the surrounding communities and all of them have the same boiler plate language " … install a service lateral from the curb stop to the point of use… that meets the Utility's specifications…" "Utility specifications" is not a unique term referencing anything specific to Mequon.

Absent any specific reference, we can look to the Ordinances. Section 10 adopts the uniform commercial plumbing code (SPS 382) which provides specifications for the use, design and construction of private water mains, and requires a special state approval.

Alternatively, ordinance Sec. 58-601(b) simply makes the statement, "*Construction specifications for water systems are contained in the publication "City of Mequon Standard*

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*Specifications for Land Development,.."* It does not distinguish whether it applies to public improvements or private improvements. It generally states provisions need to be made for a safe and adequate supply of drinking water on the premises; whereas, Section 10 identifies the specific design elements and permit approval for the implementation of a water system on private property. As such, SPS 382 would govern. "[W]hen harmonizing arguably inconsistent statutes, the specific governs the general." *State v. Kruse*, 101 Wis. 2d 387, 393, 305 N.W.2d 85, 88 (1981). See also 2A Sutherland Statutory Construction § 51.05 (4th ed. 1973). (both ordinances provide for safe adequate water supply to properties but SPS specifically addresses the use of water supply systems on private property and should govern). The city asserted their will and arbitrarily concluded that the SSLD controlled - giving no weight to the specific adoption of SPS 382.

Even more conclusive is the Department's interpretation of SPS 382 which specifically states that a municipality does not have the right to dictate the size of the private water main or water service. In doing so, it references SPS 382.03 (2) clarifying that the city may not enact and ordinance for the design , construction, etc ... which governs private water mains and is more stringent than SPS 382, except by rule – and there are no exceptions (see BOA agenda packet, pg 17-18). The SSLD was *enacted by ordinance* and requires an 8 inch public main with hydrants, valves, public dedications, etc, and is clearly more stringent than one 2-inch private water main.

Additional Facts

This appeal was filed and accepted on May 9, 2018 and pursuant to Ord. Section 58-41(f)(1), it should have been scheduled for the first Thursday of June (June 7). *"The Board shall meet on the first Thursday of every month"*. Appellant did not make a written request for a waiver for the timing requirement nor did he mutually agree in writing to an adjournment of the hearing. Exhibit 7 shows the email correspondence objecting to the adjournment and stressing the urgency of the matter.

The documents submitted to the Board constitute all the papers of the record from which the plan commission, engineering department, CityWaterUSA, and other planning staff made their determinations/decisions regarding the action appealed and is

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pursuant to Ord Section 58-41 (d). The record consists of a memorandum dated June 22, 2018 from Bridget Henk to the Board of Appeals.

**Relief Requested (supplement to original relief requested)**

The plans were modified to show each building with individual water lateral connections- one of the options for site plan approval. The entire review and appeal process has been unreasonably prolonged and delayed and Thompson has been forced to submit plans that he objects to.

The city made objection to the proposed utility plan on March 17th, 2018 and was followed up with extensive discussions. It was clear Ms Henk, and the city would not allow the utility plans as approved by DSPS. (see Exhibit 3, p. 11). Thompson specifically objected to conditions 14 and 15 from the plan commission report dated April 9, 2017 and requested the water connections be installed in accordance with the approved DSPS plan. (see Exhibit 3, p. 9-10). The plan commission approved the project with conditions 14 and 15.

A few days later, at a follow up meeting, Thompson asked for the appeal procedures for the water connection and was specifically told from Ms. Henk that the appeal is to the Water Utility Commission; however, that there was no denial at this point. Thompson then argued that the issue had been discussed for 30 days and that it has been constructively denied. Ms. Henk indicated that the formal review process has not taken place since the plans have not been provided and there is no formal denial. Plans were submitted and she was given the approval letter from DSPS—Ms. Henk knew those plans submitted for final review were not going to change. She proceeded to say that if there was a denial, then the appeal procedure would be provided. (see Exhibit 3, p 15-16 for email correspondence)

The city issued their formal review and denial of the state approved private water main plans on May 4, 2018. Thompson responded on May 7 (See BOA agenda packet pg. 21-28). M.s Henk provided no specific reason for denial and Thompson was not informed of his right to appeal nor the procedures. (See Exhibit 4) The City's actions were unreasonable and continued to cause delay.

Thompson continued to seek information on how to appeal the water connection. Ms. Henk called on May 10 and said "today" is the last day to file an appeal for the plan commission action. Then Kimberly Tollefson, Director of Community Development, called and mentioned that I could

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appeal the plan commission decision but also, there would be another appeal process for the water connection but was unsure of that process – she would consult the city attorney. Six days later there was no more information provided. Then 10 days later there was still no response or direction regarding a Water Utility Commission appeal. Now May 23rd, Ms. Tollefson sends an email and states there is a right to appeal to the Water Utility Commission and that the request needed to be put in writing. Thompson responded back and said the appeal procedure is unreasonable because it doesn't provide the basic steps, timing/deadlines, or references to any ordinances governing such action. Again, Ms. Tollefson indicated the attorney would respond and he didn't. (see Exhibit 3, p 17-21 for email correspondence). Still today, there has been no notification as to my appeal rights and procedure.

If there is truly a right to appeal to the Water Utility Commission, then that process could have been started on April 12 when Ms. Henk conclusively denied the DSPS approved plan (see Exhibit 3, p. 11)

Pursuant to Ord Section 58-41, the appeal to the Board should have taken place on June 7th, but it didn't. Again, another delay.

The entire appeal process and procedure has been unreasonably delayed forcing Thompson to proceed under duress. There is still time install the approved DSPS plan upon a reversal of the plan commission decision on this appeal. Should there be a need for further action under statutory certiorari review, the process could be delayed past the point of recovery. Thompson requests that in the event a certiorari review is necessary and Thompson prevails, that the City reimburse Thompson for any connection fees paid above the required fees associated with the approved 2-inch private water main even though 3 separate laterals were installed and paid for.

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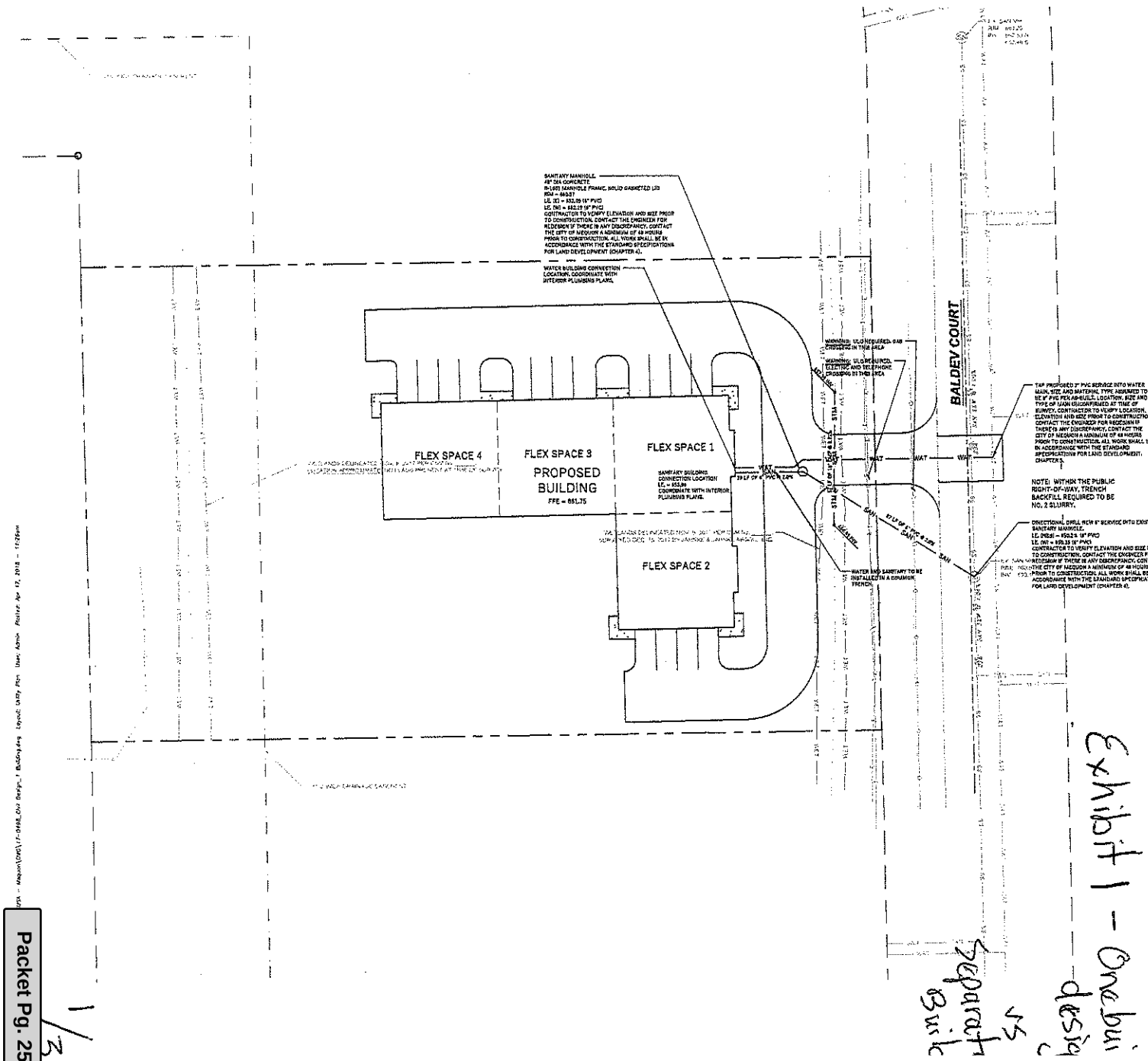


## LEGEND (PROPOSED)

- PROPOSED PROPERTY BOUNDARY
- EASEMENT
- BUILDING FOOTPRINT
- ASPHALT PAVEMENT
- CONCRETE PAVEMENT
- WAT — PROPOSED WATER MAIN
- SAN — PROPOSED SANITARY SEWER
- STM — PROPOSED STORM SEWER

NORTH

## GENERAL NOTES

1. UNDERLYING SITE CONTOURS AND INFORMATION BASED ON TOPOGRAPHIC & UTILITY DATA AS PROVIDED TO WYSER ENGINEERING. WYSER ENGINEERING SHALL NOT BE HELD RESPONSIBLE FOR ANY ERRORS OR OMISSIONS THAT MAY ARISE AS A RESULT OF ERRONEOUS OR INCOMPLETE INFORMATION PROVIDED BY OTHERS. CONTRACTOR TO CONFIRM ALL ELEVATIONS, GENERAL DRAINAGE AND EARTHWORK REQUIREMENTS PRIOR TO CONSTRUCTION.
2. THE BENCHMARK LOCATIONS ARE SHOWN FOR REFERENCE ONLY ON THIS PLAN. THE BENCHMARKS SHALL BE VALIDATED BY LICENSED LAND SURVEYOR PRIOR TO CONSTRUCTION. CONTRACTOR ASSUMES RISK ASSOCIATED WITH BENCHMARK ELEVATIONS UNTIL CONFIRMED.
3. CONTRACTOR TO OBTAIN APPROPRIATE PERMITS FOR STREET OPENINGS & TO WORK WITHIN THE CITY'S LAND IF REQUIRED.
4. WYSER ENGINEERING SHALL BE HELD HARMLESS AND DOES NOT WARRANT ANY DEVIATIONS BY THE OWNER OR CONTRACTOR FROM THE APPROVED CONSTRUCTION PLANS THAT MAY RESULT IN DISCIPLINARY ACTIONS BY REGULATORY AGENCIES.
5. IF ANY ERRORS, DISCREPANCIES OR OMISSIONS WITHIN THE PLAN BECOME APPARENT, IT SHALL BE BROUGHT TO THE ATTENTION OF THE ENGINEER PRIOR TO CONSTRUCTION SO THAT CLARIFICATION OR REDESIGN MAY OCCUR.
6. ALL MUNICIPAL UTILITY CONNECTIONS, WORK IN ROW, PUBLIC OUTLOTS AND PUBLIC EASEMENTS SHALL BE IN ACCORDANCE WITH THE CITY OF MEQUON STANDARD SPECIFICATIONS.

## UTILITY NOTES

1. DIMENSIONS TAKE PRECEDENCE OVER SCALE. CONTRACTOR TO VERIFY ALL DIMENSIONS IN FIELD.
2. LENGTHS OF ALL UTILITIES ARE TO CENTER OF STRUCTURES OR FITTINGS AND MAY VARY SLIGHTLY FROM PLAN. LENGTHS SHALL BE VERIFIED IN THE FIELD DURING CONSTRUCTION.
3. CONTRACTOR SHALL VERIFY ALL ELEVATIONS, LOCATIONS, AND SIZES OF SANITARY, WATER AND STORM LATERALS AND CHECK ALL UTILITY CROSSINGS FOR CONFLICTS.
4. THE PROPOSED IMPROVEMENTS MUST BE CONSTRUCTED IN ACCORDANCE WITH ENGINEERING PLANS DESIGNED TO MEET ORDINANCES AND REQUIREMENTS OF THE MUNICIPALITY AND WISDOT, WRDNR, AND WDNR.
5. PRIOR TO CONSTRUCTION, THE CONTRACTOR IS RESPONSIBLE FOR:
   - EXAMINING ALL SITES CONDITIONS RELATIVE TO THE CONDITIONS INDICATED ON THE ENGINEERING DRAWINGS. ANY DISCREPANCIES ARE TO BE REPORTED TO THE ENGINEER AND RESOLVED PRIOR TO THE START OF CONSTRUCTION.
   - OBTAINING ALL PERMITS INCLUDING PERMIT COSTS, TAP FEES, METER DEPOSITS, BONDS AND ALL OTHER FEES REQUIRED FOR PROPOSED WORK TO OBTAIN OCCUPANCY.
   - VERIFYING UTILITY ELEVATIONS AND NOTIFYING ENGINEER OF ANY DISCREPANCY, NO WORK SHALL BE PERFORMED UNTIL THE DISCREPANCY IS RESOLVED.
   - NOTIFYING ALL UTILITIES PRIOR TO THE INSTALLATION OF ANY UNDERGROUND IMPROVEMENTS.
   - NOTIFYING THE DESIGN ENGINEER AND MUNICIPALITY 48 HOURS PRIOR TO THE START OF CONSTRUCTION TO ARRANGE FOR APPROPRIATE CONSTRUCTION OBSERVATION.
6. THE CONTRACTOR IS RESPONSIBLE FOR PROVIDING THE ENGINEER WITH AS-BUILT CONDITIONS OF THE DESIGNATED IMPROVEMENTS IN ORDER THAT THE APPROPRIATE DRAWINGS CAN BE PREPARED. IF REQUIRED, ANY CHANGES TO THE DRAWINGS OR ADDITIONAL ITEMS MUST BE REPORTED TO THE ENGINEER AS WORK PROGRESSES.
10. ANY SANITARY SEWER, SANITARY SEWER SERVICES, WATER MAIN, WATER SERVICES, STORM SEWER, OR OTHER UTILITIES, WHICH ARE DAMAGED BY THE CONTRACTORS, SHALL BE REPAIRED TO THE OWNER'S SATISFACTION AT THE CONTRACTOR'S EXPENSE. NO BLASTING IS ALLOWED WITHIN 30 FEET OF EXISTING UTILITIES.
11. ALL PRIVATE INTERCEPTOR WATER MAIN AND WATER SERVICES SHALL BE INSTALLED WITH A 8' MINIMUM BURY, PROVIDE INSULATION ABOVE PIPES WITH LESS THAN 5' OF GROUND COVER.
12. GRANULAR BACKFILL MATERIALS ARE REQUIRED IN ALL UTILITY TRENCHES UNDER SIDEWALKS AND PROPOSED PAVED AREAS (UNLESS OTHERWISE SPECIFIED BY A GEOTECHNICAL ENGINEER). ALL UTILITY TRENCH BACKFILL SHALL BE COMPACTED PER SPECIFICATIONS. ALL PAVEMENT PATCHING SHALL COMPLY WITH THE CITY OF MEQUON STANDARD SPECIFICATIONS FOR LAND DEVELOPMENT. ADDITIONAL PAVEMENT MILLING AND OVERLAY MAY BE REQUIRED BY PERMIT.
13. CONTRACTOR SHALL NOTIFY THE MUNICIPAL PUBLIC WORKS DEPARTMENT A MINIMUM OF 48 HOURS BEFORE CONNECTING TO PUBLIC UTILITIES.
14. ALL NON-METALLIC BUILDING SEWER AND WATER SERVICES MUST BE ACCOMPANIED BY MEANS OF LOCATING UNDERGROUND PIPE. TRACER WIRE VALVE BOXES SHALL BE INSTALLED ON ALL LATERALS AND AS INDICATED ON THESE PLANS.
19. ALL EXTERIOR CLEANOUTS SHALL BE PROVIDED WITH A FROST SLEEVE IN ACCORDANCE WITH SPS 382.36(3)(d) AND SPS 384.50(2)(e).
16. ALL PRIVATE PLUMBING MATERIALS SHALL CONFORM TO SPS 384.30.
17. ALL PRIVATE PIPE JOINTS SHALL BE INSTALLED PER SPS 384.40.
18. ALL PRIVATE WATER PIPE, INCLUDING DEPTH AND SEPARATION REQUIREMENTS, SHALL BE IN ACCORDANCE WITH SPS 382.40(8).
19. THE CONTRACTOR SHALL ALLOW 10 WORKING DAYS FOR THE CONSTRUCTION OF GAS MAINS WHEN SCHEDULING THE WORK AND SHALL NOT RESTRICT ACCESS TO THE GAS MAIN CONTRACTOR OR OTHER UTILITY COMPANIES.
20. INLET CASTINGS SHALL BE SET TO GRADE PRIOR TO AND SEPARATE FROM THE POURING OF THE CONCRETE CURB AND GUTTER. IN IS REQUIRED THAT THREE FEET OF CONCRETE CURB AND GUTTER ON EACH SIDE OF THE INLET SHALL BE POURED BY HAND, NOT THROUGH THE USE OF A CURB MACHINE. THE INLET CASTING SHALL BE SET TO GRADE ON A BED OF MORTAR WHICH SHALL BE A MINIMUM OF TWO INCHES THICK. THE INLET SHALL BE PLACED ON THE MORTAR BED AND SHALL BE ADJUSTED TO GRADE BY APPLYING DIRECT PRESSURE TO THE CASTING. ONCE THE CASTING ADJUSTMENT IS COMPLETE, THREE FEET OF CURB AND GUTTER ON EACH SIDE OF THE CASTING SHALL BE POURED BY HAND.
21. NO BLASTING SHALL OCCUR WITHIN 30 FEET OF ANY EXISTING UTILITIES
22. CONTRACTOR SHALL VERIFY AND COORDINATE ALL UTILITY CONNECTIONS WITH THE BUILDING PRIOR TO CONSTRUCTION.
23. THE CONTRACTOR SHALL CONDUCT HIS OPERATIONS AS AS TO BE IN CONFORMANCE WITH THE THE MUNICIPAL EROSION CONTROL AND STORMWATER ORDINANCE AT ALL TIMES.

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WYSER
ENGINEERING

NORTH BALDEY COURT
MEQUON, WI 53092

STORAGESHOP USA - MEQUON

CITY OF MEQUON, OZAUKEE COUNTY, WI

Sheet Title: UTILITY PLAN

Revisions:

| No. | Date: | Description: |
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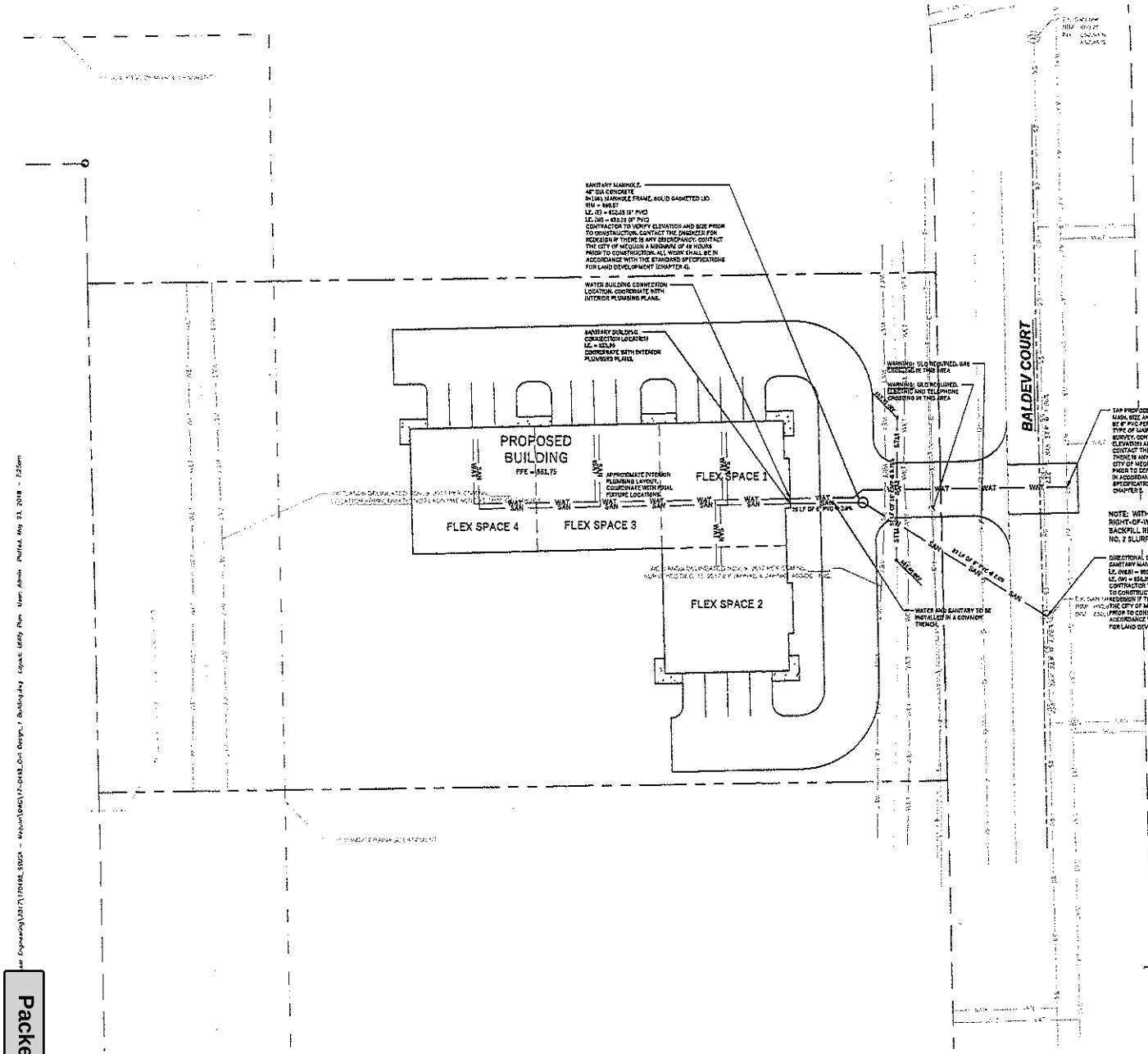
| Graphic Scale | 0' 5' 10' 20' 30' |
| Wyser Number | 17-0498 |
| Set Type | PERMIT |
| Date Issued | 04/17/2018 |
| Sheet Number | C300 |

Exhibit 1 - Original design

Board of Appeals 55

1/3

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6. THE CONTRACTOR IS RESPONSIBLE FOR PROVIDING THE ENGINEER WITH AS-BUILT CONDITIONS OF THE DESIGNATED IMPROVEMENTS IN ORDER THAT THE APPROPRIATE DRAWINGS CAN BE PREPARED. IF REQUIRED, ANY CHANGES TO THE DRAWINGS OR ADDITIONAL ITEMS MUST BE REPORTED TO THE ENGINEER AS WORK PROGRESSES.
7. ANY SANITARY SEWER, SANITARY SEWER SERVICES, WATER MAIN, WATER SERVICES, STORM SEWER, OR OTHER UTILITIES, WHICH ARE DAMAGED BY THE CONTRACTORS, SHALL BE REPAIRED TO THE OWNER'S SATISFACTION AT THE CONTRACTOR'S EXPENSE. NO BLASTING IS ALLOWED WITHIN 25 FEET OF EXISTING UTILITIES.
8. ALL PRIVATE INTERCEPTOR WATER MAIN AND WATER SERVICES SHALL BE INSTALLED WITH A 5' MINIMUM BURY. PROVIDE INSULATION ABOVE PIPES WITH LESS THAN 5' OF GROUND COVER.
9. GRANULAR BACKFILL MATERIALS ARE REQUIRED IN ALL UTILITY TRENCHES UNDER SIDEWALKS AND PROPOSED PAVED AREAS UNLESS OTHERWISE SPECIFIED BY A GEOTECHNICAL ENGINEER. ALL UTILITY TRENCH BACKFILL SHALL BE COMPACTED PER SPECIFICATIONS. ALL PAVEMENT PATCHING SHALL COMPLY WITH THE CITY OF MEQUON STANDARD SPECIFICATIONS FOR LAND DEVELOPMENT. ADDITIONAL PAVEMENT MILLING AND OVERLAY MAY BE REQUIRED BY PERMIT.
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WYSER ENGINEERING

NORTH BALDEV COURT
MEQUON, WI 53092

STORAGESHOP USA - MEQUON

CITY OF MEQUON, OZAUKEE COUNTY, WI

Sheet Title: UTILITY PLAN

Revisions:

| No. | Date | Description |
|---|---|---|
| | | |

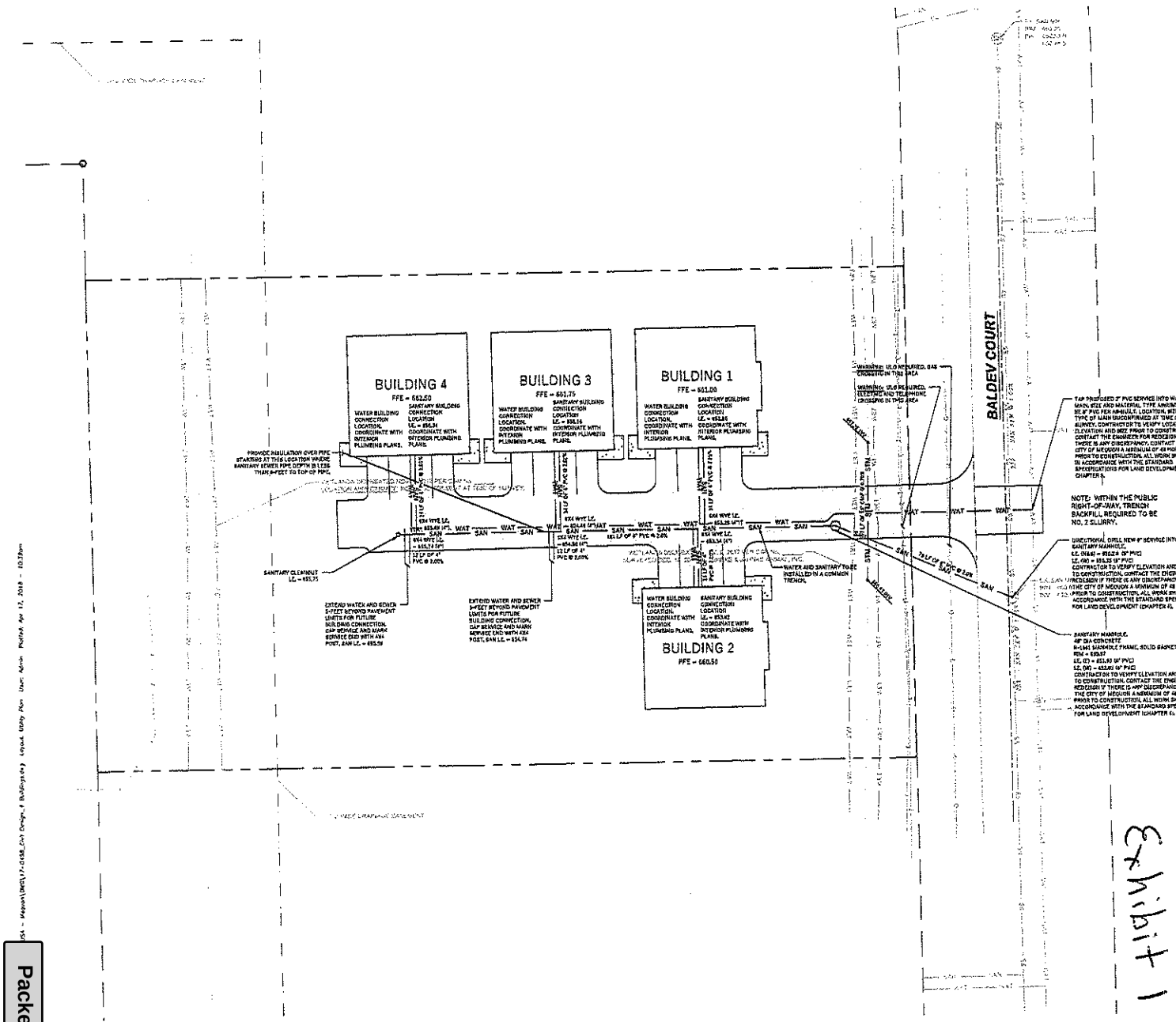
| | |
|---|---|
| Graphic Scale | 0' 5' 10' 20' 30' |
| Wyser Number | 17-0498 |
| Set Type | PERMIT |
| Date Issued | 04/17/2018 |
| Sheet Number | C300 |

Exhibit 1

2/3

Packet Pg. 251

4.g.a




## LEGEND (PROPOSED)

- PROPOSED PROPERTY BOUNDARY
- EASEMENT
- BUILDING FOOTPRINT
- ASPHALT PAVEMENT
- CONCRETE PAVEMENT
- WAT — PROPOSED WATER MAIN
- SAN — PROPOSED SANITARY SEWER
- STM — PROPOSED STORM SEWER

NORTH

## GENERAL NOTES

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MEQUON, WI 53092

STORAGESHOP USA - MEQUON

CITY OF MEQUON, OZAUKEE COUNTY, WI

Sheet Title: UTILITY PLAN

Revisions:

| No. | Date | Description |
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| Graphic Scale | 0' 5' 10' 20' 30' |
| Wyser Number | 17-0498 |
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Exhibit 1

3/3

Packet Pg. 252

4.g.a

DIVISION OF INDUSTRY SERVICES
2331 SAN LUIS PL STE 150
GREEN BAY WI 54304-5211
Contact Through Relay
http://dsps.wi.gov/programs/industry-services
www.wisconsin.gov
**Scott Walker, Governor**
**Laura Gutiérrez, Secretary**

Exhibit 2 - DSPS Approval

February 21, 2018

**CUST ID No. 1093700**

***ATTN: Plumbing Inspector***

**WADE P WYSE**
WYSER ENGINEERING LLC
312 E MAIN ST
MOUNT HOREB WI 53572

BUILDING INSPECTION
CITY OF MEQUON
11333 N CEDARBURG RD 60W
MEQUON WI 53092

**CONDITIONAL APPROVAL**
**PLAN APPROVAL EXPIRES: 02/21/2020**

| Identification Numbers |
|---|
| **Transaction ID No. 3062562** |
| **Site ID No. 846610** |
| Please refer to both identification numbers, above, in all correspondence with the agency. |

**SITE:**
**Storage Shop USA - Mequon**
312 E Main St
City of Mequon
Ozaukee County

**FOR:**
Plan Type: New; Sanitary Diameter: 6.00; Water Diameter: 2.00

Object Type: Private Water Main **Regulated Object ID No.: 1747867**

Object Type: Sanitary Private Interceptor Main Sewer **Regulated Object ID No.: 1747868**

Facility: 781200 **STORAGE SHOP USA -BLDG 1**
312 E MAIN ST

Tenant Name or Addn/Alt Description: BLDG 1Plan Type: New; Sanitary Diameter: 4.00; 4 Identical Building(s); Water Diameter: 2.00

Tenant Name or Addn/Alt Description: BLDG 1
Object Type: Exterior Sanitary Building Sewer Regulated Object ID No.: 1747852

Tenant Name or Addn/Alt Description: BLDG 1
Object Type: Exterior Water Service Regulated Object ID No.: 1747853

Facility: 781201 **STORAGE SHOP USA - BLDG 2**
312 E MAIN ST

Tenant Name or Addn/Alt Description: BLDG 2Plan Type: New; Sanitary Diameter: 4.00; 4 Identical Building(s); Water Diameter: 2.00

Tenant Name or Addn/Alt Description: BLDG 2
Object Type: Exterior Sanitary Building Sewer Regulated Object ID No.: 1747855

Tenant Name or Addn/Alt Description: BLDG 2
Object Type: Exterior Water Service Regulated Object ID No.: 1747856

Facility: 781202 **STORAGE SHOP USA - BLDG 3**
312 E MAIN ST

Tenant Name or Addn/Alt Description: BLDG 3Plan Type: New; Sanitary Diameter: 4.00; 4 Identical Building(s); Water Diameter: 2.00



Attachment: Thompson Attachment (3489 : Gregory Thompson Board of Appeals Documentation)

Tenant Name or Addn/Alt Description: BLDG 3
Object Type: Exterior Sanitary Building Sewer Regulated Object ID No.: 1747858

Tenant Name or Addn/Alt Description: BLDG 3
Object Type: Exterior Water Service Regulated Object ID No.: 1747859

Facility: 781203 **STORAGE SHOP USA - BLDG 4**
312 E MAIN ST

Tenant Name or Addn/Alt Description: BLDG 4Plan Type: New; Sanitary Diameter: 4.00; 4 Identical Building(s); Water Diameter: 2.00

Tenant Name or Addn/Alt Description: BLDG 4
Object Type: Exterior Sanitary Building Sewer Regulated Object ID No.: 1747861

Tenant Name or Addn/Alt Description: BLDG 4
Object Type: Exterior Water Service Regulated Object ID No.: 1747862

Facility: 781204 **STORAGE SHOP USA - BLDG 5**
312 E MAIN ST

Tenant Name or Addn/Alt Description: BLDG 5Plan Type: New; Sanitary Diameter: 4.00; 4 Identical Building(s); Water Diameter: 2.00

Tenant Name or Addn/Alt Description: BLDG 5
Object Type: Exterior Sanitary Building Sewer Regulated Object ID No.: 1747864

Tenant Name or Addn/Alt Description: BLDG 5
Object Type: Exterior Water Service Regulated Object ID No.: 1747865

The submittal described above has been reviewed for conformance with applicable Wisconsin Administrative Codes and Wisconsin Statutes. The submittal has been **CONDITIONALLY APPROVED.** The owner, as defined in chapter 101.01(10), Wisconsin Statutes, is responsible for compliance with all code requirements.

**No person may engage in or work at plumbing in the state unless licensed to do so by the Department per s.145.06, stats.**

The following conditions shall be met during construction or installation and prior to occupancy or use:

## KEY ITEMS

1. **SPS 382.40(4)(a)1.a.** If a private water main 2" or less in diameter connects to a public water main, a corporation cock shall beinstalled at the connection to the public water main.
2. **SPS 382.40(4)(a)2.a.** Except as provided in subd. 2.b., if a private water main connects to a public water main, a curb stop shall be installed in the private water main between the corporation cock and the property line.
3. **SPS 382.40(8)(b)** Location. Exterior water supply piping setbacks and crossings shall be in accordance with sud. 2. To 7.

## REMINDERS

- **SPS 382.20(8)** The plumbing system shall be installed in accordance with approved plans.
- **SPS 382.20-2 Line 1. Submittal does not include any interior work.** New installations, additions and alterations to drain systems, vent systems, water service systems, and water distribution systems involving 16 or more plumbing fixtures to be installed in public buildings require plan approval prior to installation



Attachment: Thompson Attachment (3489 : Gregory Thompson Board of Appeals Documentation)

- **SPS 382.20(8). REVISIONS.** All changes or modifications, which involve the provisions of chs. SPS 382 to 384, made to plumbing plans and specifications, which have been granted approval under sub. (1), shall be submitted to the department or agent municipality for examination. All changes and modifications shall be approved in writing by the department or agent municipality prior to installation of the plumbing.

**A full size copy of the approved plans, specifications and this letter shall be on-site during construction and open to inspection by authorized representatives of the Department, which may include local inspectors**. If plan index sheets were submitted in lieu of additional full plan sets, a copy of this approval letter and index sheet shall be attached to plans that correspond with the copy on file with the Department. If these plans were submitted in an electronic form, the designer is responsible to download, print, and bind the full size set of plans along with our approval letter. A department electronic stamp and signature shall be on the plans which are used at the job site for construction. All permits required by the state or the local municipality shall be obtained prior to commencement of construction/installation/operation.

In granting this approval the Division of Industry Services reserves the right to require changes or additions should conditions arise making them necessary for code compliance. As per state stats 101.12(2), nothing in this review shall relieve the designer of the responsibility for designing a safe building, structure, or component.

Inquiries concerning this correspondence may be made to me at the telephone number listed below, or at the address on this letterhead.

Sincerely,

Darrin A Benz

Darrin Benz
Plumbing Plan Reviewer , Division of Industry Services
(920)492-7726 , Mon - Fri, 7:45 a.m. - 4:30 p.m.
darrin.benz@wisconsin.gov

| | |
|---|---|
| Fee Required $ | 1,140.00 |
| Fee Received $ | 1,140.00 |
| Balance Due $ | 0.00 |

WiSMART code: 7657

cc: Greg Thompson, Storageshop USA - Dovetail LLC
Robert Franke, Plumbing Plan Reviewer, (262) 548-8604, Mon - Fri, 7:00 A.M. - 3:30 P.M.
Wyser Engineering LLC
Sean M Brown, Attorney, (608) 261-0116



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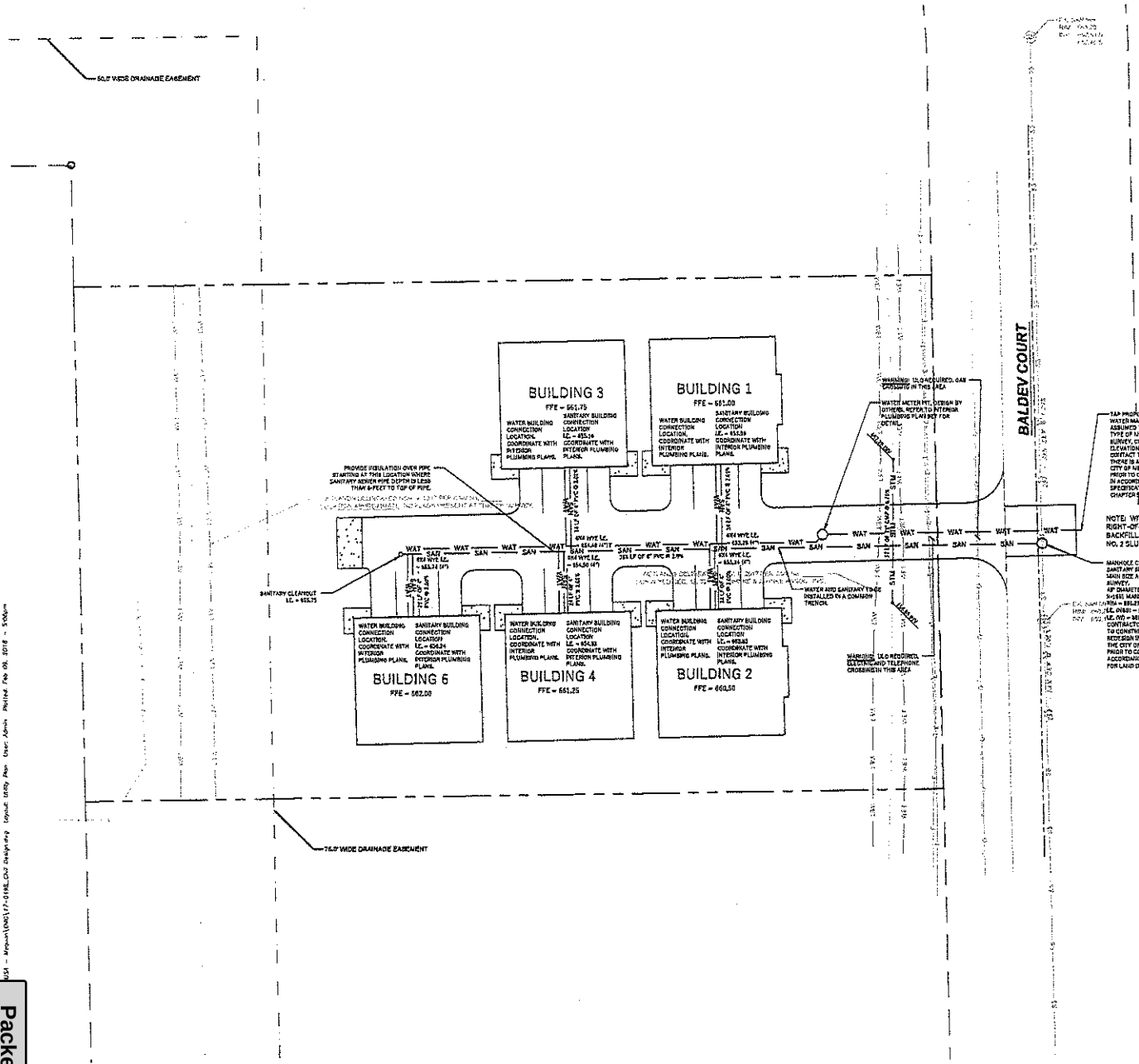


## LEGEND (PROPOSED)

- PROPOSED PROPERTY BOUNDARY
- EASEMENT
- BUILDING FOOTPRINT
- 18" CURB AND GUTTER
- ASPHALT PAVEMENT
- CONCRETE PAVEMENT
- WAT — PROPOSED WATER MAIN
- SAN — PROPOSED SANITARY SEWER
- STM — PROPOSED STORM SEWER
- GAS — PROPOSED GAS SERVICE (DESIGN BY OTHERS)
- E — PROPOSED ELECTRIC SERVICE (DESIGN BY OTHERS)
- STORMWATER TREATMENT FACILITY
- DRAINAGE GRADE BREAK
- 1.0% — DRAINAGE ARROW

NORTH

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23. THE CONTRACTOR SHALL CONDUCT HIS OPERATIONS SO AS TO BE IN CONFORMANCE WITH THE THE MUNICIPAL EROSION CONTROL AND STORMWATER ORDINANCE AT ALL TIMES.

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www.DiggersHotline.com

WYSER ENGINEERING

NORTH BALDEY COURT
MEQUON, WI 53092

STORAGESHOP USA - MEQUON

CITY OF MEQUON, OZAUKEE COUNTY, WI

Sheet Title: UTILITY PLAN

Revisions:

| No. | Date: | Description: |
|---|---|---|
| | | |

| | |
|---|---|
| Graphic Scale | 0' 5' 10' 20' 30' |
| Wyser Number | 17-0498 |
| Set Type | PERMIT |
| Date Issued | 02/09/2018 |
| Sheet Number | C300 |

Exhibit 2

4/4

Exhibit 3 - Email Correspondence with Staff (21 pages total)

**gthompson**

**From:** gthompson <ssusa@tds.net>
**Sent:** Saturday, March 17, 2018 8:36 AM
**To:** 'Bridget Henk'
**Subject:** RE: Drawing, NOT TO SCALE

That is not acceptable. The state of wiscosnin allows for a private interceptor main. Just because I build separate buildings (instead of one bigger building with 6 units) doesn't demand separate laterals. DSPS has approved the plans. If the city ignores the state and requires I put in separate laterals, then first, I want to see where is says that in the city's policy manual, ordinances, etc. If it cant be shown anywhere and the city arbitrarily decided, then I am done with this project.

I will be meeting with jac on Monday at 9am

greg

---

**From:** Bridget Henk [mailto:bhenk@ci.mequon.wi.us]
**Sent:** Friday, March 16, 2018 11:49 AM
**To:** Wade Wyse; gthompson
**Cc:** Jim Voigt
**Subject:** FW: Drawing, NOT TO SCALE

Wade and Greg,

Attached is a sketch from City Water. City Water recommends 6 separate laterals to the parcel to serve the water needs. This would be more economical than the meter pit that was proposed on the plans. The City of Mequon would not allow open cut for the laterals across the road.

If the laterals are installed as sketched, profile views of the watermain is not required.

Please let us know if you have any questions.

Thanks,

**Bridget S. Henk, P.E.**
Assistant City Engineer
City of Mequon
11333 N. Cedarburg Road
Mequon, WI 53092
bhenk@ci.mequon.wi.us
262-236-2957

---

**From:** Jim Voigt [mailto:jim.voigt@citywaterusa.com]
**Sent:** Friday, March 16, 2018 11:28 AM
**To:** Bridget Henk



Attachment: Thompson Attachment (3489 : Gregory Thompson Board of Appeals Documentation)

Hi Bridget

What we are hoping to convey is that the developer can dig a 8 foot wide, by ten foot long excavation over the water main, tap the main 18 inches apart at staggered 2 O'Clock and 5 O'Clock positions, and then bring them to a common trench (width of the excavator bucket ~ 3 feet wide). This is how they would cross the road. Then place 6 curb stop boxes just inside the public right of way in the paved driveway. Then run these individual laterals to each building with an individual meter for each building.

Let me know if the description and drawing are confusing. If you or the developer would like to see how this works in the field, I can take you to East Sunnydale Ln.

Respectfully,

Jim Voigt
City Water, LLC
414.559.8656
www.citywaterusa.com

Attachment: Thompson Attachment (3489 : Gregory Thompson Board of Appeals Documentation)



2/21

## gthompson

**From:** gthompson <ssusa@tds.net>
**Sent:** Wednesday, March 21, 2018 11:19 AM
**To:** 'Bridget Henk'; 'Kristen Lundeen'; 'Jac Zader'
**Subject:** RE: storageshopusa

I am not looking for a detailed plan review. I just want clarification on whether the one - 2 in water main is acceptable and the one - 6 in sewer main is acceptable. I am not asking for a lot – just a simple clarification. You are making this very complicated. I need to know what my costs are going to be before I move forward. I read the entire state code, MMSD's code, Mequon's ordinances, and the land development manual and conclude the private interceptor main sewer and water as approved by DSPS is correct. You have led me to believe that it is not and I need to know why.

Just as I did in the very beginning, I am requesting a meeting to discuss any remaining issues. This needs to be done asap as the project is pending for the April 9th meeting.

Greg

---

**From:** Bridget Henk [mailto:bhenk@ci.mequon.wi.us]
**Sent:** Wednesday, March 21, 2018 10:56 AM
**To:** gthompson
**Subject:** RE: storageshopusa

Mr. Thompson,

Detailed plan review is not done until there is planning commission approval of the building and site plan. Planning Commission review is conceptual, the comments of the engineering division were included in the report for the March Planning Commission meeting.

If you wish for the engineering division to do a full plan review prior to the approval by Planning Commission, please request that review in writing acknowledging that you will be charged for the cost of the review. Additionally, please provide a full set of civil engineering plans that should be reviewed. Plans should include a cover, sewer plan and profile, watermain plan and profile, and any other plan sheets as designated under Section 2 of the Standard Specifications for Land Development. The City has 2-weeks to review the plans after they are submitted.

This is the standard process for all developments in the City of Mequon.

Thanks,

**Bridget S. Henk, P.E.**
Assistant City Engineer
City of Mequon
11333 N. Cedarburg Road
Mequon, WI 53092
bhenk@ci.mequon.wi.us
262-236-2957

Attachment: Thompson Attachment (3489 : Gregory Thompson Board of Appeals Documentation)

3/21

**From:** gthompson [mailto:ssusa@tds.net]
**Sent:** Tuesday, March 20, 2018 9:02 PM
**To:** Bridget Henk
**Subject:** storageshopusa

Bridget

I would like to clarify that the water and sewer plans approved by DSPS are accepted. This is a very big issue due to the substantial costs involved.

My understanding is that you guys were looking for a cheaper way to provide water service to the units than installing a meter pit. I just did one in Oak Creek and it was just a manhole with a meter (not that costly). I can just provide meters in each unit – not a big issue.

I can also provide a profile plan for water if really necessary.

I am still looking into the directional bore for the sanitary connection. The 2 inch water main directional bore under the road will work

If you are thinking there are other deviations from the approved plans , I need to know about them as soon as possible

Thank you

greg

Attachment: Thompson Attachment (3489 : Gregory Thompson Board of Appeals Documentation)

## gthompson

**From:** gthompson <ssusa@tds.net>
**Sent:** Thursday, April 5, 2018 3:44 PM
**To:** 'Jim Voigt'; 'Bridget Henk'
**Subject:** RE: water and sewer requirements

Jim

Condominium is a form of ownership not a building style. I could just as easily not form a condominium and have 1 lateral serve the property. The City puts the lateral to the property and I take it from there ( I am responsible for the interior piping). As originally proposed, I would install a meter pit just after the curb box. The City would install a 2in meter and the city would get paid for all the water usage. If I don't pay, then you shut the water off to the property. If I choose to form a condominium, the association (legal entity on record with a contact person and an address for the billing) would then be responsible to pay the water bill. If not, then shut the water off until they pay.

> PSC 185.52, regarding laterals, "This does not apply to multi-occupancy premises, such as apartments, such as apartments, condominiums, and shopping centers." - it says condos also but I didn't put it in there the first email because I didn't think it was necessary

If I had one building (with 8 units) I could have one meter – regardless of how many tenants (or owners if I choose that form of ownership). Instead, I choose to keep the buildings separated because it eliminates the need for a fire wall assembly, and provides more natural light to the units - among other reasons. When I separate the buildings, DSPS allows the use of private water mains to serve several buildings on a parcel instead of going directly from one building underneath to another. They require a permit for the private water main – I have that.

Unlike residential, all commercial users get charged based on the amount of water used. (i.e. car wash is different than an office complex). I can provided historical water usage data from over 160 of my units that have been operational for over 12 month period. 98% of the units use less than 1600 gal/year. This site has 8 units and would use less than 20,000 gals/year which is well under the 72,000 gal/year threshold for one REU. What does an average 12,000 sf office/warehouse use for water? The combined office space for these units is 1800sf and the warehouse portion is 10,200sf.

As it is, each building has 2 units or 2 separate tenants. Are you saying each tenant space requires a separate lateral? I don't think that is how other multi-tenant properties are connected.

I am a new commercial user and only 1 lateral is needed to be brought to the property line with a curb box. I need that to be one 2 in lateral. I am responsible for the internal piping from that point.

Im sure we can work this out

Thanks
greg

---

**From:** Jim Voigt [mailto:jim.voigt@citywaterusa.com]
**Sent:** Thursday, April 5, 2018 2:46 PM

5/21





Attachment: Thompson Attachment (3489 : Gregory Thompson Board of Appeals Documentation)

**To:** 'gthompson'; 'Bridget Henk'
**Subject:** RE: water and sewer requirements

Water answers in RED below

**From:** gthompson <ssusa@tds.net>
**Sent:** Thursday, April 5, 2018 9:16 AM
**To:** 'Bridget Henk' <bhenk@ci.mequon.wi.us>; jim.voigt@citywaterusa.com
**Subject:** RE: water and sewer requirements

Bridget and Jim,

**Sewer**
Directional bore a 6 in sewer pipe 13 ft is not only impractical and very expensive, it may not be possible according to several contractors I have consulted with. Considering also the age and condition of the road, is it not reasonable to make an exception?

**Water**

First, the PSC 185 governs "public water systems" not private Correct, we are a public water utility – governed by the Public Service Commission of Wisconsin.
Next, regarding laterals, PSC 185.52, " This does not apply to multi-occupancy premises" - not sure what the issue is? My understanding is that these will be privately owned "Condominium style" buildings. Separate owners, separate buildings, therefore separate laterals per the code.

Lastly, since I am a New Customer with an On-Main connection (and not using an existing lateral), then a Connection Fee is charged. The Utility is required to install the lateral to the property line with a curb box. The new customer then installs the interior piping from that point. Yes, and the customer installs the private service lateral from the curb stop box located at the property line, up to and in to the building.

Please provide the Connection Charge based on the standardized costs as provided in PSCW 3595-WR-101 (Tables 1 thru 4)

4 Commercial Buildings

| **Components of connection** | **Unit Costs** | **Project REU** | **Total Costs** |
|---|---|---|---|
| Standard local Delivery Main Costs | $2,398.95 | 4 | $9,595.80 |
| Street Lateral Costs (1 -1/4 inch) | $1,700.00 | 4 | $6,800.00 |
| System Costs | $1,080.00 | 4 | $4,320.00 |
| Revenue Credit/ REU | $1,683.00 | 4 | ($6,732.00) |
| | **Connection Fee** | | **$13,983.80** |

Since the Utility would be installing the water service lateral to the property line, It would be best if we could coordinate each other's construction efforts in order to minimize costs. I would agree.

Please advise

Greg

6/21





Attachment: Thompson Attachment (3489 : Gregory Thompson Board of Appeals Documentation)

**From:** Bridget Henk [mailto:bhenk@ci.mequon.wi.us]
**Sent:** Wednesday, April 4, 2018 3:37 PM
**To:** gthompson; Pa Phouala Vang; jim.voigt@citywaterusa.com
**Cc:** Jac Zader; Kristen Lundeen; Kimberly Tollefson
**Subject:** RE: water and sewer requirements

Mr. Thompson,

Please see below.

**Sewer**

Standard Specifications for Land Development Section "4.4.5 Open cutting the roadway is not permitted for sanitary sewer lateral installation."

The sewer shall be connected either to an existing lateral or the existing manhole.

**Water (from Jim Voigt):**

The utility does not want to own a water main on his property. That would require an easement document, hydrant, etc. If they were sprinkling all these buildings, then it would make sense, but my understanding is that they will not have private fire protection.

The configuration that I have described is probably the least expensive, and allows him the option of pushing the water and sewer billing to Retail (customer pays the bill individually for each unit) The other option is he brings a large diameter lateral on to the property (6 or 8 inch) to a meter pit. Then he splits the services from there to each individual building. That will undoubtedly be more expensive for him to construct due to the meter pit, and then he will be required to be billed wholesale (he gets the bill and includes the water/sewer in his rental fees).

I understand his frustration, but he was researching the wrong places. The rules for connection are in the Mequon Water Utility Tariff with the Public Service Commission of Wisconsin and PSC 185 the state billing code. I provide highlighted copies of the relevant sections below.

MEQUON WATER UTILITY TARIFF
**Water Utility Operating Rules**
Compliance with Rules
All persons now receiving water service from this water utility, or who may request service in the future, shall be considered as having agreed to be bound by the rules and regulations as filed with the Public Service Commission of Wisconsin.
Establishment of Service
Application for water service may be made in writing on a form furnished by the water utility. The application will contain the legal description of the property to be served, the name of the owner, the exact use to be made of the service, and the size of the service lateral and meter desired. Note particularly any special refrigeration, fire protection, or water-consuming air-conditioning equipment. Service will be furnished only if (1) the premises have a frontage on a properly platted street or public strip in which a cast iron or other long-life water main has been laid, or where the property owner has agreed to and complied with the provisions of the water utility's filed main extension rule, (2) the property owner has installed or agrees to install a service lateral from the curb stop to the point of use that is not less than 6 feet below the surface of an established or proposed grade and meets the



7/2.

Attachment: Thompson Attachment (3489 : Gregory Thompson Board of Appeals Documentation)

water utility's specifications, and (3) the premises have adequate piping beyond the metering point. The owner of a multi-unit dwelling has the option of being served by individual metered water service to each unit. The owner, by selecting this option, is required to provide interior plumbing and meter settings to enable individual metered service to each unit and individual disconnection without affecting service to other units. Each meter and meter connection will be treated as a separate water utility account for the purpose of the filed rules and regulations.

No division of the water service lateral to any lot or parcel of land shall be made for the extension and independent metering of the supply to an adjoining lot or parcel of land. Except for duplexes, no division of a water service lateral shall be made at the curb for separate supplies for two or more separate premises having frontage on any street or public service strip, whether owned by the same or different parties. Duplexes may be served by one lateral provided (1) individual metered service and disconnection is provided and (2) it is permitted by local ordinance.

Buildings used in the same business, located on the same parcel, and served by a single lateral may have the customer's water supply piping installed to a central point so that volume can be metered in one place.

The water utility may withhold approval of any application where full information of the purpose of such supply is not clearly indicated and set forth by the applicant property owner.

PSC 185 Public Service Commission of Wisconsin Billing Code

PSC 185.52 General construction requirements.

(1) Mains.

(a) Installed depth. Mains shall be placed at such depth or otherwise protected as shall prevent freezing.

(b) Dead-ends. Where practical the utility shall design its distribution system to avoid dead-end mains. Where dead-ends are necessary, hydrants or other flushing devices shall be installed to permit flushing. (See s. PSC 185.86.)

(c) Networked systems. Where practical the distribution system shall be laid out to maximize service reliability.

(d) Segmentation of system. Valves shall be provided at reasonable intervals and at appropriate locations so that repairs to or maintenance of the mains shall minimize service interruptions.

(e) Location of mains. Utility-owned mains shall be located either in public right-of-way, or in a readily accessible easement. As much as possible, easements shall be free of pavement, expensive landscaping, mobile home pads, etc.

(f) Main ownership conditions. A utility may choose whether or not it shall accept for ownership the mains within a mobile home park. Mains may only be accepted if they meet the utility's construction standards and the requirements of ss. PSC 185.51 and 185.52.

(2) Service laterals.

(a) Installed depth. Laterals shall be placed at such depth or otherwise protected as will prevent freezing.

(b) Single connections. A customer's lateral shall be directly connected to utility-owned facilities, and there shall be no other customer connection downstream from the utility's shut-off valve. This does not apply to multi-occupancy premises, such as apartments, condominiums, and shopping centers.

History: Cr. Register, January, 1997, No. 493, eff. 2-1-97.

**Bridget S. Henk, P.E.**
Assistant City Engineer
City of Mequon
11333 N. Cedarburg Road
Mequon, WI 53092
bhenk@ci.mequon.wi.us
262-236-2957

8/21



Attachment: Thompson Attachment (3489 : Gregory Thompson Board of Appeals Documentation)

**From:** gthompson [mailto:ssusa@tds.net]
**Sent:** Wednesday, April 4, 2018 2:49 PM
**To:** Bridget Henk; Pa Phouala Vang; jim.voigt@citywaterusa.com
**Subject:** water and sewer requirements

I have read the report for the StorageShopUSA project for this coming plan commission meeting.

Although I appreciate the recommended approval, I feel the conditions for connecting to the sewer and water need to be explained more clearly and supported by something.

I have consistently referenced the ordinances, state law, and have provided an approval from DSPS. I would appreciate a determination supported by specific written ordinances, rules, manual, laws, etc that specifically say the way the sewer and water plans as proposed do not meet the requirements.

Here is the latest email communication explaining the situation.

Jim

I just confirmed with my engineer that the WDNR does not get involved in the water supply system because they are not defined as "community water systems". Instead sps 381 governs and that allows 2 inch private water mains as evidenced by the DSPS approval.

We just installed the same system in Oak Creek – I have nothing to show you from the WDNR because an approval was not needed.

Here are the related statutes:

**SPS 382.40 Water supply systems.**

**(1)** SCOPE. The provisions of this section set forth the requirements for the design and installation of water supply systems.

**Note:** Chapter NR 811 governs the design and construction of community water systems or waterworks.

**(16)** "Community water system" means a public water system which serves at least 15 service connections used by year-round residents or regularly serves at least 25 year-round residents. Any water system serving 7 or more single family homes, 10 or more mobile homes, 10 or more apartment units, 10 or more duplex living units or 10 or more condominium units shall be considered a community water system unless information is provided by the owner indicating that 25 year-round residents will not be served.

**(74)** "Waterworks" or "water system" means all facilities, structures, pipes, conduits and appurtenances by means of which water is delivered to consumers **except** piping and fixtures inside buildings served, water services **and private water mains as defined in ch. SPS 381.**

I just assume keep the proposed design (governed by SPS 381) as approved by the DSPS. There doesn't appear to be any harm in doing so.

Let me know the response from the WDNR representative and your communications with Kristin.

Thanks

9/21





Attachment: Thompson Attachment (3489 : Gregory Thompson Board of Appeals Documentation)

Greg
608 444 1515

The conditions in the report indicate that I would need separate laterals for each building. Not only is that not necessary, it would not be sufficient to allow for a reasonable expansion to the south; whereas, a 2 in main can accommodate additional connections. In addition, there would be no need to disturb the wetland area again.

As for the directional bore for the sewer. The road is not to be cut for "laterals". This connection is a private interceptor main. I think it is more of a "hybrid" or a lateral/main combination. Considering the ambiguity, we can use discretion which may lead to evaluating cutting the road based on other factors such as age, condition, traffic, etc. In that instance, trying to directional bore a 6 in sanitary pipe to an existing manhole doesn't make sense. Cutting the road, placing a new manhole, installing the water main and sewer together, and providing a clean patch is simple, structurally sound, and economical. The Wisconsin Department of Safety and Professional Services approves this system.

Respectfully, I request that the City reconsider conditions 14 and 15 on the plan commission report for april 9, 2018 and allow the sewer and water connections be installed in accordance with the approved DSPS plan.

I am available to discuss before next week's meeting

Thanks
Greg thompson
608 444 1515

Attachment: Thompson Attachment (3489 : Gregory Thompson Board of Appeals Documentation)

10/21

## gthompson

**From:** gthompson <ssusa@tds.net>
**Sent:** Friday, April 13, 2018 6:20 AM
**To:** 'John Wirth'
**Subject:** FW: water lateral baldev ct

---

**From:** Bridget Henk [mailto:bhenk@ci.mequon.wi.us]
**Sent:** Thursday, April 12, 2018 11:53 AM
**To:** gthompson; 'Jim Voigt'
**Subject:** RE: water lateral baldev ct

The City of Mequon Tariff supersedes the DSPS approval. The tariff language was provided on April 4, 2018 and clarifications on April 5, 2018.

Both the City of Mequon Water Utility and City Water USA do **not** approve the water services as shown on the planning commission submittal.

**Bridget S. Henk, P.E.**
Assistant City Engineer
City of Mequon
11333 N. Cedarburg Road
Mequon, WI 53092
bhenk@ci.mequon.wi.us
262-236-2957

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**From:** gthompson [mailto:ssusa@tds.net]
**Sent:** Wednesday, April 11, 2018 8:32 PM
**To:** Bridget Henk; 'Jim Voigt'
**Subject:** FW: water lateral baldev ct

Can you respond to this - I need to prepare for the meeting on monday

---

**From:** gthompson [mailto:ssusa@tds.net]
**Sent:** Wednesday, April 11, 2018 9:34 AM
**To:** 'Bridget Henk'
**Subject:** RE: water lateral baldev ct

Who makes the initial determination regarding the water connection charges and what the city doesn't accept regarding the water lateral I requested. Is it CitywaterUSA or City of Mequon or who?

Attached is SPS 382.40 (4) which shows the typical scheme for water service and is consistent with the DSPS approval.

Absent a specific ordinance, tariff, etc, SPS would govern.

11/21



Attachment: Thompson Attachment (3489 : Gregory Thompson Board of Appeals Documentation)

## gthompson

**From:** gthompson <ssusa@tds.net>
**Sent:** Wednesday, April 11, 2018 9:34 AM
**To:** 'Bridget Henk'
**Subject:** RE: water lateral baldev ct
**Attachments:** 2 in main diagram.pdf

Who makes the initial determination regarding the water connection charges and what the city doesn't accept regarding the water lateral I requested. Is it CitywaterUSA or City of Mequon or who?

Attached is SPS 382.40 (4) which shows the typical scheme for water service and is consistent with the DSPS approval.

Absent a specific ordinance, tariff, etc, SPS would govern.

Simply saying the City doesn't accept the layout is not enough – the City needs to provide a reason supported by ordinance. I have been communicating with Jim on this but he has not replied back – not sure he is the person making the determination.

Please advise
greg

---

**From:** Bridget Henk [mailto:bhenk@ci.mequon.wi.us]
**Sent:** Wednesday, April 11, 2018 9:04 AM
**To:** gthompson
**Cc:** Jim Voigt
**Subject:** RE: water lateral baldev ct

"Constructive Denial" of water main plans

Greg,

The reason for the meeting is to discuss the next steps specifically relating to the water service and the process for the other remaining items. Building inspection, City Water and Engineering will be attending.

As previously indicated, the City will not accept the water services as shown, nor will the road be allowed to be cut for sewer connection.

**Bridget S. Henk, P.E.**
Assistant City Engineer
City of Mequon
11333 N. Cedarburg Road
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bhenk@ci.mequon.wi.us
262-236-2957

Attachment: Thompson Attachment (3489 : Gregory Thompson Board of Appeals Documentation)

12/21

**From:** gthompson [mailto:ssusa@tds.net]
**Sent:** Wednesday, April 11, 2018 8:58 AM
**To:** Bridget Henk
**Subject:** RE: water lateral baldev ct

The request to meet was in regards to the sewer water installation (email to Jim). Regardless, I still wish to meet and clarify the process moving forward.
I have initiated the CSM revisions
Working on building plan revisions
I assume you can move forward with the engineering review – If there are changes, then I can have the engineer address them all one time

Please advise
greg

---

**From:** Bridget Henk [mailto:bhenk@ci.mequon.wi.us]
**Sent:** Wednesday, April 11, 2018 8:34 AM
**To:** gthompson
**Cc:** Pa Phouala Vang
**Subject:** RE: water lateral baldev ct

Greg,

Having those folks present would not be necessary.

The purpose of the meeting is to discuss the next steps of the process of obtaining approvals. You need to satisfy all of the conditions of the Planning Commission approval prior to moving forward with the construction. This includes, but isn't limited to: a building permit application, engineering detailed plan review, review of the CSM, erosion control and fill permits, and a work in the ROW permit.

All of the Planning Commission conditions of approval need to be completed and approved by the City staff prior to the issuance of permits.

**Bridget S. Henk, P.E.**
Assistant City Engineer
City of Mequon
11333 N. Cedarburg Road
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bhenk@ci.mequon.wi.us
262-236-2957

---

**From:** gthompson [mailto:ssusa@tds.net]
**Sent:** Wednesday, April 11, 2018 6:54 AM
**To:** Bridget Henk
**Subject:** RE: water lateral baldev ct

I can have my sewer/water/grading contractor there also.



Attachment: Thompson Attachment (3489 : Gregory Thompson Board of Appeals Documentation)

Any chance we could have the person in charge of installing the culvert there? It would be beneficial to coordinate their installation process also

Thanks
greg

---

**From:** Bridget Henk [mailto:bhenk@ci.mequon.wi.us]
**Sent:** Tuesday, April 10, 2018 10:38 AM
**To:** gthompson
**Cc:** Jim Voigt; Paul Launer; Martin Schoenknecht
**Subject:** water lateral baldev ct

Greg,

The City of Mequon will take you up on the offer to meet to go over the next steps for your development. The earliest we are available to meet is Monday, April 16 at 9 AM. Please let us know if that time works for you. The meeting will be at Mequon City Hall.

Thanks,

**Bridget S. Henk, P.E.**
Assistant City Engineer
City of Mequon
11333 N. Cedarburg Road
Mequon, WI 53092
bhenk@ci.mequon.wi.us
262-236-2957

Attachment: Thompson Attachment (3489 : Gregory Thompson Board of Appeals Documentation)

no denial, no appeal process

**gthompson**

**From:** gthompson <ssusa@tds.net>
**Sent:** Wednesday, April 18, 2018 4:17 PM
**To:** 'Bridget Henk'
**Subject:** RE: follow up

Yeah I figured I would wait until your review is done. I am submitting tomorrow – how many copies and what size plans is required?

Understood about the lateral

thanks

---

**From:** Bridget Henk [mailto:bhenk@ci.mequon.wi.us]
**Sent:** Wednesday, April 18, 2018 12:04 PM
**To:** gthompson
**Cc:** Jim Voigt
**Subject:** RE: follow up

Greg,

Please see below in **RED**.

**Bridget S. Henk, P.E.**
Assistant City Engineer
City of Mequon
11333 N. Cedarburg Road
Mequon, WI 53092
bhenk@ci.mequon.wi.us
262-236-2957

---

**From:** gthompson [mailto:ssusa@tds.net]
**Sent:** Monday, April 16, 2018 7:16 PM
**To:** Bridget Henk
**Subject:** follow up

Bridget

A few comments:

Can I send in the amendment to DSPS for the revised sewer – basically showing we tie into existing manhole and using a manhole to change direction to get back up the drive isle as planned or do I have to wait for your complete review. Trying to stay ahead as much as possible but I don't want to have to go through amendment again **If you choose to submit prior to or concurrent to the engineering review completion it is at your own risk. You may need to amend the plans to account for engineering changes.**







Attachment: Thompson Attachment (3489 : Gregory Thompson Board of Appeals Documentation)

What was the name of appeal person or is that given at the time of denial? Can you send me any info on the water commission and its rules etc. – I just don't find it anywhere. Lastly, if I don't like the commission decision, can you send me a boiler plate language for the appeal rights from that point – I would do it myself but cant find any info on water commission. **At this time there has not been a plan provided and there is no denial even at a staff level. If there is a denial, the information will be provided for the next steps.**

I read the final approval letter. Based on our lengthy correspondence regarding water service, I assumed all this time both you and Jim were talking about a lateral to each building – not condominium. There are a total of 8 units in 4 buildings. **A lateral is required to each building and split inside the building to separate water meters for each unit.**

Thanks
greg

Attachment: Thompson Attachment (3489 : Gregory Thompson Board of Appeals Documentation)

## gthompson

**From:** Kimberly Tollefson <KTollefson@ci.mequon.wi.us>
**Sent:** Tuesday, May 22, 2018 5:45 PM
**To:** gthompson
**Subject:** Re: BOA Application: Thompson

Let me check with Bridget & get you an answer tomorrow.

Thanks Kim

Sent from my iPhone

On May 21, 2018, at 5:06 PM, gthompson <ssusa@tds.net> wrote:

> Kimberly
> Can you please advise as to the status.
> There is no appeal process to the water commission regarding the "connection/water meter fees"outlined anywhere in the ordinances.
>
> Some communication would be appreciated – it has been 10 days since you said that you were going to discuss with the attorney.
>
> Thanks
> greg
>
> ---
>
> **From:** gthompson [mailto:ssusa@tds.net]
> **Sent:** Wednesday, May 16, 2018 8:33 PM
> **To:** 'Kimberly Tollefson'
> **Subject:** RE: BOA Application: Thompson
>
> Kim
> I have not received anything from bridget regarding the denial. I have the BOA appeal but you mentioned that there was a denial from the water utility which is a separate appeal process.
>
> I really need to know where I stand on this.
>
> Can you please advise as to status
>
> Thanks
> greg
>
> ---
>
> **From:** Kimberly Tollefson [mailto:KTollefson@ci.mequon.wi.us]
> **Sent:** Thursday, May 10, 2018 2:30 PM
> **To:** ssusa@tds.net
> **Subject:** FW: BOA Application: Thompson
>
> Gregg,







Attachment: Thompson Attachment (3489 : Gregory Thompson Board of Appeals Documentation)

This was sent to the wrong email address.

Kim Tollefson
Director of Community Development
City of Mequon
11333 N. Cedarburg Road
Mequon, WI 53092
ktollefson@ci.mequon.wi.us
262-236-2903
<image001.png><image002.png>

---

**From:** Kimberly Tollefson
**Sent:** Thursday, May 10, 2018 1:05 PM
**To:** gregg thompson (gregg@thompson-pm.com)
**Subject:** FW: BOA Application: Thompson

Gregg,

Please see below. I was unable to find someone available in Clerk's Office. Im sorry about that. I would recommend you get it in by Monday, but wait to hear from Caroline.

Kim Tollefson
Director of Community Development
City of Mequon
11333 N. Cedarburg Road
Mequon, WI 53092
ktollefson@ci.mequon.wi.us
262-236-2903
<image001.png><image002.png>

---

**From:** Kimberly Tollefson
**Sent:** Thursday, May 10, 2018 1:03 PM
**To:** Caroline Fochs; Bridget Henk
**Cc:** Brian C. Sajdak (brian@wrslegal.net)
**Subject:** BOA Application: Thompson

Hi All,

Bridget asked for my assistance today on the possible Thompson appeal. I called Gregg to clarify questions he had related to PC conditions of approval. That naturally lead to questions regarding the BOA process. **Today** is Gregg's deadline to apply to BOA for an appeal of the Planning Commission's decision. I understand he will be in to file. He indicated that the Clerk's Office stated that a full submission is needed by May 12th.

Gregg asked that the Clerk's office clarify this via email to him since that date is a Saturday. gregg thompson (gregg@thompson-pm.com) Please email him as he requested this in writing.

On a separate matter, Kathy supplied me with a calendar for BOA. I'm requesting a quick meeting to discuss this calendar because I think it will cause issues for staff in responding to







Attachment: Thompson Attachment (3489 : Gregory Thompson Board of Appeals Documentation)

actual appeal applications and I think it may mislead potential appellants and cause them to miss deadlines. I will stop by Clerks or next time we chat we can go over it.

Thanks.

Kim Tollefson
Director of Community Development
City of Mequon
11333 N. Cedarburg Road
Mequon, WI 53092
ktollefson@ci.mequon.wi.us
262-236-2903
<image001.png><image002.png>

Attachment: Thompson Attachment (3489 : Gregory Thompson Board of Appeals Documentation)

19/21

## gthompson

**From:** Kimberly Tollefson <KTollefson@ci.mequon.wi.us>
**Sent:** Friday, May 25, 2018 8:52 AM
**To:** gthompson
**Cc:** 'Brian C. Sajdak'; Kristen Lundeen; Mayor
**Subject:** RE: Appeals

Gregg,

The City Attorney will address your items.

Thanks.

Kim Tollefson
Director of Community Development
City of Mequon
11333 N. Cedarburg Road
Mequon, WI 53092
ktollefson@ci.mequon.wi.us
262-236-2903

---

**From:** gthompson [mailto:ssusa@tds.net]
**Sent:** Thursday, May 24, 2018 9:46 PM
**To:** Kimberly Tollefson
**Cc:** 'Brian C. Sajdak'; Kristen Lundeen; Mayor
**Subject:** RE: Appeals

Kimberly

Your response doesn't make any sense.

First, the appeal to the Board of Appeals includes review of the plan commission's condition and decision to require that I use separate laterals to serve each of the 4 buildings. The Board must now render a decision and give specific reasons why separate laterals are required. It is not enough for the Board to just defer that decision and reasoning to the Water Utility Commission via a separate appeal. You simply can't have 2 appeal processes for the same issue, and since there has been no appeal rights or procedure set forth before the Water Utility Commission, the Board of Appeals process and procedure controls.

Secondly, how is it possible for the city attorney to arbitrarily decide that what is being appealed is a tariff matter. The plan commission, through the technical assistance from the engineering department and citywaterusa, decided to interpret the Customer Connection Rules (Tariff) the way they did and is an error for which I have been aggrieved. The tariff and/or the rules themselves, are is just fine – just like we don't necessarily appeal ordinances, we appeal the interpretations and decisions that stem from them.

Lastly, you have asked me to submit a request for an appeal? When a decision is rendered, from which an appeal can be made, the rights and procedures for that appeal are disclosed/provided to the person aggrieved. In the case of the plan commission appeal, the ordinances spell out such process. Appeals to the water utility commission are only







Attachment: Thompson Attachment (3489 : Gregory Thompson Board of Appeals Documentation)

prescribed for the discontinuation of service – not interpretation of connection rules. Further, there has been no procedure, process, or rights provided to me regarding an appeal to the water commission "for a tariff matter". What am I supposed to write or say in the request? Under what authority have they been given the duty and power to hear a connection rules appeal? When is the deadline? What are the standards for review? What is the tariff matter – what is the direct conflict? There is all kinds of information missing and to ask me to request an appeal, and then you will coordinate it, is unreasonable. Such process would upset the current BOA appeal for which I am guaranteed my due process rights.

As it stands, no other appeal is necessary, the BOA shall hear my appeal as prescribed by ordinance. Its decision, stating the reasons, shall be a final determination for purposes of appeal pursuant to Ordinance Section 58.41 (g) and supported by Wis. Stats 68.12 (1).

Quite frankly, I can't understand why the City is blatantly ignoring the Department of Safety and Professional Services determination regarding the proposed 2 inch private water main. The City is in direct violation of the Administrative Code (Refer to my appeal documents for an explanation) FYI – the Town of Grand Chute (Appleton) just gave a thumbs up to the same water supply system that I proposed to Mequon. Also, I just completed the same system in the city of Oak Creek. It does matter what other municipalities do in this instance because it is a **uniform commercial plumbing code**. – Mequon can't choose to be different.

I have copied the Mayor on this. I previously told him that I did not want to appeal and thought I could work things out but I am left with no choice – the City has no compelling reason to not allow the state approved water supply system. Appeals and court actions of this nature waste everybody's time and resources, and are a poor use of the public treasury. It is inherent that complying with administrative code does not harm the public nor does it diminish public policy.

Regards

Greg

---

**From:** Kimberly Tollefson [mailto:KTollefson@ci.mequon.wi.us]
**Sent:** Wednesday, May 23, 2018 3:07 PM
**To:** ssusa@tds.net
**Cc:** Brian C. Sajdak (brian@wrslegal.net); Kristen Lundeen; Bridget Henk
**Subject:** Appeals

Gregg,

Your BOA appeal application met the deadline so you have secured your right or ability to appeal the Planning Commission's decision. I understand a quorum wasn't established for June but I assume the Clerk's office will let you know when the meeting is rescheduled. In the meantime, the City Attorney indicates that you have the right to appeal the tariff matter to the Water Utility Commission. You should put your request in writing to the following, and the request will coordinated:

Kristen Lundeen
City of Mequon Public Works Director
11333 N Cedarburg Road
Mequon WI. 53092

Kim Tollefson
Director of Community Development







Attachment: Thompson Attachment (3489 : Gregory Thompson Board of Appeals Documentation)

# CITY OF MEQUON REVIEW COMMENT FORM

| | |
|---|---|
| *Date:* | May 4, 2018 |
| *Reviewer/ Representing:* | Bridget Henk, Assistant City Engineer – City of Mequon |

| | | |
|---|---|---|
| *Project:* | Storage Shop USA - mequon | Submittal: Construction Plans |
| *Project Agent:* | Gregory Thompson | |
| *Designer:* | Wyser Engineering | |

***Designer's Response Code:***

*A = Agree Completely; will revise (no written response required)*
*RFS = Requires Further Study in next design phase (no written response required)*
*P = Agree Partially; will revise to some degree (see written response)*
*D = Disagree; will not revise (see written response)*

| *Reviewer* | | | *Designer* | | *Reviewer* |
|---|---|---|---|---|---|
| *Issue No.* | *Location (Sheet number/ type, road name and/or station)* | *Review Comments* | *Response Code* | *Response* Response by owner/designer : May 7, 2018 | *Markup Complete* |
| 1 | C100 | Plans shall be signed and sealed by a professional engineer (Standard Specifications for land Development (SSLD) 2.1.5 | A | | |
| 2 | C100 | A cover page is required per SSLD 2.1.6 | A | | |
| 3 | C100 | Benchmarks shall be indicated on the cover SSLD 2.1.7 | A | | |
| 6 | C100 | Show lot numbers, lot and block numbers and frontages SSLD 2.3.1.A.10 | A | | |
| 7 | C100 | No pavement cuts on Baldev Court will be allowed. (policy) | P | Owner will not cut into roadway; however, the following comments are for the record. It is not because of "policy"; rather, Bridget cited in an email that SSLD 4.4.5 applies. "Open cutting the roadway is not permitted for sanitary | |

Exhibit 4 - City Review & Dec

1/5

# CITY OF MEQUON REVIEW COMMENT FORM

| Reviewer | | | Designer | | Reviewer |
|---|---|---|---|---|---|
| *Issue No.* | *Location (Sheet number/ type, road name and/or station)* | *Review Comments* | *Response Code* | *Response* Response by owner/designer : May 7, 2018 | *Markup Complete* |
| | | | | sewer lateral installation". For this project, Bridget has arbitrarily declared the sewer a lateral (because of policy) however, the water service is a main (based on the SSLD) Although provisions within the City Ordinances are to be liberally construed in favor of the City, a decision to not specifically cite the SSLD prohibiting the open cut of a roadway and say it was because of "policy" is unreasonable. | |
| 8 | C200 | Building 3 is noted on 2 buildings | A | | |
| 9 | C200 | Double row of silt fence is required along wetlands (WDNR Requirement) | P | Silt fence or silt sock | |
| 10 | C200 | Silt fence shall follow site disturbance limits. Disturbance greater than what is shown on the plans will trigger stormwater management and additional erosion control requirements. | P | Disturbance limits is 40,500 sf. Some tolerance for the exact limits on the plan should be allowed up to a total of 43560 sf. | |
| 11 | C200 | Show locations of stone berms on plans SSLD 2.8.1.G.4 | A | | |
| 12 | C200 | Dimension stockpile locations SSLD 2.8.1.G.2 | A | | |
| 13 | C200 | A City of Mequon Erosion Control permit is required. | A | | |
| 14 | C200 | Donges Bay road will be under construction during a similar timeframe. See the attached letter. | A | | |
| 15 | C300 | Provide sanitary sewer calculations SSLD 4.0.4 | RFS | | |
| 16 | C300 | Provide a manhole detail (and manhole) that conforms to SSLD 4.2 | RFS | Not required, DSPS controls private sewer system | |
| 17 | C300 | Show ROW and width SSLD 2.5.1.A.1 | D | 2.5.1 A.1 applies to storm sewer and this project has none | |
| 18 | C300 | Show both edges of pavement and pavement marking SSLD 2.5.1.A.2 | D | 2.5.1 A.1 applies to storm sewer and this project has none | |



Packet Pg. 279
4.g.a
Attachment: Thompson Attachment (3489 : Gregory Thompson Board of Appeals Documentation)

# CITY OF MEQUON REVIEW COMMENT FORM

| Reviewer | | | Designer | | Reviewer |
|---|---|---|---|---|---|
| *Issue No.* | *Location (Sheet number/ type, road name and/or station)* | *Review Comments* | *Response Code* | *Response* Response by owner/designer : May 7, 2018 | *Markup Complete* |
| 19 | C300 | The design as submitted is in direct conflict with the City of Mequon Water Tariff, specifically the water connection rules Section C: Commercial Customer Connection (2) On Main.<br><br>Revisions are required to either meet the watermain standards as marked on the plans and indicated in comments 20-30 or individual laterals can be provided to each building as previously discussed with the developer.<br><br>The water utility is under the jurisdiction of the Water Utility Commission. The first stage of an appeal can be brought before the Water Utility Commission, however, it should be noted that the Water Utility Commission cannot change the tariff requirements without approval from the State of Wisconsin Public Service Commission. | D | "SEE ATTACHED" | |
| 20 | C300 | A minimum 8" diameter watermain is required SSLD 5.0.5 | D | | |
| 21 | C300 | Watermain materials to conform to SSLD 5.1 | D | | |
| 22 | C300 | Watermain shall be centered in a 20-foot easement SSLD 2.4.3.B.1 | D | | |
| 23 | C300 | High points in the watermain must be hydrants SSLD 2.4.3.C | D | | |
| 24 | C300 | Plan and profiles are required for all watermain design SSLD 2.4.2.A | D | | |
| 25 | C300 | Watermain Plan and Profiles shall conform to SSLD Section 2.4.4 | D | | |
| 26 | C300 | All watermain is to be stationed SSLD 2.4.2.D | D | | |
| 27 | C300 | All stations shall be tied to the center of the easement SSLD 2.4.2.C | D | | |
| 28 | C300 | Hydrants shall conform to SSLD 5.12 | D | | |
| 29 | C300 | The City requires at least 3 working days for inspection notification (revise in all locations) SSLD Notification Policy | D | | |
| 30 | C300 | Watermain, sanitary sewer, pavement, gas lines/ service and electric lines/ service all require a work in the ROW permit. | P | Excluding water main | |
| 31 | C301 | Show lot lines SSLD 2.3.1.A.10 | A | | |
| 32 | C301 | Show separation distance SSLD 2.3.1.A.6 | P | DSPS (SPS 382) governs separation | |







Attachment: Thompson Attachment (3489 : Gregory Thompson Board of Appeals Documentation)

# CITY OF MEQUON REVIEW COMMENT FORM

| Reviewer | | | Designer | | Reviewer |
|---|---|---|---|---|---|
| *Issue No.* | *Location (Sheet number/ type, road name and/or station)* | *Review Comments* | *Response Code* | *Response* Response by owner/designer : May 7, 2018 | *Markup Complete* |
| | | | | distance for private water main. | |
| 33 | C301 | Show the ROW SSLD 2.3.1.A.1 | A | | |
| 34 | C301 | Show 4" forcemain in plan and profile. See as-built. | A | | |
| 35 | C301 | All trees, signs, utilities to be shown on the plan SSLD2.3.1.A.22 | P | The sewer and water plans are designed as a set of drawings C-100 thru C-400. There are no obstructions other than the utilities shown consistently throughout the set. | |
| 36 | C301 | Show backfill and insulation limits SSLD 2.3.1.B.7 | P | Will show for sanitary in ROW | |
| 37 | C301 | Provide insulation details | A | Conforms to SPS 382 | |
| 38 | C301 | Show gas , watermain and forcemain crossing in the profile. SSLD2.3.1.B.5 | A | | |
| 39 | C301 | Estimate the material quantities SSLD 2.3.1.A.12 | P | The lengths of all pipes are adequately shown, 262 lf of 6in main, 150lf of 4in lateral. The granular fill is approximately 150cys. | |
| 40 | C301 | Plan sheet shall be signed and sealed by a professional engineer SSLD 2.3.1.A.15 | A | | |
| 41 | C301 | MMSD approval of the sanitary sewer plans is required prior to issuance of the building permit. Plans may not be issued for review to MMSD until approved by the City of Mequon. | P | An amendment to the approved DSPS permit is necessary because the City is requiring a direct connection to the existing sewer manhole in the roadway. Owner requests the City prepare the submittal package to MMSD concurrent with the DSPS review noting that the basic design and intent has not changed and that the City has sufficient information to prepare such submittal and that by doing so, would help with the timeframe for the start of construction and avoid any unnecessary delay. It would be greatly appreciated. | |

# CITY OF MEQUON REVIEW COMMENT FORM

| Reviewer | | | Designer | | Reviewer |
|---|---|---|---|---|---|
| *Issue No.* | *Location (Sheet number/ type, road name and/or station)* | *Review Comments* | *Response Code* | *Response* Response by owner/designer : May 7, 2018 | *Markup Complete* |
| 42 | C400 | Provide details for the sanitary manhole, watermain connection, hydrant detail, and any other necessary details to convey the design intent. | P | Not required but can provide detail of private manhole | |
| 43 | Other | A filling and excavation permit is required. | A | | |
| 44 | Other | All Planning Commission conditions of approval are required to be satisfied prior to the issuance of a building permit. | P | Except those conditions specifically negotiated otherwise | |
| 45 | Other | City Attorney approval is required for all applicable easements including, but not limited to, easements over the existing utilities and easements for proposed public utilities. | D | No easements are necessary | |
| 46 | Other | Staff reserves the right to add conditions to this review if changes made to the site, building or grading plans warrant additional requirements. | A | | |

Exhibit 5 - Same Situation as Oak Creek Development

(40 pages total)



DIVISION OF INDUSTRY SERVICES
2331 SAN LUIS PL STE 150
GREEN BAY WI 54304-5211
Contact Through Relay
http://dsps.wi.gov/programs/industry-services
www.wisconsin.gov

Scott Walker, Governor
Laura Gutiérrez, Secretary

August 02, 2017

CUST ID No. 1093700

*ATTN: Plumbing Inspector*

WADE WYSE
312 E MAIN ST
MOUNT HOREB WI 53572

MUNICIPAL CLERK
CITY OF OAK CREEK
8040 S 6TH ST
OAK CREEK WI 53154

**CONDITIONAL APPROVAL**
**PLAN APPROVAL EXPIRES: 08/02/2019**

| Identification Numbers |
|---|
| **Transaction ID No. 2955196**<br>**Site ID No. 839020** |
| Please refer to both identification numbers, above, in all correspondence with the agency. |

**SITE:**
**Storage Shop USA**
**401 E Oak St**
**City of Oak Creek**
**Milwaukee County**

**FOR:**
**Plan Type: New; Sanitary Diameter: 6.00**

**Object Type: Sanitary Private Interceptor Main Sewer Regulated Object ID No.: 1711141**

**Object Type: Private Water Main Regulated Object ID No.: 1720429**

**Facility: 774448 STORAGE SHOP USA-STORAGE BLDG 5**
**401 E OAK ST**
**Plan Type: New; Sanitary Diameter: 4.00; 4 Identical Building(s); Water Diameter: 2.00**

**Object Type: Exterior Sanitary Building Sewer Regulated Object ID No.: 1711132**

**Object Type: Exterior Water Service Regulated Object ID No.: 1711133**

**Facility: 774449 STORAGE SHOP USA-STORAGE BLDG 3**
**401 E OAK ST**
**Plan Type: New; Sanitary Diameter: 4.00; 4 Identical Building(s); Water Diameter: 2.00**

**Object Type: Exterior Sanitary Building Sewer Regulated Object ID No.: 1711135**

**Object Type: Exterior Water Service Regulated Object ID No.: 1711136**

**Facility: 774450 STORAGE SHOP USA-STORAGE BLDG 1**
**401 E OAK ST**
**Plan Type: New; Sanitary Diameter: 4.00; 4 Identical Building(s); Water Diameter: 2.00**

**Object Type: Exterior Sanitary Building Sewer Regulated Object ID No.: 1711138**

**Object Type: Exterior Water Service Regulated Object ID No.: 1711139**

**Facility: 774451 STORAGE SHOP USA-STORAGE BLDG 2**
**401 E OAK ST**
**Plan Type: New; Sanitary Diameter: 4.00; 4 Identical Building(s); Water Diameter: 2.00**

1/40

Attachment: Thompson Attachment (3489 : Gregory Thompson Board of Appeals Documentation)

**Object Type: Exterior Sanitary Building Sewer Regulated Object ID No.: 1711126**

**Object Type: Exterior Water Service Regulated Object ID No.: 1711127**

**Facility: 774452 STORAGE SHOP USA-STORAGE BLDG 4**
**401 E OAK ST**
**Plan Type: New; Sanitary Diameter: 4.00; 4 Identical Building(s); Water Diameter: 2.00**

**Object Type: Exterior Sanitary Building Sewer Regulated Object ID No.: 1711129**

**Object Type: Exterior Water Service Regulated Object ID No.: 1711130**

The submittal described above has been reviewed for conformance with applicable Wisconsin Administrative Codes and Wisconsin Statutes. The submittal has been CONDITIONALLY APPROVED. The owner, as defined in chapter 101.01(10), Wisconsin Statutes, is responsible for compliance with all code requirements.

**No person may engage in or work at plumbing in the state unless licensed to do so by the Department per s.145.06, stats.**

The following conditions shall be met during construction or installation and prior to occupancy or use:

## KEY ITEM(S)

1. **SPS 382.40(4)(b). Water services shall be provided with control valves as specified in this paragraph.**
2. **SPS 382.40(8)(b) Location. Exterior water supply piping setbacks and crossings shall be in accordance with sud. 2. To 7.**
3. **SPS 382.30(11)(h), SPS 382.36(7)(d)10.a. and SPS 382.40(8)(k)** Locating requirements. A means to locate buried underground exterior non metallic sanitary and storm sewers/mains and water services/mains must be provided with tracer wire or other methods in order to be located in accord with the provisions of these code sections as per 182.0715(2r) of the statutes.

A full size copy of the approved plans, specifications and this letter shall be on-site during construction and open to inspection by authorized representatives of the Department, which may include local inspectors. If plan index sheets were submitted in lieu of additional full plan sets, a copy of this approval letter and index sheet shall be attached to plans that correspond with the copy on file with the Department. If these plans were submitted in an electronic form, the designer is responsible to download, print, and bind the full size set of plans along with our approval letter. A department electronic stamp and signature shall be on the plans which are used at the job site for construction. All permits required by the state or the local municipality shall be obtained prior to commencement of construction/installation/operation.

In granting this approval the Division of Industry Services reserves the right to require changes or additions should conditions arise making them necessary for code compliance. As per state stats 101.12(2), nothing in this review shall relieve the designer of the responsibility for designing a safe building, structure, or component.

Inquiries concerning this correspondence may be made to me at the telephone number listed below, or at the address on this letterhead.

Sincerely,

Donald M Oremus
Plumbing Plan Reviewer , Division of Industry Services
(920) 492-6500, Tues; Weds; Thurs.
don.oremus@wisconsin.gov

| | |
|---|---|
| Fee Required $ | 1,620.00 |
| Fee Received $ | 1,080.00 |
| Invoiced Amt $ | 540.00 |

This Amount Will Be Invoiced. When You Receive That Invoice, Please Include a Copy With Your Payment Submittal.
WiSMART code: 7657

2/40

Attachment: Thompson Attachment (3489 : Gregory Thompson Board of Appeals Documentation)

cc: Wade Wyse , Wyser Engineering LLC
Tms Investments LLC
Robert Franke, Plumbing Plan Reviewer, (262) 548-8604, M-f 7:00AM - 3:30PM
Greg Thompson, Storageshopusa

**Note: Effective January 1, 2012,** all codes under the jurisdiction of the Division of Industry Services (formerly Safety & Buildings) will be modified. Code references with prefixes starting with "Comm" have been replaced with "SPS" to recognize the relocation of the Division of Industry Services from the former Department of Commerce to the Department of Safety & Professional Services. Additionally, all IS (formerly S&B) codes have been renumbered and addressed in a "300" series. For future reference, the Wisconsin Commercial Building Code will be addressed by SPS Chapters 360-366.

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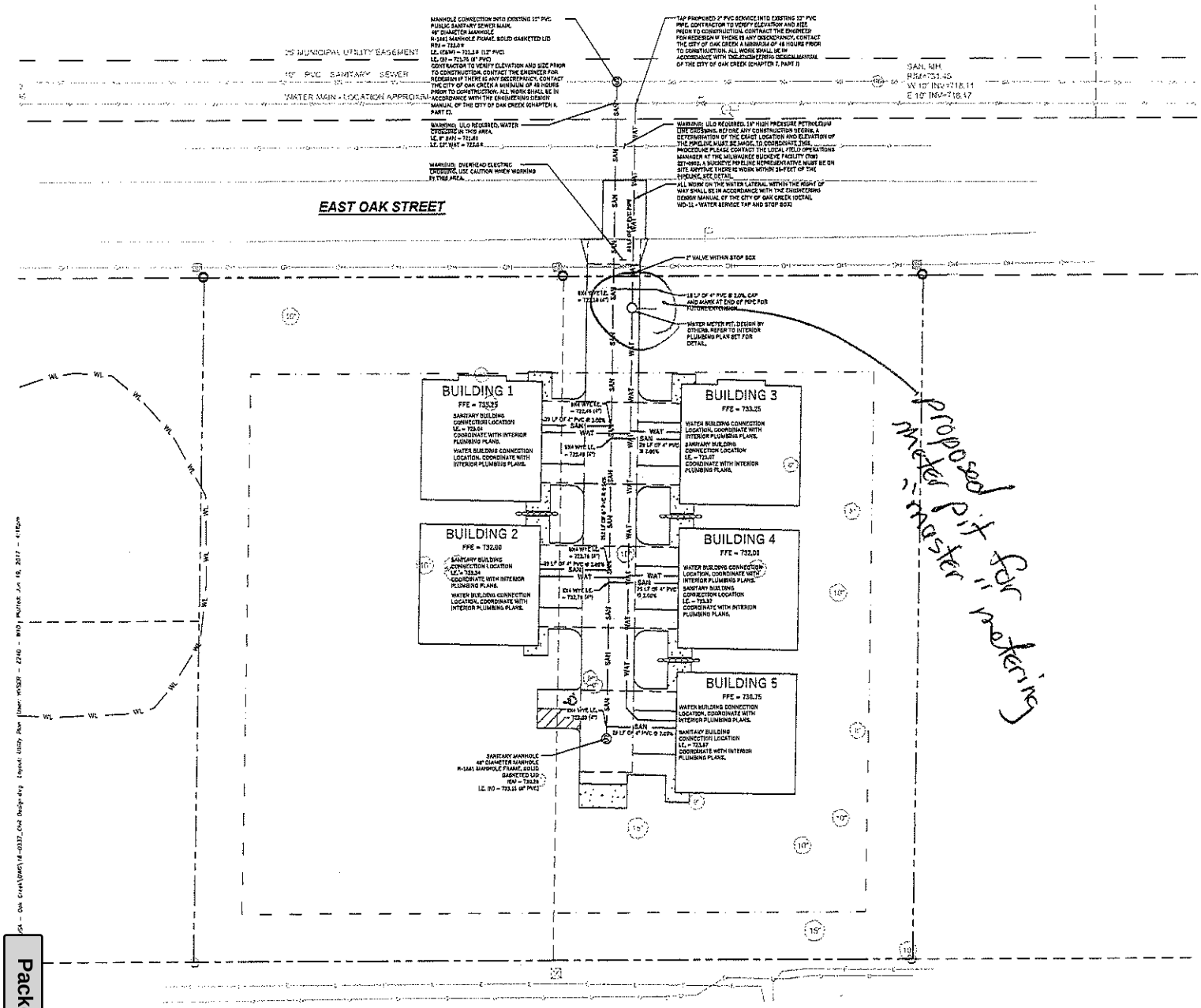


## LEGEND (PROPOSED)

- PROPOSED PROPERTY BOUNDARY
- EASEMENT
- BUILDING FOOTPRINT
- 18" CURB AND GUTTER
- ASPHALT PAVEMENT
- CONCRETE PAVEMENT
- WAT — PROPOSED WATER MAIN
- SAN — PROPOSED SANITARY SEWER
- STM — PROPOSED STORM SEWER
- GAS — PROPOSED GAS SERVICE (DESIGN BY OTHERS)
- E — PROPOSED ELECTRIC SERVICE (DESIGN BY OTHERS)
- STORMWATER TREATMENT FACILITY
- DRAINAGE GRADE BREAK
- 1.25% — DRAINAGE ARROW

NORTH

## GENERAL NOTES

1. UNDERLYING SITE CONTOURS AND INFORMATION BASED ON TOPOGRAPHIC & UTILITY DATA AS PROVIDED TO WYSER ENGINEERING. WYSER ENGINEERING SHALL NOT BE HELD RESPONSIBLE FOR ANY ERRORS OR OMISSIONS THAT MAY ARISE AS A RESULT OF ERRONEOUS OR INCOMPLETE INFORMATION PROVIDED BY OTHERS. CONTRACTOR TO CONFIRM ALL ELEVATIONS, GENERAL DRAINAGE AND EARTHWORK REQUIREMENTS PRIOR TO CONSTRUCTION.
2. THE BENCHMARK LOCATIONS ARE SHOWN FOR REFERENCE ONLY ON THIS PLAN. THE BENCHMARKS SHALL BE VALIDATED BY LICENSED LAND SURVEYOR PRIOR TO CONSTRUCTION. CONTRACTOR ASSUMES RISK ASSOCIATED WITH BENCHMARK ELEVATIONS UNTIL CONFIRMED.
3. CONTRACTOR TO OBTAIN APPROPRIATE PERMITS FOR STREET OPENINGS & TO WORK WITHIN THE VILLAGE'S LAND IF REQUIRED.
4. WYSER ENGINEERING SHALL BE HELD HARMLESS AND DOES NOT WARRANT ANY DEVIATIONS BY THE OWNER OR CONTRACTOR FROM THE APPROVED CONSTRUCTION PLANS THAT MAY RESULT IN DISCIPLINARY ACTIONS BY REGULATORY AGENCIES.
5. IF ANY ERRORS, DISCREPANCIES, OR OMISSIONS WITHIN THE PLAN BECOME APPARENT, IT SHALL BE BROUGHT TO THE ATTENTION OF THE ENGINEER PRIOR TO CONSTRUCTION SO THAT CLARIFICATION OR REDESIGN MAY OCCUR.
6. ALL MUNICIPAL UTILITY CONNECTIONS, WORK IN ROW, PUBLIC OUTLOTS AND PUBLIC EASEMENTS SHALL BE IN ACCORDANCE WITH THE ENGINEERING DESIGN MANUAL OF THE CITY OF OAK CREEK.

## UTILITY NOTES

1. DIMENSIONS TAKE PRECEDENCE OVER SCALE. CONTRACTOR TO VERIFY ALL DIMENSIONS IN FIELD.
2. LENGTHS OF ALL UTILITIES ARE TO CENTER OF STRUCTURES OR FITTINGS AND MAY VARY SLIGHTLY FROM PLAN. LENGTHS SHALL BE VERIFIED IN THE FIELD DURING CONSTRUCTION.
3. CONTRACTOR SHALL VERIFY ALL ELEVATIONS, LOCATIONS, AND SIZES OF SANITARY, WATER AND STORM LATERALS AND CHECK ALL UTILITY CROSSINGS FOR CONFLICTS.
4. THE PROPOSED IMPROVEMENTS MUST BE CONSTRUCTED IN ACCORDANCE WITH ENGINEERING PLANS DESIGNED TO MEET ORDINANCES AND REQUIREMENTS OF THE MUNICIPALITY AND WEDOT, WISDNR, AND WDNR.
5. PRIOR TO CONSTRUCTION, THE CONTRACTOR IS RESPONSIBLE FOR:
   - EXAMINING ALL SITES CONDITIONS RELATIVE TO THE CONDITIONS INDICATED ON THE ENGINEERING DRAWINGS. ANY DISCREPANCIES ARE TO BE REPORTED TO THE ENGINEER AND RESOLVED PRIOR TO THE START OF CONSTRUCTION.
   - OBTAINING ALL PERMITS INCLUDING PERMIT COSTS, TAP FEES, METER DEPOSITS, BONDS, AND ALL OTHER FEES REQUIRED FOR PROPOSED WORK TO OBTAIN OCCUPANCY.
   - VERIFYING UTILITY ELEVATIONS AND NOTIFYING ENGINEER OF ANY DISCREPANCY. NO WORK SHALL BE PERFORMED UNTIL THE DISCREPANCY IS RESOLVED.
   - NOTIFYING ALL UTILITIES PRIOR TO THE INSTALLATION OF ANY UNDERGROUND IMPROVEMENTS.
   - NOTIFYING THE DESIGN ENGINEER AND MUNICIPALITY 48 HOURS PRIOR TO THE START OF CONSTRUCTION TO ARRANGE FOR APPROPRIATE CONSTRUCTION OBSERVATION.
6. THE CONTRACTOR IS RESPONSIBLE FOR PROVIDING THE ENGINEER WITH AS-BUILT CONDITIONS OF THE DESIGNATED IMPROVEMENTS IN ORDER THAT THE APPROPRIATE DRAWINGS CAN BE PREPARED. IF REQUIRED, ANY CHANGES TO THE DRAWINGS OR ADDITIONAL ITEMS MUST BE REPORTED TO THE ENGINEER AS WORK PROGRESSES.
10. ANY SANITARY SEWER, SANITARY SEWER SERVICES, WATER MAIN, WATER SERVICES, STORM SEWER, OR OTHER UTILITIES, WHICH ARE DAMAGED BY THE CONTRACTORS, SHALL BE REPAIRED TO THE OWNER'S SATISFACTION AT THE CONTRACTORS EXPENSE. NO BLASTING IS ALLOWED WITHIN 50 FEET OF EXISTING UTILITIES.
11. ALL PRIVATE INTERCEPTOR WATER MAIN AND WATER SERVICES SHALL BE INSTALLED WITH A 8' MINIMUM BURY, PROVIDE INSULATION ABOVE PIPES WITH LESS THAN 8' OF GROUND COVER.
12. GRANULAR BACKFILL MATERIALS ARE REQUIRED IN ALL UTILITY TRENCHES UNDER SIDEWALKS AND PROPOSED PAVED AREAS (UNLESS OTHERWISE SPECIFIED BY A GEOTECHNICAL ENGINEER). ALL UTILITY TRENCH BACKFILL SHALL BE COMPACTED PER SPECIFICATIONS. ALL PAVEMENT PATCHING SHALL COMPLY WITH THE VILLAGE OF SAINT MORES STANDARD SPECIFICATIONS. ADDITIONAL PAVEMENT MILLING AND OVERLAY MAY BE REQUIRED BY PERMIT.
13. CONTRACTOR SHALL NOTIFY THE MUNICIPAL PUBLIC WORKS DEPARTMENT A MINIMUM OF 48 HOURS BEFORE CONNECTING TO PUBLIC UTILITIES.
14. ALL NON-METALLIC BUILDING SEWER AND WATER SERVICES MUST BE ACCOMPANIED BY MEANS OF LOCATING UNDERGROUND PIPE. TRACER WIRE VALVE BOXES SHALL BE INSTALLED ON ALL LATERALS AND AS INDICATED ON THESE PLANS.
15. ALL EXTERIOR CLEANOUTS SHALL BE PROVIDED WITH A FROST SLEEVE IN ACCORDANCE WITH SPS 382.34(3)(g) AND SPS 384.30(3)(c).
16. ALL PRIVATE SANITARY BUILDING SEWER PIPE AND TUBING SHALL CONFORM TO SPS 384.30-5.
17. ALL PRIVATE STORM BUILDING PIPE AND TUBING SHALL CONFORM TO SPS 384.30-4.
18. ALL PRIVATE PIPE AND TUBING FOR WATER SERVICE SHALL CONFORM TO SPS 384.30-7.
19. ALL PRIVATE PIPE SHALL BE INSTALLED PER SPS 384.40-8 INCLUDING AT LEAST 9' OF HORIZONTAL DISTANCE BETWEEN WATER PIPING AND SANITARY SEWER FROM CENTER OF PIPE TO CENTER OF PIPE AND 9' OF SEPARATION BETWEEN STORM SEWER AND WATER PIPING.
20. THE CONTRACTOR SHALL ALLOW 10 WORKING DAYS FOR THE CONSTRUCTION OF GAS MAINS WHEN SCHEDULING THE WORK AND SHALL NOT RESTRICT ACCESS TO THE GAS MAIN CONTRACTOR OR OTHER UTILITY COMPANIES.
21. INLET CASTINGS SHALL BE SET TO GRADE PRIOR TO AND SEPARATE FROM THE POURING OF THE CONCRETE CURB AND GUTTER. IT IS REQUIRED THAT THREE FEET OF CONCRETE CURB AND GUTTER ON EACH SIDE OF THE INLET SHALL BE POURED BY HAND, NOT THROUGH THE USE OF A CURB MACHINE. THE INLET CASTING SHALL BE SET TO GRADE ON A BED OF MORTAR WHICH SHALL BE A MINIMUM OF TWO INCHES THICK. THE INLET SHALL BE PLACED ON THE MORTAR BED AND SHALL BE ADJUSTED TO GRADE BY APPLYING DIRECT PRESSURE TO THE CASTING. ONCE THE CASTING ADJUSTMENT IS COMPLETE, THREE FEET OF CURB AND GUTTER ON EACH SIDE OF THE CASTING SHALL BE POURED BY HAND.
22. THE CURB INLET SHALL HAVE A CATCH-ALL MP-1 OIL AND GREASE FILTER OR APPROVED EQUIVALENT INSTALLED WITHIN THEM.
23. NO BLASTING SHALL OCCUR WITHIN 50 FEET OF ANY EXISTING UTILITIES
24. CONTRACTOR SHALL VERIFY AND COORDINATE ALL UTILITY CONNECTIONS WITH THE BUILDING PRIOR TO CONSTRUCTION.
25. THE CONTRACTOR SHALL CONDUCT HIS OPERATIONS SO AS TO BE IN CONFORMANCE WITH THE VILLAGE EROSION CONTROL AND STORMWATER ORDINANCE, AND DNR ADMINISTRATIVE RULE NR 216 AT ALL TIMES.

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WYSER ENGINEERING

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OAK CREEK, WI 53154

STORAGE SHOP USA - OAK CREEK

OAK CREEK, MILWAUKEE COUNTY, WI

Sheet Title: UTILITY PLAN

Revisions:

| No. | Date | Description |
|---|---|---|
| 1 | 06/15/17 | City Comments |

| | |
|---|---|
| Graphic Scale | 0' 5' 10' 20' 30' |
| Wyser Number | 16-0337 |
| Set Type | PERMIT |
| Date Issued | 03/27/2017 |
| Sheet Number | C300 |

Packet Pg. 286

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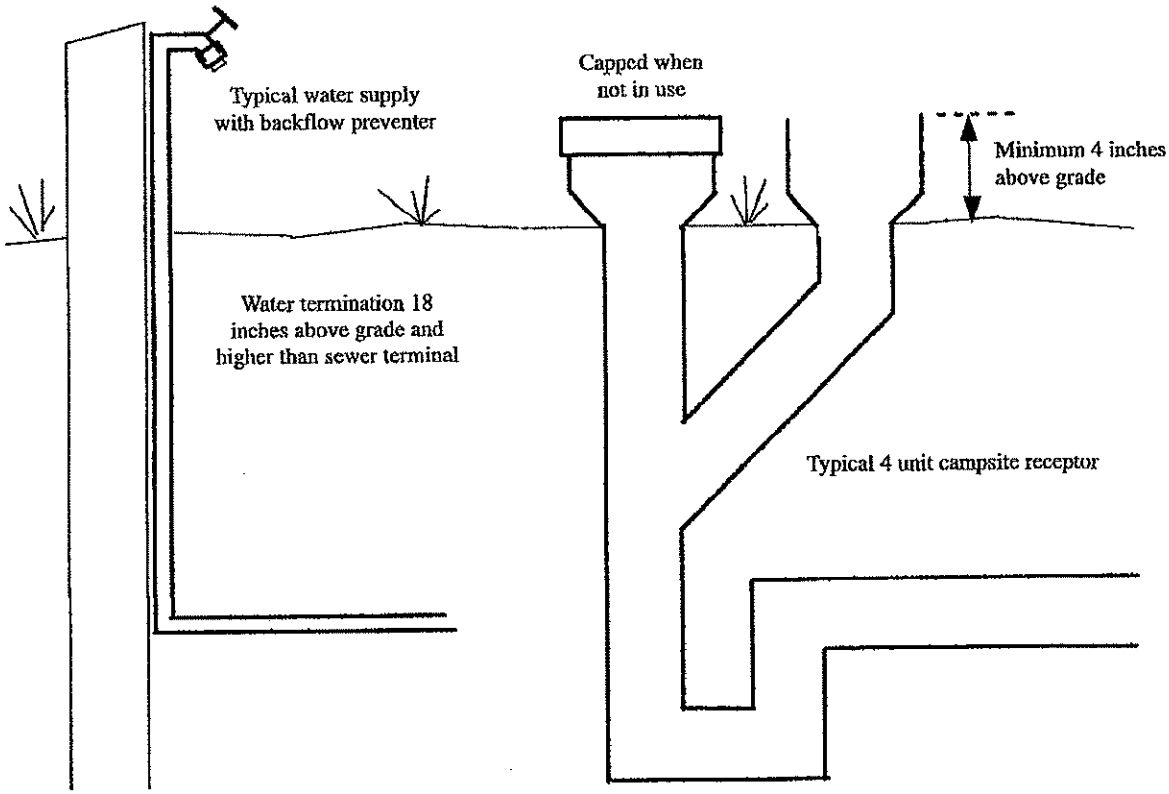
4.g.a

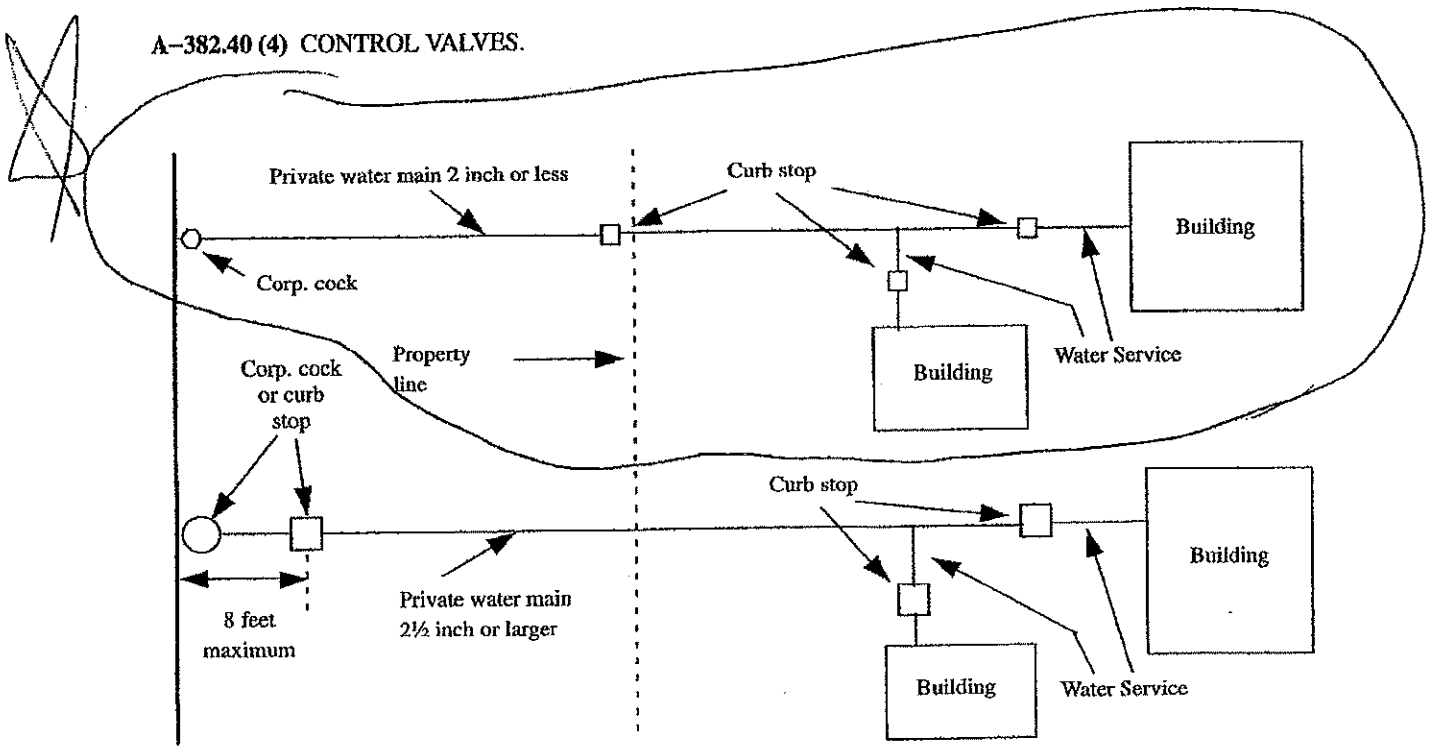
Published under s. 35.93, Wis. Stats., by the Legislative Reference Bureau.



A–382.37 (3) CAMPSITE RECEPTORS AND WATER SUPPLY




A–382.40 (4) CONTROL VALVES.



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Taken from City of Oak Creek "Engineering Design Manual"
equivalent to. City of Mequon "SSLD"



# CHAPTER 7

## Water Distribution System

A. Introduction

All developments within the corporate limits or under the control of the city shall include provisions for the construction of water distribution facilities designed according to this chapter.

All work done and materials used in connection with any water main extension installation, water main tapping, and the installation of service pipes and appurtenances from the city water distribution system shall be in accordance with the requirements of the Municipal Code of the City of Oak Creek, American Water Works Association specifications, American Standards Association specifications, and Standard Specifications for Sewer and Water Main Construction in Wisconsin, current editions, and the following specifications in this chapter.

B. Design Requirements

1. General

a. All engineering plans and specifications shall be designed, prepared, stamped, and signed by a qualified professional engineer registered in the State of Wisconsin.

b. The design engineer shall prepare final engineering drawings based on the requirements outlined in this document, the Oak Creek Water and Sewer Commission standards, city ordinances, and the municipal code.

c. Except as specified in this manual, all work performed and materials supplied shall conform to the Standard Specifications.

d. As a minimum, the distribution system shall include a system of water mains and service lines between a connection or connections to the existing distribution system at locations approved by the Utility and City Engineer, and at the boundary line of each individual parcel within the development.

e. Extensions to the distribution system shall be a complete network extension or part of a complete network extension and shall include primary feeders, secondary feeders, and distribution mains conforming in general to the existing distribution system pattern.

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f. Any water main extension project shall include extending the water main the full length of the property.

g. For water main protection, see Section C 13 b on Page 6-6.

C. Water Main

1. Primary mains are those mains forming the arterial system of the utility and in the case of construction within a development, are further defined as mains 12" except when a diameter larger than 12" is required to meet local fire protection needs.

2. Secondary feeders shall be sized and shall be looped with spacing as required for fire flows and shall have a minimum diameter of 8".

3. Distribution mains shall form a grid to supply water to the local fire hydrants and service lines. Distribution mains shall have a minimum diameter as follows:

| Type of Development | Minimum Main Size |
|---|---|
| Residential cul-de-sac less than 6 homes | 6" |
| Residential cul-de-sac greater than 6 homes | 8" |
| Residential | 8" |
| Commercial | 12" |
| Industrial | 12" |

Permanent dead ends shall be avoided whenever possible and shall be limited to a maximum length of 500' when the design can demonstrate to the engineer that looping of such water main is not practical. A dead end must end with a hydrant for flushing.

4. The proposed extension shall be arranged so that the effect of a break in a secondary feeder or distribution main will be kept to a minimum.

5. Required Fire Flow

The desired fire flow is 1,500 gallons per minute at 20 pounds per square inch. The minimum fire flow requirement is 500 gallons per minute at 20 pounds per square inch residual, as computed for the critical elevation of the proposed development.

6. Head losses in relation to velocity in water mains shall be computed using the Hazen-Williams formula:



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$$V = 1.318\ CHWRh^{0.63}S^{0.54}$$

where,

V = velocity in feet per second
C = 120
R = the hydraulic radius (A/Pwetted)
S = the hydraulic gradient (hf/L)

7. The above size and criteria may be deviated from if the engineer can demonstrate through a detailed hydraulic analysis of the water system that adequate fire flows are attainable.

8. All water mains shall be looped or constructed with the intention to loop unless approved by the Utility and City Engineer.

9. All water main 16" and larger shall be ductile iron pipe (Class 52), cement mortar-lined, push-on joint, and shall meet the requirements of Chapter 6.18.0 of the Standard Specifications. Over 20" may be prestressed watermain concrete cylinder pipe A.W.W.A. C-301.

10. All water main 12" and smaller shall be either ductile iron pipe (Class 52), cement mortar-lined, push-on joint, and shall meet the requirements of Chapter 6.18.0 of the Standard Specifications, or shall be Polyvinyl Chloride (PVC) water pipe and shall conform to the requirements of A.W.W.A. C-900 pressure Class 150 or shall be high density polyethylene (HDPE) and shall conform to the requirements of A.W.W.A. C-906, DR-11, PE 3408, D.I. sizing. All 6" or smaller PVC must be A.W.W.A. C-900 Class 200 DR 14.

11. All non-PVC pipe shall be double wrapped with polyethylene wrap meeting the requirements of the Standard Specifications Section 4.4.4. Fittings shall be triple wrapped.

12. Water mains located outside the ROW must be centered in a 25' wide permanent water main or public utility easement. If the water main is located in the same easement as another utility then the easement shall be increased to 25' plus the distance between the Utilities.

13. All water mains located inside the ROW but less than 10' from the lot line must have a 10' easement along the lot line.

14. Generally, water main deflection will not be allowed and should follow the sanitary sewer utilizing 22¼ or 45-degree bends when needed.

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D. Valves

1. Valves shall be located so as to effectively isolate portions of the system with minimum loss of service.

2. Valves shall be located at all intersections, at the curb flange lines extended, and at spacing of 500' to 800' between intersections, adjacent to fire hydrants or at property lines extended.

3. Tees shall be installed with two valves.

4. Crosses shall be installed with three valves.

5. If a water main is passing along a side yard, valves are required at both ends and service connections are not permitted.

6. Water main 12" in diameter and smaller shall have resilient wedge gate valves for isolating service.

7. Water main larger than 12" in diameter shall have butterfly valves for isolating service. Butterfly valves shall be equipped with traveling nut or enclosed worm gear operators to minimize the closing time, to prevent water hammer, and to provide ease of operation.

8. Buried valves shall have three-piece valve boxes and valve box adapters. Valve boxes shall be wrapped with polyethylene.

9. Valve boxes shall be set 2" below finished pavement grade for asphaltic pavements until final lift of asphalt is complete; and to finished grade for concrete pavements. No ramping will be allowed. No "slider" type adjusting rings shall be used.

E. Fittings

1. All fittings and their installation shall conform to all appropriate requirements of Part IV of the Standard Specifications.

2. All fittings shall be of push-on type. If mechanical joint is specified, the joints shall be made with Cor-ten nuts and bolts, or corrosion-resistant equivalents which conform to C-111, A.W.W.A. Specifications, as approved by the Utility and City Engineer.

3. All fittings shall be cement-lined ductile iron, no lighter than Class D A.W.W.A. Specifications designed for 150 pounds per square inch and provided with push-on joint.

Attachment: Thompson Attachment (3489 : Gregory Thompson Board of Appeals Documentation)

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4. All metal fittings, when utilized with PVC pipe, shall be triple-wrapped with polyethylene meeting the requirements of Chapter 6.21.0 of the Standard Specifications. Installation of the wrap shall conform to Section 4.4.4.

5. Push plugs with buttress shall be furnished as specified on the plans and shall be rubber joint.

F. Fire Hydrants

1. All hydrants shall be break-flange type with a 5¼" valve opening, two 2½" hose nozzles and one 4½" pumper nozzle. All hydrants shall be furnished with an o-ring, stuffing boxes, shall have bronze to bronze fittings, and shall open counter-clockwise. Hydrants shall have a 1½" pentagon operating nut and on nozzle caps. See list at the end of this chapter for acceptable hydrant types.

2. Hydrants shall have a minimum of 1 cubic yard of #2 washed stone placed below the hydrant up to a point 6" above the hydrant drain hole.

3. All hydrants shall have a 6'6" barrel length with hydrant extensions as needed. Hydrant extension lengths shall be noted on the utility plans.

4. The hydrant shall be placed perpendicular to the water main and the pumper nozzle oriented toward the pavement.

5. Hydrants shall be placed 4' behind the back of curb or 4' off of the shoulder of the road. All hydrant nozzle elevations shall be located 18" to 24" above finished grade or top of curb. Break away flange and break away shaft coupling shall be positioned just above finished grade.

6. An anchoring tee shall be used to attach the hydrant lead to all water mains. The auxiliary valve shall be directly attached to the anchoring tee and the hydrant shall be mechanically restrained (mega-lug or equal).

7. Concrete buttress shall be used to restrain the tee.

8. Poured concrete buttress will not be allowed.

9. Hydrants shall have an auxiliary isolating valve that shall be 6" mechanical joint resilient wedge gate valve.

10. All hydrants shall be located at property line intersections and meet the following requirements:

    a. At the end of all cul-de-sacs.

Attachment: Thompson Attachment (3489 : Gregory Thompson Board of Appeals Documentation)

2. Excavation backfill shall be mechanically compacted in 12" lifts within the street ROW. No flushing of trenches shall be allowed. The backfill material shall be graded crushed ¾" stone per Section 6.43.7(c) of the Standard Specifications (3/4" T.B.). Slurry shall be used for all existing street crossing.

I. Connections to Existing Water Mains

All connections to the city water distribution system shall be made under full water service pressure unless otherwise approved by the Utility and City Engineer at locations approved by the Utility and City Engineer.

J. Water Service Lines and Connections

1. In general, a water service shall be installed for each building or buildable lot. Water services shall consist of a corporation stop, service line, and curb stop with box.

2. All water laterals shall be a minimum of 1" in diameter. A larger diameter may be required.

3. A minimum of 6' of cover shall be maintained on all water laterals, including the area through the drainage ditch.

4. The service lines shall be Type "K" copper tubing conforming to the requirements of ASTM B88; or polyvinyl chloride (PVC) water pipe conforming to ASTM D-2737, or HDPE for water lateral use.

5. The corporation stop shall be tapped at a 25° angle on the main when utilizing copper, a vertical loop of piping shall be installed to minimize the potential for pulling the service line from the corporation stop. When utilizing PVC or HDPE, the service shall be installed by snaking the line for slack in the service to minimize the potential for pulling the service line from the corporation stop.

6. All corporation stops, curb stops, and curb boxes for services shall be of those types that are acceptable to the utility and shall be triple poly wrapped.

7. A clay dam shall be constructed with all laterals adjacent to pavement low points.

8. Any existing water lateral to be removed shall be removed at the watermain under Utility inspection.

Attachment: Thompson Attachment (3489 : Gregory Thompson Board of Appeals Documentation)

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K. Testing and Inspection

1. Inspection

An inspector shall be on the job site for the unloading of all materials and during construction of the water main and laterals. The contractor responsible for the construction of the water mains and laterals is also responsible for notifying the utility of construction start-up. Contractor shall supply material certification sheets prior to construction.

2. Tests

All water main and laterals shall be tested in full accordance with the requirements of Chapter 4.15.0 and Section 5.5.18 of the Standard Specifications.

L. Construction Requirements

The contractor shall furnish and place a temporary 2" x 6" wood post, marked with blue paint at the end of each water service. Any deviation from approved plans or specifications affecting the performance or installation of the water main and services shall be approved, in writing, by the Utility and City Engineer before such changes are made.

Revised plans or specifications shall be submitted well in advance of any construction work that will be affected by changes to permit sufficient time for review and approval.

Only Utility staff shall be allowed to operate the system valves.

All construction activities shall comply with the Standard Specifications and General Specifications.

A list of all-acceptable fire hydrants, resilient wedge gate valves, butterfly valves, tapping saddles, and all other appurtenances is shown in Tables 7 B, C, & D. Deviations from this list will be considered if specifications for the variance are submitted to the Utility and City Engineer for review two weeks prior to the start of the utility installation.

Attachment: Thompson Attachment (3489 : Gregory Thompson Board of Appeals Documentation)

TABLE 7-B

FIRE HYDRANTS

| Brand | Operating Nut Size | Model | Main Valve | Nozzles N.S.T. |
|---|---|---|---|---|
| Clow | 1½" Pentagon | 2500 | 5¼" | 2 2½" & 1 4 ½" |
| Mueller | 1½" Pentagon | Centurian | 5¼" | 2 2½" & 1 4½" |
| Kennedy | 1½" Pentagon | Guardian K81A | 5¼" | 2 2½" & 1 4½ " |

TABLE 7-C

RESILIENT WEDGE GATE VALVE

| Brand | Size |
|---|---|
| Clow - R.W. | 3" - 12" |
| Mueller - R.W. | 3" - 12" |
| M & H R.S.C.V. | 3" - 12" |
| Waterous - 500 | 3" - 12" |
| Kennedy - R.W. | 3" - 12" |
| American Flow Control | 3"–12" |

TABLE 7-D

BUTTERFLY VALVE

| Brand | Size |
|---|---|
| Pratt | 16" and larger |
| Mueller | 16" and larger |
| Clow | 16" and larger |
| Dezurik | 16" and larger |

Attachment: Thompson Attachment (3489 : Gregory Thompson Board of Appeals Documentation)

TAPPING SADDLE

Used on all PVC water main taps:

Power Seal Stainless Steel #3412 – 1¼" CC through 2" CC
Smith-Blair Stainless Steel #372 – 1¼" CC through 2" CC

For 3" and larger service laterals:

Smith-Blair
Full Circle Stainless Steel Model 663
Romac Full Circle Stainless Steel Model "SST"
Power Seal Full Circle Stainless Steel Model 3490
JCM Full Circle Stainless Steel Model 432
Ford Stainless Tapping Sleeve Model FAST

Attachment: Thompson Attachment (3489 : Gregory Thompson Board of Appeals Documentation)

**RATE FILE**

Sheet No. 1 of 10
Schedule No. X-1
Amendment No. 09

**Public Service Commission of Wisconsin**

**Mequon Municipal Water Utility**

## Water Utility Operating Rules

Compliance with Rules

All persons now receiving water service from this water utility, or who may request service in the future, shall be considered as having agreed to be bound by the rules and regulations as filed with the Public Service Commission of Wisconsin.

Establishment of Service

Application for water service may be made in writing on a form furnished by the water utility. The application will contain the legal description of the property to be served, the name of the owner, the exact use to be made of the service, and the size of the service lateral and meter desired. Note particularly any special refrigeration, fire protection, or water-consuming air-conditioning equipment.

Service will be furnished only if (1) the premises have a frontage on a properly platted street or public strip in which a cast iron or other long-life water main has been laid, or where the property owner has agreed to and complied with the provisions of the water utility's filed main extension rule, (2) the property owner has installed or agrees to install a service lateral from the curb stop to the point of use that is not less than 6 feet below the surface of an established or proposed grade and meets the water utility's specifications, and (3) the premises have adequate piping beyond the metering point.

The owner of a multi-unit dwelling has the option of being served by individual metered water service to each unit. The owner, by selecting this option, is required to provide interior plumbing and meter settings to enable individual metered service to each unit and individual disconnection without affecting service to other units. Each meter and meter connection will be treated as a separate water utility account for the purpose of the filed rules and regulations.

No division of the water service lateral to any lot or parcel of land shall be made for the extension and independent metering of the supply to an adjoining lot or parcel of land. Except for duplexes, no division of a water service lateral shall be made at the curb for separate supplies for two or more separate premises having frontage on any street or public service strip, whether owned by the same or different parties. Duplexes may be served by one lateral provided (1) individual metered service and disconnection is provided and (2) it is permitted by local ordinance.

Buildings used in the same business, located on the same parcel, and served by a single lateral may have the customer's water supply piping installed to a central point so that volume can be metered in one place.

The water utility may withhold approval of any application where full information of the purpose of such supply is not clearly indicated and set forth by the applicant property owner.



Attachment: Thompson Attachment (3489 : Gregory Thompson Board of Appeals Documentation)

## Water Utility Operating Rules

Reconnection of Service

Where the water utility has disconnected service at the customer's request, a reconnection charge shall be made when the customer requests reconnection of service. See Schedule R-1 for the applicable rate.

A reconnection charge shall also be required from customers whose services are disconnected (shut off at curb stop box) because of nonpayment of bills when due. See Schedule R-1 for the applicable rate.

If reconnection is requested for the same location by any member of the same household, or, if a place of business, by any partner of the same business, it shall be considered as the same customer.

Temporary Metered Service, Meter, and Deposits

An applicant for temporary water service on a metered basis shall make and maintain a monetary deposit for each meter installed as security for payment for use of water and for such other charges which may arise from the use of the supply. A charge shall be made for setting the valve and furnishing and setting the meter. See Schedule BW-1 for the applicable rate.

Water for Construction

When water is requested for construction purposes or for filling tanks or other such uses, an application shall be made to the water utility, in writing, giving a statement of the amount of construction work to be done or the size of the tank to be filled, etc. Payment for the water for construction may be required in advance at the scheduled rates. The service lateral must be installed into the building before water can be used. No connection with the service lateral at the curb shall be made without special permission from the water utility. In no case will any employee of the water utility turn on water for construction work unless the contractor has obtained permission from the water utility.

Customers shall not allow contractors, masons, or other persons to take unmetered water from their premises without permission from the water utility. Any customer failing to comply with this provision may have water service discontinued and will be responsible for the cost of the estimated volume of water used.



Attachment: Thompson Attachment (3489 : Gregory Thompson Board of Appeals Documentation)

## Water Utility Operating Rules

Use of Hydrants

In cases where no other supply is available, permission may be granted by the water utility to use a hydrant. No hydrant shall be used until the proper meter and valve are installed. In no case shall any valve be installed or moved except by an employee of the water utility.

Before a valve is set, payment must be made for its setting and for the water to be used at the scheduled rates. Where applicable, see Schedule BW-1 for deposits and charges. Upon completing the use of the hydrant, the customer must notify the water utility to that effect.

Operation of Valves and Hydrants and Unauthorized Use of Water - Penalty

Any person who shall, without authority of the water utility, allow contractors, masons, or other unauthorized persons to take water from their premises, operate any valve connected with the street or supply mains, or open any fire hydrant connected with the distribution system, except for the purpose of extinguishing fire, or who shall wantonly damage or impair the same, shall be subject to a fine as provided by municipal ordinance. Utility permission for the use of hydrants applies only to such hydrants that are designated for the specific use.

Refunds of Monetary Deposits

All money deposited as security for payment of charges arising from the use of temporary water service on a metered basis, or for the return of a hydrant valve and fixtures if the water is used on an unmetered basis, will be refunded to the depositor on the termination of the use of water, the payment of all charges levied against the depositor, and the return of the water utility's equipment.

Service Laterals

No water service lateral shall be laid through any trench having cinders, rubbish, rock or gravel fill, or any other material which may cause injury to or disintegration of the service lateral, unless adequate means of protection are provided by sand filling or such other insulation as may be approved by the water utility. Service laterals passing through curb or retaining walls shall be adequately safeguarded by provision of a channel space or pipe casing not less than twice the diameter of the service connection. The space between the service lateral and the channel or pipe casing shall be filled and lightly caulked with an oakum, mastic cement, or other resilient material and made impervious to moisture.

In backfilling the pipe trench, the service lateral must be protected against injury by carefully hand tamping the ground filling around the pipe. There should be at least 6 inches of ground filling over the pipe, and it should be free from hard lumps, rocks, stones, or other injurious material.



Attachment: Thompson Attachment (3489 : Gregory Thompson Board of Appeals Documentation)

## Water Utility Operating Rules

Service Laterals (continued)

All water service laterals shall be of undiminished size from the street main into the point of meter placement. Beyond the meter outlet valve, the piping shall be sized and proportioned to provide, on all floors, at all times, an equitable distribution of the water supply for the greatest probable number of fixtures or appliances operating simultaneously.

Replacement and Repair of Service Laterals

The service lateral from the main to and through the curb stop will be maintained and kept in repair and, when worn out, replaced at the expense of the water utility. The property owner shall maintain the service lateral from the curb stop to the point of use.

If an owner fails to repair a leaking or broken service lateral from the curb to the point of metering or use within such time as may appear reasonable to the water utility after notification has been served on the owner by the water utility, the water will be shut off and will not be turned on again until the repairs have been completed.

Abandonment of Service

If a property owner changes the use of a property currently receiving water service such that water service will no longer be needed in the future, the water utility may require the abandonment of the water service at the water main. In such case, the property owner may be responsible for all removal and/or repair costs, including the water main and the utility portion of the water service lateral.

Charges for Water Wasted Due to Leaks

See Wis. Admin. Code § PSC 185.35.

Thawing Frozen Service Laterals

See Wis. Admin. Code § PSC 185.88.

Curb Stop Boxes

The curb stop box is the property of the water utility. The water utility is responsible for its repair and maintenance. This includes maintaining, through adjustment, the curb stop box at an appropriate grade level where no direct action by the property owner or occupant has contributed to an elevation problem. The property owner is responsible for protecting the curb stop box from situations that could obstruct access to it or unduly expose it to harm. The water utility shall not be liable for failure to locate the curb stop box and shut off the water in case of a leak on the owner's premises.



Attachment: Thompson Attachment (3489 : Gregory Thompson Board of Appeals Documentation)

**RATE FILE**

Sheet No. 5 of 10
Schedule No. X-1
Amendment No. 09

**Public Service Commission of Wisconsin**

**Mequon Municipal Water Utility**

## Water Utility Operating Rules

Installation of Meters

Meters will be owned, furnished, and installed by the water utility or a utility-approved contractor and are not to be disconnected or tampered with by the customer. All meters shall be so located that they shall be protected from obstructions and permit ready access for reading, inspection, and servicing, such location to be designated or approved by the water utility. All piping within the building must be supplied by the owner. Where additional meters are desired by the owner, the owner shall pay for all piping. Where applicable, see Schedule Am-1 for rates.

Repairs to Meters

Meters will be repaired by the water utility, and the cost of such repairs caused by ordinary wear and tear will be borne by the water utility.

Repair of any damage to a meter resulting from the carelessness of the owner of the premises, owner's agent, or tenant, or from the negligence of any one of them to properly secure and protect same, including any damage that may result from allowing a water meter to become frozen or to be damaged from the presence of hot water or steam in the meter, shall be paid for by the customer or the owner of the premises.

Service Piping for Meter Settings

Where the original service piping is installed for a new metered customer, where existing service piping is changed for the customer's convenience, or where a new meter is installed for an existing unmetered customer, the owner of the premises at his/her expense shall provide a suitable location and the proper connections for the meter. The meter setting and associated plumbing shall comply with the water utility's standards. The water utility should be consulted as to the type and size of the meter setting.

Turning on Water

The water may only be turned on for a customer by an authorized employee of the water utility. Plumbers may turn the water on to test their work, but upon completion must leave the water turned off.

Sprinkling Restrictions and Emergency Water Conditions

Where the municipality has a policy regarding sprinkling restrictions and/or emergency water conditions, failure to comply with such may result in disconnection of service.

See Wis. Admin. Code § PSC 185.37.



Attachment: Thompson Attachment (3489 : Gregory Thompson Board of Appeals Documentation)

## Water Utility Operating Rules

Failure to Read Meters

Where the water utility is unable to read a meter, the fact will be plainly indicated on the bill, and either an estimated bill will be computed or the minimum charge applied. The difference shall be adjusted when the meter is again read, that is, the bill for the succeeding billing period will be computed with the gallons or cubic feet in each block of the rate schedule doubled, and credit will be given on that bill for the amount of the bill paid the preceding period. Only in unusual cases shall more than three consecutive estimated or minimum bills be rendered.

If the meter is damaged (see Surreptitious Use of Water) or fails to operate, the bill will be based on the average use during the past year, unless there is some reason why the use is not normal. If the average use cannot be properly determined, the bill will be estimated by some equitable method.

See Wis. Admin. Code § PSC 185.33.

Complaint Meter Tests

See Wis. Admin. Code § PSC 185.77.

Inspection of Premises

During reasonable hours, any officer or authorized employee of the water utility shall have the right of access to the premises supplied with service for the purpose of inspection or for the enforcement of the water utility's rules and regulations. Whenever appropriate, the water utility will make a systematic inspection of all unmetered water taps for the purpose of checking waste and unnecessary use of water.

See Wis. Stat. § 196.171.

Vacation of Premises

When premises are to be vacated, the water utility shall be notified, in writing, at once, so that it may remove the meter and shut off the water supply at the curb stop. The owner of the premises shall be liable for prosecution for any damage to the water utility's property. See "Abandonment of Service" in Schedule X-1 for further information.

Deposits for Residential Service

See Wis. Admin. Code § PSC 185.36.



Attachment: Thompson Attachment (3489 : Gregory Thompson Board of Appeals Documentation)

## Water Utility Operating Rules

Deposits for Nonresidential Service

See Wis. Admin. Code § PSC 185.361.

Deferred Payment Agreement

See Wis. Admin. Code § PSC 185.38.

Dispute Procedures

See Wis. Admin. Code § PSC 185.39.

Disconnection and Refusal of Service

See Wis. Admin. Code § PSC 185.37.

The following is an example of a disconnection notice that the utility may use to provide the required notice to customers.

DISCONNECTION NOTICE

Dear Customer:

The bill enclosed with this notice includes your current charge for water utility service and your previous unpaid balance.

You have 10 days to pay the water utility service arrears or your service is subject to disconnection.

If you fail to pay the service arrears or fail to contact us within the 10 days allowed to make reasonable deferred payment arrangement or other suitable arrangement, we will proceed with disconnection action.

To avoid the inconvenience of service interruption and an additional charge of (amount) for reconnection, we urge you to pay the full arrears IMMEDIATELY AT ONE OF OUR OFFICES.

If you have entered into a Deferred Payment Agreement with us and have failed to make the deferred payments you agreed to, your service will be subject to disconnection unless you pay the entire amount due within 10 days.

If you have a reason for delaying the payment, call us and explain the situation.



Attachment: Thompson Attachment (3489 : Gregory Thompson Board of Appeals Documentation)

## Water Utility Operating Rules

Disconnection and Refusal of Service (continued)

DISCONNECTION NOTICE (continued)

PLEASE CALL THIS TELEPHONE NUMBER, (telephone number), IMMEDIATELY IF:

1. You dispute the notice of delinquent account.
2. You have a question about your water utility service arrears.
3. You are unable to pay the full amount of the bill and are willing to enter into a deferred payment agreement with us.
4. There are any circumstances you think should be taken into consideration before service is discontinued.
5. Any resident is seriously ill.

Illness Provision: If there is an existing medical emergency in your home and you furnish the water utility with a statement signed by either a licensed Wisconsin physician or a public health official, we will delay disconnection of service up to 21 days. The statement must identify the medical emergency and specify the period of time during which disconnection will aggravate the existing emergency.

Deferred Payment Agreements: If you are a residential customer and you are unable to pay the full amount of the water utility service arrears on your bill, you may contact the water utility to discuss arrangements to pay the arrears over an extended period of time.

This time payment agreement will require:

1. Payment of a reasonable amount at the time the agreement is made.
2. Payment of the remainder of the outstanding balance in monthly installments over a reasonable length of time.
3. Payment of all future water utility service bills in full by the due date.

In any situation where you are unable to resolve billing disputes or disputes about the grounds for proposed disconnection through contacts with our water utility, you may make an appeal to the Public Service Commission of Wisconsin by calling (800) 225-7729.

(WATER UTILITY NAME)



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## Water Utility Operating Rules

Collection of Overdue Bills

An amount owed by the customer may be levied as a tax as provided in Wis. Stat. § 66.0809.

Surreptitious Use of Water

When the water utility has reasonable evidence that a person is obtaining water, in whole or in part, by means of devices or methods used to stop or interfere with the proper metering of the water utility service being delivered, the water utility reserves the right to estimate and present immediately a bill for unmetered service as a result of such interference, and such bill shall be payable subject to a 24-hour disconnection of service. If the water utility disconnects the service for any such reason, the water utility will reconnect the service upon the following conditions:

A. The customer will be required to deposit with the water utility an amount sufficient to guarantee the payment of the bills for water utility service.

B. The customer will be required to pay the water utility for any and all damages to water utility equipment resulting from such interference with the metering.

C. The customer must further agree to comply with reasonable requirements to protect the water utility against further losses.

See Wis. Stat. §§ 98.26 and 943.20.

Repairs to Mains

The water utility reserves the right to shut off the water supply in the mains temporarily to make repairs, alterations, or additions to the plant or system. When the circumstances will permit, the water utility will give notification, by newspaper publication or otherwise, of the discontinuance of the water supply. No credit will be allowed to customers for such temporary suspension of the water supply.

See Wis. Admin. Code § PSC 185.87.

Duty of Water Utility with Respect to Safety of the Public

It shall be the duty of the water utility to see that all open ditches for water mains, hydrants, and service laterals are properly guarded to prevent accident to any person or vehicle, and at night there shall be displayed proper signal lighting to insure the safety of the public.



Attachment: Thompson Attachment (3489 : Gregory Thompson Board of Appeals Documentation)

## Water Utility Operating Rules

Handling Water Mains and Service Laterals in Excavation Trenches

Contractors must call Digger's Hotline and ensure a location is done to establish the existence and location of all water mains and service laterals as provided in Wis. Stat. § 182.0175. Where water mains or service laterals have been removed, cut, or damaged during trench excavation, the contractors must, at their own expense, cause them to be replaced or repaired at once. Contractors must not shut off the water service laterals to any customer for a period exceeding 6 hours.

Protective Devices

A. Protective Devices in General: The owner or occupant of every premise receiving water supply shall apply and maintain suitable means of protection of the premise supply and all appliances against damage arising in any manner from the use of the water supply, variation of water pressure, or any interruption of water supply. Particularly, such owner or occupant must protect water-cooled compressors for refrigeration systems by means of high and/or low pressure safety cutout devices. There shall likewise be provided means for the prevention of the transmission of water ram or noise of operation of any valve or appliance through the piping of their own or adjacent premises.

B. Relief Valves: On all "closed systems" (i.e., systems having a check valve, pressure regulator, reducing valve, water filter, or softener), an effective pressure relief valve shall be installed at or near the top of the hot water tank or at the hot water distribution pipe connection to the tank. No stop valve shall be placed between the hot water tank and the relief valve or on the drain pipe. See applicable plumbing codes.

C. Air Chambers: An air chamber or approved shock absorber shall be installed at the terminus of each riser, fixture branch, or hydraulic elevator main for the prevention of undue water hammer. The air chamber shall be sized in conformance with local plumbing codes. Where possible, the air chamber should be provided at its base with a valve for water drainage and replenishment of air.

Cross-Connections

Every person owning or occupying a premise receiving municipal water supply shall maintain such municipal water supply free from any connection, either of a direct or of an indirect nature, with a water supply from a foreign source or of any manner of connection with any fixture or appliance whereby water from a foreign supply or the waste from any fixture, appliance, or waste or soil pipe may flow or be siphoned or pumped into the piping of the municipal water system.

See Wis. Admin. Code § NR 811.09.



Attachment: Thompson Attachment (3489 : Gregory Thompson Board of Appeals Documentation)

**RATE FILE**

Sheet No. 1 of 1
Schedule No. X-2
Amendment No. 09

**Public Service Commission of Wisconsin**

**Mequon Municipal Water Utility**

## Water Main Extension Rule

Please refer to the utility's Customer Connection Rules on file with the Commission.

deals with cost and/or connection fees

See A. General Purpose of Customer Connection Rules (attached)



Attachment: Thompson Attachment (3489 : Gregory Thompson Board of Appeals Documentation)

**RATE FILE**

Sheet No. 1 of 1
Schedule No. X-3
Amendment No. 09

**Public Service Commission of Wisconsin**

**Mequon Municipal Water Utility**

## Water Main Installations in Platted Subdivisions

Please refer to the utility's Customer Connection Rules on file with the Commission.

NOT APPLICABLE

Attachment: Thompson Attachment (3489 : Gregory Thompson Board of Appeals Documentation)

# Mequon Water Utility

# Customer Connection Rules

## A. General Purpose

These rules for connecting Customers to the Mequon Water Utility are designed to guide Customers and Mequon Water Utility staff in connecting new Customers fairly and equitably.

These rules are designed to be as transparent as possible. The calculation of the Connection Charge a new Water Utility Customer will be required to pay for connecting to the water system will consider both the costs of constructing new water facilities and the use of existing System Facilities as well as the revenues expected from both the Person applying for water service and potential New Customers.

For administrative simplicity and Customer understanding, the Connection Charge assessed a New Customer will be calculated using Standard Costs and Standard Revenues where applicable. Standard Costs are an average, over time, of actual costs incurred to serve a Customer of similar type and size, adjusted to reflect projected changes in those costs for the current year. Because the cost of mains can vary significantly, the Utility will decide in its judgment whether or not to use Standard Costs. Further explanation can be found in the definitions, calculation worksheets, and the examples and tables found in the Appendices to these rules.

Experience shows that strict application of these rules will fit the vast majority of situations. However, there will be a few unique situations where strict application of these rules, in the judgment of the Utility, will produce results that are unfair either to the New Customer or existing Customers. In such situations the Utility reserves the right to use its judgment to arrive at a result that will be fair and equitable to the New Customer as well as existing Customers.

Attachment: Thompson Attachment (3489 : Gregory Thompson Board of Appeals Documentation)

**RATE FILE**

Sheet No. 1 of 10
Schedule No. X-1
Amendment No. 48

**Public Service Commission of Wisconsin**

**Oak Creek Water and Sewer Utility**

## Water Utility Operating Rules

Compliance with Rules

All persons now receiving water service from this water utility, or who may request service in the future, shall be considered as having agreed to be bound by the rules and regulations as filed with the Public Service Commission of Wisconsin.

Establishment of Service

Application for water service may be made in writing on a form furnished by the water utility. The application will contain the legal description of the property to be served, the name of the owner, the exact use to be made of the service, and the size of the service lateral and meter desired. Note particularly any special refrigeration, fire protection, or water-consuming air-conditioning equipment.

Service will be furnished only if (1) the premises have a frontage on a properly platted street or public strip in which a cast iron or other long-life water main has been laid, or where the property owner has agreed to and complied with the provisions of the water utility's filed main extension rule, (2) the property owner has installed or agrees to install a service lateral from the curb stop to the point of use that is not less than 6 feet below the surface of an established or proposed grade and meets the water utility's specifications, and (3) the premises have adequate piping beyond the metering point.

The owner of a multi-unit dwelling has the option of being served by individual metered water service to each unit. The owner, by selecting this option, is required to provide interior plumbing and meter settings to enable individual metered service to each unit and individual disconnection without affecting service to other units. Each meter and meter connection will be treated as a separate water utility account for the purpose of the filed rules and regulations.

No division of the water service lateral to any lot or parcel of land shall be made for the extension and independent metering of the supply to an adjoining lot or parcel of land. Except for duplexes, no division of a water service lateral shall be made at the curb for separate supplies for two or more separate premises having frontage on any street or public service strip, whether owned by the same or different parties. Duplexes may be served by one lateral provided (1) individual metered service and disconnection is provided and (2) it is permitted by local ordinance.

Buildings used in the same business, located on the same parcel, and served by a single lateral may have the customer's water supply piping installed to a central point so that volume can be metered in one place.

The water utility may withhold approval of any application where full information of the purpose of such supply is not clearly indicated and set forth by the applicant property owner.



Attachment: Thompson Attachment (3489 : Gregory Thompson Board of Appeals Documentation)

## Water Utility Operating Rules

Reconnection of Service

Where the water utility has disconnected service at the customer's request, a reconnection charge shall be made when the customer requests reconnection of service. See Schedule R-1 for the applicable rate.

A reconnection charge shall also be required from customers whose services are disconnected (shut off at curb stop box) because of nonpayment of bills when due. See Schedule R-1 for the applicable rate.

If reconnection is requested for the same location by any member of the same household, or, if a place of business, by any partner of the same business, it shall be considered as the same customer.

Temporary Metered Service, Meter, and Deposits

An applicant for temporary water service on a metered basis shall make and maintain a monetary deposit for each meter installed as security for payment for use of water and for such other charges which may arise from the use of the supply. A charge shall be made for setting the valve and furnishing and setting the meter. See Schedule BW-1 for the applicable rate.

Water for Construction

When water is requested for construction purposes or for filling tanks or other such uses, an application shall be made to the water utility, in writing, giving a statement of the amount of construction work to be done or the size of the tank to be filled, etc. Payment for the water for construction may be required in advance at the scheduled rates. The service lateral must be installed into the building before water can be used. No connection with the service lateral at the curb shall be made without special permission from the water utility. In no case will any employee of the water utility turn on water for construction work unless the contractor has obtained permission from the water utility.

Customers shall not allow contractors, masons, or other persons to take unmetered water from their premises without permission from the water utility. Any customer failing to comply with this provision may have water service discontinued and will be responsible for the cost of the estimated volume of water used.



Attachment: Thompson Attachment (3489 : Gregory Thompson Board of Appeals Documentation)

## Water Utility Operating Rules

Use of Hydrants

In cases where no other supply is available, permission may be granted by the water utility to use a hydrant. No hydrant shall be used until the proper meter and valve are installed. In no case shall any valve be installed or moved except by an employee of the water utility.

Before a valve is set, payment must be made for its setting and for the water to be used at the scheduled rates. Where applicable, see Schedule BW-1 for deposits and charges. Upon completing the use of the hydrant, the customer must notify the water utility to that effect.

Operation of Valves and Hydrants and Unauthorized Use of Water - Penalty

Any person who shall, without authority of the water utility, allow contractors, masons, or other unauthorized persons to take water from their premises, operate any valve connected with the street or supply mains, or open any fire hydrant connected with the distribution system, except for the purpose of extinguishing fire, or who shall wantonly damage or impair the same, shall be subject to a fine as provided by municipal ordinance. Utility permission for the use of hydrants applies only to such hydrants that are designated for the specific use.

Refunds of Monetary Deposits

All money deposited as security for payment of charges arising from the use of temporary water service on a metered basis, or for the return of a hydrant valve and fixtures if the water is used on an unmetered basis, will be refunded to the depositor on the termination of the use of water, the payment of all charges levied against the depositor, and the return of the water utility's equipment.

Service Laterals

No water service lateral shall be laid through any trench having cinders, rubbish, rock or gravel fill, or any other material which may cause injury to or disintegration of the service lateral, unless adequate means of protection are provided by sand filling or such other insulation as may be approved by the water utility. Service laterals passing through curb or retaining walls shall be adequately safeguarded by provision of a channel space or pipe casing not less than twice the diameter of the service connection. The space between the service lateral and the channel or pipe casing shall be filled and lightly caulked with an oakum, mastic cement, or other resilient material and made impervious to moisture.

In backfilling the pipe trench, the service lateral must be protected against injury by carefully hand tamping the ground filling around the pipe. There should be at least 6 inches of ground filling over the pipe, and it should be free from hard lumps, rocks, stones, or other injurious material.



Attachment: Thompson Attachment (3489 : Gregory Thompson Board of Appeals Documentation)

## Water Utility Operating Rules

Service Laterals (continued)

All water service laterals shall be of undiminished size from the street main into the point of meter placement. Beyond the meter outlet valve, the piping shall be sized and proportioned to provide, on all floors, at all times, an equitable distribution of the water supply for the greatest probable number of fixtures or appliances operating simultaneously.

Replacement and Repair of Service Laterals

The service lateral from the main to and through the curb stop will be maintained and kept in repair and, when worn out, replaced at the expense of the water utility. The property owner shall maintain the service lateral from the curb stop to the point of use.

If an owner fails to repair a leaking or broken service lateral from the curb to the point of metering or use within such time as may appear reasonable to the water utility after notification has been served on the owner by the water utility, the water will be shut off and will not be turned on again until the repairs have been completed.

Abandonment of Service

If a property owner changes the use of a property currently receiving water service such that water service will no longer be needed in the future, the water utility may require the abandonment of the water service at the water main. In such case, the property owner may be responsible for all removal and/or repair costs, including the water main and the utility portion of the water service lateral.

Charges for Water Wasted Due to Leaks

See Wis. Admin. Code § PSC 185.35.

Thawing Frozen Service Laterals

See Wis. Admin. Code § PSC 185.88.

Curb Stop Boxes

The curb stop box is the property of the water utility. The water utility is responsible for its repair and maintenance. This includes maintaining, through adjustment, the curb stop box at an appropriate grade level where no direct action by the property owner or occupant has contributed to an elevation problem. The property owner is responsible for protecting the curb stop box from situations that could obstruct access to it or unduly expose it to harm. The water utility shall not be liable for failure to locate the curb stop box and shut off the water in case of a leak on the owner's premises.



Attachment: Thompson Attachment (3489 : Gregory Thompson Board of Appeals Documentation)

## Water Utility Operating Rules

Installation of Meters

Meters will be owned, furnished, and installed by the water utility or a utility-approved contractor and are not to be disconnected or tampered with by the customer. All meters shall be so located that they shall be protected from obstructions and permit ready access for reading, inspection, and servicing, such location to be designated or approved by the water utility. All piping within the building must be supplied by the owner. Where additional meters are desired by the owner, the owner shall pay for all piping. Where applicable, see Schedule Am-1 for rates.

Repairs to Meters

Meters will be repaired by the water utility, and the cost of such repairs caused by ordinary wear and tear will be borne by the water utility.

Repair of any damage to a meter resulting from the carelessness of the owner of the premises, owner's agent, or tenant, or from the negligence of any one of them to properly secure and protect same, including any damage that may result from allowing a water meter to become frozen or to be damaged from the presence of hot water or steam in the meter, shall be paid for by the customer or the owner of the premises.

Service Piping for Meter Settings

Where the original service piping is installed for a new metered customer, where existing service piping is changed for the customer's convenience, or where a new meter is installed for an existing unmetered customer, the owner of the premises at his/her expense shall provide a suitable location and the proper connections for the meter. The meter setting and associated plumbing shall comply with the water utility's standards. The water utility should be consulted as to the type and size of the meter setting.

Turning on Water

The water may only be turned on for a customer by an authorized employee of the water utility. Plumbers may turn the water on to test their work, but upon completion must leave the water turned off.

Sprinkling Restrictions and Emergency Water Conditions

Where the municipality has a policy regarding sprinkling restrictions and/or emergency water conditions, failure to comply with such may result in disconnection of service.

See Wis. Admin. Code § PSC 185.37.



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## Water Utility Operating Rules

Failure to Read Meters

Where the water utility is unable to read a meter, the fact will be plainly indicated on the bill, and either an estimated bill will be computed or the minimum charge applied. The difference shall be adjusted when the meter is again read, that is, the bill for the succeeding billing period will be computed with the gallons or cubic feet in each block of the rate schedule doubled, and credit will be given on that bill for the amount of the bill paid the preceding period. Only in unusual cases shall more than three consecutive estimated or minimum bills be rendered.

If the meter is damaged (see Surreptitious Use of Water) or fails to operate, the bill will be based on the average use during the past year, unless there is some reason why the use is not normal. If the average use cannot be properly determined, the bill will be estimated by some equitable method.

See Wis. Admin. Code § PSC 185.33.

Complaint Meter Tests

See Wis. Admin. Code § PSC 185.77.

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See Wis. Stat. § 196.171.

Vacation of Premises

When premises are to be vacated, the water utility shall be notified, in writing, at once, so that it may remove the meter and shut off the water supply at the curb stop. The owner of the premises shall be liable for prosecution for any damage to the water utility's property. See "Abandonment of Service" in Schedule X-1 for further information.

Deposits for Residential Service

See Wis. Admin. Code § PSC 185.36.



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## Water Utility Operating Rules

Deposits for Nonresidential Service

See Wis. Admin. Code § PSC 185.361.

Deferred Payment Agreement

See Wis. Admin. Code § PSC 185.38.

Dispute Procedures

See Wis. Admin. Code § PSC 185.39.

Disconnection and Refusal of Service

See Wis. Admin. Code § PSC 185.37.

The following is an example of a disconnection notice that the utility may use to provide the required notice to customers.

DISCONNECTION NOTICE

Dear Customer:

The bill enclosed with this notice includes your current charge for water utility service and your previous unpaid balance.

You have 10 days to pay the water utility service arrears or your service is subject to disconnection.

If you fail to pay the service arrears or fail to contact us within the 10 days allowed to make reasonable deferred payment arrangement or other suitable arrangement, we will proceed with disconnection action.

To avoid the inconvenience of service interruption and an additional charge of (amount) for reconnection, we urge you to pay the full arrears IMMEDIATELY AT ONE OF OUR OFFICES.

If you have entered into a Deferred Payment Agreement with us and have failed to make the deferred payments you agreed to, your service will be subject to disconnection unless you pay the entire amount due within 10 days.

If you have a reason for delaying the payment, call us and explain the situation.



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## Water Utility Operating Rules

Disconnection and Refusal of Service (continued)

DISCONNECTION NOTICE (continued)

PLEASE CALL THIS TELEPHONE NUMBER, (telephone number), IMMEDIATELY IF:

1. You dispute the notice of delinquent account.
2. You have a question about your water utility service arrears.
3. You are unable to pay the full amount of the bill and are willing to enter into a deferred payment agreement with us.
4. There are any circumstances you think should be taken into consideration before service is discontinued.
5. Any resident is seriously ill.

Illness Provision: If there is an existing medical emergency in your home and you furnish the water utility with a statement signed by either a licensed Wisconsin physician or a public health official, we will delay disconnection of service up to 21 days. The statement must identify the medical emergency and specify the period of time during which disconnection will aggravate the existing emergency.

Deferred Payment Agreements: If you are a residential customer and you are unable to pay the full amount of the water utility service arrears on your bill, you may contact the water utility to discuss arrangements to pay the arrears over an extended period of time.

This time payment agreement will require:

1. Payment of a reasonable amount at the time the agreement is made.
2. Payment of the remainder of the outstanding balance in monthly installments over a reasonable length of time.
3. Payment of all future water utility service bills in full by the due date.

In any situation where you are unable to resolve billing disputes or disputes about the grounds for proposed disconnection through contacts with our water utility, you may make an appeal to the Public Service Commission of Wisconsin by calling (800) 225-7729.

(WATER UTILITY NAME)



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## Water Utility Operating Rules

Collection of Overdue Bills

An amount owed by the customer may be levied as a tax as provided in Wis. Stat. § 66.0809.

Surreptitious Use of Water

When the water utility has reasonable evidence that a person is obtaining water, in whole or in part, by means of devices or methods used to stop or interfere with the proper metering of the water utility service being delivered, the water utility reserves the right to estimate and present immediately a bill for unmetered service as a result of such interference, and such bill shall be payable subject to a 24-hour disconnection of service. If the water utility disconnects the service for any such reason, the water utility will reconnect the service upon the following conditions:

A. The customer will be required to deposit with the water utility an amount sufficient to guarantee the payment of the bills for water utility service.

B. The customer will be required to pay the water utility for any and all damages to water utility equipment resulting from such interference with the metering.

C. The customer must further agree to comply with reasonable requirements to protect the water utility against further losses.

See Wis. Stat. §§ 98.26 and 943.20.

Repairs to Mains

The water utility reserves the right to shut off the water supply in the mains temporarily to make repairs, alterations, or additions to the plant or system. When the circumstances will permit, the water utility will give notification, by newspaper publication or otherwise, of the discontinuance of the water supply. No credit will be allowed to customers for such temporary suspension of the water supply.

See Wis. Admin. Code § PSC 185.87.

Duty of Water Utility with Respect to Safety of the Public

It shall be the duty of the water utility to see that all open ditches for water mains, hydrants, and service laterals are properly guarded to prevent accident to any person or vehicle, and at night there shall be displayed proper signal lighting to insure the safety of the public.



Attachment: Thompson Attachment (3489 : Gregory Thompson Board of Appeals Documentation)

## Water Utility Operating Rules

Handling Water Mains and Service Laterals in Excavation Trenches

Contractors must call Digger's Hotline and ensure a location is done to establish the existence and location of all water mains and service laterals as provided in Wis. Stat. § 182.0175. Where water mains or service laterals have been removed, cut, or damaged during trench excavation, the contractors must, at their own expense, cause them to be replaced or repaired at once. Contractors must not shut off the water service laterals to any customer for a period exceeding 6 hours.

Protective Devices

A. Protective Devices in General: The owner or occupant of every premise receiving water supply shall apply and maintain suitable means of protection of the premise supply and all appliances against damage arising in any manner from the use of the water supply, variation of water pressure, or any interruption of water supply. Particularly, such owner or occupant must protect water-cooled compressors for refrigeration systems by means of high and/or low pressure safety cutout devices. There shall likewise be provided means for the prevention of the transmission of water ram or noise of operation of any valve or appliance through the piping of their own or adjacent premises.

B. Relief Valves: On all "closed systems" (i.e., systems having a check valve, pressure regulator, reducing valve, water filter, or softener), an effective pressure relief valve shall be installed at or near the top of the hot water tank or at the hot water distribution pipe connection to the tank. No stop valve shall be placed between the hot water tank and the relief valve or on the drain pipe. See applicable plumbing codes.

C. Air Chambers: An air chamber or approved shock absorber shall be installed at the terminus of each riser, fixture branch, or hydraulic elevator main for the prevention of undue water hammer. The air chamber shall be sized in conformance with local plumbing codes. Where possible, the air chamber should be provided at its base with a valve for water drainage and replenishment of air.

Cross-Connections

Every person owning or occupying a premise receiving municipal water supply shall maintain such municipal water supply free from any connection, either of a direct or of an indirect nature, with a water supply from a foreign source or of any manner of connection with any fixture or appliance whereby water from a foreign supply or the waste from any fixture, appliance, or waste or soil pipe may flow or be siphoned or pumped into the piping of the municipal water system.

See Wis. Admin. Code § NR 811.09.



Attachment: Thompson Attachment (3489 : Gregory Thompson Board of Appeals Documentation)

**RATE FILE**

Sheet No. 1 of 1
Schedule No. X-2
Amendment No. 48

**Public Service Commission of Wisconsin**

**Oak Creek Water and Sewer Utility**

## Water Main Extension Rule

Water mains will be extended for new customers on the following basis:

A. Where the cost of the extension is to immediately be collected through assessment by the municipality against the abutting property, the procedure set forth under Wis. Stat. § 66.0703 will apply, and no additional customer contribution to the utility will be required.

B. Where the municipality is unwilling or unable to make a special assessment, the extension will be made on a customer-financed basis as follows:

1. The applicant(s) will advance as a contribution in aid of construction the total amount equivalent to that which would have been assessed for all property under paragraph A.

2. Part of the contribution required in paragraph B.1. will be refundable. When additional customers are connected to the extended main within 10 years of the date of completion, contributions in aid of construction will be collected equal to the amount which would have been assessed under paragraph A. for the abutting property being served. This amount will be refunded to the original contributor(s). In no case will the contributions received from additional customers exceed the proportionate amount which would have been required under paragraph A., nor will it exceed the total assessable cost of the original extension.

C. When a customer connects to a transmission main or connecting loop installed at utility expense within 10 years of the date of completion, there will be a contribution required of an amount equivalent to that which would have been assessed under paragraph A.

deals with cost and/or connection fees

Attachment: Thompson Attachment (3489 : Gregory Thompson Board of Appeals Documentation)

EFFECTIVE: July 24, 2012
PSCW AUTHORIZATION: 4310-WR-104

**RATE FILE**

Sheet No. 1 of 1
Schedule No. X-3
Amendment No. 48

**Public Service Commission of Wisconsin**

**Oak Creek Water and Sewer Utility**

## Water Main Installations in Platted Subdivisions

Application for installation of water mains in regularly platted real estate development subdivisions shall be filed with the utility.

If the developer, or a contractor employed by the developer, is to install the water mains (with the approval of the utility), the developer shall be responsible for the total cost of construction.

If the utility or its contractor is to install the water mains, the developer shall be required to advance to the utility, prior to the beginning of the construction, the total estimated cost of the extension. If the final costs exceed estimated costs, an additional billing will be made for the balance of the cost due. This balance is to be paid within 30 days. If final costs are less than estimated, a refund of the overpayment will be made by the water utility.

NOT APPLICABLE

Attachment: Thompson Attachment (3489 : Gregory Thompson Board of Appeals Documentation)

EFFECTIVE: July 24, 2012
PSCW AUTHORIZATION: 4310-WR-104

Exhibit 6 – Operating Rules from Surrounding Communities (6 pages total)



**RATE FILE**



**Public Service Commission of Wisconsin**

**Grafton Water and Wastewater Utility**

## Water Utility Operating Rules

Compliance with Rules

All persons now receiving water service from this water utility, or who may request service in the future, shall be considered as having agreed to be bound by the rules and regulations as filed with the Public Service Commission of Wisconsin.

Establishment of Service

Application for water service may be made in writing on a form furnished by the water utility. The application will contain the legal description of the property to be served, the name of the owner, the exact use to be made of the service, and the size of the service lateral and meter desired. Note particularly any special refrigeration, fire protection, or water-consuming air-conditioning equipment.

Service will be furnished only if (1) the premises have a frontage on a properly platted street or public strip in which a cast iron or other long-life water main has been laid, or where the property owner has agreed to and complied with the provisions of the water utility's filed main extension rule, (2) the property owner has installed or agrees to install a service lateral from the curb stop to the point of use that is not less than 6 feet below the surface of an established or proposed grade and meets the water utility's specifications, and (3) the premises have adequate piping beyond the metering point.

The owner of a multi-unit dwelling has the option of being served by individual metered water service to each unit. The owner, by selecting this option, is required to provide interior plumbing and meter settings to enable individual metered service to each unit and individual disconnection without affecting service to other units. Each meter and meter connection will be treated as a separate water utility account for the purpose of the filed rules and regulations.

No division of the water service lateral to any lot or parcel of land shall be made for the extension and independent metering of the supply to an adjoining lot or parcel of land. Except for duplexes, no division of a water service lateral shall be made at the curb for separate supplies for two or more separate premises having frontage on any street or public service strip, whether owned by the same or different parties. Duplexes may be served by one lateral provided (1) individual metered service and disconnection is provided and (2) it is permitted by local ordinance.

Buildings used in the same business, located on the same parcel, and served by a single lateral may have the customer's water supply piping installed to a central point so that volume can be metered in one place.

The water utility may withhold approval of any application where full information of the purpose of such supply is not clearly indicated and set forth by the applicant property owner.



Attachment: Thompson Attachment (3489 : Gregory Thompson Board of Appeals Documentation)

**RATE FILE**

Sheet No. 1 of 10
Schedule No. X-1
Amendment No. 41

**Public Service Commission of Wisconsin**

**Brown Deer Water Public Utility**

## Water Utility Operating Rules

Compliance with Rules

All persons now receiving water service from this water utility, or who may request service in the future, shall be considered as having agreed to be bound by the rules and regulations as filed with the Public Service Commission of Wisconsin.

Establishment of Service

Application for water service may be made in writing on a form furnished by the water utility. The application will contain the legal description of the property to be served, the name of the owner, the exact use to be made of the service, and the size of the service lateral and meter desired. Note particularly any special refrigeration, fire protection, or water-consuming air-conditioning equipment.

Service will be furnished only if (1) the premises have a frontage on a properly platted street or public strip in which a cast iron or other long-life water main has been laid, or where the property owner has agreed to and complied with the provisions of the water utility's filed main extension rule, (2) the property owner has installed or agrees to install a service lateral from the curb stop to the point of use that is not less than 6 feet below the surface of an established or proposed grade and meets the water utility's specifications, and (3) the premises have adequate piping beyond the metering point.

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Buildings used in the same business, located on the same parcel, and served by a single lateral may have the customer's water supply piping installed to a central point so that volume can be metered in one place.

The water utility may withhold approval of any application where full information of the purpose of such supply is not clearly indicated and set forth by the applicant property owner.



Attachment: Thompson Attachment (3489 : Gregory Thompson Board of Appeals Documentation)

**RATE FILE**

Sheet No. 1 of 10
Schedule No. X-1
Amendment No. 30

**Public Service Commission of Wisconsin**

**Village of Menomonee Falls Water Utility**

## Water Utility Operating Rules

Compliance with Rules

All persons now receiving water service from this water utility, or who may request service in the future, shall be considered as having agreed to be bound by the rules and regulations as filed with the Public Service Commission of Wisconsin.

Establishment of Service

Application for water service may be made in writing on a form furnished by the water utility. The application will contain the legal description of the property to be served, the name of the owner, the exact use to be made of the service, and the size of the service lateral and meter desired. Note particularly any special refrigeration, fire protection, or water-consuming air-conditioning equipment.

Service will be furnished only if (1) the premises have a frontage on a properly platted street or public strip in which a cast iron or other long-life water main has been laid, or where the property owner has agreed to and complied with the provisions of the water utility's filed main extension rule, (2) the property owner has installed or agrees to install a service lateral from the curb stop to the point of use that is not less than 6 feet below the surface of an established or proposed grade and meets the water utility's specifications, and (3) the premises have adequate piping beyond the metering point.

The owner of a multi-unit dwelling has the option of being served by individual metered water service to each unit. The owner, by selecting this option, is required to provide interior plumbing and meter settings to enable individual metered service to each unit and individual disconnection without affecting service to other units. Each meter and meter connection will be treated as a separate water utility account for the purpose of the filed rules and regulations.

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Buildings used in the same business, located on the same parcel, and served by a single lateral may have the customer's water supply piping installed to a central point so that volume can be metered in one place.

The water utility may withhold approval of any application where full information of the purpose of such supply is not clearly indicated and set forth by the applicant property owner.



Attachment: Thompson Attachment (3489 : Gregory Thompson Board of Appeals Documentation)

**RATE FILE**

Sheet No. 1 of 10
Schedule No. X-1
Amendment No. 29

**Public Service Commission of Wisconsin**

**Cedarburg Light and Water Commission**

## Water Utility Operating Rules

Compliance with Rules

All persons now receiving water service from this water utility, or who may request service in the future, shall be considered as having agreed to be bound by the rules and regulations as filed with the Public Service Commission of Wisconsin.

Establishment of Service

Application for water service may be made in writing on a form furnished by the water utility. The application will contain the legal description of the property to be served, the name of the owner, the exact use to be made of the service, and the size of the service lateral and meter desired. Note particularly any special refrigeration, fire protection, or water-consuming air-conditioning equipment.

Service will be furnished only if (1) the premises have a frontage on a properly platted street or public strip in which a cast iron or other long-life water main has been laid, or where the property owner has agreed to and complied with the provisions of the water utility's filed main extension rule, (2) the property owner has installed or agrees to install a service lateral from the curb stop to the point of use that is not less than 6 feet below the surface of an established or proposed grade and meets the water utility's specifications, and (3) the premises have adequate piping beyond the metering point.

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Buildings used in the same business, located on the same parcel, and served by a single lateral may have the customer's water supply piping installed to a central point so that volume can be metered in one place.

The water utility may withhold approval of any application where full information of the purpose of such supply is not clearly indicated and set forth by the applicant property owner.



Attachment: Thompson Attachment (3489 : Gregory Thompson Board of Appeals Documentation)

**RATE FILE**

Sheet No. 1 of 10
Schedule No. X-1
Amendment No. 21

**Public Service Commission of Wisconsin**

**Town of Grand Chute Sanitary District No. 1**

## Water Utility Operating Rules

Compliance with Rules

All persons now receiving water service from this water utility, or who may request service in the future, shall be considered as having agreed to be bound by the rules and regulations as filed with the Public Service Commission of Wisconsin.

Establishment of Service

Application for water service may be made in writing on a form furnished by the water utility. The application will contain the legal description of the property to be served, the name of the owner, the exact use to be made of the service, and the size of the service lateral and meter desired. Note particularly any special refrigeration, fire protection, or water-consuming air-conditioning equipment.

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The water utility may withhold approval of any application where full information of the purpose of such supply is not clearly indicated and set forth by the applicant property owner.



Attachment: Thompson Attachment (3489 : Gregory Thompson Board of Appeals Documentation)

Exhibit 7- Appeal correspondence

**gthompson**

**From:** gthompson <ssusa@tds.net>
**Sent:** Friday, June 1, 2018 11:39 AM
**To:** 'Caroline Fochs'
**Subject:** RE: appeal documents - storageshopusa

Ok the 5th it is but I still need a response to City's support documentation as stated in the previous email

---

**From:** Caroline Fochs [mailto:cfochs@ci.mequon.wi.us]
**Sent:** Friday, June 1, 2018 11:35 AM
**To:** gthompson
**Subject:** RE: appeal documents - storageshopusa

Again, we did not have a quorum, therefore cannot hold the meeting, as happens from time to time with any Board, Commission or Committee. Our attempt to schedule a special meeting to hear your case was not successful. I have confirmed that we have a quorum for the July 5 meeting.

---

**From:** gthompson [mailto:ssusa@tds.net]
**Sent:** Friday, June 01, 2018 11:32 AM
**To:** Caroline Fochs
**Subject:** RE: appeal documents - storageshopusa

I will be there on june 7th to hear the Board declare there is no quorum. After that I will confirm if necessary. The date is the 1st Thursday of the month and by ordinance is proper.

Please provide the City's response and/or support documentation for their decision. Just as I had a deadline for submission, the City should not be afforded additional time for their 's. Not having a meeting because of a quorum does not provide additional time. Not complying with the specific procedures for an appeal would violate my right to a fair and equitable appeal process.

Please advise
greg

---

**From:** Caroline Fochs [mailto:cfochs@ci.mequon.wi.us]
**Sent:** Friday, June 1, 2018 11:16 AM
**To:** gthompson
**Subject:** RE: appeal documents - storageshopusa

I'm sorry but we were unable to coordinate a Board of Appeals meeting in June, so your appeal will be heard on July 5. Please respond with the confirmation that you will be in attendance.

---

**From:** gthompson [mailto:ssusa@tds.net]
**Sent:** Thursday, May 31, 2018 12:45 PM
**To:** Caroline Fochs
**Subject:** RE: appeal documents - storageshopusa

We still don't have a date? I am out of town the 15th through the 25th – so I guess it will have to be the 26 thru the 28th
I need to know
I will be there on the 7th to hear that there is no quorum.



1/3



Attachment: Thompson Attachment (3489 : Gregory Thompson Board of Appeals Documentation)

greg

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**From:** Caroline Fochs [mailto:cfochs@ci.mequon.wi.us]
**Sent:** Friday, May 25, 2018 8:22 AM
**To:** gthompson
**Subject:** RE: appeal documents - storageshopusa

My mistake, June 19.

---

**From:** gthompson [mailto:ssusa@tds.net]
**Sent:** Thursday, May 24, 2018 4:21 PM
**To:** Caroline Fochs
**Subject:** RE: appeal documents - storageshopusa

The only one is june 9th – it is a Saturday. I can possibly do june 27 but that is over a month from now. It is important to hear this appeal in a timely fashion
Thanks
greg

---

**From:** Caroline Fochs [mailto:cfochs@ci.mequon.wi.us]
**Sent:** Thursday, May 24, 2018 2:55 PM
**To:** gthompson
**Subject:** RE: appeal documents - storageshopusa

Are you available June 9, 21, 25-28? These are the dates we are trying to work with.

---

**From:** gthompson [mailto:ssusa@tds.net]
**Sent:** Thursday, May 24, 2018 1:42 PM
**To:** Caroline Fochs
**Subject:** RE: appeal documents - storageshopusa

At the moment, I have an appeal filed with a June 7th hearing date.

---

**From:** Caroline Fochs [mailto:cfochs@ci.mequon.wi.us]
**Sent:** Thursday, May 24, 2018 1:21 PM
**To:** gthompson
**Subject:** RE: appeal documents - storageshopusa

I wish I could say yes, but no answer yet. I'm still working on it, I'll be in touch.

---

**From:** gthompson [mailto:ssusa@tds.net]
**Sent:** Thursday, May 24, 2018 11:35 AM
**To:** Caroline Fochs
**Subject:** RE: appeal documents - storageshopusa

Caroline
Any progress on the date – there are only a four people to coordinate with. Just make it the next day or the day before – the chair can call a special meeting in these circumstances

---

**From:** Caroline Fochs [mailto:cfochs@ci.mequon.wi.us]
**Sent:** Tuesday, May 22, 2018 12:29 PM
**To:** gthompson
**Subject:** RE: appeal documents - storageshopusa

Attachment: Thompson Attachment (3489 : Gregory Thompson Board of Appeals Documentation)

Yes, I understand. I'll do what I can.

---

**From:** gthompson [mailto:ssusa@tds.net]
**Sent:** Tuesday, May 22, 2018 12:16 PM
**To:** Caroline Fochs
**Subject:** RE: appeal documents - storageshopusa

This matter is rather urgent because it is holding up final approval and the start of construction – I all fairness, hope it can be worked out quickly.
Thanks
greg

---

**From:** Caroline Fochs [mailto:cfochs@ci.mequon.wi.us]
**Sent:** Tuesday, May 22, 2018 11:59 AM
**To:** gthompson
**Subject:** RE: appeal documents - storageshopusa

Greg,

Got it, thanks. Unfortunately we have an issue with the June 7 date. I have just found out that we do not have a quorum. I am working with the Chair to see if another meeting date is possible. So as of right now, the June 7 meeting is cancelled. I will be in touch with you as to the new date as soon as I have it.

Sorry for the delay.

Caroline Fochs CMC
City Clerk
City of Mequon
11333 N. Cedarburg Road
Mequon, WI 53092
cfochs@ci.mequon.wi.us
www.ci.mequon.wi.us
262-236-2912

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**From:** gthompson [mailto:ssusa@tds.net]
**Sent:** Tuesday, May 22, 2018 11:56 AM
**To:** Caroline Fochs
**Subject:** appeal documents - storageshopusa

Caroline
Here are the supporting docs.

can you slip this just after the application and then include what I already submitted just after

thanks
and please confirm

greg

Attachment: Thompson Attachment (3489 : Gregory Thompson Board of Appeals Documentation)

3/3

## Bridget Henk

**From:** Jim Voigt
**Sent:** Friday, May 11, 2018 2:00 PM
**To:** 'Braun, Thomas L - DSPS'
**Cc:** Bridget Henk; Kristen Lundeen
**Subject:** RE: response to comments

Thank you for your quick response Thomas.

Respectfully,

Jim

---

**From:** Braun, Thomas L - DSPS [mailto:Thomas.Braun@Wisconsin.gov]
**Sent:** Friday, May 11, 2018 8:52 AM
**To:** Jim Voigt
**Cc:** Bridget Henk; Kristen Lundeen
**Subject:** RE: response to comments

Mr. Voight,
The Plumbing Code does not dictate where or when a private watermain is allowed or a separate water service is required for buildings on the same property.
The code does require a private water main that passes through a building or under a building to be located on one property. Selling off property served by a private water main could require individual water services serving those buildings.

SPS382.40(8)(c) *Limitations.* No private water main or water service may pass through or under a building to serve another building unless one of the following conditions are met:
1. The private water main or water service serves farm buildings or farm houses, or both that are all located on one property.
2. The private water main or water service serves buildings that are located on the same property and a document which indicates that the piping and distribution arrangement for the property and buildings will be recorded with the register of deeds no later than 90 days after installation.

Please contact me if you have any questions or concerns.
Thank You

Tom Braun
Section Chief Plumbing and Public Swimming Pool Programs
Division of Industry Services | State of Wisconsin Dept. of Safety and Professional Services | Office: 715;-634-5124 | | thomas.braun@wisconsin.gov | 10541 Ranch Rd, Hayward, WI. 54843.

**For General Plumbing Code Related Questions send email to:** DspsSbPlbgTech@wi.gov **or Phone 608-267-9421.**
**For Plumbing Products Related Questions send email to:** DspsSbProductTech@wi.gov
**For Public Swimming Pool Related Questions send email to:** DspsSbPoolTech@wi.gov
The Department offers an e-mail subscription service that provides electronic notification of news and/or notices that may be of interest to you. To sign up for this service, click here.
"The DSPS is committed to service excellence. Visit our survey at: https://www.surveymonkey.com/s/dspsiscustomersatisfactionplumbingpools to evaluate your experience with the DSPS."



Attachment: Thompson Attachment (3489 : Gregory Thompson Board of Appeals Documentation)

**From:** Jim Voigt <JVoigt@ci.mequon.wi.us>
**Sent:** Wednesday, May 09, 2018 3:52 PM
**To:** Braun, Thomas L - DSPS <Thomas.Braun@Wisconsin.gov>
**Cc:** Bridget Henk <bhenk@ci.mequon.wi.us>; Kristen Lundeen <KLundeen@ci.mequon.wi.us>
**Subject:** FW: response to comments

Good Afternoon Mr. Braun,

My name is Jim Voigt – I am the Director of Operations for the water utility in Mequon, Wisconsin.

The City of Mequon has been working with a developer – Greg Thompson - over the last few months regarding side by side storage facilities he is interested in developing on Baldev Ct in the City. The original developer (Mike Mehta), when he converted the farm field to an industrial/commercial subdivision, installed a public water main and service laterals and contributed this infrastructure to the water utility. The obvious plan was to serve any buildings that developed on this street via the public water main and service laterals.

Mr. Thompson has approached the city and insisted that he develop his storage buildings along this street via private water main. Is there anything that would require the Mequon Water Utility to only develop his property this way? Could we not serve his buildings via individual laterals from the existing public water main? The property he is proposing to develop has frontage on this public water main and the whole intent of installing the public water main was to facilitate serving the private development that occurred along this street.

The reason the City is interested in the individual laterals is that he has indicated that he may or may not sell off the units to individual owners in the future. The utility would want the ability to individually meter the units in that scenario, which the individual laterals facilitate.

Is there somewhere in the state plumbing code that indicates that a private property with frontage along a public water main MUST be served via a private water main? Could we not serve it via individual private laterals to the side-by-side buildings like every other condo development in the City with frontage on public water main? I have looked but cannot seem to find this reference.

I look forward to your guidance on this matter.

Respectfully,

Jim Voigt,
Director of Operations
Mequon Water utility

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**From:** Bridget Henk
**Sent:** Monday, May 07, 2018 2:02 PM
**To:** Jim Voigt; Kristen Lundeen
**Subject:** FW: response to comments

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**From:** gthompson [mailto:ssusa@tds.net]
**Sent:** Monday, May 7, 2018 2:00 PM
**To:** Bridget Henk
**Subject:** response to comments

Here are my responses to the City's comments.

Attachment: Thompson Attachment (3489 : Gregory Thompson Board of Appeals Documentation)

I think the only real issue that remains is the water main - I have provided new information from the Section Chief of DSPS –Plumbing Division.

Please review and get back as soon as possible. I can also meet with you and others to discuss in detail. I wanted to be sure to give you a chance to respond to the Section Chief's interpretation. I will likely be in on thursday to file an appeal should it be necessary. The process for appeal is outlined in my review comments, and unless instructed and supported otherwise, I will follow that process.

Regards
greg

Attachment: Thompson Attachment (3489 : Gregory Thompson Board of Appeals Documentation)

City of Mequon

11333 N. Cedarburg Road
Mequon, WI 53092-1930
Phone: 262-236-2915
Fax: 262-242-9655

www.ci.mequon.wi.us

Office of the City Attorney

**TO:** **Board of Appeals**
**FROM:** **Brian C. Sajdak, City Attorney**
**DATE:** **June 29, 2018**
**SUBJECT:** **Appeals of Administrative Decisions – Thompson Appeal**

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## Background

Based upon some questions I have received from Board Members, it appears that there may be some members struggling with the Board's role in this case. I believe that some preliminary guidance on the issues related to the Thompson appeal may help the Board more effectively address the appeal next week. There are two primary questions that need additional clarification. First, what is the Board of Appeal's authority in this case? Second, to the extent that Board of Appeals has authority, how is that authority exercised.

## Discussion

1. Authority of the Board of Appeals

Under Mequon Ordinance, the Board of Appeals has the "powers and duties set forth in Wis. Stats. § 62.23(7)(e) and in section 58-41." Mequon Code § 2-466. Those powers are:

> To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement of this section or of any ordinance adopted pursuant thereto; to hear and decide special exception to the terms of the ordinance upon which such board is required to pass under such ordinance; to authorize upon appeal in specific cases such variance from the terms of the ordinance as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of the ordinance will result in practical difficulty or unnecessary hardship, so that the spirit of the ordinance shall be observed, public safety and welfare secured, and substantial justice done.

Wis. Stat. § 62.23(7)(e)7.b. The Mequon Code effectively uses identical language to establish the powers of the Board of Appeals, with the exception that in adds that an appeal may be taken from the decision of an administrative body. See Municipal Code § 58-41(a)(1)a. This was likely added to authorize the Board of Appeals to act as an independent review panel for an initial determination under the rules of municipal administrative procedure under Chapter 68 of the Statutes.

Thus, the Board of Appeals has the authority to hear an appeal of a planning commission determination where the appellant alleges that the planning commission made an error. However, it is also clear that the Board's authority is not unlimited. For example, under Chapter 68,

Attachment: Thompson Attachment (3489 : Gregory Thompson Board of Appeals Documentation)

legislative enactments and any "action subject to administrative or judicial review procedures under other statutes" are not determinations subject to review. Wis. Stat. §§ 68.03(1) and (2). See, also, State ex rel. Westbrook v. City of New Berlin, 120 Wis.2d 256, 354 N.W.2d 206 (1984)(Common Council has exclusive authority of approval of certified survey maps).

There is little question that the power to zone is a legislative function. See Step Now Citizens Group v. Town of Utica Planning & Zoning Committee, et al., 2003 WI App 109, ¶ 26, 264 Wis. 2d 662, 663 N.W.2d 833. Accordingly, the "powers of the board of appeals . . . do not include the power to nullify acts of the local legislative body which is charged . . . with the adoption and amendment of zoning ordinances." Ledger v. City of Waupaca Bd. of Appeals, 146 Wis.2d 256, 265, 430 N.W.2d 370 (1988)(Citing Bearce v. Zoning Bd. of Appeals of Brockton, 351 Mass. 316, 219 N.E.2d 15, 17 (1966)). In other words, the Board of Appeals does not have the ability to overturn, ignore or otherwise disregard the requirements of the municipal code.

Additionally, the Board of Appeals does not have the power to review or modify the actual utility tariff. First, this is a legislative determination. Second, review of the tariff is ultimately under the review authority of the Public Service Commission. See Wis. Admin. Code § PSC 185.21 and Wis. Stat. §§ 196.19 and 196.37. Therefore, the tariff is subject to separate administrative and judicial review processes. Lastly, I would note that the requirement to have separate laterals for the property is a state regulation (that has been adopted into the City's tariff). Under Wis. Admin. Code § 185.52(2)(b), the Public Service Commission requires a single customer connection per lateral. Taken together, it is clear that the tariff is outside of the scope of Chapter 58 which means the Board of Appeals does not have the authority to grant a variance from that requirement. See Municipal Code §58-41(a)(1)c (the Board has the power to "authorize upon appeal in specific cases such variances *from the terms of this chapter*").

Accordingly, in the Thompson appeal, the Board of Appeals authority is limited to the appeal of the Planning Commission's determination to accept staff's recommendation to require a public main for the property instead of allowing multiple connections to a two-inch lateral. The Board of Appeals does not have the power to consider the legislative determination as to what the water tariff requires. That decision is left for the Water Utility Commission or the Public Service Commission.

2. The Role of the Board of Appeals

Having reached the conclusion that the administrative appeal of the planning commission is where the Board of Appeals' power lies in this case, the question becomes what does that appeal look like? Unfortunately, neither the statue nor the municipal code dictates the procedure. However, most commentators suggest that an administrative appeal before a board of appeals should utilize a standard similar to a circuit court certiorari proceeding.

In short, "[c]ertiorari is used to test the validity of decisions made by administrative or quasi-judicial bodies. The scope of certiorari extends to questions of jurisdiction, power and authority of the inferior tribunal to do the action complained of as well as questions relating to the irregularity of the proceedings." Acevedo v. City of Kenosha, 2011 WI App 10, ¶ 8, 331 Wis.2d 218, 793 N.W.2d 500 (Internal citations omitted). The method of addressing this scope is to

Attachment: Thompson Attachment (3489 : Gregory Thompson Board of Appeals Documentation)

consider four questions:

> (1) whether the board kept within its jurisdiction; (2) whether it proceeded on a correct theory of law; (3) whether its action was arbitrary, oppressive, or unreasonable; and (4) whether the evidence was such that it might reasonably make the order or determination in question.

State ex rel. Brookside Poultry Farms, Inc. v. Jefferson County Bd. of Adjustment, et al., 125 Wis.2d 387, 396, 373 N.W.2d 450 (1985). In general, the findings and conclusions of the decision being reviewed "should be affirmed if they are supported by any reasonable view of the evidence." Id. at 397 (Citing State ex rel. Morehouse v. Hunt, 235 Wis. 358, 367, 291 N.W. 745, 749 (1940); Snyder v. Waukesha County Zoning Bd., 74 Wis.2d 468, 476, 247 N.W.2d 98, 103 (1976)). "And, if there is more than one reasonable view of the evidence, the [decision maker] may choose among them, and its choice will not be upset by a reviewing [body]." Id. (Citing Bucyrus Erie Co. v. ILHR Department, 90 Wis.2d 408, 418, 280 N.W.2d 142, 147 (1979)).

To simplify these questions for the non-lawyers on the Board of Appeals, your role is to answer four questions with respect to this appeal:

i. Did the planning commission have the authority to make the decision it made?
ii. Did the planning commission apply applicable law?
iii. Did the planning commission act in a way that its decision reflected its desires as opposed to what may otherwise be required?
iv. Did the planning commission have enough information before it that it was able to make its decision?

While not completely clear from his filing, the appellant here does not appear to suggest that the planning commission did not have the authority to make the decision it did. Instead, the focus of his appeal seems to center on whether the planning commission applied the law correctly; suggesting that the focus of this appeal will be on questions ii and iii.

I hope this helps in your preparation for the hearing.

BCS

Attachment: Thompson Attachment (3489 : Gregory Thompson Board of Appeals Documentation)

Thompson Appeal

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Response to City Attorney Memo to Board of Appeals dated June 29, 2018

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July 2, 2018

The following comments shall be incorporated into the record.

The Board's Authority

Attorney Sajdak concludes that "the Board of Appeals has the authority to hear an appeal of a planning commission determination where the appellant alleges that the planning commission made an error."; however, he places limitations on such authority which need clarification. The limitations are as follows:

1. the board does not have the ability to overturn, ignore, or otherwise disregard the requirements of the municipal code
2. does not have the power to review or modify the actual utility tariff.
3. does not have the power to consider the legislative determination as to what the water tariff requires.

**The board does not have the ability to overturn, ignore, or otherwise disregard the requirements of the municipal code is misleading to the Board.**

This limitation is correct but the Board is not being asked to do any such action; rather, they are asked to *hear and decide* if there was *an error* in the *determinations* stemming from Chapter 58 of Mequon ordinances and/or the utility tariff rules (collectively the "municipal code"). Thompson has *alleged* that there are errors in the City's determinations regarding his project and those determinations are rightfully being challenged, and is pursuant to Ord 58.41 (a)(1)(a) which states:

a. To *hear and decide* appeals where it is *alleged* there is *error* in any order, requirement, *decision or determination* made by an administrative official or body in the administration or enforcement of this chapter.

Attachment: Thompson Attachment (3489 : Gregory Thompson Board of Appeals Documentation)

**The Board does not have the power to review or modify the actual utility tariff is misleading to the Board.**

It is without question the Board can't modify the utility tariff – there is a specific "legislative" procedure for those actions. They can review the tariff all they want but the Board has no duty or power to change it. Attorney Sajdak does not make clear that the Board is not being asked to *review or modify* the tariff rules; rather, it is the plan commission's determination, stemming from engineering's interpretation of those tariff rules, that is being challenged. The Board is asked to review if there was an error made in the decision to require separate utility connections or an 8 inch public main, and if the SSLD applies to utility specifications for construction on private property. Such a determination can be reviewed using the plain meaning of the ordinances/rules which govern and the simple rules of construction.

**The Board does not have the power to consider the legislative determination as to what the water tariff requires can confuse the board members**

It is confusing to simply state that any decision as to what the water utility tariff requires is left for the Water Utility Commission or the Public Service Commission. If the tariff rules themselves are being challenged, then yes, however, that is not the case here. The rules are fine, it is the error in the interpretation of those rules which has lead to this appeal.

Attorney Sajdak points out that the PSC requires a single customer connection; that is all that Thompson asked for. Thompson simply asked for one 2-inch lateral to serve his one property. Thompson is not asking for a variance. If the engineering department and CityWaterUSA read the tariff rules and determine that separate laterals or an 8 inch public main are required, it is certainly within the Boards authority to hear an appeal that challenges that interpretation. Attorney Sajdak's memo seems only to confuse the issue. He can state "*The Board of Appeals does not have the power to consider the legislative determination as to what the water tariff requires.*" and be correct; however, what the tariff requires, is not being challenged, it is the city's error in the plain reading and subsequent decision with regard to the tariff rules. Simply put, the city reads it one way and Thompson reads it another. The city can present evidence to support their reading and Thompson will do likewise. It is certainly under the jurisdiction of the Board to decipher who is in error.

Attachment: Thompson Attachment (3489 : Gregory Thompson Board of Appeals Documentation)

The Board's Role

Summarily, the role of the Board should be as specifically stated in the governing ordinances:

> c. In exercising the above-mentioned powers, such board may, in conformity with the provisions of this chapter, reverse or affirm, wholly or partly, or may modify the order, requirements, decision or determination appealed from, and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken

The Board can *reverse* the decision of the plan commission. The Board can choose not to endorse engineering's *determination* that the utility tariff demands that thompson either use an 8-in main (and dedicate a utility easement to the city) or install separate laterals to each building on his one property (lot or parcel of land). In other words, the board does not have to agree that it is within the city's power to supersede the state's authority under the Department of Safety and Professional Services (and the city's own adoption of the Department's plumbing codes), and ignore Thompson's state approval for a private water supply main.

Standard of Review

As a final note, attorney Sajdak's memo set the stage for a certiorari review standard which is not appropriate in this case. It should be made clear that the appeal hearing should be de novo. The board must consider the evidence and decisions brought forth by the engineering department, CityWaterUSA, and the planning staff who, in essence, are the ones whose determinations the plan commission relied upon, and not just whether the plan commission acted within their powers and duties.

I respectfully object to the city attorney's guidance to the board members and their role to answering the four questions. The questions are structurally flawed because they implicate the plan commission (instead of the staff that made the determination), and fundamentally flawed, because it limits the scope of the evidence; whereby, limiting the possibilities of error in which to consider.

Most importantly, certiorari review preserves the local flavor of the proceedings because a reviewing court may not substitute its judgment for the discretion of the municipality. *State ex rel. Ruffalo v. Common Council*

Attachment: Thompson Attachment (3489 : Gregory Thompson Board of Appeals Documentation)

*of City of Kenosha,* 38 Wis. 2d 518, 525, 157 N.W.2d 568 (1968). (meaning, certiorari does not allow the board members to assert their own judgement with regard to the evidence presented but instead gives deference to what the department or planning staff determined.) A certiorari review would incorrectly accord the engineering and planning staff a presumption of correctness. In addition, a certiorari review would limit Thompson's opportunity to raise matters and present evidence outside the scope of certiorari review outlined by the city attorney. The Board must consider all evidence and issues as submitted and presented.

A certiorari standard of review is provided for in an appeal from the Board's final decision, and therefore, if the appeal board is a certiorari review then "somebody" needs to review all the evidence – a certiorari review of a certiorari review in nonsensical. The resulting appeal board decision must have findings of fact and conclusions of law which are supported by <u>all</u> the evidence in the record not just that set forth by the noted standards for a certiorari review.

Gregory A. Thompson
StorageShopUSA – Mequon project

Attachment: Thompson Attachment (3489 : Gregory Thompson Board of Appeals Documentation)

CITY OF MEQUON BOARD OF APPEALS

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In re the application of Gregory Thompson for review of a Decision of the Mequon Planning Commission conditionally approving the application for a Conditional Use Grant for the property at 5717 W. Donges Bay Road, Mequon, WI

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SUBPOENA

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STATE OF WISCONSIN )
) ss.
OZAUKEE COUNTY )

THE STATE OF WISCONSIN TO: Thomas Braun
Wis. Dept. of Safety and Professional Services
10541 Ranch Rd.
Hayward, WI. 54843

Pursuant to the authority granted under Wis. Stat. § 62.23(7)(e)3, you are hereby required to appear before the City of Mequon Board of Appeals in the Christine Nuernberg Hall in Mequon City Hall located at 11333 N. Cedarburg Rd, Mequon, Wisconsin, on Thursday, August 2, 2018 at 6:00 pm, to give evidence in the above-captioned matter relating to the State Plumbing Code and its applicability to public versus private water service facilities. Failure to appear may result in punishment for contempt which may include monetary penalties, imprisonment and other sanctions.

Dated at Mequon, Wisconsin, this 6th day of July, 2018.

CITY OF MEQUON BOARD OF APPEALS

Kathleen M. Massey

Kathleen M. Massey, Chairperson

Attachment: Thompson Attachment (3489 : Gregory Thompson Board of Appeals Documentation)

City of Mequon

11333 N. Cedarburg Road
Mequon, WI 53092
Phone: 262-236-2914
Fax: 262-242-9655

www.ci.mequon.wi.us

**BOARD OF APPEALS**
**Thursday, August 2, 2018**
**6:00 PM**
**Christine Nuernberg Hall**

**Agenda**

1) Call to Order, Roll Call

2) Approve meeting minutes of July 5, 2018

3) Hear evidence concerning; debate, deliberate and decide the request of:

   a. Applicant: Gregory A. Thompson
      Owner: Gregory A. Thompson
      Appeal: Appealing the April 9, 2018 Planning Commission conditions of approval for Storage Shop USA at 5717 W. Donges Bay Road

4) Adjourn

*Dated: July 23, 2018* */s/ Kathleen Massey, Chairman*

Notice is hereby given that a quorum of other governmental bodies may be present at this meeting to present, discuss and/or gather information about a subject over which they have decision-making responsibility, although they will not take formal action thereto at this meeting.

Persons with disabilities requiring accommodations for attendance at this meeting should contact the City Clerk's Office at 262-236-2914, twenty-four (24) hours in advance of the meeting.

Any questions regarding this agenda may be directed to the City Administrator's Office at 262-236-2941, Monday through Friday, 8:00 AM – 4:30 PM

Attachment: Thompson Attachment (3489 : Gregory Thompson Board of Appeals Documentation)

City of Mequon

draft

11333 N. Cedarburg Road
Mequon, WI 53092
Phone: 262-236-2914
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**BOARD OF APPEALS**
**Thursday, July 5, 2018**
**6:00 PM**
**Christine Nuernberg Hall**

**Minutes**

1) Call to Order, Roll Call

**Present:**
Board Member Lawrence Clancy
Board Member Lori Kornblum
Board Member Ramona Larson
Chair Kathleen Massey
Board Member Robert Stern

**Absent:**
Board Member Joseph Russell

**Excused:**
Board Member Thomas Flanagan

Also Present: City Clerk Fochs, City Attorney Sajdak, Assistant City Engineer Bridget Henk, Director of Operations Jim Voigt, Anita Foss from U.S. Legal Support, and interested public

2) Approve meeting minutes of April 19, 2018

| | |
|---|---|
| **RESULT:** | **Approved by Voice Acclamation [Unanimous]** |
| **MOVED BY:** | Board Member Stern |
| **SECONDED BY:** | Board Member Clancy |

| | |
|---|---|
| **AYES:** | Clancy, Larson, Massey, Stern |
| **ABSTAIN:** | Kornblum |

3) Hear evidence concerning; debate, deliberate and decide the request of:

a). Applicant: Gregory A. Thompson
Owner: Gregory A. Thompson
Appeal: Appealing the April 9, 2018 Planning Commissions conditions of approval for Storage Shop USA at 5717 W. Donges Bay Road.

Attachment: DRAFT ACCEL A minutes 07-05-18 R (3376 : Board of Appeals meeting minutes of 7-5-18)
Attachment: Thompson Attachment (3489 : Gregory Thompson Board of Appeals Documentation)

Motion to open the public hearing.

**RESULT:** **Approved by Voice Acclamation [Unanimous]**
**MOVED BY:** Board Member Stern
**SECONDED BY:** Board Member Clancy

**AYES:** Clancy, Larson, Massey, Stern, Kornblum

Assistant City Engineer Henk stated that the Planning Commission conditionally approved this project on April 9, 2018 with twenty-one conditions of approval. The applicant is specifically appealing two conditions, #14 and #17. Both public and private developments are required to conform to the city's standard specifications for land development. These standard specifications are intended to promote public health, safety and welfare. The water tariff sets the standards of operation for the utility and includes the fees, billing practices, and the connection and construction practices. Water tariffs are reviewed and approved by the Public Service Commission. She also noted that the applicant has provided engineering plans that have been approved by the City's Engineering Division.

Appellant Mr. Thompson provided additional information for the Board in response to the packet. Exhibit A was submitted to the Board. Mr. Thompson explained that he proposed tapping of the existing public main and running a private main and private interceptor sewer from the public utilities onto the property and from there tapping off a lateral to each of the buildings. He received conditional approval from the Department of Safety and Professional Services for the proposed plan of 6 inch sanitary sewer diameter and 2 inch water diameter and subsequently submitted this plan to Mequon's Engineering Department. He further stated that the City water system is regulated by the DNR under NR 811 and the private water systems are regulated by the Department of Safety and Professional Services (DSPS) under SPS 382. Public water systems are located in the public right of ways and private property easements dedicated to the city. The subject property is on private property, there is no dedicated easement. The proposed water system will not be part of the municipal water system. It will be controlled by the property owner.

Assistant City Engineer Henk concurred that this would potentially be part of a private water system. However, the concern is that there is a lateral with multiple splits off of it which is not in compliance with the water tariff. She further explained that the concern with changing it from a lateral to a private main is that of water quality. If there is a two inch private water main there are large concerns about adequate pressure and adequate water quality for the area. Discussion ensued on the various types of ownership, i.e. condominium, partnership, tenants in common, and the inability to regulate curb boxes on private property. Assistant City Engineer Henk explained in this case the development plans went to DSPS for approval before staff review. The City agrees that there is an approved plan from DSPS.

Mr. Thompson continued his presentation to the Board. He felt it was clear that the Planning Commission was not going to honor the DSPS permit, so he made no argument at that time. The city stated that the reason for denial was the design as submitted is in direct conflict with the City of Mequon Water tariff, specifically the water connection rules Section C: Commercial

Attachment: DRAFT ACCEL A minutes 07 05 18 B (2376 : Board of Appeals meeting minutes of 7.5.18)
Attachment: Thompson Attachment (3489 : Gregory Thompson Board of Appeals Documentation)

Customer Connection (2) On Main. Mr. This section mentions nothing about the establishment of a service or specifics on why a 2-inch private main is not allowed. He asserts that staff incorrectly asserted that the building "...will be served off a 2-inch lateral..." and the development is two or more separate premises having frontage on any street or public service strip. Rather, he states that the proposed plan has always been identified as a private water main and the premise is one lot with four buildings, in its entirety, with frontage on the public street. Our ordinances, Section 10, adopt the uniform commercial plumbing code (SPS 382) which provides specifications for the use, design and construction of private water mains, and requires a special state approval. Additionally, our Ordinances, Sec 58-601 entitled "Water Supply", simply states that "Construction specifications for water systems are contained in the publication "City of Mequon Standard Specifications for Land Development SSLD", and does not distinguish between public or private improvements. It generally states provisions need to be made for a safe and adequate supply of drinking water on the premises. Mr. Thompson argued that the more specific Section 10 would govern over the more general SSLD. Additionally, Mr. Thomas Braun, the Section Chief of the Plumbing Department at the Department of Safety and Professional Services was quoted in an April 23, 2018 email that "A municipality does not have the right to dictate the size of a private water main or water service."

Discussion ensued on who dictates how a property connects to a public utility. Mr. Jim Voigt, Director of Operations for the Mequon Water Utility, added that he also contacted Mr. Thomas Braun to clarify his previous response to Mr. Thompson. This was labeled Exhibit B and was presented to the Board. Mr. Braun responded "The Plumbing Code does not dictate where or when a private water main is allowed or a separate water service is required for buildings on the same property."

Attorney Sajdak reminded the Board that the question on appeal is if the Planning Commission's decision based on what the Water Tariff dictates was correct or does the Plumbing Code supersede all.

Mr. Thompson stated that he separated the four units to create a firewall assembly. He feels he is being penalized for separating the units. The use is the same. The property is zoned S-1. It could be offices, storage, or small service business. He says that SPS 382 does not require regular flushing.

Assistant City Engineer Henk clarified that if Mr. Thompson's building were all as one then Planning Commission would have required two water services. Only two units can be served off of one lateral per the Water Tariff. The subject property is on a dead end line and is being flushed once per month there are concerns with water quality.

Operations Manager Voigt stated that the Water Advisory Board reviewed and implemented the Water Tariff which were subsequently approved by the Public Service Commission.

Board Member Stern left the proceedings at 7:50 PM.

Motion to keep the public hearing open until the Board can hear from Mr. Thomas Braun and question him regarding the emails.

Attachment: DRAFT ACCFLA minutes 07-05-18 R (3376 : Board of Appeals meeting minutes of 7-5-18)
Attachment: Thompson Attachment (3489 : Gregory Thompson Board of Appeals Documentation)

| | |
|---|---|
| **RESULT:** | **Approved by Voice Acclamation [Unanimous]** |
| **MOVED BY:** | Board Member Massey |
| **SECONDED BY:** | Board Member Kornblum |

| | |
|---|---|
| **AYES:** | Clancy, Larson, Massey, Kornblum |

Chairman Massey expressed her concerns about the interpretations of both the emails Mr. Thompson and the City have received from Thomas Braun, the Section Chief of the Plumbing Department at the Department of Safety and Professional Services. She is unclear on what Mr. Braun's role is and his interpretation of the issues before the Board. She suggested that the hearing remain open until the Board can hear from Mr. Braun himself and the Board has the opportunity to question him on the issues proposed by both the City and the appellant.

The Board will issue an administrative subpoena to Mr. Thomas Braun to appear before the Board for questioning.

Moved by Board Member Kornblum to see the approved plan of the City of Oak Creek, WI development that was referenced during testimony. Attorney Sajdak stated we do not have the authority to request that. Alternatively, the Board suggested a representative from Oak Creek could testify or the City of Oak Creek could provide a letter outlining the project they approved.

Motion died due to lack of a second.

The Board decided to continue this hearing on August 2, 2018 at 6:00 pm.

b) Applicant: Veridian Homes
Owner: Veridian Homes
Appeal: Appeal of the May 14, 2018 Architectural Review Board decision at 8055 W. Mourning Dove Lane.

NOTE: This application was withdrawn on June 26, 2018.

4) Adjourn

Motion to adjourn to August 2, 2018 at 8:06 PM.

| | |
|---|---|
| **RESULT:** | **Approved by Voice Acclamation [Unanimous]** |
| **MOVED BY:** | Board Member Kornblum |
| **SECONDED BY:** | Board Member Larson |

| | |
|---|---|
| **AYES:** | Clancy, Larson, Massey, Kornblum |

Respectfully Submitted,
*Kathy Andrykowski*

Attachment: DRAFT ACCELA minutes 07-05-18 R (3376 : Board of Appeals meeting minutes of 7-5-18)
Attachment: Thompson Attachment (3489 : Gregory Thompson Board of Appeals Documentation)

**Supplemental information for the August 2nd Board of Appeals Hearing** (submitted via email)

Applicant: Gregory A. Thompson
Owner: Gregory A. Thompson
Appeal: Appealing the April 9, 2018 Planning Commission conditions of approval for Storage Shop USA at 5717 W. Donges Bay Road

July 30, 2017

Attached are the following:

1. Email correspondence from the City of Oak Creek verifying that a 2 inch watermain was approved and installed at the StorageShopUSA – Oak Creek location less than 1 year ago. The site plan is included and the layout is substantially similar and a DSPS permit was obtained.

2. Copies of web pages taken directly from the Public Service Commission website explaining the establishment of service as expressed in the water utility tariff's operating rules. The StorageShopUSA project forms a condominium ownership – not a subdivision of land which creates a lot with frontage or "an adjoining lot or parcel". The condominium association will be the one owner with one 2 inch connection and one meter all on 1 parcel of land. All the owners own all the land underneath the buildings collectively – there are no lot lines between buildings. The following link takes you to the PSC website. https://psc.wi.gov/Pages/ForUtilities/Water/WaterInfrastructureFAQs.aspx

3. Email correspondence from the Town of Grand Chute whose tariff rules are identical to Mequon's and they too allow a 2 inch watermain along with a DSPS permit approval. I am currently developing a StorageShopUSA project in the Town.

Also submitted to Ms. Henk were the water calculations from a professional plumbing designer showing than the 2 inch main is adequate, and in fact, can service at least 11 buildings (22 units). The 2 inch service would be adequate for a planned expansion of the development.

Attachment: Thompson Attachment (3489 : Gregory Thompson Board of Appeals Documentation)

Additionally, I would like to let the record stand based on the actual transcript of the proceedings; therefore, will not comment on the Board of Appeals minutes. I will however submit the following:

The City denied the 2 inch main because it was in direct conflict with the City of Mequon Water tariff, specifically the water connection rules Section C: Commercial Customer Connection (2) On Main. There has been no definitive answer as to how it conflicts directly with that section, more specifically, what the water tariff dictates.

There is no evidence put forth that the water tariff can dictate the size of a private water main. The size of the main to private property is at the request of the owner of the lot or parcel of land to be served.

Gregory A. Thompson
StorageShopUSA – Mequon Project
ssusa@tds.net
608 444 1515

Attachment: Thompson Attachment (3489 : Gregory Thompson Board of Appeals Documentation)

**gthompson** Email Correspondence from Oak Creek verifying 2" water main

**From:** Ron Pritzlaff <rpritzlaff@water.oak-creek.wi.us>
**Sent:** Friday, July 20, 2018 8:12 AM
**To:** 'gthompson'
**Cc:** 'Thomas Nennig'
**Subject:** RE: storageshopusa - oak creek

Greg:

As far as the DSPS approvals go, Jeff Lynch will need to weigh in on that. In the case of the water, the developer was allowed to run a two inch line through a vaulted master meter before feeding each individual building. Beyond the master meter, all water supply is private. Each building has its own curb stop. I am not familiar with the City of Mequon tariff or water utility standards, nor is it my place to dictate to them what should and should not be allowed in their own community. Simply said, the aforementioned configuration was allowed in Oak Creek. Whether or not it would be allowed in Mequon is a different matter.

Ron J. Pritzlaff, P.E.
Utility Engineer

Oak Creek Water and Sewer Utility
170 West Drexel Avenue
Oak Creek, WI 53154

Email: rpritzlaff@water.oak-creek.wi.us
Office: (414)570-8200 x24
Cell: (414)852-3910

**From:** gthompson <ssusa@tds.net>
**Sent:** Wednesday, July 18, 2018 3:01 PM
**To:** 'Ron Pritzlaff' <rpritzlaff@water.oak-creek.wi.us>
**Subject:** storageshopusa - oak creek

Ron

I was wondering if you could verify that:

A DSPS permit was obtained for the private water (and sewer main) for the project. (see attached)
The 2 inch water main was installed and is operational today. (seth and jeff lynch did inspections)

The City of Mequon has questioned whether the DSPS permit is superseded by the Water Utility Tariff (the operation rules filed with the Public Service Commission). In general, Oak Creek and Mequon have the same operating rules – how they charge for connections seem to differ.

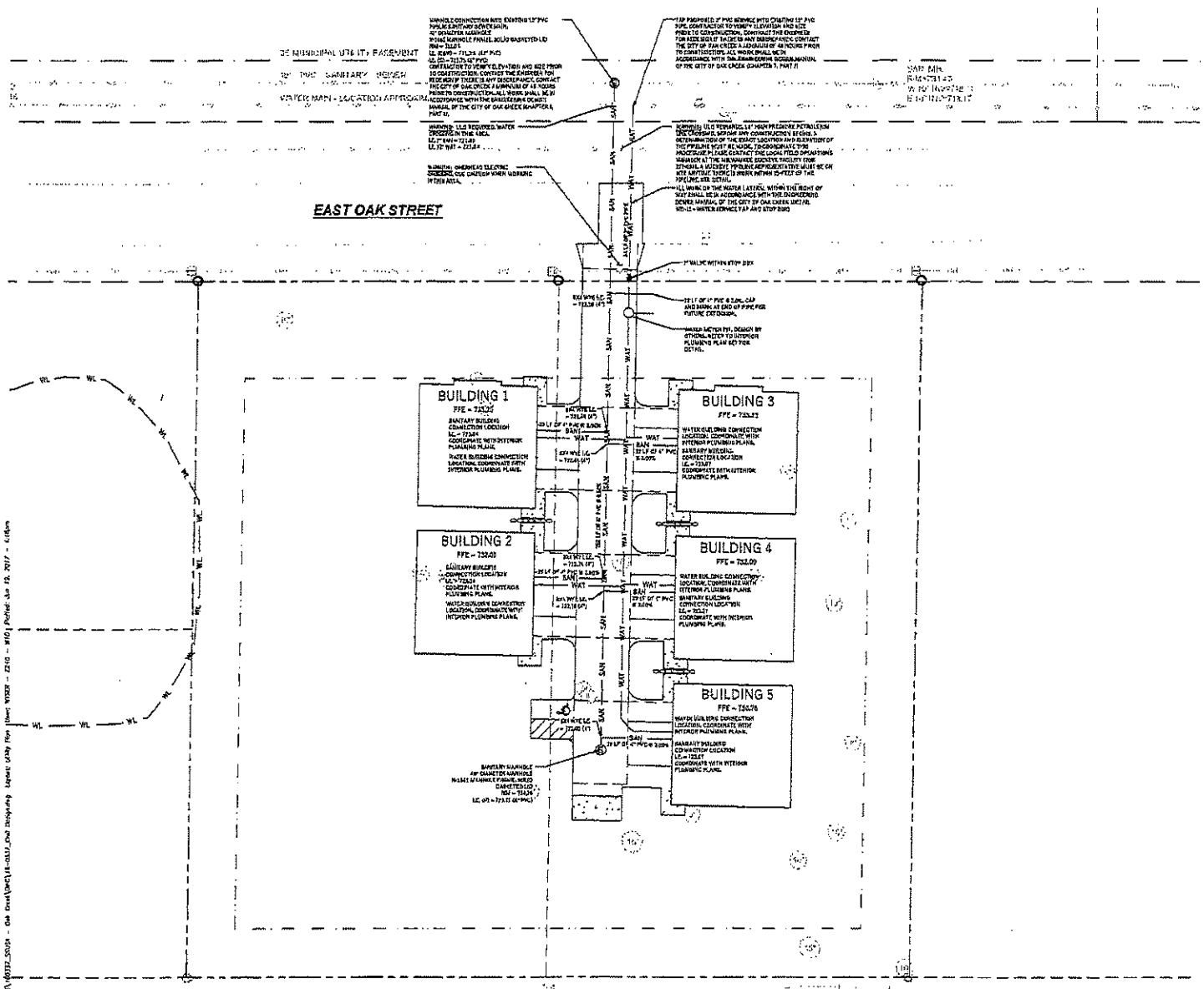
The Mequon appeals board would find it useful to know that Oak Creek honored the DSPS permit which allowed a 2 inch private water main to be installed. The main is only serving 4 buildings – oak creek has 5

A simple email response would be sufficient

I know you are not obligated to do so, but it would help in resolving an issue.



Attachment: Thompson Attachment (3489 : Gregory Thompson Board of Appeals Documentation)




## LEGEND (PROPOSED)

- PROPOSED PROPERTY BOUNDARY
- EASEMENT
- BUILDING FOOTPRINT
- LF CURB AND GUTTER
- ASPHALT PAVEMENT
- CONCRETE PAVEMENT
- WAT — PROPOSED WATER MAIN
- SAN — PROPOSED SANITARY SEWER
- STM — PROPOSED STORM SEWER
- GAS — PROPOSED GAS SERVICE (SIZED BY OTHERS)
- E — PROPOSED ELECTRIC SERVICE (SIZED BY OTHERS)
- STORMWATER TREATMENT FACILITY
- DISCHARGE GRADE SHEET
- DRAINAGE ARROW

NORTH

## GENERAL NOTES

1. UNDERLYING SITE CONTOURS AND DIMENSIONS BASED ON TOPOGRAPHIC & UTILITY DATA AS PROVIDED TO WYSER ENGINEERING. WYSER ENGINEERING SHALL NOT BE HELD RESPONSIBLE FOR ANY ERRORS OR OMISSIONS THAT MAY ARISE AS A RESULT OF ENGINEERING DEPENDENT INFORMATION PROVIDED BY OTHERS. CONTRACTOR TO CONFIRM ALL ELEVATIONS, GRADES, DRAINAGE AND EARTHWORK REQUIREMENTS PRIOR TO CONSTRUCTION.
2. THE BENCHMARK LOCATIONS ARE SHOWN FOR REFERENCE ONLY ON THIS PLAN. THE BENCHMARKS SHALL BE VALIDATED BY LICENSED LAND SURVEYOR PRIOR TO CONSTRUCTION. CONTRACTOR ASSUMES RISK ASSOCIATED WITH PROCEEDING WITH CONSTRUCTION.
3. CONTRACTOR TO OBTAIN APPROPRIATE PERMITS FOR STREET CROSSINGS & TO WORK WITHIN THE VILLAGE'S LANDS IF REQUIRED.
4. WYSER ENGINEERING SHALL BE HELD HARMLESS AND DOES NOT WARRANT ANY DEVIATIONS BY THE OWNER OR CONTRACTOR FROM THE APPROVED CONSTRUCTION PLANS THAT MAY RESULT IN DISCIPLINARY ACTIONS BY REGULATORY AGENCIES.
5. IF ANY ERRORS, OMISSIONS, OR CONFLICTS WITHIN THE PLAN BECOME APPARENT, IT SHALL BE BROUGHT TO THE ATTENTION OF THE ENGINEER PRIOR TO CONSTRUCTION SO THAT CLARIFICATION OR REVISIONS MAY OCCUR.
6. ALL MUNICIPAL UTILITY CONNECTIONS, SANITARY MANHOLE, PUBLIC OUTLOTS AND PUBLIC EASEMENTS SHALL BE IN ACCORDANCE WITH THE ENGINEERING DESIGN MANUAL OF THE CITY OF OAK CREEK.

## UTILITY NOTES

1. DIMENSIONS TAKE PRECEDENCE OVER SCALE. CONTRACTOR TO VERIFY ALL DIMENSIONS IN FIELD.
2. LOCATIONS OF ALL UTILITIES AND TO CENTER OF STRUCTURES ON PETERSIDE AND MAYFAIRE SUBDIVISION PLANS. LOCATIONS SHALL BE VERIFIED IN THE FIELD DURING CONSTRUCTION.
3. CONTRACTOR SHALL VERIFY ALL ELEVATIONS, LOCATIONS, AND SIZES OF SANITARY, WATER AND STORM LATERALS AND CHECK ALL UTILITY CROSSINGS FOR CONFLICTS.
4. THE PROPOSED IMPROVEMENTS MUST BE CONSTRUCTED IN ACCORDANCE WITH THE ENGINEERING PLANS DESIGNED TO MEET ORDINANCES AND REQUIREMENTS OF THE MUNICIPALITY AND WISDOT, WDNR, AND WDNR.
5. PRIOR TO CONSTRUCTION, THE CONTRACTOR IS RESPONSIBLE FOR:
   - EXAMINING ALL SITE CONDITIONS RELATIVE TO THE CONDITIONS INDICATED ON THE ENGINEERING DRAWINGS. ANY DISCREPANCIES AND TO BE REPORTED TO THE ENGINEER AND RESOLVED PRIOR TO THE START OF CONSTRUCTION.
   - OBTAINING ALL PERMITS INCLUDING PERMIT COSTS, TAP FEES, METER DEPOSITS, BONDS, FEES, OTHER FEES REQUIRED FOR PROPOSED WORK TO OBTAIN REQUIRED.
   - VERIFYING UTILITY ELEVATIONS AND NOTIFYING ENGINEER OF ANY DISCREPANCY. NO WORK SHALL BE PERFORMED UNTIL THE DISCREPANCY IS RESOLVED.
   - NOTIFYING ALL UTILITIES PRIOR TO THE INSTALLATION OF ANY UNDERGROUND IMPROVEMENTS.
   - NOTIFYING THE DESIGN ENGINEER AND MUNICIPALITY 48 HOURS PRIOR TO THE START OF CONSTRUCTION TO ARRANGE FOR APPROPRIATE CONSTRUCTION OBSERVATION.
6. THE CONTRACTOR IS RESPONSIBLE FOR PROVIDING THE ENGINEER WITH AS-BUILT CONDITIONS OF THE DESIGNATED IMPROVEMENTS IN ORDER THAT THE APPROPRIATE DRAWINGS CAN BE PREPARED. IF ACCEPTABLE ANY CHANGES TO THE DRAWING OR ADDITIONAL ITEMS MUST BE REPORTED TO THE ENGINEER AS WORK PROGRESSES.
12. ANY SANITARY SEWER, SANITARY SEWER SERVICES, WATER MAIN, WATER SERVICES, STORM SEWER, OR OTHER UPS, FIBER, WIRES ARE DAMAGED BY THE CONTRACTOR SHALL BE REPAIRED TO THE OWNER'S SATISFACTION AT THE CONTRACTOR'S EXPENSE. NO BLASTING IS ALLOWED WITHIN 50 FEET OF EXISTING UTILITIES.
15. ALL PIPELINE INTENDED FOR WATER MAIN AND WATER SERVICES SHALL BE INSTALLED WITH A 8' MINIMUM BURY. PROVIDE INSULATION ABOVE PIPES WITH LESS THAN 8' OF GROUND COVER.
16. GRANULAR BACKFILL MATERIALS ARE REQUIRED IN ALL UTILITY TRENCHES UNDER PAVEMENT AND PROPOSED PAVED AREAS UNLESS OTHERWISE SPECIFIED BY A GEOTECHNICAL ENGINEER. ALL UTILITY TRENCH BACKFILL SHALL BE COMPACTED PER SPECIFICATIONS. ALL PAVEMENT PATCHING SHALL COMPLY WITH THE VILLAGE OF MOUNT PLEASANT STANDARD SPECIFICATIONS. ADDITIONAL PAVEMENT MILLING AND OVERLAY MAY BE REQUIRED BY MPWT.
17. CONTRACTOR SHALL NOTIFY THE MUNICIPAL PUBLIC WORKS DEPARTMENT A MINIMUM OF 48 HOURS BEFORE CONNECTING TO MUNICIPAL UTILITIES.
17. ALL NON-METALLIC BUILDING SEWER AND WATER SERVICES MUST BE ACCOMPANIED BY MEANS OF LOCATING UNDERGROUND PIPE. TRACER WIRE, VALVE BOXES SHALL BE INSTALLED ON ALL LATERALS AS INDICATED ON THIS PLANS.
18. ALL EXTERIOR CLEANOUTS SHALL BE PROVIDED WITH A FROST SLEEVE IN ACCORDANCE WITH SPS 382.30(3)(b) AND SPS 382.36(3)(f).
19. ALL PRIVATE SANITARY BUILDING SEWER PIPE AND TUBING SHALL CONFORM TO SPS 384.30-2.
20. ALL PRIVATE STORM BUILDING PIPE AND TUBING SHALL CONFORM TO SPS 382.36.
21. ALL PRIVATE PIPE AND TUBING FOR WATER SERVICE SHALL CONFORM TO SPS 382.40-2.
24. ALL PRIVATE PIPE SHALL BE INSTALLED PER SPS 382.36(3)(b) INCLUDING AT LEAST 6' OF HORIZONTAL SEPARATE BETWEEN WATER PIPING AND SANITARY SEWER FROM CENTER OF PIPE TO CENTER OF PIPE AND 18" OF ELEVATION BETWEEN STORM SEWER AND WATER MAIN.
25. THE CONTRACTOR SHALL ALLOW 10 WORKING DAYS FOR THE CONSTRUCTION OF THE MAINS WHEN SCHEDULING THE WORK AND SHALL NOT RESTRICT ACCESS TO THE GAS MAIN CONTRACTOR OR OTHER UTILITY COMPANIES.
31. INLET CASTINGS SHALL BE SET TO GRADE PRIOR TO AND SEPARATE FROM THE POURING OF THE CONCRETE CURB AND GUTTER. WHEN REQUIRED THAT THERE TEST OF CONCRETE CURB AND GUTTER ON EACH SIDE OF THE INLET SHALL BE POURED BY HAND, NOT THROUGH THE USE OF A CURB MACHINE. THE INLET CASTING SHALL BE SET TO GRADE ON A BED OF MORTAR WHICH SHALL BE A MINIMUM OF TWO INCHES THICK. THE INLET SHALL BE PLACED ON THE MORTAR BED AND SHALL BE ADJUSTED TO GRADE BY APPLYING DIRECT PRESSURE TO THE CASTING UNTIL THE CASTING ADJUSTMENT IS COMPLETE. THREE FEET OF CURB AND GUTTER ON EACH SIDE OF THE CASTING SHALL BE POURED BY HAND.
32. THE CURB INLET SHALL HAVE A CATCH BASIN, MANHOLE, AND BREAKAWAY TRAPS ON APPROVED EQUALIZER METALLED WITH TRUCK.
33. NO BLASTING SHALL OCCUR WITHIN 25 FEET OF ANY EXISTING UTILITIES.
34. CONTRACTOR SHALL VERIFY AND COORDINATE ALL UTILITY CONNECTIONS WITH THE BUILDING PRIOR TO CONSTRUCTION.
35. THE CONTRACTOR SHALL CONDUCT HIS OPERATIONS SO AS TO BE IN CONFORMANCE WITH THE VILLAGE EROSION CONTROL AND STORMWATER ORDINANCE, AND DNR ADMINISTRATIVE RULE NR 216 AT ALL TIMES.

DIGGERS HOTLINE
Toll Free (800) 242-8511 or 811
Hearing Impaired TDD (800) 542-2289
www.DiggersHotline.com

WYSER

401 E. OAK STREET
OAK CREEK, WI 53154

STORAGE SHOP USA - OAK CREEK

OAK CREEK, MILWAUKEE COUNTY, WI

Sheet Title: UTILITY PLAN

| Revisions | | |
|---|---|---|
| No. | Date: | Description |
| 1 | 02/13/17 | City Comments |

| | |
|---|---|
| Graphic Scale | 0' 5' 10' 20' |
| Wyser Number | 16-0337 |
| Set Type | PERMIT |
| Date Issued | 03/27/2017 |
| Sheet Number | C300 |

Oak Creek Utility Plan

# FAQs: Service Lines

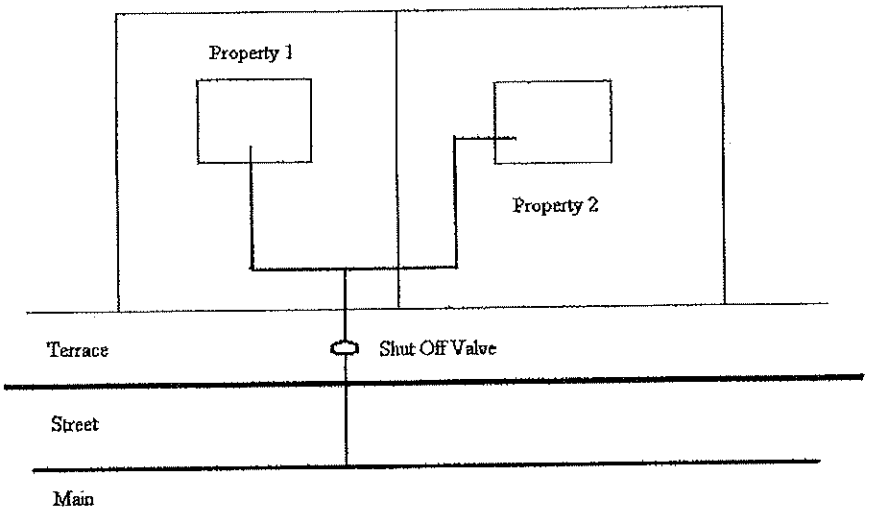
Explanation from Public Service Commission

Can multiple properties be served through a single service line and shut-off valve?

The standards are set forth in Wis. Admin. Code § PSC 185.52(2)(b) Single Connections, and in Schedule X-1,Water Utility Operating Rules.

Two Customers One Lateral

Noncomplying Configuration




Wis. Admin. Code § PSC 185.52(2)(b) Single Connections states: "A customer's line shall be directly connected to utility-owned facilities, and there shall be no other customer connection downstream from the utility's shut-off valve."

This means that normally there should be just one utility billing customer per shut-off valve and/or each billing customer shall connect directly to facilities (shut-off valve) owned by the utility.

**Schedule X-1, Water Utility Operating Rules Establishment of Service**, states: "No division of the water service lateral to any lot or parcel of land shall be made for the extension and independent metering of the supply to an adjoining lot or parcel of land. Except for duplexes, no division of a water service lateral shall be made at the curb for separate supplies for two or more separate premises having frontage on any street or public service strip, whether owned by the same or different parties."

The first sentence would not permit service to the second building (Property 2 in drawing) should the property ever be divided. The second sentence prohibits division of the water supply at the curb to separate premises (picture violates second sentence).

**Schedule X-1, Water Utility Operating Rules, Replacement and Repair of Service Laterals**, states: "The service lateral from the main to and through the curb stop will be maintained and kept in repair and, when worn out, replaced at the expense of the water utility. The property owner shall maintain the service lateral from the curb stop to the point of use."

This identifies ownership and responsibility for portions of the service lateral. The utility is responsible from the main through the shut off valve, and the customer is responsible from the valve to the point of use of the water. The water meter is the responsibility of the utility.

Where there is a pre-existing situation that does not comply with the above requirements, the utility should seek to reconcile the problem. Often, Commission staff recommends that if the situation provides adequate service and the parties are in agreement it can be corrected when the property that is being served from the other property's lateral (Property 2) is sold or when a leaky lateral needs replacement. At that time, the customer (Owner of Property 2) that does not have its own lateral and curb stop from the main in the street should be required to install a new lateral. This obligation to improve the service lateral should be recorded on the deed so any party interested in purchasing the property (Property 2) can be alerted to this cost.

In situations where it is apparent that the utility knew or recommended the improper connection, we require the utility pay for the street portion of the lateral. Often there is no record of this, and it is assumed that the original owner of the property with the non-complying lateral made the connection and, thus, the current owner of this property is held responsible for the cost to correct.

Occasionally, there are situations where waiting for change of ownership of the property is not workable, such as when the property owners involved are in dispute over the situation. Here we have directed the utility to give written notice to the property owner needing to install the new lateral (Property 2) that it shall be accomplished in a reasonable period of time. Often this period is one to two years.

In all the above scenarios, the property owner that is keeping the old lateral (Property 1) normally is held responsible for the cost to excavate and abandon the non-complying lateral at the point where the two laterals connect.

The best way to avoid these problems is to enforce at the time of initial construction the requirement of one lateral to each property. Where non-complying situations already exist, it is good to explain the problem to the property owners and reach an agreement to resolve over time. Sometimes it is necessary to ask Commission staff for assistance in resolving difficult situations and we encourage you to take advantage of that option as needed.

Attachment: Thompson Attachment (3489 : Gregory Thompson Board of Appeals Documentation)

If a "side by side" duplex is converted to condominium units and the lot is subdivided, can the properties continue to be served through a shared service line?

The two sides of a duplex can be served by a shared service line; however, if the property is subdivided and the units converted to condominiums, service through a shared service line is no longer allowed. The standards set forth in Wis. Admin. Code § PSC 185.52(2)(b), Single Connections, and in Schedule X-1,Water Utility Operating Rules prohibit this arrangement.

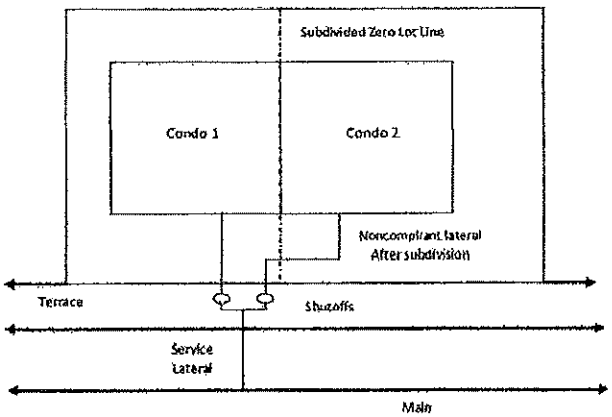
Wis. Admin. Code § PSC 185.52(2)(b) Single Connections states: "A customer's lateral shall be directly connected to utility-owned facilities, and there shall be no other customer connection downstream from the utility's shut-off valve."

Normally there must be just one utility billing customer per service line and each individual lot must be served by a separate line from the main to the dwelling. There is an exception for duplexes on a single lot, but this exception does not apply if the lot is subdivided and the duplex is converted to condominiums.

**Schedule X-1, Water Utility Operating Rules Establishment of Service**, states: "No division of the water service lateral to any lot or parcel of land shall be made for the extension and independent metering of the supply to an adjoining lot or parcel of land. Except for duplexes, no division of a water service lateral shall be made at the curb for separate supplies for two or more separate premises having frontage on any street or public service strip, whether owned by the same or different parties."

In the example below, the "side by side" duplex has been subdivided into two individual lots and living units. The above rule prohibits service to the second living unit (Condo 2 in drawing) through the shared lateral. Each unit must be served by an independent lateral from the main to the point of use.

When a "side by side" duplex with one lateral is converted to a condominium and the property is subdivided , each property must be independently served by an individual lateral from the main to the point of use. At the time of subdivision the utility must require the developer or owner to install a second water lateral from the main to the living unit of Condo 2 in the drawing.




Where the utility has not required a separate lateral at the time of subdivision, it should seek to reconcile the problem at the earliest opportunity. Commission staff recommends that, if the situation provides adequate service and the parties are agreeable, the necessary improvements be deferred until the property without its own lateral (Condo 2) is sold or when a leaky lateral needs replacement. At that time, the owner of Condo 2 is required to install a new lateral. This obligation to improve the service lateral should be recorded on the deed so any party interested in purchasing the property is aware of cost.

Where it is apparent that the utility recommended or allowed the improper connection, the utility is required to pay for the street portion of the new lateral and the property owner (Condo 2) must pay for the lateral from the shut off into the dwelling. If there is no record of how the noncompliant situation developed, PSC staff argues that the utility either was or should have been aware of it at one point and chose to allow it. Therefore the utility is responsible for its portion of the lateral in this case.

Occasionally, waiting for the sale of the property is not workable, such as when the property owners are involved in dispute over the situation. In this case the PSC will direct the utility to give written notice to the owner of the property without its own lateral (Condo 2) requiring him or her to install the new lateral within a reasonable period of time. The time allowed to correct the situation is up to the utility, but it often is one to two years.

In all the above scenarios, the property owner keeping the old lateral (Condo 1) normally is responsible for the cost to excavate and abandon the portion of the non-complying lateral on his or her property.

The best way to avoid these problems is to enforce the one lateral per property rule at the time of initial construction and at the time of subdivision. For a "side by side" duplex property it is wise to inform the owner or developer that individual laterals will be required for each parcel if the lot is ever subdivided. If the utility delays requiring compliance, the utility may be required to share the cost to bring the lateral(s) into compliance. Where noncompliant situations already exist, it is good to explain the problem to the property owners and agree to resolve the situation at the earliest opportunity. If the case is particularly complex or contentious, we encourage you to contact Commission staff for guidance.

Attachment: Thompson Attachment (3489 : Gregory Thompson Board of Appeals Documentation)

Email Correspondence from Town of Grand Chute allowing 2" water main

**gthompson**

**From:** Eric J. Thiel <Eric.Thiel@grandchute.net>
**Sent:** Friday, July 6, 2018 1:13 PM
**To:** gthompson
**Subject:** RE: Connection Fees

We'll need a copy of both the water calcs. and the approved plans but otherwise, no.
Thanks,

Eric Thiel
Plumbing Inspector/Code Enforcement Officer
Grand Chute
1900 W. Grand Chute Blvd.
Appleton, WI 54913
(920) 832-1599

**From:** gthompson [mailto:ssusa@tds.net]
**Sent:** Friday, July 6, 2018 11:34 AM
**To:** Eric J. Thiel <Eric.Thiel@grandchute.net>
**Subject:** RE: Connection Fees

Thanks Eric
One last thing -
I will have a plumbing designer size the private water main that taps into the public main in the street. I am pretty sure the 2-inch pipe will be sufficient. DSPS will approve the private water main plans according to SPS 382.
Does the Town have any other requirements regarding the private water main design and construction?

Thanks
greg

---

**From:** Eric J. Thiel [mailto:Eric.Thiel@grandchute.net]
**Sent:** Friday, July 6, 2018 8:16 AM
**To:** gthompson
**Cc:** Todd W. Prahl; Angie M. Mauthe; Katie A. Schwartz
**Subject:** RE: Connection Fees

Greg,
The Town can permit the "master meter" configuration, as you and I last discussed, assuming that it complies with State plumbing codes.
Thanks,

Eric Thiel
Plumbing Inspector/Code Enforcement Officer
Grand Chute
1900 W. Grand Chute Blvd.
Appleton, WI 54913
(920) 832-1599



Attachment: Thompson Attachment (3489 : Gregory Thompson Board of Appeals Documentation)

**From:** gthompson [mailto:ssusa@tds.net]
**Sent:** Wednesday, July 4, 2018 11:41 AM
**To:** Eric J. Thiel <Eric.Thiel@grandchute.net>
**Subject:** FW: Connection Fees

Eric, can you confirm my proposed sewer and water plan. Basically, I will tap the street main and run a 2-inch private water main down the center of my drive isle and then branch off with 1 ¼ service to each building. The plan will have an approval from the state, DSPS.

Not sure why a meter pit wouldn't be allowed but if not, I can place the master meter in the first building. There will be 1 meter for 16 units just like any other multi-tenant space (commercial or residential)

I really need to know asap – it has been over a month since I first inquired about this

Thanks
Greg

---

**From:** Angie M. Mauthe [mailto:Angie.Mauthe@grandchute.net]
**Sent:** Tuesday, May 22, 2018 4:14 PM
**To:** gthompson
**Cc:** Todd W. Prahl; Cary J. Nate; Eric J. Thiel
**Subject:** Connection Fees

Greg:

I have attached the fee information. When speaking with Todd Prahl, Utility Superintendent. He said we will not allow a meter pit, I believe I told you we do not have any in the Town.

I am not sure if it would be allowed to install a main meter in the first building and continue to fee other buildings after that so the main meter would be in a building. Eric or Cary would have to determine if that would be allowed.

Angie Mauthe
Utility Account Clerk
Town of Grand Chute
1900 Grand Chute Blvd.
Grand Chute, WI 54913
(920) 832-1581

**From:** gthompson [mailto:ssusa@tds.net]
**Sent:** Tuesday, May 22, 2018 9:02 AM
**To:** Angie M. Mauthe <Angie.Mauthe@grandchute.net>
**Subject:** connection fees

Angie



Attachment: Thompson Attachment (3489 : Gregory Thompson Board of Appeals Documentation)

We spoke just a bit ago and you indicated you would be able to calculate the fees for a proposed water and sewer configuration.
The attached plan has an approval from DSPS for the 2 inch private water main with a meter pit and then individual 1 ¼ laterals to each building..

There will be one master meter in the meter pit so one connection – no meters in any of the units.

First off, I need to know for sure that the configuration is acceptable based on the grand chute PSC Tariff and/or other ordinances/polices as long as I have the state approved plan for the private water supply system on my property.

Next, can you please quote the connection fees for both the 2 inch meter and the 1 ¼ meter – I will supply the plumbing calcs to determine the ultimate size necessary.

Also,if you don't mind, I may choose to serve each unit (there are 2 units in each building) with the smallest meter (5/8?). Assuming I can use either the 2 inch main shown on the plan or I tap the main in the street for each building, what would the connection fees be.

I am trying to determine the best way to go about serving the needs of the development considering the design, construction, maintenance, and functionability of the system as a whole.

My proposed design may eventually have more than the 4 buildings shown on the plan but the concept of determining the fees should be the same.

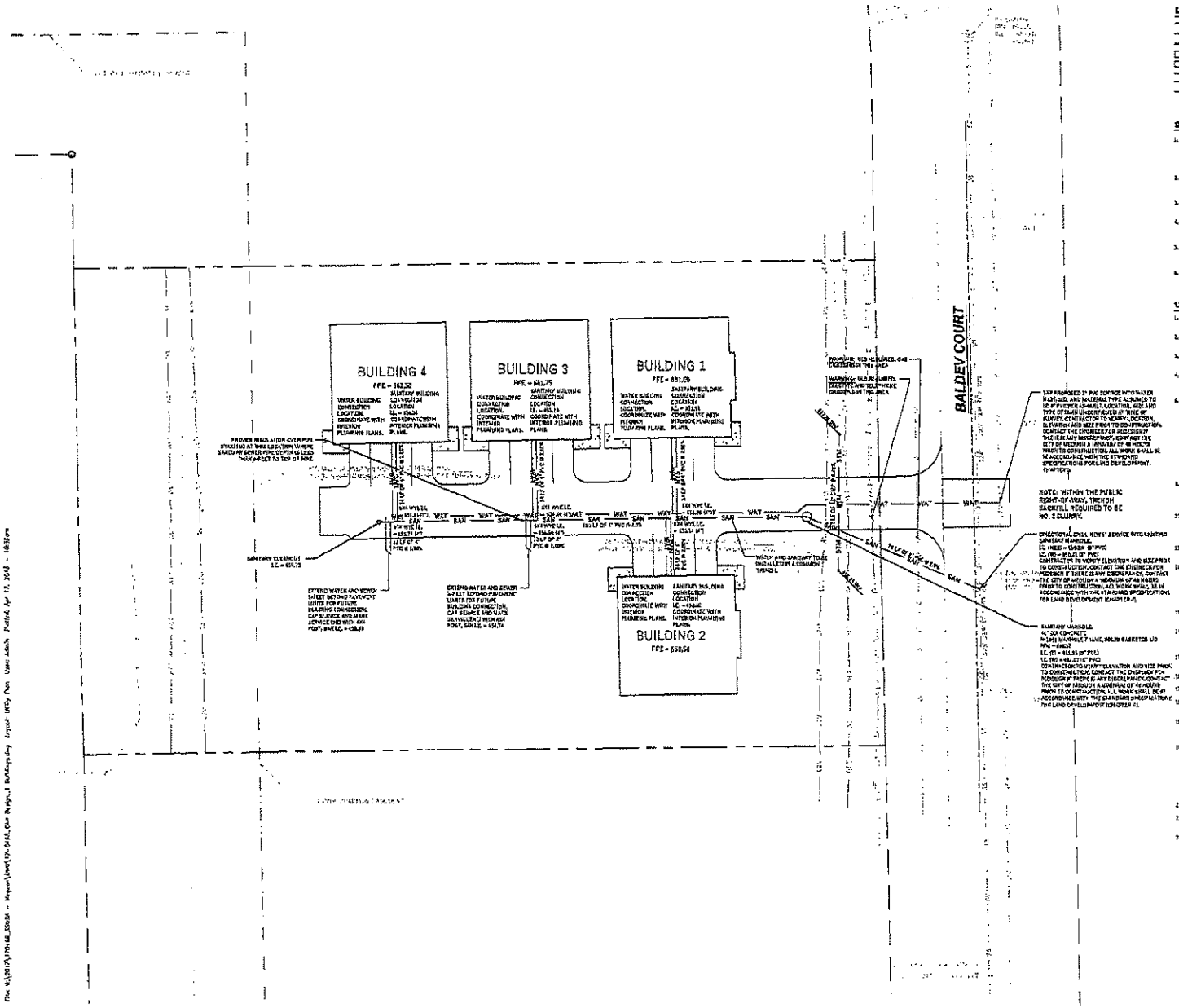
Also, can you break down the "connection fees" as to what they represent (i.e meter charge, sewer, sac, etc)

I am under contract for 2 acres of land located on W. Pershing Dr. and I am doing my due diligence and I know connection fees can add up quickly.

Thanks for your help on this matter

Greg thompson
608 444 1515

Attachment: Thompson Attachment (3489 : Gregory Thompson Board of Appeals Documentation)




**LEGEND (PROPOSED)**

- PROPOSED PROPERTY BOUNDARY
- EASEMENT
- BUILDING FOOTPRINT
- ASPHALT PAVEMENT
- CONCRETE PAVEMENT
- WAT — PROPOSED WATER MAIN
- SAN — PROPOSED SANITARY SEWER
- STM — PROPOSED STORM SEWER

**GENERAL NOTES**

1. VISIBLE SITE CONTOURS AND INFORMATION BASED ON TOPOGRAPHIC & UTILITY DATA AS PROVIDED TO WYSER ENGINEERING. WYSER ENGINEERING SHALL NOT BE HELD RESPONSIBLE FOR ANY ERRORS OR OMISSIONS THAT MAY ARISE AS A RESULT OF ERRONEOUS OR INCOMPLETE INFORMATION PROVIDED BY OWNER. CONTRACTOR TO CONFIRM ALL ELEVATIONS, GENERAL DRAINAGE AND EROSION REQUIREMENTS PRIOR TO CONSTRUCTION.
2. THE BENCHMARK LOCATIONS ARE SHOWN FOR REFERENCE ONLY ON THIS PLAN. THE BENCHMARKS SHALL BE VALIDATED BY LICENSED LAND SURVEYOR PRIOR TO CONSTRUCTION. CONTRACTOR MAINTAINS RISK ASSOCIATED WITH BENCHMARK ELEVATIONS UNTIL CONFIRMED.
3. CONTRACTOR TO OBTAIN APPROPRIATE PERMITS FOR STREET OPENINGS & TO WORK WITHIN THE CITY'S LAND IF REQUIRED.
4. WYSER ENGINEERING SHALL BE HELD HARMLESS AND DOES NOT WARRANT ANY DEVIATIONS BY THE OWNER OR CONTRACTOR FROM THE APPROVED CONSTRUCTION PLANS THAT MAY RESULT IN DISCIPLINARY ACTION BY REGULATORY AGENCIES.
5. IF ANY ERRORS, DISCREPANCIES, OR OMISSIONS WITHIN THE PLAN BECOME APPARENT, IT SHALL BE BROUGHT TO THE ATTENTION OF THE ENGINEER PRIOR TO CONSTRUCTION SO THAT CLARIFICATION OR ADDENDUM MAY OCCUR.
6. ALL MUNICIPAL UTILITY CONNECTIONS, WORK IN ROAD, PUBLIC OUTLOTS AND PUBLIC EASEMENTS SHALL BE IN ACCORDANCE WITH THE CITY OF MEQUON STANDARD SPECIFICATIONS.

**UTILITY NOTES**

1. DIMENSIONS TAKE PRECEDENCE OVER SCALE. CONTRACTOR TO VERIFY ALL DIMENSIONS IN FIELD.
2. LOCATIONS OF ALL UTILITIES AND TO COVER OF STRUCTURES OR FITTINGS AND ANY VARIANCE FROM PLAN DIMENSIONS SHALL BE VERIFIED IN THE FIELD DURING CONSTRUCTION.
3. CONTRACTOR SHALL VERIFY ALL ELEVATIONS, LOCATIONS, AND SIZES OF SANITARY, WATER AND STORM LATERALS AND CHECK ALL UTILITY CROSSINGS FOR CONFLICTS.
4. THE PROPOSED IMPROVEMENTS MUST BE CONSTRUCTED IN ACCORDANCE WITH ENGINEERING PLANS CONSENTED TO BY ORDINANCES AND RESOLUTIONS OF THE MUNICIPALITY AND REPORT, WISPROTECT, AND WDNR.
6. PRIOR TO CONSTRUCTION, THE CONTRACTOR IS RESPONSIBLE FOR:
   - EXAMINING ALL SITE CONDITIONS RELATIVE TO THE CONDITIONS INDICATED ON THE ENGINEERING DRAWINGS. ANY DISCREPANCIES THAT ARE REPORTED TO THE ENGINEER AND RESOLVED PRIOR TO THE START OF CONSTRUCTION.
   - OBTAINING ALL PERMITS INCLUDING PERMIT COPY, TAP FEES, METER DEPOSITS, BOND, AND ALL OTHER FEES REQUIRED FOR PROPOSED WORK TO OBTAIN OCCUPANCY.
   - VERIFYING UTILITY LOCATIONS AND NOTIFYING ENGINEER OF ANY DISCREPANCY. NO WORK SHALL BE PERFORMED UNTIL THE DISCREPANCY IS RESOLVED.
   - NOTIFYING ALL UTILITIES PRIOR TO THE INSTALLATION OF ANY UNDERGROUND IMPROVEMENTS.
   - NOTIFYING THE OWNER ENGINEER AND MUNICIPALITY 48 HOURS PRIOR TO THE START OF CONSTRUCTION TO ARRANGE FOR APPROPRIATE CONSTRUCTION OBSERVATION.
8. THE CONTRACTOR IS RESPONSIBLE FOR PROVIDING THE OWNER WITH AS-BUILT CONDITIONS OF THE DESIGNATED IMPROVEMENTS IN ORDER THAT THE APPROPRIATE DRAWINGS CAN BE PREPARED. IF REQUIRED, ANY CHANGES TO THE DRAWINGS OR ADDITIONAL ITEMS MUST BE REPORTED TO THE ENGINEER AS WORK PROGRESSES.
10. ANY SANITARY SEWER, LEAD AND SEWER SERVICE, WATER MAIN, WATER SERVICES, STORM SEWER, OR OTHER UTILITIES WHICH ARE CAUSED BY THE CONTRACTOR, SHALL BE REPAIRED TO THE OWNER'S SATISFACTION AT THE CONTRACTOR'S EXPENSE, NO BLASTING ALLOWED WITHIN 25 FEET OF EXISTING UTILITIES.
11. ALL PRIVATE INTERCEPTOR WATER MAIN AND WATER SERVICES SHALL BE INSTALLED WITH A 6" MINIMUM SLOPE, PROVIDE INSULATION ABOVE PIPES WITH LESS THAN 3'-0" GROUND COVER.
12. GRANULAR BACKFILL MATERIALS ARE REQUIRED IN ALL UTILITY TRENCHES UNDER ROADWAYS AND PROPOSED PAVED AREAS UNLESS OTHERWISE APPROVED BY A GEOTECHNICAL ENGINEER. ALL UTILITY TRENCH BACKFILL SHALL BE COMPACTED PER SPECIFICATIONS. ALL PAVEMENT PATCHING SHALL COMPLY WITH THE CITY OF MEQUON STANDARD SPECIFICATIONS FOR LAND DEVELOPMENT. ADDITIONAL PAVEMENT MILLING AND OVERLAY MAY BE REQUIRED BY PERMIT.
13. CONTRACTOR SHALL NOTIFY THE MUNICIPAL PUBLIC WORKS DEPARTMENT A MINIMUM OF 48 HOURS BEFORE CONNECTING TO PUBLIC UTILITIES.
14. ALL NON-METALLIC BUILDING SEWER AND WATER SERVICES MUST BE ACCOMPANIED BY MEANS OF LOCATING UNDERGROUND PIPE. TRACER WIRE VALVE BOXES SHALL BE DATA TAGGED ON ALL LATERALS AND AS INDICATED ON THESE PLANS.
15. ALL EXTERIOR CLEANOUTS SHALL BE PROVIDED WITH A FROST SLEEVE IN ACCORDANCE WITH SPS 382.36(3)(b) AND SPS 382.36(3)(c).
16. ALL PRIVATE PLUMBING INTERCEPTORS SHALL CONFORM TO SPS 382.40.
17. ALL PRIVATE PIPE JOINTS SHALL BE INSTALLED PER SPS 382.40.
18. ALL PRIVATE WATER MPS, INCLUDING DEPTH AND SEPARATION REQUIREMENTS, SHALL BE IN ACCORDANCE WITH SPS 382.30(6).
19. THE CONTRACTOR SHALL ALLOW TEN WORKING DAYS FOR THE CONSTRUCTION OF GAS MAINS WHEN COORDINATING THE WORK AND SHALL NOT RESTRICT ACCESS TO THE GAS MAIN CONTRACTOR OR OTHER UTILITY COMPANIES.
20. INLET CASTINGS SHALL BE SET TO GRADE PRIOR TO AND SEPARATE FROM THE POURING OF THE CONCRETE CURB AND GUTTER. IN SEQUENCE, THE INLET SHALL BE POURED WITHIN THE CURB AND GUTTER ON EACH SIDE OF THE INLET SHALL BE POURED MONOLITHICALLY, NOT THROUGH THE USE OF A CURB MACHINE. THE INLET CASTING SHALL BE SET TO GRADE ON A BED OF MORTAR WHICH SHALL BE A MINIMUM OF TWO INCHES THICK. THE INLET SHALL BE PLACED ON THE MORTAR BED AND SHALL BE ADJUSTED TO GRADE BY APPLYING DIRECT PRESSURE TO THE CASTING. ONCE THE CASTING ADJUSTMENT IS COMPLETE, THREE FEET OF CURB AND GUTTER ON EACH SIDE OF THE CASTING SHALL BE POURED BY HAND.
21. NO STAMPING SHALL OCCUR WITHIN 50 FEET OF ANY EXISTING UTILITIES.
22. CONTRACTOR SHALL VERIFY AND COORDINATE ALL UTILITY CONNECTIONS WITH THE MUNICIPALITY PRIOR TO CONSTRUCTION.
23. THE CONTRACTOR SHALL CONDUCT HIS OPERATIONS SO AS TO BE IN COMPLIANCE WITH THE THE MUNICIPAL EROSION CONTROL AND STORMWATER ORDINANCE AT ALL TIMES.

City of Mequon

11333 N. Cedarburg Road
Mequon, WI 53092-1930
Phone: 262/236-2914
Fax: 262/242-9655

www.ci.mequon.wi.us

Office of the City Clerk

August 21, 2018

Gregory Thompson
6810 Cross Country Road
Verona, WI 53593

Re: 5715 W. Donges Bay Road, Mequon, WI

To Whom It May Concern:

At its August 2, 2018 meeting, the Board of Appeals for the City of Mequon, remanded your appeal of the Planning Commission conditions of approval dated April 11, 2018 for Storage Shop USA at 5717 W. Donges Bay Road back to the Planning Commission to allow it to consider the evidence provided and to make a redetermination as necessary.

Enclosed you will find the official Findings of Fact and Decision. If you have any questions or concerns, please don't hesitate to contact me.

Sincerely,

Caroline Fochs

Caroline Fochs
City Clerk

cc: Mayor Abendroth
District Alderman Wirth
City Administrator Jones
City Attorney Sajdak
Community Development Director Tollefson
Director of Operations Jim Voigt
Assistant City Engineer Bridget Henk
File

Attachment: Thompson Attachment (3489 : Gregory Thompson Board of Appeals Documentation)

CITY OF MEQUON BOARD OF APPEALS

In re the application of Gregory A. Thompson for review of a Decision of the Mequon Planning Commission conditionally approving the application for a Conditional Use Grant for the property at 5717 W. Donges Bay Road, Mequon, WI

DECISION

This matter came before the City of Mequon Board of Appeals on July 5, 2018 and again on August 2, 2018 in the City of Mequon Christine Nuernberg Hall – Common Council Chambers following due notice by publication and first-class mail to the Applicant. Members present were Chairperson Massey, Larson, Clancy, Kornblum and Stern. The Applicant, Gregory A. Thompson appeared in person and was sworn on oath and gave testimony in this matter. Also appearing was Bridget Henk, Assistant City Engineer, Jim Voigt, City Water Utility Manager, and Tom Braun, Plumbing and Swimming Pool Section Chief of the Wisconsin Department of Safety and Professional Services, all of whom were sworn on oath and gave testimony.

This is an application for review of a decision of the City of Mequon Planning Commission conditionally approving a Conditional Use Grant for the property at 5717 W. Donges Bay Road (the "Property"). The Property is within the B-5 Light Industrial and C-2 General Conservancy zoning districts. The applicant sought approval from the Planning Commission to allow for a proposed storage unit development that consists of four garage-like structures that will have two units be garage. The applicant represents that these units will be individual condominium

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units, although at the time of the hearing no action had been taken to submit the Property to the provisions of Wisconsin's Condominium Law.

At its April 9, 2018 meeting, the Planning Commission approved the Conditional Use subject to 21 conditions. Condition 14 required that the "water services shall be bored or directionally drilled across the street with laterals serving each condominium from the building directly to the public water main." Condition 17 generally requires review and approval of all plans, including watermain plans, by the City's Engineering Department. Engineering Department and Water Utility staff discussed these proposed conditions with the applicant prior to the Planning Commission meeting. Despite apparent objection to these conditions, the applicant did not contest or discuss these conditions before the Planning Commission as he did with other proposed conditions to which he had objection.

Applicant has filed plans with the City showing the individual units being served by a single 2-inch water private water main. City staff has rejected these plans as not being consistent with the Planning Commission's conditions. Staff suggests that the Property should be served with individual water laterals to each unit off of the main. This can be done by connecting the individual laterals to the existing public main or by connecting the laterals to an 8-inch main extension that is constructed by the applicant and dedicated to the City in an easement. The Water Utility has not approved any other private water mains within its system.

Applicant argues that this requirement violates Wis. Admin. Code § SPS 382. Specifically, applicant argues that as a private water main, the State Plumbing Code dictates the required size of the water service and that he has state-approved plans



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for his 2-inch water main. Under Wis. Admin. Code § SPS 382.03(2), the State Plumbing Code "is uniform in application and a municipality may not enact an ordinance for the design, construction, installation, supervision, maintenance and inspection of plumbing which is more stringent than this chapter, except as specifically permitted by rule." In response, the City and Water Utility argue that the City has the authority to design its public water service and reject a private main in favor of a public water main extension. Additionally, the City argues that its Water Tariff approved by the Public Service Commission would not allow for the connection proposed by the applicant.

As an appeal of the Planning Commission's decision, this Board reviews the record before the decision-making body. See Mequon Municipal Code § 58-41(c)(1); Wis. Stat. § 62.23(7)(e)4. Such appeal applies the certiorari review standard.In short, "[c]ertiorari is used to test the validity of decisions made by administrative or quasi-judicial bodies. The scope of certiorari extends to questions of jurisdiction, power and authority of the inferior tribunal to do the action complained of as well as questions relating to the irregularity of the proceedings." Acevedo v. City of Kenosha, 2011 WI App 10, ¶ 8, 331 Wis.2d 218, 793 N.W.2d 500 (Internal citations omitted). The method of addressing this scope is to consider four questions:

> (1) whether the board kept within its jurisdiction; (2) whether it proceeded on a correct theory of law; (3) whether its action was arbitrary, oppressive, or unreasonable; and (4) whether the evidence was such that it might reasonably make the order or determination in question.

State ex rel. Brookside Poultry Farms, Inc. v. Jefferson County Bd. of Adjustment, et al., 125 Wis.2d 387, 396, 373 N.W.2d 450 (1985). In general, the findings and





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conclusions of the decision being reviewed "should be affirmed if they are supported by any reasonable view of the evidence." Id. at 397 (Citing State ex rel. Morehouse v. Hunt, 235 Wis. 358, 367, 291 N.W. 745, 749 (1940); Snyder v. Waukesha County Zoning Bd., 74 Wis.2d 468, 476, 247 N.W.2d 98, 103 (1976)). "And, if there is more than one reasonable view of the evidence, the [decision maker] may choose among them, and its choice will not be upset by a reviewing [body]." Id. (Citing Bucyrus Erie Co. v. ILHR Department, 90 Wis.2d 408, 418, 280 N.W.2d 142, 147 (1979)). Additionally, if a party to an appeal offers "evidence or information which was not or could not reasonably have been presented to the [decision-making body] the board shall remand the matter to the [body] to consider such new facts or material and make a redetermination in the matter." Mequon Municipal Code § 58-41(a)(1)a.

Applicant does not appear to contest the jurisdiction of the Planning Commission, nor do there appear to be any arguments that the decision was arbitrary, oppressive or unreasonable itself. Instead, the thrust of the appeal appears to focus on whether the Planning Commission's condition was based upon the correct law. The instant appeal presents an interesting conflict of laws situation. On one hand, it appears to be uncontested that the City cannot dictate the size of private water main under the State Plumbing Code. On the other hand, the City's Water Tariff and related regulations appear to contradict what the Plumbing Code authorizes. Specifically, the Water Tariff prohibits multiple customers on a lateral. Moreover, leaving aside the Tariff issue, does the City and Water Utility have the general authority to dictate the design of the water system?



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On this issue, the Public Service Commission's guidance document provided by the applicant in his supplemental materials (Exhibit C) appears to be relevant. In analyzing that guidance document, the question of whether and when the Property will be a condominium becomes relevant. However, while it is clear that the Planning Commission contemplated that this was going to be a condominium, the testimony from the applicant was that he may not make it a condominium – that the choice was ultimately his. Furthermore, the applicant has not taken any steps toward making the Property a condominium. Because this was not addressed before the Planning commission, it is unclear what, if any, impact this would have on the Planning Commission's decision. Moreover, it is unclear if the new evidence that this might not be a condominium would impact the decision of the Planning Commission.

This Board is also unable to determine whether the evidence available to the Planning Commission would reasonably allow it to make the determination that is the subject of this appeal. After multiple written submittals and nearly four hours before this Board, it is clear that the Planning Commission did not have all of the information necessary to make a decision. The inability to answer this question stems directly from the failure of the applicant to address this issue before Planning Commission. Had the applicant addressed the issue with the Planning Commission, the record would have been more helpful.

Another conflict of law issue is whether the Planning Commission is even the right body to be addressing applicant's request. To the extent that the Planning Commission is asked whether to allow the private main approach, the basis for the

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Planning Commission's determination may dictate whether this Board can hear an appeal of that decision. If the Planning Commission's determination is based upon a general authority to dictate the design of the water system, that decision is likely subject to review by this Board. However, if the determination is based upon a requirement of a Tariff, that is not subject to review by this Board. The Water Tariff is a legislative determination subject to Public Service Commission review and oversight. See Wis. Admin. Code § PSC 185.21 and Wis. Stat. §§ 196.19 and 196.37. The "powers of the board of appeals . . . do not include the power to nullify acts of the local legislative body." Ledger v. City of Waupaca Bd. of Appeals, 146 Wis.2d 256, 265, 430 N.W.2d 370 (1988)(Citing Bearce v. Zoning Bd. of Appeals of Brockton, 351 Mass. 316, 219 N.E.2d 15, 17 (1966)).

Based upon the significant record before this Board, the Board finds that the information and evidence provided was not presented to the Planning Commission. Under the Municipal Code, the Board shall remand the matter to the Planning Commission to allow it to consider the evidence provided and to make a redetermination as necessary. Accordingly, this Board remands this matter back to the Planning Commission.

Dated at Mequon, Wisconsin, this 17th day of August, 2018.

CITY OF MEQUON BOARD OF APPEALS

Kathleen M. Massey, Chairperson





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# CITY OF MEQUON BOARD OF APPEALS HEARING

Transcript of Proceedings

**July 05, 2018**

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GRAMANN REPORTING

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4 CITY OF MEQUON

5 BOARD OF APPEALS HEARING

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10 BOARD OF APPEALS HEARING

11 TAKEN AT: Mequon City Hall
LOCATED AT: 11333 North Cedarburg Road
Mequon, WI

12

13 July 5, 2018
6:03 p.m. to 8:07 p.m.

14 REPORTED BY ANITA KORNBURGER
REGISTERED PROFESSIONAL REPORTER

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A P P E A R A N C E S

BOARD MEMBERS PRESENT:
Kathleen Massey - Chair
Lawrence Clancy
Robert Stern
Ramona Larson
Lori Kornblum
Attorney Brian Sajdak
Secretary Caroline Fochs

I N D E X

Examination by Page

E X H I B I T S

| Exhibit No. | Description | Page Identified |
|---|---|---|

(There were no exhibits marked.)

R E Q U E S T S

(There were no requests made.)

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TRANSCRIPT OF PROCEEDINGS

CHAIRPERSON MASSEY: Good evening. The City of Mequon Board of Appeals is called to order. It is 6:03 p.m. on July 5, 2018.

Ms. Fochs, would you please call the roll.

SECRETARY FOCHS: Member Larson?

MS. LARSON: Here.

SECRETARY FOCHS: Member Stern?

MR. STERN: Here.

SECRETARY FOCHS: Member Russell is absent. Member Clancy?

MR. CLANCY: Here.

SECRETARY FOCHS: Member Kornblum?

MS. KORNBLUM: Here.

SECRETARY FOCHS: Chairman Massey?

CHAIRPERSON MASSEY: Here.

SECRETARY FOCHS: We have a quorum.

CHAIRPERSON MASSEY: I'd like to welcome Benjamin Martin. Benjamin, would you stand up? There's Benjamin. Benjamin is a life scout with troop number 865, and he's working on his communications merit badge this evening. One of the requirements of the badge is to attend a public meeting and to take notes. So if you see Benjamin

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taking notes, that's what he's doing over in that corner. Really glad you could join us tonight, Benjamin. Thank you.

Okay. Our first order of business is to approve the meeting minutes of April 19, 2018. Does anyone have any amendments to the minutes?

MR. STERN: I move that we accept it.

MR. CLANCY: Second.

CHAIRPERSON MASSEY: The motion to approve the meeting minutes of April 19th has been moved and seconded. All in favor, please say aye.

ALL MEMBERS: Aye.

MS. KORNBLUM: I'm going to abstain 'cause I wasn't there, so I don't know what happened.

CHAIRPERSON MASSEY: Right. All opposed say nay. All of those abstaining say aye.

MS. KORNBLUM: Aye.

MR. STERN: Excuse me, could we all make sure our microphones are on and they're close.

MS. KORNBLUM: Okay. Did you hear me?

MR. STERN: Yep.

MS. KORNBLUM: Okay, great. Thank you.

CHAIRPERSON MASSEY: Okay. Do we have a

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motion to open the public hearing?

MR. STERN: So moved.

MR. CLANCY: Second.

CHAIRPERSON MASSEY: There's been a motion to open the public hearing. All in favor say aye.

ALL MEMBERS: Aye.

CHAIRPERSON MASSEY: All opposed say nay. Motion's passed. Public hearing is open.

We're now proceeding to the request brought by Gregory A. Thompson concerning Storage Stop USA, which is located at 5717 West Donges Bay Road, in Mequon. All individuals who intend to give testimony on this matter please stand and give us your first name and address, and then you'll be sworn by Ms. Fochs. We'll start with the City of Mequon.

MS. HENK: Bridget Henk, the assistant city engineer, and the address is Mequon city hall.

MR. VOIGT: Jim Voigt, the utility manager, and the address is 10800 North Industrial Highway shop.

MR. THOMPSON: Gregory Thompson, address 6810 Cross Country Road, Verona, Wisconsin.

CHAIRPERSON MASSEY: Ms. Fochs, please

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1 swear in the witnesses.
2 (Whereupon all witnesses were administered the oath.)
3 SECRETARY FOCHS: Be seated.
4 CHAIRPERSON MASSEY: We're going to begin
5 with the testimony by the City of Mequon, Bridget
6 Henk and Jim Voigt. We will then go to the
7 testimony of Gregory Thompson. And after that, we
8 will open it to questions from the board of
9 appeals.
10 MS. HENK: Thank you. I'm going to
11 reference the report and memorandum that is in your
12 packet and go over some of the high points of that
13 report, starting with the planning commission
14 conditionally approved this project on April 19,
15 2018. There were 21 conditions of approval. The
16 applicant is specifically appealing condition
17 number 14 and number 17. I will read those too for
18 you.
19 Number 14, "The water services
20 shall be bored or directionally drilled across the
21 street with laterals serving each condominium from
22 the building directly to the public water main."
23 And number 17, "Engineering division review and
24 approval of grading, drainage, sanitary sewer,
25 water main and the erosion control plans in

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1 conformance with city ordinances and the standard
2 specifications for land development."
3 At the planning commission meeting
4 on April 9th, the applicant was given an
5 opportunity to speak to any conditions that they
6 did not agree with or otherwise would like
7 discussed at planning commission. Neither of these
8 items were discussed at that particular planning
9 commission meeting.
10 The applicant did provide several
11 references to city ordinances as well as the
12 Department of Safety and Professional Services and
13 our standard specifications for land development.
14 In response to those specific sections that were
15 called out, we did provide several excerpts from
16 both our city ordinance and our standard
17 specifications, as well as our water tariff, to
18 provide the background information for those two
19 conditions that were part of the planning
20 commission.
21 Through our ordinances we are
22 granted the ability to require both public and
23 private developments to conform to the standard
24 specifications for land development. Those
25 standard specifications for land development are

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1 approved by the public works committee and they are
2 developed by comments generated from contractors,
3 developers, best management practices in
4 engineering, and so on and so forth. And so they
5 are an extended process of how they become a
6 standard specification. Again, they do involve
7 both public and private developments, and that is
8 intended to promote public health, safety, and
9 welfare.
10 So those items are intended to keep
11 public health, safety and welfare at the forefront
12 of all of our developments, whether they are public
13 or private.
14 Within your packets there's also a
15 water tariff primer. This primer is intended to
16 provide any background information on our water
17 tariff. It should be noted that any deviations
18 from that tariff do need to go through the water
19 utility commission. So any specifics that are
20 relating towards the actual water main and the
21 method of connection should be deferred back to the
22 water utility commission.
23 MR. STERN: Should be. Who --
24 MS. HENK: Any deviations to the water
25 tariff need to go back to the water utility

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1 commission.
2 MR. STERN: Okay. And am I correct that
3 a tariff is the fee paid for hookup?
4 MR. VOIGT: The tariff covers what people
5 pay for their water rates. It also has our
6 connecting rules which explains how, depending on,
7 you know, is it a residential home on an existing
8 main, is it a new subdivision that's going in, how
9 does the developer send water main services to it.
10 It calls --
11 MR. STERN: But the cost for hooking up
12 and then the cost for water.
13 MR. VOIGT: Or how to construct the
14 infrastructure.
15 ATTORNEY SAJDAK: The tariff sets the
16 standards for operation for the utility. So that
17 includes the billing practices, the connection
18 practices, the construction practices. All of
19 those things are within the tariff. That then is
20 submitted to public service commission for review
21 and approval.
22 MS. HENK: And lastly, it should be noted
23 that the applicant has provided engineering plans
24 that have been approved by the City of Mequon
25 engineering division.

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CHAIRPERSON MASSEY: Mr. Voigt, anything that you would like to add?

MR. VOIGT: No, I'm just here to answer any questions with regards to the tariff. Thank you.

CHAIRPERSON MASSEY: Okay. Mr. Thompson?

MR. THOMPSON: Okay. I think I just want to start out by -- I don't know how much you know about my development, my business, so to speak. I've been operating Storage Stop USA for the last 14 years. I have almost 20 locations throughout Wisconsin. I have a very specific prototype. I build big garages, so to speak, and I -- and I condo them.

These are big office warehouse structures. They've got a residential feel and look to them. And everywhere I go, I do the same thing over and over again. I also want to tell you that, you know, all of that I've produced for the -- for the board and everything. I am a civil engineer, so I do have a background in that. I'm also a licensed contractor.

And I have, for the last 14 years, have specifically dealing with sewer, water connections to municipalities in this same manner,

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so I have a fair amount of experience with the statutes and with general ordinances, reading, interpreting, and so forth. So that being said, I also want to say that none of what I say is -- should be taken personally, that's not what it's all about. And I have nothing against anybody, staff or anybody. I just, in reading some of the stuff, I just don't think it's being dealt with fairly and I just -- I guess I want to be heard. And in the end we can either agree -- somebody's going to agree to disagree.

So that being said, I want to, in response to the City's submittal for the board, I have prepared additional information in these packets. Now it looks like a lot, but a lot of it's just documentation, so to speak. So I don't -- should I hand these out?

CHAIRPERSON MASSEY: Yeah, why don't you bring them up. Have Ms. Fochs mark them.

MR. THOMPSON: While she's handing those out, I'll just say that I'm not going to go through that entire document, I just -- I'm going to try to simplify this argument, or this issue, as simple as I can. And then if we need to refer to, in the following days, to the written stuff, you can. I'm

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going to try to nail this down real simple and so we're not here all night either, so -- I'm going to finish with an example of a development project that I just did. And hopefully by putting that together, you'll be able to see what I'm seeing here. So I first want you to, if everybody has a packet, turn to Exhibit No. 3. I'm sorry.

CHAIRPERSON MASSEY: We have marked what you just gave us Exhibit A.

MR. THOMPSON: Well, I guess -- okay. In Exhibit A, my packet that I just handed out, I have exhibits. Exhibit No. 1 of the pack, Exhibit A, I guess. Is that clear?

CHAIRPERSON MASSEY: And Exhibit 1 are drawings?

MR. THOMPSON: Yes.

CHAIRPERSON MASSEY: And that comes right at the end of the presentation at the front.

MR. THOMPSON: Yes. And go to the third sheet, the third page of that. There's three drawings. Go to the third one.

CHAIRPERSON MASSEY: So that would be marked Exhibit 1, three of three?

MR. THOMPSON: Correct.

CHAIRPERSON MASSEY: Okay.

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MR. THOMPSON: I just want to start out with this drawing, mainly because this is actually what was proposed, and I want to just explain how this all works. Basically what I do is I tap off the existing public main and I run what's called a private main and private interceptor sewer, sewer and water from the public utilities onto the property, and then from there I tap off a lateral to each one of the buildings. So that's what's proposed.

When I submitted that, if you go to the very next page, Exhibit 2, sheet one of four, that is the actual plan approval for that -- for the project. And if you look at the top, it says the sanitary -- it says sanitary diameter six, meaning six inches, and water diameter, meaning two inches. So this is an approved -- conditional approval from the Department of Safety and Professional Services for the proposed plan. This is what I submitted to city engineering.

What city engineering has done -- before I get into that, now I want you to go to the written part. And if you go to, it'll say public versus private. It's about the fourth or fifth page. And I just want to clarify the meaning of

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the public versus the private. And I just -- there has to be a distinction or an emphasis on the fact that a public water main is in the right-of-way or on a public service strip.

CHAIRPERSON MASSEY: Just so we're all there, we're on page 6 of Exhibit A of the written portion. And it's the first entry, public versus private. Is that where we are, Mr. Thompson?

MR. THOMPSON: Yes.

CHAIRPERSON MASSEY: Okay.

MR. THOMPSON: So that in the public right-of-way, there's different statutes that govern, and that's under the DNR. The DNR 811 governs community water systems. Community water systems are like Mequon municipal water utility. And they're under a different regulation than private, other piping systems or other water supply systems on private property. So --

MR. CLANCY: We don't know where we are.

CHAIRPERSON MASSEY: Okay. So if you go to Exhibit A that we just got. And count back six pages. So one, two, three, four, five, six. You'll see a section that's marked public versus private. It doesn't have any page numbers.

MR. CLANCY: Okay, got it.

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MR. THOMPSON: Again, public water systems are in the public right-of-way, and in some instances they are in private service strips or public service strips, I guess easements, where a private road -- but then the developer gives back or dedicates back to the city an easement to which they can maintain the public utility.

That is not the case here. We're on private property, and there's no easement being dedicated. It's a private water main and it's been approved by the Department of Safety and Professional Services.

CHAIRPERSON MASSEY: Okay, let's stop right there. We have two definitions that we are focused on, and that's SPS 381.01 subsection 195, which defines private water main, which says, "private water main means a water main serving two or more buildings and not part of the municipal water system."

Then there's another definition, SPS 381.01, subsection 199, which says, "Public water main means a water supply pipe for public use owned and controlled by a public authority."

So what I would like to understand is you're saying that we have a private water main.

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In order to be a private water main, it has to mean a water main, okay? So we have a water main serving two or more buildings, you've got four buildings, and not part of the municipal water system. So explain to me why we have a private water main under that definition.

MR. THOMPSON: Well, it says water supply system includes private water mains, water service, or water distribution system. So, I mean, if you look at all of the definitions together, what they're specifically -- a municipal sewer system, it doesn't say -- or, I'm sorry, municipal water system, it doesn't mean that it's exclusive from that system, it's just separate from that system. It's tapped into it, but it's on private property. And if you go to -- let's -- I will take you quickly to exhibit -- just let me find it. Page 5. Page 5 of 40.

CHAIRPERSON MASSEY: So this Exhibit No. 5 is an August 2, 2015 document from DSPS. And it's page marked 540, which has a drawing on it of the site receptors and water supply and control valves. Is that what you're referring to?

MR. THOMPSON: That's correct.

MR. CLANCY: Where are we?

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ATTORNEY SAJDAK: At the back.

CHAIRPERSON MASSEY: Okay, we're there.

MR. THOMPSON: Okay. So in that diagram, under control valves, it just shows a simple scenario where you have a street name. And off to the left there you'll see it says appropriation dock. That is a -- that's a valve that stems off of the public main, and then it's labeled private water main. So a private water main comes off of the public main. And then there's a curb stop, and then it shows that it can serve -- the private water main is allowed to serve multiple buildings on private property. So it can.

It's -- it's when you look at the -- in the hole, the private water main is on priority property. It connects. It -- it describes this situation. In fact, the Department of Safety and Professional Services has it in there. And in order for me to have to do this scenario right here, I have to get an approval from the Department of Safety and Professional Services. It's a separate permit approval to get a private water main from a public main.

CHAIRPERSON MASSEY: Okay. But this definition, and what I'm not quite understanding,

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and we'll also ask the City for their views, is it says, "A private water main means a water main serving two or more buildings." And I understand that. Yours is serving potentially four buildings at the present time, and not part of the municipal water system. So is what you're constructing not part of the municipal water system?

MR. THOMPSON: That is correct. It's under the control of the owner of the property.

CHAIRPERSON MASSEY: Okay. City of Mequon?

MS. HENK: The City concurs with that definition, that this would potentially be a private water system. One of the concerns with what Mr. Thompson has laid out is that this scenario means that the two buildings are owned by the same owner. If they are owned by separate ownership, they cannot be split as shown on the DSPS diagram.

MR. STERN: I'm sorry, can you repeat that?

MS. HENK: Actually --

MR. STERN: The difference between the multiple owners and one owner is confusing.

MS. HENK: It's actually part of our

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water utility operating rules, and I believe I included that in that water tariff primer. But I'll read it aloud for everyone. "No division of the water service lateral to any lot or parcel of land shall be made for the extension of independent metering of the supply to an adjoining lot or a parcel.

"Except for duplexes, no division of a water service lateral shall be made at the curb for separate supplies for two or more separate premises having frontage on a street or public service strip which owned by the same or different parties. Duplexes may be served by one lateral provided that, one, individual metered service and disconnection is provided, and two, it's permitted by the local ordinance."

So we are not arguing whether it's a public or private main. The way that it's shown on the plans is shown as a lateral with multiple splits off of it, which in our opinion is not in conjunction with the water tariff.

ATTORNEY SAJDAK: So if you just changed the title on the map for the plans and said private main, then it would be okay?

MS. HENK: That is a fair question. The

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concern with changing it from a lateral definition to a private main definition is actually more towards water quality. Currently Baldev Court is a dead end with no other users, so our water utility flushes the water main on a monthly basis to improve the water quality there. If it is a two-inch private main, there are very large concerns that there isn't going to be, first of all, adequate pressure, second of all, adequate water quality for those areas.

MR. VOIGT: To further add comments, part of SPS302, it lists that private water main or water service serves buildings that are located on the same property in a document which indicates that the piping and distribution arrangement for the property and village will be recorded with the village register of deeds no later than 90 days after install. So they have to be all on the same property and they have to be owned by the same owner. You can't have different owners on the same main.

MR. THOMPSON: Can I just add something real quick here? Condominium is a form of ownership, like tenants in common or a partnership or anything like that. There's no -- the parcel,

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the premises, consists of land and buildings. And who owns that is irrelevant. That's under -- and -- yeah.

ATTORNEY SAJDAK: What we are -- you were going to say something. I think you first. Doesn't that -- I mean, these units are going to be sold, right?

MR. THOMPSON: Well, that's irrelevant. Because if I said yes and I sold them, then you may decide something differently than if I said no and I just kept them. Condominium is a form of ownership, and it's protected under the Wisconsin statutes, Chapter 703. And you can't treat a condominium form of ownership any different than any other form of ownership. So by dictating how you would treat the development based on that form of ownership would be discriminatory.

MR. CLANCY: Yeah, but the condominium law in Wisconsin allows you to sell the individual units --

MR. THOMPSON: Yes.

MR. CLANCY: -- with their own undivided interest in commons, right?

MR. THOMPSON: Yes.

MR. CLANCY: Are you in a position where

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this condominium will let you sell these units to whoever you want to?

MR. THOMPSON: Yes. Like I said, I have 20 locations, and this is what I do. I know this very well. I know that that's what you can do. If you're worried, let's say, about, oh -- okay, let's look at it. Let's suppose I sold them all. Well, the condominium, in order to charter as a condominium, you have to form an association, and that association is then responsible for that water.

Let's say we put a curb box at the curb and we have one meter, then the association gets the bill and the group of owners is then responsible through that association. That's not uncommon.

ATTORNEY SAJDAK: So what happens when one of them doesn't pay?

MR. THOMPSON: That's an issue between the owners. And that's what you buy into when you are in a condominium. In all likelihood the condominium pays the bill and then they go after the owner. That's the --

MR. CLANCY: The condominium association at this stage could file a claim against the unit.

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MR. THOMPSON: Yes, they would. But the City has every right to go and shut the water off if the bill's not paid. So formal ownership is irrelevant.

MR. SAJDAK: I suspect that the PSC would beg to differ with you. I don't know that I can shut off the water to just anybody for the sake of nonpayment. I can only turn off the utilities to the customer that's not paying.

MR. THOMPSON: Well, it depends on how the declaration is written. So there's remedies. And, you know, if you default, then there's procedures. It's all within the statutes. It's in Chapter 703 dispute. How you do all that is all part of the declaration. There's bylaws. You know, it's a complete package. And that's all handled internally amongst the owners.

Well, let's say we had eight -- eight units of eight owners, and let's say we just hold that as a partnership. And in that partnership each one of us takes a unit. There's no difference there. It's just how it's structured. Condominium allows a little easier transition in selling. So if one owner wants to sell, it's easier to do that rather than buying

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into a partnership.

ATTORNEY SAJDAK: But in the case of the partnership, the partnership is the owner of all the buildings.

MR. THOMPSON: Yes.

MR. CLANCY: The unit owner has an interest in real estate.

MR. THOMPSON: If the partnership says that you have the interest in unit A, then they have the interest in unit A. It can divide the interest in the partnership. There's no reason why it can't.

MR. CLANCY: But it doesn't necessarily have to be a partnership.

MR. THOMPSON: Nope, it could be tenants in common. There's various forms of ownership. Condominium is one of them.

MR. CLANCY: Right.

MR. VOIGT: If I may, the problem with a private main and then someone that's not paying in one of the units is that per PSC code, I cannot shut the water off to someone who is paying their bill. Okay? My only valve, if it is a private main, is the valve that serves that main. I don't own anything else as a water utility other than the

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main valve that goes into that condo association.

So now, if seven of the units are paying the bill and one is not, I have an inability to turn the water off. Because even if only one of them is paying the bill, and the other seven are not, PSC does not allow me to turn the water off to a customer that's paying the bill.

MR. THOMPSON: But in a condominium form of ownership, in this situation, they -- the condominium owner can take responsibility for that bill at the curb and --

MR. VOIGT: They never do, though.

MR. THOMPSON: That's immaterial. Because you can't just say that some people do and some people don't. The fact is that they are -- have an undivided interest. All the owners together, collectively, are interested in that. And they pay the water bill through condo fees and the associated like that.

Now if -- to remedy that you could simply put curb boxes in front of each unit and then you could have -- you could meter each unit individually.

MR. VOIGT: It's a private main. I don't own that curb box. I can't touch it if I don't own

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it.

MS. HENK: In addition, it would be on private property, and we don't have the ability to access private property if there is not an easement.

MR. THOMPSON: Right. Again, this is a private water system and it is regulated under SPS382. The city doesn't have the authority to dictate the size of the main, the water services, or anything like that.

MR. STERN: I'm a bit confused by this conversation. Either the city does have jurisdiction over this private main and go in and put in eight separate meters or they can't because it's private. It can't be both ways. It's one way or the other. So if it's private, and the condominium association is responsible, there's only one meter and one valve and they can't touch it. So they have two options, shut it off to the condominium association for nonpayment, or they pay.

MR. THOMPSON: Yes.

MS. HENK: If I may. This is where planning commission would come into this conversation. So when you go to planning

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commission, you provide your application, and that application is reviewed. And there is a staff report that goes with it, and there are conditions that are put on that development if it's for a public or a private development. We review all of them.

And as part of our ordinances, they do need to conform to our standard specifications for that development. So in that sense, yes, we do have the authority to say how things are connected to our system. Now, to Mr. Thompson's point that once it gets through that process, it does need approval from the Department of Safety and Professional Services if it's on the private side, and the DNR if it's on the public side.

So there are review processes depending on how things are developed. And what that does is it allows the community in which the water is located to have the first say in how they want their water system to be established. So we stick to our water tariff rules to be able to determine those items.

Typically the developments would then go to DSPS or the DNR after our review and they would concur that it meets their standards.

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So in this case it went to DSPS before it went through our review process. We're not arguing that it meets the DSPS standards. Their standards are set up differently on purpose. It's intended to be for commercial developments, whether there's one building or two buildings or three buildings. It is purposely vague so that it can apply to many different situations.

So with that, we did ask a lot of questions of DSPS and what they did for their review and what specifically they reviewed. The document that Mr. Thompson provided, we also have that. We agree that we have an approved plan from DSPS. What we don't agree with is that we've also seen plans for Mr. Thompson that have multiple buildings, many more than four. And our concerns are that a two-inch main isn't large enough.

So what we would like to do is to be able to show that to DSPS and say would you approve this with six buildings. We've seen some plans that have eight buildings. So we're willing to take it to the next step if we need to. What we would prefer to do is that each of these buildings is set up with a private lateral from the main and it would be installed from the main to the property

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line by our water utility. That's a standard practice.

So we have provided an alternative for the connection of these buildings that would also apply to any future buildings, and it would provide that water quality that we're looking for, so that we know that the water supply is good, and the water quality is good, 'cause we know our water utility is going out there and flushing it every month.

We do have some concerns with a private main, especially a two-inch size that doesn't have a hydrant at the end to be able to flush that and to, again, provide that water quality.

CHAIRPERSON MASSEY: Mr. Thompson, do you have --

MR. THOMPSON: Yeah, if I may.

CHAIRPERSON MASSEY: -- response to that?

MR. THOMPSON: Actually, no, I'm not going to respond to that. But if I may continue with my presentation, because it seems to have gotten off track. And I wanted to try to simplify this and get to the heart of the issue. I will answer it eventually, but I would like to continue

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where I was at. I think it's gotten off track. Getting into too many specifics that are not necessary.

CHAIRPERSON MASSEY: Well, we will be responding to the City's comment. But if you want to continue with your presentation. But we will be getting back to her question.

MR. THOMPSON: I mean, that was a flurry of comments, so, I mean I --

CHAIRPERSON MASSEY: Okay.

MR. THOMPSON: Just to stay focused on what is actually being done here tonight. So what was approved was the four buildings, the two-inch private main. I have approval for that. There's a difference between public and private. Public is generally in the public right-of-way, private's on private property. The SPS governs private water mains on private property. And that's what we have here.

Back in March, mid-March, is when this first -- when this issue first came to our attention, or my attention. After the submittal, they said that well, you know, we won't allow you to put in a two-inch main. And then we discussed this for more than a month, or the better part of a

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month, I should say. And then in -- after the planning commission meeting, that it was clear from staff that they were not going to agree with the proposal. Or allow the DS -- or honor the DSPS permit. So I didn't even bother arguing at the planning commission because it was fruit -- it would have been fruitless.

So after that meeting we had, Bridget, I and Jim, had a meeting at city hall to discuss the project. At that meeting she said -- Bridget said that -- that a formal denial -- 'cause I wanted to know what the appeal rights would be, 'cause I don't agree with their interpretation. I wanted to know what the appeal rights would be. And she said that I have not been formally denied yet.

And so I had to wait to submit the final engineering drawings and so -- to the city, and they had to review them. And then once the formal denial happened, she would give me the procedure for appeal. And that's in an e-mail, it's in the documents here. So item number seven on Exhibit A, it's page 2, it says, "Ms. Henk specifically indicated that the water system could not be officially denied until the plans were

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submitted for full review and permitting."

And then in an e-mail dated April 18th, "Ms. Henk also provided if there is a denial, the procedure for the appeal would be provided." In other words, after full review, the specific reason for denial and the procedures for appeal would be provided. I waited at -- and the city review, which is in Exhibit 4, it specifically says I'm going to -- the specific reason for denial was stated in the city's review comments on May 4th.

It says, "The design as submitted is in direct conflict with the City of Mequon water tariff, specifically the water connection rule section C, commercial customer connection to water main." If you go to that section, and that's the agenda packet, page 22 -- the agenda packet, page 22. This is cited from the tariff.

The City sites section two -- or section C2 on main, which states, "Generally the utility will install facilities in a public right-of-way to the new customer lot line and the new customer will be responsible for installing required facilities that meet the utility's specifications from the outlet of the curb stop at

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the lot line to and into the building."

There is nothing specific about that. There's no -- the customer's responsible for installing from the property line to the building, which is the DSPS permit. That's SPS382. I have an approved permit from the property line into the buildings. It was not clear. If that's the formal denial, where is the direct conflict?

If you go to Exhibit A, item 15, which is page 4, I have a response to the City's water primer exhibit in her response. So in the water tariff primer, Ms. Henk incorrectly asserts that the buildings will be served off a two-inch lateral. It's not a two-inch lateral. The proposed plan has always been identified as a private water main, and the DSPS approval defined it as the same. It's a private water main.

Private water laterals -- the private water laterals to each building are split from the private water main, not the lateral. So in her interpretation of the tariff, she says that the lateral has been split multiple times. And that's incorrect. It's a private water main serving one parcel. Not an adjoining parcel, just one. One premise with four buildings.

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The rules of construction render paragraph four of the establishment of service inapplicable to this issue. She said that the denial was because of the tariff section C2 on main. But that says nothing about the establishment of service. It says nothing about -- anything specific on why you can't have a two-inch private main. It says nothing about that.

But she tries to further explain it using the establishment of service paragraph four, which is also part of the tariff. But she doesn't use that as a reason why for the denial. So after a month -- and then I had to wait some more time to get the formal denial. All she says was that section C2, that the utility specifications, that whatever I install has to meet utility specifications. That has nothing to do with the establishment of a service.

Regardless, it's a two-inch private main. It has always been described as a two-inch private main. DSPS recognizes it as a two-inch private main. It's not necessarily a lateral that's being split off. There are not two or more separate premises having frontage on any street or public service strip. The specific definition in

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the Mequon ordinances, when it says what a premise is, it says the term premise, as applied to real property, includes land and structures. That means the entire parcel of land that I have and the structures on it, that's the one premise. There's not two or more premises.

Further, the premise is one lot and consists of four buildings in its entirety and has only frontage on one public street. It's just a driveway. It's a drive aisle. Each building is accessed through a private driveway, not a street or a public service strip or anything like that. Other developments have frontage on the main street and have a public service strip.

The key parameter here is that there is no split to an adjoining parcel of land from this lateral or main. It serves only this lot. And that's -- so nothing in what she has provided gives me anything to say that the tariff, the interpretation of the tariff, is incorrect. It doesn't make any sense. The establishment of service with the tariff is a request from the customer, request what service do you want. And I did it. That's a two-inch main. That's all I need.

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And I'll address one of them as far as adequacy. I have a plumbing design that four buildings is completely acceptable, and I can prove it. I mean, I don't have it with me now, but it's -- I've done this multiple times, so I know it works. I know what the pressure is in the main. It's certainly adequate. And it's adequate up to eleven buildings depending on the type of pipe that you use.

So that's all engineering and that could be figured out. That's not an issue. So the key thing here is that I asked for a two-inch main, and there's no substantive reason why the City won't let me have a two-inch main. There's nothing in the tariff that restricts it. The only thing we could do is look at the utility specifications, right?

So we could -- in the actual section that she cites for the denial, it says utility specifications -- that whatever I do install at the curb to the building has to meet utility specifications. Well, what are those? It's not specifically referenced. And so what I'd like you to do is go to the Exhibit A, and it says utility specifications SSLD and SPS3. I'll do a

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little synopsis of the difference between them and how they correlate.

MR. STERN: Where --

CHAIRPERSON MASSEY: Where are you?

MR. THOMPSON: It's page one, two, three, four, five -- page 6 of the Exhibit A that I handed out today.

CHAIRPERSON MASSEY: That's right under the public versus private that we just addressed.

MR. THOMPSON: Yes. So I was proactive and I looked at okay, well, let's look at the utility specifications. And so I -- if you first look at them, there's nothing specific to Mequon with regards to utility specifications. They don't reference it anywhere. It can't be found anywhere.

Exhibit -- and then Exhibit 6, and if you just quick -- I'll just explain. Exhibit 6 is from the surrounding communities. I picked about a half dozen of them: Germantown, Menomonee Falls, all those. Their water utility operating rule sheet, where it says the establishment of service, is exactly the same word for word. Which leads me to believe that the utility specifications language in there is not necessarily specific to Mequon. It wasn't developed for a specific

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1 purpose, it's not referenced anywhere. It's kind
2 of more or less, should we say, boilerplate
3 language.
4 So absent anything specific, we can
5 look to the ordinances. And the first thing I did
6 is I looked at the plumbing code. Okay, well,
7 Chapter 10 in Mequon's ordinances is the plumbing
8 code. And it's the very first chapter, it
9 specifically says that it adopts SPS382 for all the
10 plumbing. That plumbing is -- spells out very
11 specifically the specifications for the design,
12 construction and maintenance of a private water
13 main on private property.
14 Alternatively, you could look at
15 ordinance Section 58601. I can't remember the name
16 of that one. I think it's water utility, I think.
17 But --
18 MS. HENK: Sorry. I have it here. It is
19 called water supply.
20 MR. THOMPSON: Water supply. Okay.
21 So -- but it doesn't say anything specific about
22 any kind of specifications. It simply makes a
23 statement. It just simply makes the statement.
24 The construction specification for water systems
25 are contained in the publication for Mequon

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1 standard specifications for land development.
2 But that document doesn't
3 distinguish whether it applies to public or private
4 improvements. It generally states provisions need
5 to be made for safe and adequate water supply and
6 all that. Section 10 identifies very specific
7 design elements for private water mains. And, as
8 such, would govern. And I cited a particular case
9 law that says when you harmonize statutes,
10 generally speaking the specific will govern over
11 the more general.
12 Both ordinances provide for safe
13 and adequate water supply to the properties, but
14 SPS specifically addresses the use of water supply
15 systems on private property. But what's even more
16 conclusive then is the department's interpretation
17 of the SPS382, which specifically states that a
18 municipality does not have the right to dictate the
19 size of a private water main on private property
20 for water service.
21 CHAIRPERSON MASSEY: Now, are you
22 referring to the e-mail that you received from
23 Thomas Braun?
24 MR. THOMPSON: Correct.
25 CHAIRPERSON MASSEY: That he was the

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1 section chief --
2 MR. THOMPSON: Section chief of the
3 plumbing department.
4 CHAIRPERSON MASSEY: At the Department of
5 Safety and Professional Services.
6 MR. THOMPSON: Yes. I reached out to him
7 and I asked him, and that's the interpretation he
8 gave me.
9 CHAIRPERSON MASSEY: Okay. So this is
10 the April 17, 2018 e-mail that was part of the
11 packet that we got.
12 MR. THOMPSON: Correct.
13 CHAIRPERSON MASSEY: Before today.
14 MR. THOMPSON: I mean, that's an
15 authority.
16 CHAIRPERSON MASSEY: And you believe that
17 Mr. Braun speaks for the state of Wisconsin and he
18 is the person that you're relying upon for your
19 interpretation of this particular statute?
20 MR. THOMPSON: Yeah. I don't know if I
21 would -- I mean, he is the section chief of that
22 division. And I asked him very pointedly, and you
23 can see my question, that I asked him for the
24 interpretation. I say can they or can't they. And
25 he came back and said they don't have the right to

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1 dictate the size of the private water main. It's
2 very clear.
3 CHAIRPERSON MASSEY: Okay. But why did
4 you specifically go to Mr. Braun?
5 MR. THOMPSON: I didn't. I was passed up
6 the -- the line until they couldn't answer the
7 question. You know, you have plan reviewers and
8 stuff, and they just wanted to make sure. So
9 eventually I got to Tom Braun.
10 CHAIRPERSON MASSEY: Okay. And all we
11 really have from Mr. Braun is the e-mail that's
12 dated April 17, 2018 and your e-mail -- initial
13 e-mail to him and his response to you.
14 MR. THOMPSON: Yes. But there's been
15 ample time for anybody to verify that or check that
16 out. But I haven't heard anything, so --
17 ATTORNEY SAJDAK: Is there -- I guess
18 just at least as I read the e-mail from the packet,
19 was your question just whether or not the city
20 could require something differently for a private
21 main, or was it more general in the sense that
22 could the city require something other than a
23 private main here, if that makes sense.
24 MR. THOMPSON: Not really, but let me --
25 ATTORNEY SAJDAK: So in other words, the

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way I read the e-mail is that it seems to suggest that he says because this is a private main, our rules trump and the city can't do anything, right?

MR. THOMPSON: Essentially, yeah, I guess that's it.

ATTORNEY SAJDAK: But his e-mail doesn't really speak to the question of whether or not the city could require something other than a private main in this location.

MR. THOMPSON: It specifically says that the city -- they cannot dictate a private -- the size of the private water main or water service.

ATTORNEY SAJDAK: Right, size of a private main. But does that also then say that the city can't dictate that it isn't a private main in this location?

MR. STERN: And then what would they be if they --

MR. THOMPSON: It's on private property.

ATTORNEY SAJDAK: But the city, in all sorts of cases, has public mains that go in, and easements or otherwise, as part of developments.

MR. THOMPSON: Yeah, when you're developing -- if you're a private development developing a subdivision with roads, you're going

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to dedicate back to the city through public dedications. That's not the case here.

ATTORNEY SAJDAK: Well, but -- I mean, we represent -- my firm represents seven different communities. I can tell that you I've had at least two other communities that just for a, you know, a hydrant line that runs around the building, they've put that in a public easement. And that's a public line even though it's on private property.

MR. THOMPSON: Correct.

ATTORNEY SAJDAK: And what rule dictates for us whether or not the city can require that public main to be installed or not?

MR. THOMPSON: So in other words, what's to prevent the city from telling me that I need -- that you will not allow anything but an eight-inch main?

ATTORNEY SAJDAK: Right.

MR. THOMPSON: What's to prevent it?

ATTORNEY SAJDAK: Right.

MR. THOMPSON: It's because I'm requesting a private main on private property and you can't dictate the size of that.

ATTORNEY SAJDAK: I understand that.

MR. THOMPSON: So you're telling me that

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in order to do the development, that it needs to be a public main?

ATTORNEY SAJDAK: Right. What prevents the city from making that request, which I'm reading to be what your request is, effectively, right?

MR. VOIGT: Greg mentioned that -- he had sent us that e-mail also with Tom Braun's, you know, exchange back and forth between the two of them. So I sent an e-mail to Tom just to further clarify.

MS. HENK: So what Jim is passing out is some copies of our e-mail correspondence also with Tom asking the very question that Brian just asked, whether or not we have the authority to --

ATTORNEY SAJDAK: Hold on.

CHAIRPERSON MASSEY: Okay. Thank you. We'll have Ms. Fochs mark this as Exhibit B.

MR. THOMPSON: I'm just going to object to that just on the grounds that that should have been -- that's information that's pertinent to this. That should have been provided to me.

ATTORNEY SAJDAK: You mean like this whole packet?

CHAIRPERSON MASSEY: Mr. Thompson,

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everything should have been submitted to this board in advance of the hearing tonight, because we are getting a number of new arguments coming from you that were not in your original papers, as well as the city of Mequon, so -- you know. But we're taking it all in because you're here and you presented it. But we are going to consider what the city has, just as well as what -- we're going to consider what you have brought in new tonight. Did Mr. Thompson get a copy of Exhibit B?

MR. VOIGT: I just need to read from it and then I'll hand it to Greg after I'm done. So basically after reading their exchange back and forth, I sent an e-mail to Tom Braun and just asked him -- I explained who I was, explained the history of this particular circumstance.

And then the last paragraph on the second page of my e-mail to Tom Braun is, "Is there somewhere in the state plumbing code that indicates that a private property with frontage along a public water main must be served via a private water main? Could we not serve the individual private laterals to the side-by-side buildings like every other condo development in the city with frontage on a public water main? I have looked,

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1 but cannot seem to find this reference."
2 He responded back, "Mr. Voigt, the
3 plumbing code does not dictate where or when a
4 private water main is allowed or a separate water
5 service is required for buildings on the same
6 property." And then he went into other questions
7 that I had asked. But basically for me what this
8 boils down to is who dictates how a property
9 connects to a public utility. And if we can't
10 control that, who's in control.
11 And that's the whole point of the
12 connection rules and the tariff, is to break down
13 exactly how people connect to the public water
14 utility. Since Mequon has owned the water utility,
15 we haven't had a single private main installed on
16 the utility. Not one. It's all done via public
17 water main or lateral connection. That's how
18 customers connect.
19 There's an entire, you know, 30-,
20 40-page document of the connecting rules on how if
21 you are a residential home, you connect this way,
22 if you're developing a residential subdivision, you
23 connect this way, if you're a commercial property,
24 you connect this way. It goes through and it was,
25 you know, well thought out by the people that

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1 formed it so that specifically it explains how
2 people connect to the water utility.
3 MR. STERN: I would like to ask a couple
4 questions.
5 CHAIRPERSON MASSEY: Okay. Mr. Stern?
6 MR. STERN: Mr. Thompson, what's the
7 intended use of these condos? Is there any
8 manufacturing involved? Is there anything that
9 uses water other than bathrooms?
10 MR. THOMPSON: No. In fact, I have
11 historical water usage data from 160 units over a
12 period of --
13 MR. STERN: So all we're putting in is
14 bathrooms. If we put in a men's and women's
15 bathroom in each of the eight units, that's 16
16 bathrooms. If we flush 16 modern toilets
17 simultaneously, we need about 25-and-a-half gallons
18 to refill them. A two-inch water main will deliver
19 45 gallons a minute. In the 45 to 90 seconds that
20 it takes for those toilets to fill, 33 to
21 67 gallons will be delivered.
22 Why does he need a main? Why does
23 he need four laterals that deliver 180 gallons or
24 an eight-inch main that delivers 1600 gallons?
25 What is the -- what's the engineering behind that?

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1 I don't understand.
2 MR. VOIGT: The reason for private versus
3 public is really --
4 MR. STERN: That's not what I'm asking
5 you. I've heard that for an hour. What I'm asking
6 is, why does he need to supply 1600 gallons per
7 minute to these properties?
8 MR. VOIGT: My solution was --
9 ATTORNEY SAJDAK: I don't --
10 MR. VOIGT: -- the private laterals.
11 That we would do laterals, not a main.
12 MR. STERN: Pardon me?
13 MR. VOIGT: My -- if you read the tariff
14 in this circumstance, we would provide laterals.
15 Not a main, but laterals to the buildings.
16 MR. STERN: Okay. So he needs four
17 two-inch laterals. Why does he need to supply
18 180 gallons a minute?
19 MR. VOIGT: He could do
20 inch-and-a-quarter laterals, he could do
21 inch-and-a-half laterals. They could all --
22 MR. STERN: They don't have to be
23 two-inch.
24 ATTORNEY SAJDAK: I also don't know that
25 it's our role to --

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1 MR. STERN: That's not our role to
2 address the whole thing, because the city is
3 providing two options: you either put in four
4 laterals or you put in a main that can supply a
5 city.
6 ATTORNEY SAJDAK: But I think that the
7 question, at least on appeal, in my opinion, is was
8 the decision -- the correct decision to require
9 what was here. And what we're hearing is that the
10 requirement was based on the tariff that's in place
11 in terms of what the tariff requires versus
12 Mr. Thompson's argument that the plumbing code
13 effectively trumps what the tariff says.
14 The issue of whether or not it's
15 six gallons a minute or twelve gallons a minute or
16 whatever is really a legislative decision, it's not
17 part of what we're talking about.
18 MR. STERN: The tariff doesn't have to
19 make any sense? Doesn't have to be based on any
20 engineering --
21 ATTORNEY SAJDAK: I would think that if
22 the complaint was that the tariff is somehow unfair
23 to what we're doing, that that's an issue for the
24 water utility commission and public service
25 commission to deal with. That's -- that's a

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1 legislative determination, not what we're dealing
2 with here.
3 The issue of whether or not, you
4 know, how many gallons per minute is being provided
5 to the properties isn't part of what the planning
6 commission considered, what's going on. It's just
7 hey, here's what the tariff says and this is where
8 we're at. And so the question is, is it
9 inappropriate that they apply what the tariff said
10 or not, and what does the tariff say. Not then to
11 take it the next step farther and say well, we
12 don't agree with the tariff either.
13 MR. STERN: Okay.
14 MS. KORNBLUM: I have a question. But
15 filtering through this -- and I don't pretend to
16 really understand a whole lot about water mains,
17 water laterals, or anything. But filtering through
18 this, I'm hearing comments about well, we don't
19 know if there's two units, four units, six units or
20 eight units. Implied is the -- like is there going
21 to be any future development on this land. You
22 know, it seems like some of those things are being
23 taken into consideration.
24 And then also there's the health
25 and safety issue of the flushing of the water, you

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1 know, by the city. And so I'm kind of -- and I
2 don't really know where this is based on, so I'm
3 still trying to get my hand on what even exactly is
4 an issue, what exactly is the problem here. And --
5 and I know that Mr. Thompson has made a case
6 throughout that there's been unfairness, there's
7 been delays, whatever, but we're here.
8 And so -- so it seems to me, and
9 just reading this and listening to this, it seems
10 to me that it's -- the crux of the issue is who has
11 the right to decide, whether it's, you know,
12 installing a private water main or what size it is,
13 or whether these are just lateral lines off the
14 public main.
15 And that -- but maybe I'm missing
16 the whole thing. I mean I'm just -- I'm just
17 trying to still get my hands on what the crux of
18 the problem is. And I'm -- there's a lot of things
19 filtering in.
20 CHAIRPERSON MASSEY: I think that the
21 real issue is, as I read your initial brief and
22 also the response from the city of Mequon, is what
23 can trump what. So does state law trump what a
24 municipality may say and what a municipality may
25 apply, or does it not? So for me, it really is

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1 looking at is what Mr. Braun is saying correct or
2 incorrect, and does Mr. Braun have the right to
3 make that decision on behalf of the state of
4 Wisconsin.
5 MS. KORNBLUM: I would say that Mr. Braun
6 does -- we can't rely on an administrative official
7 to make a definitive statement of what the law of
8 Wisconsin is. I mean, there's deference that's
9 given to administrative officials in an
10 administrative law context, but this is one -- this
11 is one person and now he's given kind of two
12 different explanations to --
13 CHAIRPERSON MASSEY: And it's by e-mail
14 and he is not here.
15 MS. KORNBLUM: And he's not here.
16 CHAIRPERSON MASSEY: And he is not here.
17 MS. KORNBLUM: Right.
18 CHAIRPERSON MASSEY: And we have one
19 e-mail purporting to give one answer and explaining
20 what the intent of your question was, and another
21 e-mail with an answer and an explanation of what
22 your question meant. And who knows what Mr. Braun
23 thought about either one of your questions, as he's
24 responding by -- by e-mail and not talking to
25 either one of you. I feel very uncomfortable about

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1 that.
2 MR. THOMPSON: Well, if I may, Mr. Braun
3 did cite the statute, so, I mean -- and he's the
4 section chief, so it does carry some weight. I'm
5 not saying -- I mean, take it for what it is. It's
6 either that or we can -- I mean, in contrast do we
7 give deference to the city and what their
8 interpretation of a rule that's not even theirs.
9 So I just want to make that distinction. I believe
10 it does carry some weight.
11 But more importantly, I just want
12 to give a slight example, a slight twist to this,
13 so that I think it might clarify. And if you go
14 to, again, Exhibit 1 of Exhibit A, it looks three
15 drawings that we started with in the beginning. If
16 you go to the very first drawing --
17 CHAIRPERSON MASSEY: That would be marked
18 Exhibit 1, one of three?
19 MR. THOMPSON: That is correct. So you
20 could take the development and push all the
21 buildings and connect them and then you'd have one
22 building. Now -- so if I have a 10,000 square foot
23 building, I'm going to put four separate laterals
24 to those four separate components? So am I putting
25 one lateral to that building? All I did was push

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them together. Everything else remains the same. The size, the use, the everything.

And then if you go to page 2 of that exhibit, two of three, I put the water system piping the same as that was proposed into that one building. I just underlaid it in there. It's the same plumbing. It would happen the same way. The two-inch main would run up right the center of the building and it would tap off to each one of those units. What's the difference?

MR. CLANCY: There's a big difference because of the fact that we have the four units. They can be sold separately as condominium units. Is that true?

MR. THOMPSON: That is true. But I'm not changing the form. I have the same number of units, and I can sell these individually.

MR. CLANCY: But if they're in the same building, it's a different situation.

MR. THOMPSON: Okay, I -- well, they're different units. They're the same thing --

MR. CLANCY: But then they have a common water source. So the association handles it, whereas you've got four separate buildings here, four separate units.

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CHAIRPERSON MASSEY: Uh-huh.

MR. THOMPSON: Well, from the discussion in the beginning, like I said, there's -- if you look at page 3 of 3, the exhibit, if you look right towards the property line, there's a circle and it's a meter pit. I'm sorry, not on that drawing but on the original drawing, there's a meter pit. So the two-inch main came into a meter pit. And so the meter -- the distribution to the public water to all those buildings and all the units. So they did have one meter to do all of those buildings. It's the same scenario as if I connected the buildings.

But the -- the building codes allow, and I'll just -- the reason why I separate it is because there's -- when you have separate units, you have to have separate occupancies or separate firewall assemblies. One of the -- the design elements you can use is space. So the distance between another unit is essentially a firewall assembly. They consider that.

And so what I've done is I've separated the units with space, and that's the only reason. So it's the same plumbing, same plumbing layout, I'm just using space for a firewall

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assembly. The use is the same, everything's the same. It's like I'm being penalized because I separated the buildings. But it's allowed, and the plumbing code allows it. It says you can have a private main and serve more than one building on private property. And it's done in a certain fashion. And SPS382 governs it and you get a separate permit.

MR. CLANCY: Is the use of the buildings restricted to storage?

MR. THOMPSON: Well, there's multiple -- it's S1 is the occupancy.

MR. CLANCY: Which means what?

MR. THOMPSON: Well, you can have S1 and B1 and there's -- there's actually a variety of them. But it's not just storage, no.

MR. CLANCY: Can it be offices?

MR. THOMPSON: Yeah.

MR. CLANCY: Could it be businesses?

MR. THOMPSON: Yep.

MR. CLANCY: Wouldn't they use a lot more water then?

MR. THOMPSON: No, not -- they're really small service businesses. And like I said, I mean, it's -- again, I have historical data that says

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that the average unit will use 2500 gallons in a year. And that's from over 160 units. That's not a lot. That's the whole sys -- the whole development combined will use less than a single-family home, which is about 75,000 gallons a year.

So it just doesn't seem, you know, from the -- again, the appeal is to whether or not the city can trump or dictate the size of the private water main on private property. Now, can they put an eight-inch main to the property? And I think sure, on the public land, up to the property line, go ahead and put an eight-inch main. But they can't require that I use or continue that eight-inch main.

I don't need it, number one, and there's no restriction on whether or not I can drop that down from an eight-inch to two-inch. I don't think it serves the city well to do that. I think it's more of a -- to do it argumentatively, almost. I mean, it just doesn't make any sense. It's not necessary.

It's a very -- the water that I use on these facilities is very minimal. It does the job. There's no worry about water quality because

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if this was all one building, in this example, they're not -- there's no flushing requirements for a 10,000 square foot building out in your office park or your industrial park. You don't flush those buildings. There's no reason to flush this.

And just because they're separated because of fire, that doesn't necessarily get that reason either. And it's not required. There's flushing requirements when it's first -- when it gets first set up. But after that, there's no ongoing maintenance. And that's according, again, to the SPS382.

CHAIRPERSON MASSEY: Yes.

MS. HENK: So just for some clarification. If the buildings were all as one, as shown on this exhibit, it would have had to go to planning commission all as one. The condition would have -- condition 14 would have changed slightly and two water services would have been required. That is a standard requirement for all condominiums. Only two units can be served on one lateral. And that lateral needs to be split within three feet of the interior of the building. So we can serve two condominiums from one lateral, but no more than two.

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In fact, at this same planning commission meeting there was a condominium that came forward and that was the requirement. They had three units all together in one building and they had to provide two water laterals.

ATTORNEY SAJDAK: Where does that requirement come from?

MS. HENK: That's from our water tariff, that first requirement that I read aloud about not splitting with the exception of a duplex. So I'll read it again to -- for clarity. "No division of the water service lateral to any lot or parcel of land shall be made for the extension of independent metering of the supply to an adjoining lot or a parcel.

"Except for duplexes, no division of a water service lateral shall be made at the curb for separate supplies for two or more separate premises having frontage on a street or public service strip which owned by the same or different parties."

So when they become separate entities, they have to have their own water service.

MR. THOMPSON: First of all, it does not

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apply to condominiums, number one, or multiple occupancy premises. Even the public service -- this is -- in an e-mail to Jim I stated that the public service commission 1855.2 regarding laterals does not apply to multi-occupancy premises such as apartments, such as condominiums and shopping centers. 'Cause he cited that that's his condominium rule. I can't find it anywhere where it restricts condominiums.

But that being said, I just want to again clarify the whole condominium thing. So my project was not approved in any way, shape or form specifically that it was a condominium. See, condominium is a form of ownership. So if I chose to get -- if I never disclosed any of that, not that I would, but -- 'cause that's what I do, but the project wasn't specifically approved as a condo.

The condominium declaration and that, that is all done through the county. So it's a separate process and it's administrative and you take it up to the county and they record it. So after my approval, which I have, I assemble the declaration and the condominium documents and I go up to Ozaukee county and I record it. In that same

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fashion, that same chapter allows me to pull it out of the condominium if I choose to.

So I'm just saying that it's a choice to be a condo, and it's a form of ownership. And I can either be a condo or I can pull it out of a condo. And it's not under the authority of the city to determine whether I can or can't. Therefore, they can't write rules specific to how they treat a condo in their decision-making capacity with an approval -- as a condition of approval.

ATTORNEY SAJDAK: I don't think I've -- maybe I'm wrong, but I don't think that that's what I heard. I think the rule applies to everybody other than duplexes, which is you've gotta be able to only serve two premises.

MR. THOMPSON: Right. Well, like I said before, I only have one premise. And it's specifically defined in Mequon ordinance, a premise is land and structures. I have the land and four buildings on the lot, the land. It also says that the separation or the division can't happen between adjoining parcels. I mean, there's not an adjoining parcel that I'm serving. It's only one parcel. I'm only asking for one service.

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What I do from the property line in to serve my property, whether it's one building or four buildings or a hundred, matters to the state. The SPS382 governs what happens there. So --

MS. KORNBLUM: Can I ask questions? I have a question for the City. Okay. If this were an apartment building with a hundred units in it, not a condo, just an apartment building, let's say there's a huge apartment -- you know, there's some big apartment buildings going up -- would you -- how would you allow or not allow the laterals serving a single building with, like, a hundred units in it?

MS. HENK: So we have one of those that just came through planning commission last month. I believe it was a 93-unit development. They are providing one six-inch lateral to serve their building. Which meets our requirements. They have to provide fire flow calculations and other proof that it's adequate to meet that requirement, and they also have to get the Department of Safety and Professional Services to approve that process.

MS. KORNBLUM: So are you saying the form of ownership then does matter?

MR. VOIGT: (Nodding.)

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MS. KORNBLUM: Okay. That's what I wanted to know. So that clarifies that. There is a form of ownership issue here. And what you're looking at is the size of the pipes going to the building?

MR. VOIGT: Yes, 'cause we're sending one bill to one owner. So the one owner pays that one bill. So it's one meter, one owner, one bill.

MR. THOMPSON: Okay. So what happens two months from now when they form a condominium form of ownership with that building? Now you have 93 different owners.

MR. VOIGT: They would have to come through and get approved.

MR. THOMPSON: They don't need approval for condominium form of ownership.

MS. HENK: Actually, they do. They'd have to come back to the planning commission for a condo plan approval. So planning commission would then provide any --

MR. THOMPSON: That approval is administrative. It is not whether you can or can't.

MS. HENK: So an example would be that there was a duplex, so an apartment with two units

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that they wanted to make a condominium, and one of the requirements of that was that each one had to be metered separately. So each one would pay their own water bill.

So we have had single-family residences or apartments come forward and say that they want to become a condominium. And it is generally administrative, but there are some things that do change when you become a condominium. And one of those items is how the water is metered.

MR. THOMPSON: They're not going to change the six-inch pipe that goes into the building.

MS. HENK: And in the case of the residence I was just referring to, they had adequate service to both parts of the building. It was previously serving both parts of the building, but it did require two separate meters for that building. And it was allowed because it's only a unit of two.

MR. THOMPSON: What about --

MS. HENK: So in the case of a 93 condominium unit, I don't know what we would do with that, because that would need to be brought, again, to planning commission for their review.

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And typically with that review, if there is something that is different that needs additional clarification, say from DSPS or from the DNR or the applicant disagrees, that typically would result in a tabling of that item so that that information could be brought forward. 'Cause that is not something that we see. We do see duplexes that want to become condominium, where they can sell off both units. We do see developments like this where there are some complexities.

MS. KORNBLUM: So you're saying you're treating this development like consistently in the way you've treated other similar developments; is that correct?

MR. VOIGT: Correct.

MS. HENK: And as Jim had mentioned earlier, we do not have any private water main in the city of Mequon other than those that were here when the city of Mequon took over the water system. So there have not been any new private water mains.

ATTORNEY SAJDAK: I know you've got something to say, I can see by the look on your face, but I do have a question for you as well. But I'm going to let you go first because I don't want you to forget it.

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MR. THOMPSON: We're not duplexes. It's an eight-unit that just is separately. It's not a duplex in the conventional. It's a duplex style 'cause -- well, actually, the truth is 50 percent of the people that buy the buildings are -- they buy the whole building. So it's not necessarily duplex. You can divide it into two units, but it's not a conventional duplex. It's eight units on one property.

So you can't -- and if I condo it, if you take that 93-unit or call it an eight-unit residential and had one four-inch pipe going in there, if they go to condo it, you're not going to dig up the four-inch pipe and put eight different laterals in. That's absurd. So the point being condo has nothing to do with it. Go ahead.

ATTORNEY SAJDAK: So part of -- I think the reason that you say condo doesn't mean anything is because effectively I've got one customer, that I'm not serving multiple customers, I'm serving one customer. I'm serving the association, right?

MR. THOMPSON: Yes.

ATTORNEY SAJDAK: So to your point that you could tomorrow after, you know, you recorded the plat today and I've got my condominium and then

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tomorrow you could go through and unrecord the plat and then sell off the individual parcels, how do you -- what happens in that case under your scenario?

MR. THOMPSON: I'm sorry, I misunderstood. Sell off the individual parcels?

ATTORNEY SAJDAK: You've got four different units that are proposed.

MR. THOMPSON: Yeah.

ATTORNEY SAJDAK: And they're all going to be in a condominium right now and it's going to be one owner because the association is the owner, right?

CHAIRPERSON MASSEY: Uh-huh.

MR. THOMPSON: Yes. Okay.

ATTORNEY SAJDAK: So under your theory that I can just as easily take it out of the condominium, which is absolutely true --

MR. THOMPSON: Yes.

ATTORNEY SAJDAK: -- what happens in that case to the water system if I've now got -- if you uncondo it and sell off the four parcels, create four parcels?

MR. CLANCY: How could he do that?

MR. SAJDAK: What happens at that point?

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MR. THOMPSON: Well, if you pull it out of a condominium, it's just how it's -- you know, every owner at that time. Let's say there's eight owners, they have to get together, pull it out, and who's going to take the ownership property. And then the one meter is paid by whatever ownership group. It could be one, it could be a partnership, it could be tenants in common, it could be anything. If one guy comes in and says I'll take all the units and I'll just rent them, then he's the owner and he gets the bill.

MS. KORNBLUM: But if you have -- if you have eight parcels and you take them out of this condo association, you could have eight different owners or eight different entities owning the properties on this -- on this piece of property.

MR. THOMPSON: Yes. I think we're getting a little too con -- or too detailed on that. I only had mentioned that you pull it out of a condominium just as an example that it's a -- it's -- it's independent of an approval from a municipality. I'm just saying it's a form of ownership and it's governed under separate statute. And you can do it or not do it so that you have flexibility in ownership. That's all I'm saying.

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So it shouldn't be -- it's irrelevant to whether or not how you pipe the system. It's irrelevant. The piping stays the same regardless of whether it's a condominium or who owns what. How you bill it might change. That's fine too. I mean, so you have one owner, a condominium ownership, you have one meter, boom, you can do it that way.

CHAIRPERSON MASSEY: Or whether you need additional meters.

MR. THOMPSON: Right.

CHAIRPERSON MASSEY: You know if you have --

MR. THOMPSON: Eight meters, let's say.

CHAIRPERSON MASSEY: Exactly.

MR. THOMPSON: Then each person would have their -- each condo owner would have their own meter set up with the utility. And I figured that that's how it was going to happen anyway, so I was okay with that.

MS. KORNBLUM: I have -- so then this is a further question. You said something that I just want to ask the City if that assumption is correct. That having eight meters means no difference in piping than having one meter; is that correct?

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MR. THOMPSON: Correct.
MS. KORNBLUM: I'm asking the City.
MR. VOIGT: Obviously if you have one meter, you've got one central point that the water comes in, and it splits off from there. If you have eight individual meters, the plumbing goes to the units first, it goes to the individual meters, then into the internal premises.
The problem is if it's my private main, my only valve that I can touch is the one that goes into the facility. So it doesn't necessarily matter that there's eight meters, because if one of them isn't paying, there's nothing I can do about it. Nothing. I can't turn off water to the eight customers who are paying the bill.
So if seven of them don't pay the bill, I can't turn the water off to the ones who are paying. I can't go -- even if he puts curb stop boxes in front of each one of those buildings, they're private curb stop boxes on a private main that I can't touch.
MR. STERN: So I heard earlier that you could do two units off a main, but if one's paying and one's not, can you shut off that --

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MR. VOIGT: That is --
MR. STERN: -- that lateral?
MR. VOIGT: Right now that is an issue for us. When we have condos --
MR. STERN: So even if there were four laterals, you still would have the same issue?
MR. THOMPSON: Yes.
MR. VOIGT: Correct.
MR. STERN: One would have -- you still can't shut it off.
MR. VOIGT: Correct.
MR. STERN: So you need eight laterals.
MR. VOIGT: It's --
MR. STERN: But that's not even proposed in here.
MR. VOIGT: No. The tariff that we have allows him to put in four laterals for eight units.
MR. STERN: But that wouldn't help that situation at all. He'd still have a non-paying customer who you couldn't shut it off because you have a paying customer.
MR. VOIGT: Correct.
ATTORNEY SAJDAK: Well, arguably you only have one customer instead of eight customers, but --

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CHAIRPERSON MASSEY: Mr. Thompson, do you have anything else that you would like to add?
MR. THOMPSON: I was just going to wrap up with that one example just to kind of summarize, if that's all right. If you go to Exhibit 5, and it's titled Same Situation as Oak Creek.
CHAIRPERSON MASSEY: This the one that's the 40-page exhibit?
MR. THOMPSON: Yes.
CHAIRPERSON MASSEY: And what page are you on of that?
MR. THOMPSON: I'm going to start on page 1. And I'm just going to keep kind of flipping through. Okay. So my last development was in Oak Creek, and it's substantially similar to this project. It has a total of five buildings, it's laid out, instead of four. The very first page here I want you to notice that this is the same DSPS approval letter for the Oak Creek location.
The water and sewer layout is on page four of 40. And as you can see, it has five buildings. And there is a proposed meter pit for master metering, exactly what was proposed initially with this project in Mequon. The only

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difference being that this one has four, this one has five. Or Mequon has four, Oak Creek has five.
If you look at the very first page, page number one, it says -- at the top it says floor plan type, new. And it says sanitary diameter, it says 6.00. So this was approved for a six-inch sanitary -- or a sanitary private interceptor main. That's what I requested. And it was approved for that. And the water was a two-inch.
If you go down to, it says 401 East Oak Street, it says the water diameter says two. So it's a two-inch private water main and a six-inch sanitary interceptor main. That's what they call it. Private interceptor main. That's what I got approval for.
If you recall, back in the letter from Mr. Braun, the section chief, he said that the rule is that you can't dictate a private water main size. So the two-inch, you can't dictate that. But he did say there's an exception for sanitary. Oak Creek read that same thing and they dictated that the six-inch approval that I got from DSPS was not adequate. They made me -- they forced me to go to an eight-inch main for sanitary.

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The e-mail from Mr. Braun specifically says that, that the sanitary -- there's an exception in that by ordinance, the city can dictate that size. What they can't dictate is the private water main, which is the two-inch. In Oak Creek today, that two-inch main is in with separate laterals coming off that two-inch main to serve those buildings. There's a private -- there's a meter pit outside with one meter metering all the water going into those units.

CHAIRPERSON MASSEY: Is the meter pit on public land?

MR. THOMPSON: Private land.

CHAIRPERSON MASSEY: Private land.

MR. THOMPSON: Yes. Now, the contention here is that Mequon has the standard specifications for land development, and they use the thing that while the main has to be eight inches, that's the requirement, that's what they've cited. Well, Oak Creek's no different, that they have what's called -- if you go to page 6 -- they have what's called the engineering design manual, similar to; it's even titled the same.

But the components, if you were to -- if you were to compare them, are almost

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identical. Not identical, but they're very -- all the subcategories. They're trying to accomplish the same thing. There's a design manual for how they want things done in the city. They say on that water main, the minimum size is eight-inch water main; secondary feeders, minimum diameter eight-inch. So they have generally the same requirements.

Yet they allowed a two-inch private water main because that's what's allowed on private property. And they can't dictate that size. So then if you go through and you go to page 16, I just show a copy of the water utility operating rules for Mequon. And there's ten pages to it. That operating agreement, or operating rules for Mequon, if you go to page -- if you kind of look at page 16 and then look at page 29 at the same time, that's the Oak Creek water utility operating rules. Those two documents, ten pages, are word for word. So their tariff is the same as Mequon's tariff.

The only difference, okay, is on page 26 and 39. If you look at 26 and 39, the Mequon says -- for the water main extension rule, it says, "Please refer to utility customers' connection rules on file." And that's more of the

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water tariff that deals mostly with connection costs associated with -- it's the section that has the -- what Ms. -- Ms. Henk provided as the denial and the reason for the denial. It's where it talks about how you can connect to the water main.

So Oak Creek has not as extensive rules, but they also have their same rules. And it deals with the cost -- if you read through it, it deals with the cost and connection fees. So they really don't deal with -- their tariff is essentially the same, but they allowed and they understood that a two-inch private main is acceptable on private property. And they also know that they could change the diameter of the sanitary. So they're very -- it's a municipality, they deal with this all the time, they're competent just like -- you know, 'cause they work with this. And they agreed with the same tariff, that a two-inch was acceptable.

I just want to put that in perspective, that I'm not really asking for anything extra. I'm not looking for a variance, I'm not looking for some -- I'm just -- I just know that there's no harm. You're going to -- every drop of water's going to be paid for. There's no

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real public policy that's going to be jeopardized.

The cost to me is the difference between -- 'cause every time you have a lateral, you pay a cost. So instead of $4,000, it's $14,000. And not to mention that if I do a phase two, and there's been some discussion of a phase two or extending that, and there's other reasons for that, 'cause there's some stormwater issues that we have to get worked out and all that kind of stuff, but that means that every -- going further forward, every time you're going to do a separate lateral to every building, and that's another connection fee. Whereas if the two-inch is in, then I just run and I can continue on.

I just don't think there's much harm and I don't -- by allowing for a two-inch main. It's not difficult, it's simple. And I just don't understand why it even has to get to this point. So that's all I have to say.

CHAIRPERSON MASSEY: Response from the City of Mequon?

MS. HENK: So I would like to clarify the cost, since we haven't talked about that specifically yet. A two-inch line, the connection cost is $5,198.95. The individual lateral cost is

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$13,983.80. So there is a cost differential between the two processes. But like Mr. Thompson, I'll do a quick summary.

The primary concerns of the City of Mequon is water quality. Baldev Court is a dead-end main. I don't know if Oak Creek is a dead-end main or what their pressures are, what their concerns are. Two different municipalities, two different standards of practice, two very different approaches to development. And location does make a big difference. So with this being on a dead-end line that we are currently flushing once a month, there are concerns with water quality.

We are also trying to be consistent among all of our developments. As we've mentioned a few times, we do not have any new private mains. Our two options that we've put in front of the developer are either to do a public main with a hydrant that would allow us to enter the property and flush it to, again, maintain that water quality, or to provide individual laterals to each of them, being the individual lateral approaches right at the public main would allow for future connections and future developments.

So if they get through their

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stormwater hurdles as Mr. Thompson had mentioned, this would also allow for that future development. There are concerns that two inches may not be enough to serve multiple buildings. We would want to vet to that fully before agreeing to anything smaller than the eight-inch public main.

MR. STERN: That seems contradictory. If you're requiring four two-inch laterals for four buildings now, why would you allow him to connect additional buildings later rather than requiring additional laterals from the same building?

MS. HENK: So the four laterals that are quoted are inch-and-a-quarter. So they are smaller than two inches. That inch-and-a-quarter size also paid for by Mr. Thompson.

MR. THOMPSON: The inch-and-a-quarter, if it's a lateral, I don't -- for one building I only need an inch-and-a-quarter. But if I'm going to run the main, then I want two-inch and then come off and run inch-and-a-quarter to the building, if that makes sense.

ATTORNEY SAJDAK: What's the difference, and maybe this is for both of you, the difference between what we've called a two-inch private main that has laterals that come off of it versus a

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lateral that just splits four times?

MR. VOIGT: You can't split a lateral. Laterals are -- they can go into one building and serve two units but, you know, you cannot split a lateral. Once it serves more than one building, it becomes a main. It has to be a main.

ATTORNEY SAJDAK: It's just the fact that it serves more than one building is what makes it a main versus a lateral?

MR. THOMPSON: According to the DSPS, yes. It's in the definition. So anything that serves more than one building.

MR. VOIGT: My final two cents is, you know, just a little bit of history. That when I started back in 2009 here in the city of Mequon, I worked for WE Energies when it was owned by WE Energies before it was sold to the city of Mequon. So it was a private utility. A lot more, you know, regulation and whatnot. You know, the private utility was very involved in that.

But when it was sold to the city of Mequon, it brought together a water advisory commission and, you know, water advisory board. And that board went through the process of the connection rules, okay? Which is this piece here,

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all right? As Greg pointed out at the beginning of this, it's PSC tariff. It's very similar from one utility to another. You'll find they're all almost identical when you look through them.

Things that are changed is like, you know, how much do you charge for a shut-off in the middle of the night and how much do you charge to reconnect somebody; you know, laterals, how you construct your laterals. It's all very similar, you know, on purpose, the PSC is that way. But our connection rules, that advisory board spent a lot of time through many iterations to come up with how you connect to the water utility. And that was the whole point of this.

And this was agreed to by the public service commission when we went through our tariff. So that's the whole point of determining how people connect to a water utility. That was the reason why they came up with this 35-page document on how to connect.

MR. THOMPSON: But it doesn't say anything in there on how -- why you require an eight-inch main. It doesn't say anything in there.

MR. VOIGT: It's very --

MR. THOMPSON: Or separate laterals, or

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1 separate pipes to each building. It doesn't say --
2 can you show me in the document where it says that?
3 MR. VOIGT: My point is just this, that
4 this is what was put together and approved by the
5 public service commission. And I don't know, but I
6 mean if we deviate from this, don't we have to go
7 back to the public service commission before we
8 deviate from this?
9 MR. THOMPSON: In order to deviate, you
10 have to show in the document where it is that we're
11 deviating. Where is it? We still don't have the
12 answer to that. Where are we deviating from that
13 tariff in the connection rules that you show that
14 you just said was 35 pages and they spent a lot of
15 time doing?
16 MR. VOIGT: Right. And as I've
17 reiterated to you the way that -- the intent of
18 this was that a commercial property that was on an
19 existing main would be served by laterals.
20 MR. THOMPSON: Where does it say in the
21 tariff that that's what it has to be?
22 MR. VOIGT: Right in the section that we
23 gave to you. It's page 18 on main utility
24 specifications. It talks about that the utility on
25 main commercial customers require new facilities

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1 that enable them to provide service. See
2 figure three. So facilities provided by the
3 utility. We provided you with a street lateral,
4 including the premises, such as local delivery
5 main, and we provide you with a meter. You provide
6 the existing facilities used by the customer's
7 local delivery main, which is already out there on
8 Baldev Court.
9 MR. THOMPSON: Right.
10 MR. VOIGT: And then, you know, system
11 facilities, that's all things you are utilizing but
12 are front in front of you. And then installed by
13 the customer is the interior lateral, including the
14 plumbing ready for the installation of a meter and
15 disconnecting of existing source of --
16 MR. THOMPSON: But where does it say an
17 eight-inch main or --
18 MR. VOIGT: It's saying a lateral.
19 MR. THOMPSON: There has to be separate
20 laterals to separate buildings. Where does it say
21 that in the tariff, in what you just said?
22 CHAIRPERSON MASSEY: Let the record
23 reflect that Mr. Stern has to leave the
24 proceedings. So in response to Mr. Thompson's
25 question, the part of the tariff that defines how

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1 it is served is in the first part and in the water
2 utility operating rules as previously read.
3 MR. THOMPSON: And those are the
4 operating rules that are consistent with the
5 neighboring communities and more -- same as Oak
6 Creek and the vast majority of other
7 municipalities.
8 MS. KORNBLUM: So Mr. Thompson, are you
9 saying that even -- that the city of Mequon has no
10 authority to interpret its own water utility
11 operating rules any differently from any other
12 city? Even if the wording is the same, it has to
13 be a standard interpretation?
14 MR. THOMPSON: No, I'm not. I'm just
15 simply pointing out that it's generally boilerplate
16 type of language. And I've also shown that other
17 cities don't interpret it that way. And I've also
18 provided evidence to say that I'm in compliance and
19 that the SPS dictates that they can't.
20 ATTORNEY SAJDAK: How do we know that Oak
21 Creek did in fact interpret it that way? All
22 you've given us is the SPS approval and their
23 letter.
24 MR. THOMPSON: Okay. Well, then they
25 allowed it. They allowed a two-inch main. And

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1 they operate under the same tariff. I doubt
2 they're going to want to violate that. If they
3 caught the six-inch private sewer main and they
4 dictated the size of that, I've gotta believe that
5 they were going to look at whether a two-inch main
6 was acceptable.
7 CHAIRPERSON MASSEY: So you have a
8 decision by the planning commission in Oak Creek
9 allowing what you just described?
10 MR. THOMPSON: Yeah. I have an approved
11 plan. It's already installed and operating.
12 CHAIRPERSON MASSEY: Any more questions
13 from the board? My concern here, as I have
14 expressed earlier, Mr. Thompson, is that we are
15 relying on some interpretations that you have
16 received and the City has received via e-mail,
17 which has been brought to our attention earlier by
18 you and by the City of Mequon this evening.
19 I still am not sure what
20 Mr. Braun's role is, and I am still somewhat
21 unclear as to his complete interpretation of the
22 issues before us. I would like to suggest that we
23 keep the hearing open until we can hear from
24 Mr. Braun on this issue and the board has the
25 opportunity to question him on the issues that you

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have proposed that he respond to Mr. Thompson, and also that the City of Mequon has proposed that he gave a response to.

MS. KORNBLUM: If that's a motion, I would second that. And if it's not a motion, I would make that a motion. I think we don't have sufficient information on the legal interpretation here of a reliance on a government official to interpret rules, which may carry some weight. But if that is critical to the decision-making, I don't think looking at a few e-mails is going to answer that question.

CHAIRPERSON MASSEY: So we now have a motion before us that we would keep the record open until we can hear from Mr. Braun and/or --

MR. THOMPSON: May I say something?

CHAIRPERSON MASSEY: No. As chair, I have a right to make my motion and have it ruled on. So as soon as I'm finished, then we can see what the issue you have, Mr. Thompson.

The motion before us is to keep the record open until we can hear from Mr. Braun on the issues and questions that were raised by Mr. Thompson in his e-mail of April 17, 2018, and also that were raised by the City of Mequon and

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provided to us this evening. The motion has been made and has been seconded. I'd like a vote on that.

SECRETARY FOCHS: Member Larson?

MS. LARSON: Yes.

SECRETARY FOCHS: Member Stern is absent. Member Clancy?

MR. CLANCY: Yes.

SECRETARY FOCHS: Member Kornblum?

MS. KORNBLUM: Yes.

SECRETARY FOCHS: And Chairman Massey?

CHAIRPERSON MASSEY: Yes. Mr. Thompson?

MR. THOMPSON: So keeping this open for another 30 days, is that it or -- what's the timing for this then, and how am I supposed to get section chief Braun here and under what --

ATTORNEY SAJDAK: That was going to be my follow-up, which was I think, Madam Chair, that your suggestion is that you will subpoena the individual using the power afforded you in 6223, subsection C3, which authorizes the chair to compel the attendance of witnesses.

CHAIRPERSON MASSEY: Yes. And at that point in time, Mr. Thompson, we will issue our administrative subpoena and establish a time for

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that testimony to take place. I can't tell you today how long that will take, but we will certainly move with all excess of speed that we can given the circumstance.

You will then have an opportunity, as will the members of the board, to question him, and the City will be able to propose their questions as well. So it does appear that the issue really here is which law governs. And your argument is that the state law trumps the municipal regulations and the water utility operating rules that the City of Mequon is being governed by. And this really has to do not only with you, but for everyone who comes after you. So we want to make sure that we do this correctly.

MR. THOMPSON: I can appreciate that.

MS. KORNBLUM: Madam Chair, can I make a second motion? If we're keeping the record open, that we also see the approved plan from city of Oak Creek because that's been referred to here and Mr. Thompson is making a comparison between Mequon and Oak Creek. If we can --

ATTORNEY SAJDAK: Well, that I don't know that we have the authority to do. Certainly the suggestion has been made, and perhaps the applicant

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might take that suggestion to heart and have that available, but --

MS. KORNBLUM: Okay. That would be helpful, I think, just to actually see their approval, you know, their final approval, what they have approved and what was actually approved, just for clarity in the record.

CHAIRPERSON MASSEY: Mr. Thompson has heard Ms. Kornblum's desire to see the information, and I'm sure you will take that under advisement.

MR. THOMPSON: Yeah. Are you suggesting the actual plan or the -- like a write-up?

CHAIRPERSON MASSEY: The approval. The approval. So the City of Oak Creek is going to give you something in writing that says you can have a two-inch main --

ATTORNEY SAJDAK: They may not have. If it wasn't a condition of planning commission or anything like that, all he would have is just the stamped plans that say approved on them, which I would think would be acceptable here.

CHAIRPERSON MASSEY: Or for example, Mr. Thompson, you could go to the City of Oak Creek and go to their administration and ask them for a letter which would describe what they have given

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you. If you don't have any documents that would show that, that would be another possibility that you could take under advisement.

MR. THOMPSON: Okay.

MR. CLANCY: Wait a minute. If we got a letter from the City of Oak Creek, then don't we have to have somebody from Oak Creek?

CHAIRPERSON MASSEY: Or -- or, alternatively, he could ask somebody from the City of Oak Creek to come and give testimony.

MR. THOMPSON: So --

CHAIRPERSON MASSEY: You can consider all of those.

MR. THOMPSON: So are you saying that the letter itself would not be sufficient? I think that was his question.

CHAIRPERSON MASSEY: I think Mr. Clancy is saying that he would like an opportunity to question the person from the City of Oak Creek. But again, as Mr. Sajdak has told you, we can't require you to do any of that. So he's just expressing his opinion.

ATTORNEY SAJDAK: I mean, we could subpoena somebody from Oak Creek. I mean, that we have the power to do. We can't subpoena particular

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documents or anything like that. The statute only gives you the authority to administer oaths and compel the attendance of witnesses, is what the statute authorizes.

MS. LARSON: Getting everybody here at the same time?

ATTORNEY SAJDAK: That was going to be my next question, is that I think to the extent that the subpoena needs to be for a time certain, so that I can say hey, you need to be here at this time.

I think the next course of action, assuming that there's no further business that the board wishes to take with respect to this particular appeal in terms of further questions or anything like that, at this time would be we should set a time now for when we will reconvene, which will then give me the ability to prepare a subpoena for the Chair to issue that has a date certain instead of, you know, just sending a subpoena without a date. I don't know how I do that, so --

CHAIRPERSON MASSEY: Okay. Let's get out our calendars. Are you able to do that now, Mr. Thompson?

MR. THOMPSON: Uh-huh.

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CHAIRPERSON MASSEY: City of Mequon, are you able to do that now? Okay.

MR. CLANCY: Are there other matters coming up for hearing at the August 2nd hearing?

SECRETARY FOCHS: Not at this time.

MR. CLANCY: I'm sorry?

SECRETARY FOCHS: Not at this time.

MS. KORNBLUM: Can we just do it at that hearing since we've all got that date calendered?

CHAIRPERSON MASSEY: And can be here. We can all be here at that time.

MR. THOMPSON: All right. My only concern is that we are in construction season and really didn't want this to drag out. But I understand the importance of it, both for now and in the future. I would just ask if is there any possible way we could expedite it or do it sooner.

MS. KORNBLUM: I have Tuesday evening July 17th. I mean, I'm just throwing out dates.

SECRETARY FOCHS: We would have to have enough time to publish it.

CHAIRPERSON MASSEY: Yeah, we have publishing duties to the community so that if other members of the community want to come in and sit in on the hearing and give testimony, that they're

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allowed to do that. So it's just not the City of Mequon and you, Mr. Thompson, who could give testimony on this. It could be any interested person.

MR. CLANCY: Did we say -- why not just make it August 2nd?

CHAIRPERSON MASSEY: Okay. August 2nd. Is there anybody who's currently sitting here today that cannot make August 2nd? I need to know definitively, unless you're hospitalized.

MS. KORNBLUM: God forbid, but I can make it tonight. As of tonight, that's fine. Thank you.

CHAIRPERSON MASSEY: Ms. Larson?

MS. LARSON: Yes.

MR. SAJDAK: We do have our alternate, and he's been here the whole time. Are you available that day?

CHAIRPERSON MASSEY: Mr. Flanagan, are you available that day?

MR. FLANAGAN: Yes, yes.

MS. HENK: Mr. Voigt is not available that day.

CHAIRPERSON MASSEY: You are not available that day?

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MR. VOIGT: I'll be up in Door County.
MR. SAJDAK: It's only a two-and-a-half hour drive back. It's fine.
MS. KORNBLUM: The previous week, July 26th, would that be sufficient time?
CHAIRPERSON MASSEY: Is there any way that you can come back for the hearing? I would really hate to subpoena the City of Mequon. I feel really bad about that.
MR. VOIGT: Either me or someone from the utility.
ATTORNEY SAJDAK: That's fine. If they're comfortable with sending somebody else from the utility, that's fine. I mean, it's their defense of --
CHAIRPERSON MASSEY: Are you comfortable sending somebody else?
MR. VOIGT: Mike Row, who's my boss, I can check with him to see if he could make it.
CHAIRPERSON MASSEY: Does he have the same level of knowledge that you do about the issues?
MR. VOIGT: More so than I have.
CHAIRPERSON MASSEY: He does?
MR. VOIGT: Yes.

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ATTORNEY SAJDAK: Gotta know. It's his boss.
CHAIRPERSON MASSEY: That is not always the case. All right, I suggest that we just do this on our August 2nd date.
ATTORNEY SAJDAK: Okay. I'll prepare a subpoena.
CHAIRPERSON MASSEY: Prepare a subpoena. I'll sign it. Thank you. Do we have a motion to adjourn to the date certain?
MS. KORNBLUM: I move to adjourn.
MS. LARSON: I second.
CHAIRPERSON MASSEY: A motion made to adjourn. All in favor, aye.
ALL MEMBERS: Aye.
CHAIRPERSON MASSEY: Any opposed? Thank you, we're adjourned.
(Hearing concluded at 8:07 p.m.)

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STATE OF WISCONSIN )
) ss.
COUNTY OF MILWAUKEE )

I, ANITA KORNBURGER, Registered Professional Reporter and Notary Public in and for the State of Wisconsin, do hereby certify that the preceding hearing was recorded by me and reduced to writing under my personal direction.

I further certify that said hearing was taken at 11333 North Cedarburg Road, Mequon, Wisconsin, on July 5, 2018, commencing at 6:03 p.m. and concluding at 8:07 p.m.

I further certify that I am not a relative or employee or attorney or counsel of any of the parties, or a relative or employee of such attorney or counsel, or financially interested directly or indirectly in this action.

In witness whereof, I have hereunto set my hand and affixed my seal of office at Milwaukee, Wisconsin, this 8th day of August, 2018.

_____
ANITA KORNBURGER-FOSS, RPR - Notary Public

My commission expires May 24, 2021.

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# CITY OF MEQUON BOARD OF APPEALS HEARING

Transcript of Proceedings

**August 02, 2018**

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GRAMANN REPORTING

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3

4 CITY OF MEQUON

5 BOARD OF APPEALS HEARING

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7 * * * * * * * * * * * * * * *

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BOARD OF APPEALS HEARING

10

TAKEN AT: Mequon City Hall

11 LOCATED AT: 11333 North Cedarburg Road
Mequon, WI

12

August 2, 2018

13 6:01 p.m. to 8:04 p.m.

14 REPORTED BY ANITA KORNBURGER
REGISTERED PROFESSIONAL REPORTER

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A P P E A R A N C E S

BOARD MEMBERS PRESENT:
Kathleen Massey - Chair
Lawrence Clancy
Robert Stern
Ramona Larson
Lori Kornblum
Attorney Brian Sajdak
Secretary Caroline Fochs

I N D E X

Examination by Page

E X H I B I T S

Exhibit No. Description Page Identified
(There were no exhibits marked.)

R E Q U E S T S

(There were no requests made.)



TRANSCRIPT OF PROCEEDINGS

CHAIRPERSON MASSEY: The City of Mequon Board of Appeals is called to order. Our first order of business is to call the roll. Ms. Fochs?

SECRETARY FOCHS: Member Larson?

MS. LARSON: Here.

SECRETARY FOCHS: Member Stern?

MR. STERN: Here.

SECRETARY FOCHS: Member Russell is absent. Member Clancy?

MR. CLANCY: Here.

SECRETARY FOCHS: Member Kornblum?

MS. KORNBLUM: Here.

SECRETARY FOCHS: Member Flanagan is absent. Chairman Massey?

CHAIRPERSON MASSEY: Present.

SECRETARY FOCHS: We have a quorum.

CHAIRPERSON MASSEY: All right. We have a couple of housekeeping issues to begin with. The first concerns Mr. Stern, who needed to leave our July 5, 2018 hearing at 7:50 p.m. for a personal matter. And Mr. Stern, were you given the opportunity to listen to the portion of the hearing that you missed on July 5th?

MR. STERN: Yes, I was. In fact, I



listened to the entire proceeding.

CHAIRPERSON MASSEY: Okay. Thank you. Second of all, we issued a subpoena to Thomas Braun, and I would like to mark the subpoena. Thank you, Ms. Fochs. The subpoena has been marked as Exhibit E. And is Mr. Braun here? Mr. Braun. Thank you. Could you please stand and approach the microphone?

MR. SAJDAK: I think we should do all the witnesses together just like last time.

CHAIRPERSON MASSEY: All of the other witnesses that are here have already been previously sworn. That includes Ms. Henk, Mr. Voigt, and Mr. Thompson. I would like to remind you that all three of you are still under oath. Do you understand that, Mr. Thompson?

MR. THOMPSON: Yes.

CHAIRPERSON MASSEY: Ms. Henk, do you understand that?

MS. HENK: Yes.

CHAIRPERSON MASSEY: Mr. Voigt, do you understand that?

MR. VOIGT: Yes.

CHAIRPERSON MASSEY: Okay. Could you please swear in Mr. Braun.



(Whereupon the witness was administered the oath.)

SECRETARY FOCHS: Please state your name and provide your answer for the record.

MR. BRAUN: Tom Braun. I'm at 10541 N Ranch Road, Hayward, Wisconsin.

CHAIRPERSON MASSEY: And how do you spell the last name?

MR. BRAUN: It's B-R-A-U-N.

SECRETARY FOCHS: Thank you.

CHAIRPERSON MASSEY: Mr. Braun, the reason that you are here today is our appellant, Mr. Thompson, and also Mr. Voigt from the City of Mequon, had written you several e-mails and you had responded to those. And the board has a number of questions concerning those e-mails. But before we start, if we could just get some background from you. Your educational background, where you've worked, and where you're currently working.

MR. SAJDAK: I was just going to suggest maybe you want to do the minutes before we get back into our hearing.

CHAIRPERSON MASSEY: Oh. Yeah, thank you.

MR. SAJDAK: Sorry.

CHAIRPERSON MASSEY: Does anybody have

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any changes to our minutes? Hearing none, is there a motion to approve?

MR. STERN: Motion.

MS. KORNBLUM: I second.

CHAIRPERSON MASSEY: There's a motion and a second to approve the minutes for August --

MR. SAJDAK: July 5th.

CHAIRPERSON MASSEY: July 5, 2018. All in favor, aye.

ALL MEMBERS: Aye.

CHAIRPERSON MASSEY: Opposed? Abstain. Minutes are approved. Sorry, Mr. Braun. If you could start by giving us your educational background, where you've worked and where you're currently working.

MR. BRAUN: To respect to the board, I've been instructed by our department attorney to give you just pertinent information. Basically, I'm with the Department of Safety Professional Services. I'm a plumbing and public swimming pool section chief.

MS. KORNBLUM: Excuse me. I'm wondering if Mr. Braun can lever the microphone up so that we can hear. Thank you.

CHAIRPERSON MASSEY: Okay. Now, you

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mentioned that you are under instructions from your attorney. Who would that be?

MR. BRAUN: Our department attorney is Laura Valerie.

CHAIRPERSON MASSEY: Okay. And what did Ms. Valerie instruct you?

MR. BRAUN: Basically that I am not to be answering questions in regards to proving that I'm an expert witness, because I'm not here as an expert witness.

CHAIRPERSON MASSEY: All right. And did she give you any -- any reasons for that?

MR. BRAUN: Basically it's because of the subpoena, and I am not under anybody's charge here for as to be serving as their expert witness.

CHAIRPERSON MASSEY: All right. So I will first open up the discussion for any questions that the board has of Mr. Braun. Then we'll proceed to any questions that Mr. Thompson may have, and also questions that Ms. Henk or Mr. Voigt may have. Questions from the board? Well, I have a number of questions then if the rest of you don't.

So what I'm trying to understand, Mr. Braun, is is there anything in the plumbing

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code that would mandate who gets to choose how you connect a building to the city water systems?

MR. BRAUN: As far as the building -- the plumbing code specifies type of materials, the placement of valves, the type of trenching, type of cross connection that needs to be done; it talks about the sizing, calculations for sizing, talking about water mains now, for sizing water mains and for sizing the drainage for that building.

CHAIRPERSON MASSEY: Okay. So one of the questions that was asked by the City of Mequon that I would like an explanation, further explanation for, was if you have a private property with frontage along a public water main, must that property be served via a private water main or could it not also be served by individual private laterals to the side-by-side buildings like every other building that we have in the city of Mequon.

MR. BRAUN: The Wisconsin plumbing code talks about the difference between a private water main. For instance, the definition of a private water main is basically a water supply that's connected to more than one building, okay? That would be a private water main. Private water service is basically just that. Could be from the

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private water main, could be from a public main that's also connected to just one building.

CHAIRPERSON MASSEY: Okay. So in response to part of that question, you stated that the plumbing code does not dictate where or when a private water main is allowed or a separate water service is required for buildings on the same property.

MR. BRAUN: That's correct.

CHAIRPERSON MASSEY: Is that your testimony?

MR. BRAUN: That's correct.

CHAIRPERSON MASSEY: Could you explain that further?

MR. BRAUN: Well, again, the code doesn't differentiate between it. So for instance, if I had more than one building on a property, the developer or the owner, according to the plumbing code, would have the -- again, I'm not saying that what they can do is have an individual connection to each building or they can supply one pipe creating a private water main and feeding each building off that private water main.

CHAIRPERSON MASSEY: What I'm struggling with is Mr. Thompson's here saying I want a private

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1 water main, and the city of Mequon is saying we
2 don't want Mr. Thompson to have a private water
3 main, we want him connecting in a different way.
4 So how do you think we should think about that
5 issue? Does Mr. Thompson have a right to tell us
6 and demand a private water main, or does the city
7 of Mequon have a right to say Mr. Thompson, this is
8 how you're going to connect in the city of Mequon?
9 MR. BRAUN: Well, the code also talks
10 about stringent, as far as the local authority
11 has -- does not have the right to have -- to be
12 more stringent than what the plumbing code is. So
13 the plumbing code gives options depending on what
14 people are doing. You as the city, according to,
15 again, the plumbing code, cannot have a more
16 stringent code affecting the plumbing. And that's
17 uniform throughout the state.
18 MR. STERN: Just to clarify, the local
19 code cannot be more restrictive than the state
20 code?
21 MR. BRAUN: That's correct.
22 CHAIRPERSON MASSEY: But who gets to
23 decide that question? Does Mr. Thompson get to
24 decide how he connects to our city water system
25 or --

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1 MR. BRAUN: Typically -- yeah, I'm sorry.
2 CHAIRPERSON MASSEY: -- or does the city
3 get to decide? I'm trying to understand how these
4 two laws interact.
5 MR. BRAUN: Typically it's a developer's
6 choice on how they do it. For instance, you may
7 have a large track of property, and to provide one
8 water main into it where you can, you know, travel,
9 again, you look at the expanse areas where you can
10 end up with 15 different buildings on a private
11 property that might be 500 feet off a road. Again,
12 typically it's going to be less -- or more cost
13 effective to bring one water supply into it and
14 branch off the private water main.
15 Again the developer, the owner of
16 that property, then has to maintain that system.
17 So instead of building six or whatever numbers of
18 connections to your city main, they bring one in
19 and it's done according to a specific code
20 language.
21 CHAIRPERSON MASSEY: We've had testimony
22 from the city of Mequon that they're concerned
23 about two things, they're concerned about water
24 quality in the way that this is hooked up, and
25 they're also concerned about pressure. So how do

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1 those considerations bear on what we should be
2 thinking about as a board?
3 MR. BRAUN: Those are addressed basically
4 within the plumbing code. Plumbing code dictates
5 the minimum sizes based on demand of the buildings.
6 So pressure is something that's required. For
7 instance, if a fixture inside of a building, for
8 instance inside this building, has to have a
9 minimum of eight pounds of pressure to operate.
10 And again, depending on the type of pressure.
11 And that is calculated on a
12 friction loss, size of piping, length, height,
13 basically on total dynamic head. So it's taking
14 into account water quality issues, are again based
15 on in our Department of Natural Resources
16 standards. Basically if it's in a habitable
17 building and waters for consumption has to meet
18 NR809 standard, which is not my code. But again,
19 we do work hand in hand with the Department of
20 Natural Resources for making sure that water is
21 protected properly.
22 CHAIRPERSON MASSEY: So if the City of
23 Mequon has these two concerns about pressure and
24 water quality, do they come to speak with you about
25 it, or how does that process work?

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1 MR. BRAUN: Well, again, the -- typically
2 for a private water main a plumbing state level
3 plan review is required for the project. And I
4 believe that's what has happened here. At that
5 point the plan reviewer looks at basically the
6 demand on that water supply and looks at basically
7 the total dynamic hit of losses, making sure that
8 fixtures that would be inside that building would
9 properly function. Again, providing the proper
10 flow of water pressures.
11 MR. STERN: I have a question.
12 CHAIRPERSON MASSEY: Mr. Stern.
13 MR. STERN: I'm not asking you for
14 engineering calculations, but I've done enough
15 building to kind of put in perspective that the
16 recommendation for an 18-inch water main to service
17 what is essentially a maximum of 16 bathrooms is
18 pretty excessive. Could you comment on that or --
19 MR. BRAUN: No, I really can't. Not
20 without knowing the pressures and the volumes and
21 whatever else, and the distances and the pressures
22 within the water main. Again, typically something
23 that large is looking for -- that could be possibly
24 a combination main, that would also be doing fire
25 suppression. But again, that's not part of the

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1 plumbing code, that is part of the sprinkler code.
2 MR. STERN: Did you say the plans would
3 be submitted for state approval?
4 MR. BRAUN: It depends on -- again, the
5 city of Mequon is not -- is not an agent of the
6 state. So for something that was in your
7 jurisdiction, it would be submitted to our
8 department, yes. All private water mains require
9 plan review. State level or agent plan review
10 depending on where you're at.
11 MR. STERN: Private water mains -- so if
12 he's branching off into multiple buildings, that
13 constitutes it being a private water main and that
14 would have to get state approval?
15 MR. BRAUN: That's correct.
16 CHAIRPERSON MASSEY: It's not your turn
17 yet, Mr. Thompson. But you will have a turn.
18 Okay, proceed with questions from the board.
19 MS. KORNBLUM: You pronounce your name
20 Braun or Brown?
21 MR. BRAUN: Braun.
22 MS. KORNBLUM: Braun. Mr. Braun, I just
23 want to make sure that I understand what you're
24 saying. So -- so it sounds to me like what you're
25 saying is that one issue is the health and safety

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1 issues, the pressure issues, and those are subject
2 to a permitting process. And regardless of the
3 other issues that are here, whether it's an
4 eight-inch main or a six-inch or a two-inch or
5 whatever the size is, that the permits could not be
6 granted for this -- for any proposed system unless
7 they go through a separate permitting process to
8 make sure that there's adequate pressure, safety,
9 etcetera; is that correct?
10 MR. BRAUN: Well, that's not -- let's not
11 confuse plan review with permitting.
12 MS. KORNBLUM: Okay.
13 MR. BRAUN: We do not do any permits at
14 the state level. We basically do the plan review.
15 That plan review then is submitted back to whoever
16 the submitter is, the design engineer, who then
17 would come to the local jurisdiction to get a
18 permit.
19 MS. KORNBLUM: Okay. But the health and
20 safety issues are -- are dealt with; is that
21 correct?
22 MR. BRAUN: Yes. And again, for correct
23 sizing, everything is looked at, from materials to
24 sizing to, yes, basically the pressure -- again,
25 life safety type of things, or any health related,

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1 making sure that the minimum pressures are
2 achievable within that building.
3 MS. KORNBLUM: Okay. Then the other
4 issue -- so what you're saying is that the state
5 law, the plumbing code -- and that's the SPS382;
6 correct?
7 MR. BRAUN: That's correct.
8 MS. KORNBLUM: Okay. Says that there's
9 a -- there's a standard throughout the state of
10 Wisconsin and that a municipality cannot be more
11 stringent than the state standards; correct?
12 MR. BRAUN: That's correct.
13 MS. KORNBLUM: So what -- how would you
14 define stringent? Or can you give examples of
15 stringency?
16 MR. BRAUN: Well, let's say, for
17 instance, that you're requiring -- again, you're
18 requiring a minimum size that's -- that's above and
19 beyond what the code would require. The minimum
20 size water service in Wisconsin right now is
21 three-quarters of an inch. And that's just for a
22 water service. And again, a public water main
23 would be three -- could be also -- could be
24 three-quarter inch depending on the amount of uses
25 that's in the building.

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1 So for you to say that, hey, the
2 minimum size that you're going to be requiring is
3 eight-inch, is above and beyond the code minimums.
4 And I should just clarify, there are stipulations
5 in our code that typically allow municipalities to
6 be more stringent on specific things.
7 MS. KORNBLUM: What kinds of things are
8 those?
9 MR. BRAUN: Like for instance, I think
10 there's also a question in regards to the private
11 interceptor main sewer. The municipalities have
12 the right to dictate the minimum size from the city
13 main onto the property line. But beyond that, it
14 becomes the -- the minimums would require -- would
15 follow.
16 MS. KORNBLUM: So you're saying your
17 department interprets the code as the minimum size
18 is three-quarters of an inch, and if the city is
19 imposing a higher minimum size, that that would be
20 more stringent than the code and that would not be
21 permissible under the code.
22 MR. BRAUN: That would be correct. And
23 then we don't interpret it to be, it's actually
24 written in our code three-quarters of an inch.
25 MS. KORNBLUM: Okay.

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CHAIRPERSON MASSEY: Any other questions from the board? Mr. Thompson, it's now your --

MR. SAJDAK: I just --

CHAIRPERSON MASSEY: Oh.

MR. SAJDAK: I do have a couple.

CHAIRPERSON MASSEY: Okay. Mr. Sajdak.

MR. SAJDAK: Where you talk about the three-quarters inch is the minimum size, that's for a private main or just any water service or --

MR. BRAUN: It would be -- again, it's the minimum size, again, providing -- again, we look at the plan review for it, for calculations. There are many homes that are just served with a three-quarter inch. Typically for a water main that would be quite small, but it's still a possibility.

For instance I -- if I have a building right now where you have a home that has a three-quarter inch supply and they decide to build a garage and they want to put a restroom into the garage, they could tie off of that and could create a three-quarter inch private water main and they would have to make sure they achieve the minimum pressures that are required.

MR. SAJDAK: And those minimums apply to

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just private systems, or does that apply also to like -- you know, we've got a public main out in front of the building here.

MR. BRAUN: We're talking just basically private systems.

MR. SAJDAK: Okay. And so when you say it can't be more stringent, I think what I'm hearing you say is that if we had a private main, your rules trump anything else that the city might otherwise require.

MR. BRAUN: Again, can't be more stringent than what our current code is, yes.

MR. SAJDAK: But if it's a public main --

MR. BRAUN: Public --

MR. SAJDAK: -- different rules then or --

MR. BRAUN: Public mains are under the jurisdiction of the Department of Natural Resources.

MR. SAJDAK: And so -- I mean, who ultimately decides where you put public mains within a city?

MR. BRAUN: Again, Department of Natural Resources, along with the city engineers and planning, that type of thing.

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MR. SAJDAK: But the state municipality doesn't dictate any of that?

MR. BRAUN: We do not, no.

MR. SAJDAK: I don't have anymore.

CHAIRPERSON MASSEY: All right. Mr. Thompson, it's now your opportunity to ask questions of Mr. Braun.

MR. THOMPSON: So I know you started out by saying that you're not an expert witness, but you are responsible for the plumbing section of the Department of Safety and Professional Services, and you are knowledgeable with the plumbing code, and you make interpretations and determinations as part of your job?

MR. BRAUN: I guess I could say yes to that.

MR. THOMPSON: Okay. Is it unusual to have a private water main system in the state?

MR. BRAUN: No.

MR. THOMPSON: And you don't regulate public systems, 'cause that's the responsibility of the Department of Natural Resources?

MR. BRAUN: That's correct.

MR. THOMPSON: When you say you don't deal with permits, you deal with an approval

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process through the state, and then the additive part of where you actually pull the permit is actually at the municipalities?

MR. BRAUN: Again, we do not issue permits at the state level.

MR. THOMPSON: When you did say that there are some instances in the code that they don't have to be as restrictive or they can be more restrictive, is that -- that typically but only allowed by ordinance?

MR. BRAUN: Yes. It also -- it would -- also would have to be an ordinance.

MR. THOMPSON: I think that's my questions for Mr. Braun. But I do have some clarifications. One of the members asked about pressures, and I just wanted to note, did everybody receive the supplemental? I sent it in to Caroline. And at the bottom it says that I had an engineer, plumbing design engineer, do the calculations for pressure, and it can handle certainly this, and then up to 22 units with the two-inch pipe. 22 units, which would be eleven buildings. And I submitted those calculations to Mequon, to Bridget.

CHAIRPERSON MASSEY: We're just on

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Mr. Braun's testimony right now.

MR. THOMPSON: I know. But the question by one of the members was -- had to do with pressures. And it didn't sound like you -- anybody had received that information. I just wanted to make sure of that.

CHAIRPERSON MASSEY: We'll have an opportunity before you leave today for you to add anything that you want before we make our decision. Now we're going over to Ms. Henk for any questions you may have of Mr. Braun.

MS. HENK: Thanks. First of all, thanks for coming. Hayward is a long ways away. We do appreciate the clarification that you are providing us. I just have a further question on top of what Brian just said, and I'm going to phrase it in another way.

Does a municipality have the opportunity to dictate whether it is a public or a private main, or is there a regulation within the plumbing code that does not allow for that?

MR. BRAUN: Typically what happens, on some situations the public main is owned by the municipality, private is not. A public main or a private main can be owned -- or I should say there

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may be stipulations, for instance, where a developer wants the city to take over maintenance of the so-called -- or I should say of the piping systems, be it -- be it drainage or be it water supply, and then typically the city or municipality wants a minimum size so that they can either add onto it. But then there are typically easements that are involved with it. But we don't -- our department doesn't get involved with easements or anything.

So typically what can happen is that a plan review comes in to us, we notice that the pipe is quite large in size, and basically we're told that a municipality's going to take ownership of it when the project is complete.

MS. HENK: So a municipality can say that they want a public main versus a private main on a development?

MR. BRAUN: No, it's not so much the municipality doesn't dictate it, it's typically done as an owner turns it over to the city.

MS. HENK: Well, I guess I'm going to give you a little bit of context on where that question is coming from. Currently the city of Mequon does not have any private mains. We have a

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few water trusts that have been turned over periodically, but we currently do not have any private water mains within the city utility.

And as developments come forward, we would prefer them to either be public mains so that the valves are turned, that the mains are flushed, and that the maintenance is upkept for residents, or that they're served by individual laterals.

So my question to you is whether or not we have the jurisdiction to be able to do that.

MR. BRAUN: At this point no, the code would not allow that.

MR. STERN: I'm sorry, I didn't hear that answer.

MR. BRAUN: I'm sorry. The code would not allow that. That would be more stringent than the code. I guess I'm questioning, you say you don't have any accessible. So the hospital in town here has one main?

MS. HENK: Yes.

MR. BRAUN: And it's -- you know, so I'm a little concerned about -- typically when we see large developments, there's more than one main. It's typically a fire hydrant maybe attached to it

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or whatever else, so --

CHAIRPERSON MASSEY: Mr. Voigt.

MR. VOIGT: Is my mic working?

MR. SAJDAK: Sounds like it.

MR. VOIGT: I think there's a semantics issue here. You're referring to one main. I think you're referring to lateral, like one feed, one main feed into a building you're referring to as the main.

MR. BRAUN: Well, main is basically -- again, main is serving more than one building. I can have a private water main coming off a municipal system that's going to serve more than one building. And typically we see that with projects with multiple buildings on a site.

MR. VOIGT: Yeah, the hospital in town is fed via two separate mains that loop the building, and there are two laterals that run into the hospital, all according to code and all following the rules. But --

MR. BRAUN: As long as it's one building it would be considered a service and not a private water main.

MR. VOIGT: Okay.

CHAIRPERSON MASSEY: Mr. Voigt, do you

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have any questions you would like to ask?

MR. VOIGT: I'm not arguing at all with you in regards to department of -- or DPS, DSPS private plumbing. When it comes to private plumbing, you guys are obviously, you know, the ones that your rules --

MR. STERN: I'm sorry, can you talk a little closer to the mic?

MR. VOIGT: Okay. Sorry. When it comes to private water mains, so once it's left the public main and goes off onto private property and becomes private, that's the Department of DSPS; correct?

MR. BRAUN: Yes.

MR. VOIGT: Okay. Their rules or regulations. Public mains, that is, you know, the DNR, the EPA, that's who regulate public water utilities. So we have our rules from the DNR, from the EPA, and we deal with the public service commission.

The question that I had that I just wanted to make sure I got answered was, is there anything in DSPS that dictates that a public utility can't require laterals to serve property on an existing main or the entire property fronts an

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existing main? Is there anything that states that the utility can't provide laterals service to those buildings?

MR. BRAUN: You're talking individually?

MR. VOIGT: Individual water service to those buildings.

MR. BRAUN: Again, that would be more stringent than the plumbing code. Plumbing code doesn't dictate that whatsoever.

MR. VOIGT: There's nothing that tells me I can't do that; correct?

MR. BRAUN: Again, that would be more stringent than the plumbing code.

MR. SAJDAK: Does the plumbing code dictate that it's a single line in that circumstance, though?

MR. BRAUN: It dictates depending on what you're calling it. So again, because we have the, basically a definition of a private water main and it serves more than one building, I can use a private water main to serve more than one building. So if I -- I can make one connection to the city main and I can, from that, branch on the same property, I can branch to as many buildings as feasible for the water supply.

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MR. SAJDAK: But for that same property you can serve it by individual laterals to each one of those buildings; right?

MR. BRAUN: You could do that, but that -- but again, it's not a matter of -- it's a matter of choice, is what it comes down to.

CHAIRPERSON MASSEY: But who gets to choose?

MR. BRAUN: Typically it's the developer.

CHAIRPERSON MASSEY: Or does the city get to choose?

MR. BRAUN: Typically it's done with a cost factor in mind. You're talking -- you know, as far as -- again, I don't know the layout of the property, but if -- you know, if you're stretched out for quite a ways, you're going to have -- again, if we're talking about, like, let's say 15 buildings, you're going to have 15 cuts into your road or 15 connections to your water main. Most cities won't want that. 'Cause now you're going to end up with twice as many -- or 15 times as many valves and controls and anything else to control these buildings.

MR. SAJDAK: But so at some point though the city can say as part of our water system, we're

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going to require or we're going to extend a public main into that property and then you need to serve off of that public main; right?

MR. BRAUN: Again, public is -- we're talking about private water mains, though. So a public water main typically is owned by the city.

MR. SAJDAK: Right. But I guess that's ultimately the question. So who ultimately gets to make that decision as to whether or not a property is served with a public main or some sort of private system?

MR. BRAUN: Typically it's what's on the -- on the property line. Across the property line is typically not public domain. So unless you're creating an easement, an easement for -- you know, there are public water mains that cross -- that cross private property to serve different parts of cities. At that point there's an easement established and that private -- now that private water main it's no longer a private water main, now it's a public water main and it's owned by the municipality and it's basically on an easement over private property.

Or you can create -- depending on what you do is you create your own bridge, you

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1 know, public-owned bridge through a property,
2 depending on where it's at.
3 MR. SAJDAK: And that determination is
4 something that the city gets to do, or is that a
5 state plumbing code mandated thing?
6 MR. BRAUN: Basically it's not --
7 plumbing code basically says you have the option on
8 a property of having a water supply or, again, if
9 you have more than one building you can have a
10 private water main. Again, now I want to make sure
11 that you're not confusing private with public,
12 though.
13 MR. STERN: So the only time a public
14 main would be on private property is if the city,
15 the municipality, actually went to the private land
16 owner and said for our purposes we are requesting
17 an easement from you and might pay something for
18 that easement. It has to be granted by the land
19 owner; right?
20 MR. BRAUN: That's what I understand.
21 Again, this is not in my plumbing code, though. So
22 that's typically with other trusts and things that
23 have to be put in place.
24 CHAIRPERSON MASSEY: Mr. Voigt.
25 MR. VOIGT: Thank you. When you have a

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1 private main, can there be more than one owner that
2 is served via that private main, or does it all
3 have to be one property owned by one individual?
4 MR. BRAUN: That's kind of a hard
5 question to answer. But you may have a condominium
6 project where all the condominiums are separately
7 owned by specific property owners, and you may have
8 a private water main feeding all those owners. But
9 again, at some point there is either one single
10 owner that owns that private water main or it may
11 be owned by the condo association. And again, not
12 in my plumbing code but, you know, we do handle --
13 we see a lot of these.
14 MR. STERN: So just to clarify that
15 point. Someone would have to be, from the water
16 utility standpoint, named as responsible for that
17 bill? It could be a condo association, it could be
18 the developer; someone has the responsibility for
19 the bill even though there's eight tenants in
20 there.
21 MR. BRAUN: I'm sorry, responsible for
22 what?
23 MR. STERN: For the water bill.
24 MR. BRAUN: Oh. I'm assuming at some
25 point there would be meters on each individual

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1 connection someplace. Probably inside the building
2 or whatever else.
3 MR. STERN: With a private water main
4 there would only be one single connection; right?
5 MR. BRAUN: No. Typically on a private
6 water main there may be -- again, I'll use the term
7 there might be 15. And inside each of these 15
8 facilities there would -- there would be a water
9 meter.
10 MR. STERN: And how do water utilities
11 deal with their meters being on private property?
12 MR. BRAUN: That's the same way they deal
13 with it in a homeowner's property on a single water
14 service.
15 MR. STERN: So it's been done before?
16 MR. BRAUN: It's done all over the state.
17 MR. STERN: Thank you.
18 MR. SAJDAK: Does the department deal
19 with metering requirements or --
20 MR. BRAUN: That's the public service
21 commission that actually deals with meter
22 requirements. We have specific language for
23 valving of meters.
24 MR. SAJDAK: So then public service rules
25 would trump in terms of what could or couldn't be

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1 allowed in terms of where you meter or where you
2 don't meter?
3 MR. BRAUN: Typically most metering,
4 again by the public -- again, I'm not trying to
5 speak for the public service commission, but
6 typically they -- most water services or all water
7 usage typically is metered, so --
8 CHAIRPERSON MASSEY: Yes, Ms. Kornblum.
9 MS. KORNBLUM: So I just want to, again,
10 make sure that I understand. So is this what
11 you're saying, and correct me if I'm wrong, that it
12 is typical that -- so the public system ends at the
13 curb, basically, at the side of the road, where the
14 private property starts, correct? Usually.
15 MR. BRAUN: It can.
16 MS. KORNBLUM: It can. But that in a --
17 in even a condo development, you could have a
18 private water main that could be branched off to
19 serve however many buildings is necessary. Those
20 buildings -- those condo units do not have to be in
21 one building, they can be in separate buildings;
22 they can be multiple units.
23 And that in your experience, this
24 is pretty typical as a private water system, that
25 there's nothing in the plumbing code says that you

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can't have a system like that and then they conceivably can be metered for each building if that's the way -- that's the way it's most convenient; is that correct?

MR. BRAUN: That's correct.

MS. KORNBLUM: Okay. So that's pretty typical?

MR. BRAUN: Yeah. I mean typically if you have, like, a condo for instance, a condo unit that's in one building, maybe a 24-unit, they may have one central area where they have a meter room, and they have 24 meters in that room, and they have 24 separate supplies to each condo. Now I take those 24 condos and I spread them out in individual homes on a property where they don't touch each other. It basically works under the same concept, except each home has its water meter.

MS. KORNBLUM: And so it doesn't matter -- we had a lot of discussion last week about whether it's, like, an apartment with a certain number of units or whether they were spread around, and that really doesn't matter from the perspective of a private water main.

MR. BRAUN: That's correct.

MS. KORNBLUM: And then the other

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question I wanted clarification on. So when you talk about stringency, again, it's from the perspective of the developer, correct, or the land owner? It's not from the perspective of the city.

MR. BRAUN: No, typically -- again, maybe I'm not following your question well, but you talk about the code requires a specific -- specifics. And anything more stringent than that being placed by the municipality is not allowed by the code.

MS. KORNBLUM: So what I'm saying is that the perspective of when you determine what is more stringent or less stringent -- 'cause the city may say well, we're being easier, you know. So it's really looking at it from the perspective of the person who is going to be putting in the private water main, the developer, the private water system, and looking to see what is the state requirements. And then if the city is demanding more, that would be considered more stringent?

MR. BRAUN: Yes.

MS. KORNBLUM: Okay.

MR. CLANCY: I have a question. And that is that on a private water system, who decides the minimum size of the pipe leading from the public water system?

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MR. BRAUN: Again, that's dictated by the plumbing code. That's dictated on the amount of fixtures and the water supply required within the building. And again, it's also, again, the load on the piping, the pressures in place, and everything else. So again, in order to maintain, let's say, for instance, the eight pounds of pressure minimum at a building, or let's say a second floor or a third floor in a building, I need to have specific amount of pressure. And as the piping gets smaller, I get more friction loss and I'm losing pressure, so that dictates the size of the pipe.

MR. STERN: In 2018 is there anything remotely that resembles a meter reader anymore, or is it all electronic?

MR. BRAUN: Again, that's public service stuff.

MR. STERN: Public service stuff. Mequon, does anyone physically go out and read a meter anymore?

MR. VOIGT: We have a --

MR. STERN: New meters. Brand new meters.

MR. VOIGT: Yes, we have an electronic meter reading system that records. We drive by in

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the van with the computer system that actively reads the meters.

MR. STERN: So you don't have to go onto private property anymore?

MR. VOIGT: If it doesn't read correctly, we do have to go on the private property then to resolve the issue.

MR. STERN: But you have something in your regulations that says you're allowed to do that if your meter's on private property?

MR. VOIGT: Yes.

MR. STERN: Yeah, okay. Thanks.

CHAIRPERSON MASSEY: Does any other board members have any additional questions for Mr. Braun? Mr. Thompson, do you have any additional questions for Mr. Braun?

MR. THOMPSON: Yeah, just one. So when you -- when your department issues an approval for a private water main, typically on that approval letter -- well, if it says that it's a water diameter of two inches or whatever is proposed, do you go through the analysis of whether that is sufficient according to the code?

MR. BRAUN: Yes. But we go on the basis of what the information is provided us.

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MR. THOMPSON: Okay.
CHAIRPERSON MASSEY: Ms. Henk?
MS. HENK: I do have one. Our water tariff states that the required facilities need to meet the utility specification from the outlet of the curb stop at the lot line and into the building, which seems to be contradictory to what we've just --
MR. STERN: I'm sorry, these microphones are really directional. It has to be pointed at you. Thanks.
MS. HENK: So again, our public service commission and our water tariff both state that installing required facilities that meet the utility specifications from the outlet of the curb stop at the lot line and into the building. It doesn't say anything about public or private.
And I guess my ultimate question is how do the public service commission and our water tariff interact with DSPS's regulations?
MR. BRAUN: Again, the plumbing code dictates basically -- I'm not sure exactly what that means by that statement. I mean, if you're requesting anything or requiring anything that would be above and beyond the minimum requirements

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of the code, that would not be -- basically would not be allowed.
MS. HENK: I guess what I'm getting at is that this is also an administrative code that seems to give us the ability to do that. So there are two administrative codes, one that says we can't and one that indicates that we can.
MR. STERN: I'm sorry, that you can what?
MS. HENK: So in part C of our commercial customer connections of our water tariff, which are part of the public service commission requirements -- and I'll read it aloud for you. "The utility will provide service to an on main commercial new customer provided that the new customer pays the connection charge determined by the utility. Generally the utility will install the facilities in the public right-of-way to the new customer's lot line, and the new customer will be responsible for installing the required facilities that meet the utility's specifications from the outlet of the curb stop at the lot line to and into the building. However, the utility will install the meter." So to me, that --
MR. STERN: I don't see where they're contradictory.

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MS. HENK: Well, it's saying the utility specifications. So my understanding of our conversation thus far is that the utility doesn't get to specify, that it's all specified by the plumbing code.
MR. STERN: You do, as long as you don't get more stringent than the plumbing code. You can be less stringent if you want, but you can't be more stringent.
MS. KORNBLUM: I'm also not hearing a real conflict, because it seems to me what -- and I'm not an expert in this -- but it seems to me what you're reading is that the utility says that, you know, you can connect to our service and you can meet our specifications, but what the plumbing code is saying, what DSPS is saying, or SPS is saying, is that when you're on private property, it's the developer's choice to do a private water system and not to ask the city to provide a public water system or grant an easement and all that stuff.
So that the utility then has to come within that stringency kind of test. That's what I'm seeing. That the utility then can't say well, we think it would be better for the overall

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development of the city of Mequon, or whatever it is, to have these kind of water mains, because that would be more stringent than the DSPS. Is that --
MR. SAJDAK: How does -- I mean, how do you view more stringent? So for example, you get a set of plans and your calculations indicate that the appropriate size for the line that serves that property is a three-inch line. If the city then comes in and says no, we want a four-inch, is that more stringent or less stringent?
MR. BRAUN: That would be more stringent.
MR. SAJDAK: Okay. And what if the city came in and said you could actually do a two-inch line instead of a three-inch line?
MR. BRAUN: We would ask you for your calculations and how you figured that, because at some point we had calculations saying that three-inch was the minimum size.
CHAIRPERSON MASSEY: Ms. Henk?
MS. HENK: Just one last clarification to drive home all the points that we've made thus far in the discussion. One of the city's other concerns is water quality, in that a two-inch line doesn't allow for the opportunity to flush the main. Currently this is the only user on a

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1 dead-end line, so having the opportunity to flush
2 the line is of importance to the city. Is that
3 considered in any part of the calculations?
4 MR. BRAUN: At this point, no. But
5 again, flushing a two-inch water line compared to
6 an eight-inch you would require -- or something
7 larger, put it that way, you would require
8 something like a fire hydrant or something else to
9 flush those lines. The smaller the pipe, the less
10 volume that I need to -- or I shouldn't say volume,
11 but the less openings I need to flush a line. For
12 instance, I might be able to flush that two-inch
13 line with an outside hose bib or -- so depending on
14 what the velocity is that you're trying to flush
15 out of it.
16 MR. STERN: Follow up to that. If you
17 don't oversupply the property, you have less reason
18 to flush it; correct?
19 MR. BRAUN: We do recommend, even though
20 it's not quoted, that these are periodically
21 flushed just making sure that there is no -- the
22 term that we're using now is dead-end, that
23 basically so that the water quality does remain
24 high.
25 MR. STERN: But I think what I heard you

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1 say is if it's properly sized, just normal usage is
2 going to flush the line, whereas if it's an
3 enormous line, that won't occur.
4 MR. BRAUN: There's more potential with
5 large lines, that you can't -- you can't flush it
6 properly to maintain water quality.
7 MR. STERN: Thank you.
8 CHAIRPERSON MASSEY: Ms. Henk?
9 MS. HENK: Could the City require a
10 flushing device at the end of a two-inch private
11 line?
12 MR. BRAUN: Not at this point.
13 CHAIRPERSON MASSEY: Mr. Voigt, did you
14 have any further questions?
15 MR. VOIGT: No, ma'am.
16 CHAIRPERSON MASSEY: Mr. Thompson?
17 MR. THOMPSON: Just for clarification,
18 not that I know, but I'm pretty sure it's not in
19 here, but flushing is not part of the code in a
20 private water main except for the initial
21 activation?
22 MR. BRAUN: That's correct.
23 MR. THOMPSON: And then would you require
24 flushing of the 10,000 -- a single building
25 connected, 10,000 square feet, that's served by a

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1 two-inch main, would you require flushing?
2 MR. BRAUN: On the initial, initial
3 installation, yes.
4 CHAIRPERSON MASSEY: Does the board have
5 any other questions for Mr. Braun? Would the board
6 like to excuse Mr. Braun or have him remain for the
7 rest of the hearing? Thoughts?
8 MS. KORNBLUM: If he's available, it
9 might be helpful to have him remain just in case
10 there are any questions. I don't know if he's
11 planning to go back to Hayward tonight.
12 MR. BRAUN: Tomorrow.
13 MS. KORNBLUM: But if he is, I -- I don't
14 know what other people think.
15 MS. LARSON: I agree. If he's able to
16 stay.
17 CHAIRPERSON MASSEY: If you're able to
18 stay, Mr. Braun.
19 MR. BRAUN: I will stay, yes.
20 MR. STERN: Even though you're staying,
21 I'd like to say thank you for coming, even though
22 you were subpoenaed. Thank you for coming.
23 CHAIRPERSON MASSEY: Yes, thank you on
24 behalf of the board and the city of Mequon. All
25 right. Mr. Thompson, you had a couple other issues

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1 that you said were unclear that you wanted to make
2 sure that the board had an opportunity to address.
3 So why don't you go ahead.
4 MR. THOMPSON: No, I just wanted to make
5 sure that they knew that I have already received
6 the state's approval and it was in the packet the
7 last time. So I already have the approval from the
8 department for a two-inch main.
9 And then are we just concluding the
10 discussion on the water main, or -- there's another
11 issue with regards to this appeal, and that is how
12 the standard specifications for land development
13 and how that shouldn't control water or sewer on
14 private property in the private interceptor sewer
15 main or the private water main. That was part of
16 the appeal still, and I just want to make sure that
17 we discuss that too.
18 CHAIRPERSON MASSEY: What would you like
19 the board to hear about that?
20 MR. THOMPSON: I'm saying that because
21 it's private property, it's under the jurisdiction
22 of the Department of Safety and Professional
23 Services, SPS382, and that except by ordinance,
24 they don't -- the specifications for land
25 development, utility specifications, I guess you'd

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1 call them, do not govern. And in my -- in the
2 initial packet, that was all provided, and
3 explanations.
4 CHAIRPERSON MASSEY: Yes, and we have
5 received that.
6 MR. THOMPSON: Okay.
7 CHAIRPERSON MASSEY: City of Mequon, is
8 there anything else you would like to add before we
9 close the public record?
10 MS. HENK: No.
11 CHAIRPERSON MASSEY: Okay. Is there
12 anything else that anyone would like to question
13 anyone on before we close and receive a motion to
14 close the public record?
15 MR. STERN: I would like clarification on
16 one thing from our attorney.
17 CHAIRPERSON MASSEY: Okay.
18 MR. STERN: The parameters of the
19 decision we are to come to.
20 MR. SAJDAK: That's a mighty broad
21 question.
22 MR. STERN: It's been a mighty broad
23 discussion.
24 MR. SAJDAK: It has. I think that one of
25 the issues that we have here is that we have what

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1 us lawyers call a conflict of laws situation.
2 We've got a bunch of different things that all seem
3 to apply. And what trumps and what doesn't, and
4 all of those kinds of things, become important for
5 us to figure out how we're going.
6 As I kind of indicated in the memo
7 that was provided to you before the last meeting,
8 this is not what we're typically used to dealing
9 with, which is the request for a variance which has
10 very specific rules in terms of how we deal with
11 it. This is instead an appeal of the determination
12 of the planning commission.
13 And typically that is done using a
14 certiorari standard of review, which is to say that
15 this body would look at the record that was before
16 the planning commission and make a determination as
17 to whether or not we think that there is error in
18 what took place.
19 In this case, that analysis gets a
20 little bit more complicated because by the
21 applicant's own admission, he didn't raise this
22 issue before the planning commission. And so all
23 the planning commission had was really just the
24 city staff saying you should connect with a public
25 water main, or with individual laterals to the

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1 property. And that's all the planning commission
2 had.
3 And so it's now here before this
4 body. And the rules that govern how you guys make
5 decisions within our code say that if you are going
6 to rely on new information that wasn't necessarily
7 available to that prior decision maker, that the
8 appropriate step for you to do would be to send
9 that back to that decision maker for them to
10 consider those types of issues.
11 That is a little bit complicated by
12 the fact that really we have that conflict again.
13 We have the conflict of what does the state
14 plumbing code allow and talk about and all of those
15 types of issues, and then we have the
16 tariff-related issues and what the tariff
17 potentially requires. The tariff issue is not
18 something that I believe -- and we talked a little
19 bit about it in that memo -- that this body has the
20 ability to really waive. Certainly --
21 MR. STERN: That's legislative.
22 MR. SAJDAK: It's a legislative decision.
23 Plus there are review processes that are spelled
24 out for it, that is the board of water
25 commissioners deals with the issue. If there's

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1 still not resolution and satisfaction to the
2 customer's satisfaction, back then to PSC, public
3 service commission rules, files a complaint with
4 the public service commission, and then the public
5 service commission then can make a determination as
6 to whether or not the tariff is being, you know,
7 interpreted correctly.
8 And so I don't know that this body
9 is the body to deal with that. But the issues do
10 intertwine a little bit in the sense that one of
11 the questions we're asked on a certiorari standard
12 is did the decision maker apply the correct law.
13 I would argue that in this case,
14 because it wasn't really even addressed before the
15 planning commission, that the application law as
16 it's discussed under that standard isn't is the
17 tariff right or is it not right, it's did the
18 planning commission have the ability to say hey,
19 applicant, you must follow this rule in terms of,
20 you know, this is a condition that we're putting on
21 there and it's appropriate for us to include that
22 as a condition.
23 Now, I'll leave for you guys as to
24 whether or not you want, you know, more testimony.
25 I don't know that we've had any testimony really on

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that issue at all, to see if you want more on that issue, or if there's maybe some, you know, because it wasn't addressed, you know, maybe, you know, maybe the applicant kind of waived that issue by not addressing it.

MR. CLANCY: Or can you send it back to planning commission?

MR. SAJDAK: Certainly you can send it back to planning commission.

CHAIRPERSON MASSEY: We have a right to remand under statute.

MR. SAJDAK: Certainly is something that you could do. So I think that that, at least initially, spells out for you what you're looking for. You know, now I have thoughts. I mean, we've heard from Mr. Thompson -- or Mr. Braun, rather, you know, in terms of the more specific issues, you know, but we have -- and I have the benefit of having talked to department counsel as well.

Department position is effectively that it's not their job to interpret statutes. The attorney effectively told me that that's your job, you interpret the statute. And when I protested and said well, hasn't he effectively interpreted the statute by reviewing the plans and approving

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the plans, she kind of danced around the issue and didn't really give me an answer as to why that's not interpretation.

But I think that, at least from their perspective, you know, what he provides us is his experience and firsthand knowledge in terms of what he's done. But at least in my reading of what, you know, his kind of introductory caution and then what I heard from the department is, I'm not sure that that is the end all-be all in terms of interpretation. Maybe you believe that interpretation; I'm happy to provide an interpretation as to that issue as well.

I also think that you have before you in the materials that was provided as part of the supplemental materials that would have -- that went out Tuesday by e-mail, and then ones that came in front of you, you have the public service commission kind of FAQ document that provides some information that, to me, likewise adds another level of conflict of loss.

The issue between what the state plumbing code might require in terms of, you know, if this is what we are going to have, private main, these are the standards that are required. I don't

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know that the state plumbing code deals with the metering and connection issues. Those are public service commission issues. And there's a little bit of a -- a conflict there as well that I think is resolvable.

But, you know, again, you know, certainly at least a number of you are attorneys on this board, and are able to make those determinations yourself. And I'm happy to, you know, have you contemplate and pontificate about those things. On the other hand, I'm happy to provide some guidance to you folks as well, if that's what you desire. You know, that's kind of how this works, so --

CHAIRPERSON MASSEY: And then I have one other legal issue. We have in the past, when we've had member applicants such as Mr. Thompson come before us and bring up entirely new issues, and very similar to what Mr. Thompson has done, Mr. Thompson made a strategic decision at the planning commission not to raise the issue of the private water main, and the planning commission did not have an opportunity to do that.

And you explained why you did that, because you thought it would be fruitless, I think

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you said. And does it really matter an applicant's reason? Because we have remanded before under similar circumstances and not really held the applicant responsible for making a strategic decision that would essentially take him out of all jurisdiction and have a ruling that's potentially against him.

So does his reason for doing it preclude us from sending it down so that he might have an opportunity to put all of that into the record and have it heard so that when it came up on appeal, we would have the benefit of the planning commission and also potentially the water utility commission, which appears, from the testimony of Ms. Henk, to be the appellate body relating to the water tariff and its interpretation.

MR. SAJDAK: Effectively what the code says is that if this body is going to rely on new information in deciding a case that was not available to its deciding -- or the decision maker that the decision is being appealed from, that should be sent back to them for consideration of those information. It doesn't really talk specifically about the reasons why that was or wasn't the case.

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CHAIRPERSON MASSEY: And should we remand, Mr. Thompson would have an opportunity to put in any new information that he wanted concerning the private water main and all of his analysis and analysis by anyone else.

MR. SAJDAK: Certainly he could. Now, the flip side to that is that at some level that contemplates -- I mean at some level it contemplates new facts that are being relied on, facts that weren't available to the decision maker. But it's a little bit hard to say that it's just facts, at least in my opinion, where you have somebody that just didn't even make the argument in the first place.

You know, I think if the argument had been made at planning commission, and really all we were doing is, you know, kind of vetting through that argument based on the arguments that he's now making, that's a different circumstance than the situation that we have before us, which is the planning commission wasn't even asked to weigh in on this, whether or not it made sense or not. And I think that that makes a difference. Maybe I'm wrong. You guys are the decision makers. But at least to me it seems --

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MR. CLANCY: What did he do before the planning commission, just remain silent?

MR. SAJDAK: He effectively, if I read the minutes right -- certainly we have folks that confirmed this -- but my reading of the minutes are that -- that the issues that he talked about at planning commission and discussed with them were related more to architectural and design-type issues. And the issue of the water service, you know, condition on the approval was just never discussed at all.

CHAIRPERSON MASSEY: Well, and we can ask Mr. Thompson. Mr. Thompson, your testimony was, at least from my notes, that you decided not to raise the issue of the PSCS certificate that you received because you felt it was going to be fruitless. So would you like to comment on that?

MR. THOMPSON: Sure. I didn't address it at the planning commission because there was substantial dialogue between the city of Mequon engineering and myself. And as you can tell, I'm here because I'm objecting completely to this. I mean, I think it's just -- it's so clear that it should be allowed.

There was -- she would not budge at

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all. And then she said that, well, you haven't been denied and you can appeal it to the water and utility commission. And I looked at the ordinance; there's no water -- there's nothing in the ordinance that says you have to appear before the water utility commission. Only if there was some sort of disconnection of your water, that's the only thing I found. And I repeatedly asked. There was no communication with regards to that. It was futile for me to even mention it.

MR. SAJDAK: But -- so the process typically for planning commission, and if this did not happen here, correct me if I'm wrong, is that staff prepares a, you know, kind of memorandum. And in that memorandum they typically will identify a number of conditions that they're going to ask to be imposed by the planning commission on any approvals that they would give. Was that done here?

MR. THOMPSON: Yeah. But there was substantial discussion before that.

MR. SAJDAK: Right. And one -- one of those conditions was the issue of how you connected the water to the property, right?

MR. THOMPSON: Yes.

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MR. SAJDAK: Okay. And there were actually, in fact, a number of different conditions that were part of the original staff memo, right?

MR. THOMPSON: Yeah.

MR. SAJDAK: And did you, on all of those, have prior discussions with staff members about those conditions as well?

MR. THOMPSON: I mean, I don't have that list in front of me, so I'm not going to -- I mean -- what are you trying to get at, that I have to object to everything or agree with everything or -- I'm just telling you on this particular issue, I was definitely objecting and the city would be --

MR. SAJDAK: But so who's the ultimate decision maker, though, in your mind? Is it staff or is it planning commission?

MR. THOMPSON: It's planning commission. They give recommendation. They look right at them and they get recommendation. And they have the authority to ask questions. They have the same ability to ask the city well, why does he have to do that.

MR. SAJDAK: Right. So the -- let's just talk a little bit about that. The ultimate

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approval that you got had 21 different conditions attached to it. First one, staff review and approval of final site landscaping, dumpster lighting and elevation plans. Not a whole lot to discuss there.

Two, all ground or roof level mechanical equipment shall be screened from public view with screening or landscaping. Is that something you agreed with?

MR. THOMPSON: Yeah. I was okay with, yeah.

MR. SAJDAK: It was discussed at the meeting?

MR. THOMPSON: No, I don't think so.

MR. SAJDAK: Submittal of a revised lighting plan that includes cut sheets for staff review and approval. All fixtures shall be classified as full cutoff. Is that something that there was an issue with in terms of your lighting plan?

MR. THOMPSON: No, but neither was that discussed beforehand in length. And I had e-mail conversations, if you look at Exhibit 3 of the original or the -- I guess it's Exhibit 1 that I submitted last time. I have the entire e-mail

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record, and it shows my first -- that is not acceptable. The state of Wisconsin allows for private interceptor main. I mean, there's a dialogue of this. There was no such dialogue with regards to lighting. It was clear I was objecting.

MR. SAJDAK: Okay. Revised elevation showing all windows the same size and board and batten siding --

MR. THOMPSON: With all due respect, I'm not going to continue on every item. I understand your point.

MR. SAJDAK: Well, I mean, that's nice, but --

MR. THOMPSON: What are you --

MR. SAJDAK: -- we're asking questions here. Are you refusing to answer more questions?

MR. THOMPSON: No, I mean, but -- okay, go ahead.

MR. SAJDAK: So we have batten siding on the gable and horizontal band treatment that extends from the roofline --

MR. THOMPSON: Objected.

MR. SAJDAK: You objected to that. And you had conversations with staff about that before the meeting?

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MR. THOMPSON: Yes.

MR. SAJDAK: And did you discuss that with planning commission?

MR. THOMPSON: Well, it was something they brought up.

MR. SAJDAK: Okay. And you identified that you objected to it at that point, right?

MR. THOMPSON: I objected to something they brought up, yes.

MR. SAJDAK: And why didn't you at that point just say well, this is a staff recommendation and it's pointless, so I just don't need to say anything?

MR. THOMPSON: Because I didn't think it was pointless.

MR. SAJDAK: I guess I have no other questions.

MS. KORNBLUM: I'm just looking back at the e-mails, and it does seem clear that the whole water issue was discussed extensively with staff, with Ms. Henk and Mr. Voigt, in a series of several e-mails back in March, and that, you know -- and it's not -- I mean, I'm just kind of looking at just the, you know, the overall -- this is not a situation in which, you know, somebody

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just sandbags the planning commission and says like oh, you've put all these things on, we didn't discuss any of this, but now I'm going to appeal based on this.

I'm looking at March 16th, March 17th, March 21st, there's March 20th, there's e-mails April 5th discussing the whole issue about -- about supplying water to condominium form of ownership versus, you know, apartments which we spent a good amount of time on at our last meeting. So it doesn't seem to me that -- that this is something that is totally new. There was a lot of information presented, at least to the staff.

I wasn't at the planning commission, I haven't reviewed any -- any testimony or anything, but there is an extensive record that was developed showing that Mr. Thompson was objecting to this condition and was also the issue of the law in the letter on Thursday, or the e-mail on Thursday, April 12th, from Ms. Henk. And I don't even know exactly what I'm looking at. It's page 11 of 21 in this big packet. And I don't remember what we called the big packet.

But Ms. Henk wrote an e-mail to Mr. Thompson and copied Mr. Voigt, that the city of

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1 Mequon water tariff supersedes DSPS approval. And
2 it puts in the conflict of law right there. That
3 was right in the planning commission's -- or the
4 staff of the planning commission's decision-making.
5 And to the extent that the planning commission
6 relies on its staff, I mean I just -- I don't see
7 this as an issue that was totally sandbagged. I
8 mean it looks like it was thoroughly considered. I
9 mean, there's a whole packet of correspondence --
10 MR. SAJDAK: I'm going to jump in there.
11 And, I mean, the issue is is that none of that
12 stuff, all of those e-mails that you talk about,
13 all of the discussions that happened with staff,
14 and correct me, staff, if I'm wrong on this, 'cause
15 I wasn't at planning commission either, but that's
16 not something that was ever presented to planning
17 commission in any way.
18 MS. HENK: The extent of the presentation
19 to planning commission is the staff report and not
20 any of the other dialogue.
21 MR. STERN: And did the staff report
22 mention the extensive dialogue on the water supply
23 issue?
24 MS. HENK: It did not.
25 MR. STERN: It did not.

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1 MR. SAJDAK: Staff report in fact is
2 within our packets from the last meeting, page --
3 starts on page 30 of the last packet and continues.
4 The staff report on this issue really in fact just
5 identified this as a condition of approval that was
6 being requested, right?
7 MS. HENK: Correct.
8 MR. SAJDAK: That it connect.
9 MR. STERN: And I think what we learned
10 here tonight is that the staff assumption that the
11 water tariff trumped DSPS is in fact not true,
12 according to Mr. Braun's testimony that it cannot
13 be more restrictive.
14 MR. SAJDAK: I would disagree, both in
15 terms of the testimony and as to the actual, at
16 least my interpretation of the various code
17 provisions that are at issue.
18 MS. KORNBLUM: I thought Mr. Braun was
19 pretty clear. I mean, he is interpreting not a
20 statute but an administrative rule. And, you know,
21 usually administrative agencies are given deference
22 in terms of how they interpret their own rules.
23 And there's case law. I said like I really just
24 want to see if there's any case law that says,
25 like, you know, that an administrative rule is

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1 treated like a statute for these purposes.
2 There is case law that's precedent
3 for that that says that. And it seemed that in a
4 private situation -- I mean all the things that we
5 were talking about last time, condos versus
6 apartments versus this, Mr. Braun was pretty clear
7 that on private property it's really the
8 developer's choice. And that --
9 MR. SAJDAK: See, and I would disagree
10 with that. I don't disagree that, you know, we
11 maybe give deference to the administrative agency.
12 I'm not sure that we do that here in light of his
13 caution that he's not supposed to be doing that.
14 But I don't read the statutes.
15 I think that if the -- if the water
16 utility was either acceptable themselves or if the
17 planning commission had been asked to weigh in on
18 it or the water utility commission had been asked
19 to weigh in on it and there was a decision to allow
20 a private connection, then what Mr. Braun is
21 suggesting is absolutely correct, that their rules
22 trump whatever we would require.
23 So if they say a two-inch line is
24 okay, a two-inch line is okay. And there's no
25 question about that. I don't think staff even

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1 disagrees with that. The issue, I think, is
2 whether or not the city, through the water utility,
3 by virtue of the planning commission approval, has
4 the legal authority to say we're not going to serve
5 this property with a private connection, we're
6 going to require a public utility extension to
7 serve this area of the city.
8 MS. KORNBLUM: So -- but if we remand
9 this to the planning commission, can we remand it
10 with directions to please consider the entire
11 record that was presented before the board of
12 appeals? All the testimony, all of the evidence.
13 CHAIRPERSON MASSEY: We always remand
14 with instructions if we remand. That's the way it
15 works.
16 MR. SAJDAK: Right.
17 CHAIRPERSON MASSEY: Right. Okay.
18 MR. CLANCY: Well, is Mr. Thompson's
19 statement recently that he had state approval, did
20 anybody ever question that?
21 CHAIRPERSON MASSEY: I think it's
22 uncontroverted that he had state approval.
23 Mr. Thompson has testified that.
24 MR. THOMPSON: It's in the packet.
25 CHAIRPERSON MASSEY: Correct.

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Mr. Thompson has already testified to that. It was part of Exhibit A. And the city of Mequon, I believe, has agreed to that. Is that correct, Ms. Henk?

MS. HENK: Yes.

MR. CLANCY: So isn't this a question of this being more stringent if he had state approval?

MR. SAJDAK: No, I think the issue, as staff has presented it, is whether or not the city has the legal right to dictate or even -- or even, more specifically, is required to dictate, by virtue of their utility tariff, that this area be served with a public water main extension, or if this area can be served with a private main, as is proposed by the applicant, over the City's objection.

MR. STERN: And did we not hear testimony from DSPS, through Mr. Braun, that in fact it was the developer's choice on private property?

MR. SAJDAK: Well, it's --

MR. STERN: Numerous times? I thought I heard that repeated.

MR. SAJDAK: I think, and certainly Mr. Braun I encourage you to correct me if I'm wrong here, 'cause I don't want to misstate your

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testimony --

CHAIRPERSON MASSEY: Then let's not. Mr. Braun, could you please approach? And just remind you you're still under oath, Mr. Braun.

MR. BRAUN: Okay.

CHAIRPERSON MASSEY: Okay. Pose your question, Mr. Sajdak.

MR. SAJDAK: So as it relates to your testimony that on private property the developer can kind of decide what he wants to do, what did you mean by that?

MR. BRAUN: Basically, again, so we're talking about the water mains or a private water services. They have a choice. Typically the choice is that they are going to make whatever is feasible economics to them. Normally, again, a one supply -- again, when we're talking about one two-inch supply compared to, I don't exactly know how many units are going to be there, compared to 15 connections, is probably close to 15 times the cost.

MR. SAJDAK: All right. So that property owner could on his own, provided that the city isn't saying you need a public main in any area, make a decision? He could serve it with a single

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private water main as is being proposed here; right?

MR. BRAUN: That's correct.

MR. SAJDAK: He could choose to serve that property if there's multiple buildings with multiple laterals coming off the main that's already in existence?

MR. BRAUN: That's correct.

MR. SAJDAK: He could on his own decide that he's going to extend a -- you know, like if it was going to be a subdivision, for example, he could on his own decide that he's going to extend, effectively, public size of the utilities and hope that the city would accept the dedication of those utilities.

MR. BRAUN: That would be a possibility, yes.

MR. SAJDAK: And so he has that ability short of the city saying we want a public main; right?

MR. BRAUN: Yeah. Like I say, the public main is only on public property. So once you cross property lines onto private property, it becomes a private water main.

MR. SAJDAK: Right. Unless you have a

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requirement.

MR. BRAUN: Right. But again, that's --

MR. STERN: I'm sorry, can you -- unless you have a requirement, or unless he's willing to grant an easement to them?

MR. BRAUN: Again, typically -- again, I'm not speaking under any of my code, but typically what we see is that there's an easement granted to a municipality, or possibly to a neighbor, to supply water across somebody else's property.

MR. STERN: Do municipalities typically have the authority to demand that you give them access to continue their public water main on your private property?

MR. BRAUN: Again, that's above our code. But basically you're talking about eminent domain then.

MR. SAJDAK: I mean, from a practical perspective, cities do it all the time. You know, we'll have, you know, any subdivision that's being proposed, and you'll mandate as part of the construction that subdivision public facilities that are either within public right-of-way or in certain circumstances within an easement that gets

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1 dedicated to the city as part of that process as
2 well.
3 Part of that depends on where the
4 service is coming from and what the developer is
5 proposing in terms of the layout of the particular
6 property. It may make sense that it's through an
7 easement instead of in the public right-of-way.
8 It's not preferred, by most accounts, but it
9 happens.
10 CHAIRPERSON MASSEY: I have a question on
11 eminent domain and -- and the authority of a group
12 to require eminent domain. My understanding, and
13 perhaps this is incorrect, is that the only group
14 in the city of Mequon that has the right to order
15 eminent domain is the city council. Is that
16 correct?
17 MR. SAJDAK: No, the water utility has
18 its own authority for eminent domain purposes.
19 MS. KORNBLUM: In this case, it was not
20 part of the plan to say -- the planning commission
21 didn't say we're requiring you to put in a public
22 water main and we are requiring you to grant us an
23 easement or to grant us the land by eminent domain,
24 correct? They just said on your private property,
25 we want you to do an eight-inch water main. Did

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1 they say -- did they broach this question of
2 eminent domain or easements?
3 MR. SAJDAK: No. And again, part of that
4 is is because it wasn't even addressed as part of
5 the planning commission adoption. The language --
6 and I'm just trying to find it here in the
7 packet -- the language of the approval is
8 effectively that the connection -- the water
9 connection to the buildings needs to be in
10 compliance with staff's recommendation. Staff's
11 recommendation in this case -- I guess -- I mean,
12 what was staff's recommendation in this case? I
13 guess we don't really have testimony to that, that
14 I can recall.
15 MS. HENK: Actually, it was in the first
16 packet.
17 MR. STERN: I believe it was 14-inch
18 laterals for an eight-inch main.
19 MS. HENK: So the recommendation and the
20 condition of approval was comment number 14, the
21 water services shall be bored or directionally
22 drilled across the street with laterals serving
23 each condominium from the building directly to the
24 public water main.
25 MS. KORNBLUM: So it sounds like that was

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1 dictating a private water. It didn't say extend
2 the public water main, it just said this is the
3 size. It sounds like what the recommendation was
4 is that this is the size of the private water. Is
5 that correct, is that incorrect?
6 MS. HENK: We did not dictate a size. We
7 just said water services, and that they should be
8 directionally bored.
9 MR. STERN: But I believe what you were
10 demanding, intentionally or not, is that
11 Mr. Thompson quadruple the expenditure on water
12 service. And we heard from Mr. Braun that private
13 developers are given leeway as to what's the most
14 economical way to provide a safe, effective water
15 supply; correct?
16 MR. BRAUN: Yes. Basically it's a
17 choice. We leave it as a choice.
18 MR. STERN: So it appears that you're
19 trying to take his choice away.
20 MS. HENK: So if I might, it is common
21 for developers to come forward at planning
22 commission and state their objective to many of
23 staff's recommendations. There are very few
24 developments that come forward that don't. And it
25 is typically the developer at planning commission

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1 who brings up their objections to various items on
2 the conditions. And it is possible, and does
3 happen quite regularly, that the conditions are
4 adjusted at planning commission in regards to that
5 conversation.
6 CHAIRPERSON MASSEY: Mr. Thompson?
7 MR. THOMPSON: Well, that may be true,
8 but we've been here for an hour-and-a-half, and we
9 had two hours the last time, and I spent a
10 considerable amount of time prior to that trying to
11 convince staff that this was okay. Again, and I
12 will repeat, it seemed futile to try. And I just
13 would just rely on the appeal and -- where I can
14 explain it, lay it all out and actually, quite
15 honestly, get a second opinion. So that was what I
16 did.
17 CHAIRPERSON MASSEY: Does the board have
18 any further questions of anyone, or will we be
19 entertaining a motion to close the public portion
20 of our hearing?
21 MS. LARSON: Just clarify. There's been
22 so much conversation about so many things. What
23 was our initial responsibility for this hearing?
24 What is it we are here to decide?
25 MR. SAJDAK: All right. So the -- this

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is an appeal of the planning commission decision. So what this body's responsibility is is effectively to make a determination as to whether or not the planning commission's decision should stand, and specifically as it relates to this issue of whether or not they had the authority to impose that condition on the development.

MR. CLANCY: "That condition" being the size of the water pipe?

MR. SAJDAK: Well, the condition being literally, as it reads in the packet and in the approval, that the water services shall be bored or directionally drilled across the street, with laterals serving each condominium from the building directly from the public water main. It wasn't a size requirement or anything like that, just that it needed to connect -- each building needed to connect directly to public water main.

MS. KORNBLUM: So the planning commission didn't say that -- the planning commission didn't say whether the water mains -- whether the water on his property was to be served by public or private. It seems that it assumed it was private. They just are dictating the connections and -- correct?

MR. SAJDAK: No, what the condition does

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is that it requires each condominium building to be itself directly connected to public water main.

MS. KORNBLUM: Okay.

MR. SAJDAK: And so the staff has interpreted that, I believe -- well, again, to your point, maybe I shouldn't be putting words in their mouth. How do you interpret that condition? What does that mean?

MS. HENK: So I can give a little bit of background of where that condition came from. We were looking at the water tariff and the requirements of that tariff. So there were two options, in our mind, of what would be allowable. One would be directly connecting the laterals from the building to the main, and the second option would be a public water main.

The more economical of those two options is definitely connecting the laterals directly to the main, so that is the one that we put into the planning commission packet for discussion from both the applicant and the planning commission side. That gives them the opportunity to either strike that condition or change that condition.

MR. SAJDAK: When you say connect those

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laterals to the main, you mean the existing public main that fronts the property?

MS. HENK: Correct.

MR. SAJDAK: As opposed to extending another public main into the property and connecting there?

MS. HENK: Correct.

MS. KORNBLUM: So we don't really have a public/private issue here at all?

MR. SAJDAK: Well, I mean, from planning commission's perspective, no, it's a public issue. The applicant, I believe, would suggest that there is a public/private issue in that he believes that it -- he should be allowed to have a private main on the property, right?

MR. THOMPSON: No. Why are you saying that I would -- you said something about public. Can you repeat that? That I would object to it being -- I would think it's a public?

MR. SAJDAK: Well, the statement was that we don't even have a public versus private issue at all, that this is just all a public issue. And my comment was just simply that I think you would disagree with that, that really the issue is you would like it to be a private main, as you've

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proposed, and the city is requiring those direct connections to the public system.

MS. KORNBLUM: Right. And I'm agreeing. I think that's what the issue is. What I'm saying is that it doesn't look like -- I mean, we've had a lot of discussion about whether we're going to extend public water mains on private property. But it looks like what that condition does is impose a condition of how privately the developer is developing their water system, and they have to do it in a certain way.

And it seems to me that the testimony from Mr. Braun was you can't dictate that. That's -- that's what it seems to me. It seems that the testimony from Mr. Braun was that -- that the planning commission cannot dictate that he have however many different laterals connecting directly to the public main, that he has the right to set up his water system on his land as he sees fit according to public health and safety, as long as it meets the minimum of the code.

That connecting each building separately -- and that's why we had all this discussion last week about whether you can serve a condo or whatever -- but that connecting each

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1 building separately would be more stringent.
2 MR. SAJDAK: Right. But there's where
3 the conflict of laws question comes in. I think
4 that that's probably a fair characterization of
5 what the SPS interpretation of their code is, that
6 we couldn't require, you know, four laterals
7 instead of just one lateral that connects four
8 buildings.
9 MS. KORNBLUM: So I --
10 MR. SAJDAK: That's from purely the
11 plumbing code perspective. I think that there are
12 other legal requirements that would allow the city
13 potentially to dictate that type of connection.
14 MR. THOMPSON: What would that authority
15 be, actually?
16 MR. SAJDAK: Well, I would start with --
17 CHAIRPERSON MASSEY: We're going to let
18 Mr. Sajdak finish and then --
19 MR. SAJDAK: I would start with from his
20 supplemental materials that he provided.
21 MS. KORNBLUM: From Mr. Thompson?
22 MR. SAJDAK: Yep, from Mr. Thompson.
23 Which I think we marked as exhibit --
24 SECRETARY FOCHS: C.
25 MR. SAJDAK: C.

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1 CHAIRPERSON MASSEY: That would be the
2 supplemental information for the August 2nd board
3 of appeals hearing submitted via e-mail that we
4 received from Mr. Thompson.
5 MR. SAJDAK: So within that document it
6 talks about the -- effectively the required
7 language within the water utility tariffs. And so
8 you'll note on that first page of that document,
9 you'll see there's a picture at the top and then
10 there's a bolded section kind of midway down the
11 page that says schedule X1 water utility operating
12 rules. And then it provides the language that's
13 actually within the city's tariff again, because
14 it's a required provision.
15 It says, "No division of water
16 service lateral to any lots or parcel of land shall
17 be made for the extension and independent metering
18 of the supply to an adjoining lot or parcel of
19 land. Except for duplexes, no division of water
20 service laterals shall be made at the curb for
21 separate supplies for two or more premises having
22 frontage on any street or public service strip,
23 whether owned by the same or different parties."
24 The first sentence would not permit
25 service to the second building, property two in the

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1 drawing above. Should the property ever be
2 divided, the second sentence prohibits the division
3 of water supply at the curb to separate premises.
4 So in other words, the picture actually violates
5 that second sentence.
6 So here we have public service
7 commission saying that you cannot, with one single
8 lateral, serve two separate premises that are
9 there. Let me finish. I mean, you want my
10 explanation, right?
11 MR. THOMPSON: Yes, I do.
12 MR. SAJDAK: Okay. If we then continue
13 and you go on to page 2 of that same document,
14 which is, I suspect, what the objection is going to
15 be, it talks a little bit about condominium-type
16 circumstances. And again, it gives us a picture in
17 the middle that effectively is what I understand
18 the proposal effectively to be, where you have a
19 building that will have two condominium units
20 within it.
21 There it again restates the same
22 language from our tariff that's required and then
23 says, "In the example below, the side-by-side
24 duplex has been subdivided into two individual lots
25 and living quarters. The above rule prohibits

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1 service to the second living unit, condo number
2 two, through the shared lateral. Each unit must be
3 served by an independent lateral from the main from
4 the point of use. When a side-by-side duplex with
5 one lateral is converted to a condominium and the
6 property is subdivided, each property must be
7 independently served by an individual lateral from
8 the main to the point of use. At the time of
9 subdivision, the utility must require the developer
10 or owner to install a second water lateral from the
11 main to the living unit of condo number two in the
12 drawing."
13 So in other words, what this says
14 is that where we have a condominium and we've got
15 two premises that are being served, then they have
16 to have their own separate lateral to the main.
17 You can't split those. Under the tariff, that's
18 required.
19 CHAIRPERSON MASSEY: So you're saying
20 that the choice of law is really between the PSC
21 regulations and what's being required by the state
22 plumbing code?
23 MR. SAJDAK: Right, right. And I think
24 you can harmonize both of them. Which is to say
25 PSC regulations require individual laterals. Those

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1 laterals, the construction of, the size of, the
2 materials of, are all dictated by the Department of
3 Safety and Professional Services.
4 CHAIRPERSON MASSEY: Mr. Voigt, I know
5 you had a --
6 MR. VOIGT: I was just going to give
7 another example of the, you know, confluence of all
8 these different regulatory bodies. One of the
9 other things that gets involved here is there's a
10 discussion of, well, if it becomes a private main,
11 you know, you have this private main that goes back
12 to your property, I can't move that private main
13 back into my public system without putting check
14 valves on the main to make sure, because as
15 discussed earlier tonight, they don't require
16 flushing devices on that main.
17 The public water utility has no
18 control over the water quality within that private
19 main, therefore, we won't loop back into our public
20 main without check valves. And that's all part of
21 the DNR code and things of that nature that, you
22 know, DSPS doesn't get involved in.
23 CHAIRPERSON MASSEY: Mr. Thompson?
24 MR. THOMPSON: Okay. I want to go back.
25 First of all, I'm going to object to his analogy or

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1 his interpretation of what this says, because on
2 the first page it says it's clearly, it's two
3 separate properties. So in other words when a
4 lateral comes in, you can't serve an adjacent
5 property, lot, or parcel of land. It's very clear
6 on that first page.
7 But on the second page he alludes
8 to the fact that because it's a duplex or it's
9 separated on a condominium, but if you look at the
10 top it says subdivided zero lot line. So there's a
11 very distinct difference between a condominium zero
12 lot line, because they're actually subdividing the
13 land, and the land underneath the unit is actually
14 owned by the owner of the condo.
15 In this situation, the condominium
16 land is owned by all the members. There is no
17 subdivision of land. It's one lot, there's several
18 buildings, and all the owners own all the land. So
19 there is no separate premises, so to speak, or lot
20 or parcel. It is one parcel.
21 CHAIRPERSON MASSEY: But we don't know if
22 you're going to have a condominium. You said you
23 might, you might not.
24 MR. THOMPSON: And again, the condominium
25 is a form of ownership. It is not a pulling

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1 development style.
2 MR. SAJDAK: Have you done anything to
3 put this property into a condominium?
4 MR. THOMPSON: Not yet.
5 MR. SAJDAK: Have you done a declaration?
6 MR. THOMPSON: No, not yet.
7 MR. SAJDAK: Have you done a condo plat?
8 MR. THOMPSON: No, not yet.
9 MR. SAJDAK: So right now the proposal is
10 for a property that has --
11 MR. THOMPSON: That is not condo, yeah.
12 And it's my choice to put it into condo.
13 CHAIRPERSON MASSEY: You've been very
14 clear about that.
15 MR. THOMPSON: What's that?
16 CHAIRPERSON MASSEY: You've been very
17 clear about that, except we don't know what you're
18 going to do.
19 MR. THOMPSON: Right. So it's a form --
20 MR. STERN: So right now the entire
21 property has one owner, correct?
22 MR. THOMPSON: Right.
23 MR. SAJDAK: Right.
24 CHAIRPERSON MASSEY: Right now.
25 MR. SAJDAK: Right. But so that -- I

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1 mean in all honesty, to answer your question, the
2 whole second half of that page talks to that
3 circumstance, which is that ultimately the utility
4 has the responsibility, if I'm reading what the PSC
5 says here in this document, that the utility has
6 the responsibility to make sure that ultimately the
7 one lateral, one premises rule is upheld.
8 And if we have something that, you
9 know, in this case certainly he could, short of the
10 city otherwise just saying we want this to be
11 public main, he could serve all of those buildings
12 because he's one owner, one piece of property,
13 multiple buildings, he could -- he could do that.
14 But he's already indicated that he may put this
15 into condominium.
16 At that point what the rules the
17 PSC talks about at the bottom is that when that
18 happens, we need to make sure that we go back to
19 that one premises, one lateral rule. And so when
20 that happens, this talks about making sure that you
21 require individual connections to be put in at that
22 time.
23 MR. STERN: So if you're going to allow
24 the two adjoining units to be considered a duplex,
25 that would be four; if you're not going to allow

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that, it would be eight. In either case you would need -- well, in one case you would need more. If they were turned into eight individual condo units you would need to go back and add laterals till you had eight. But that's not the situation now. And that says when that happens, the water utility has the right to come in and demand that another lateral be put in. But that's not the state that exists.

MR. SAJDAK: Right. But what the -- what the PSC suggests is it says where "it is apparent that the utility recommended or allowed an improper connection, the utility is required to pay for the street improvements." That's the one, two, three, fourth paragraph up. Talks about in the last paragraph, "Best way to avoid these problems is to enforce the one lateral per property rule at the time of initial construction and at the time of subdivision."

So what this suggests is is that it is proper for the utility to look at what is likely going to happen here. We have, in this case, a property owner that indicates that he likely will be subdividing this property, either formally subdividing it or by doing a condominium where he

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has multiple units within that property. That will put us in a position where the one lateral, one property rule, is --

MR. THOMPSON: One premises. That's what you said. Property or premise?

MR. SAJDAK: Well, the actual sentence here says property, but it's the same premises, property, as it relates to that section.

MR. THOMPSON: Well, if I can clarify, the tariff rules state that the service will be provided only if the premises -- premises have a frontage on a properly planted street or public service strip. And then I went into the definition. The common legal definition of premises is the building and land pertinent to it. Not the whole development.

And then the specific definition of, in the Mequon ordinances for premises, is the term premises as applied to real property includes land and structures. So the whole land and the four structures. That's the premise. Every building does not have frontage on Baldev Court. There's no public service strip, nor is there a right-of-way. None of that.

The premise or the property, the

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premise, the property with all the structures, has the one frontage on Baldev Court, and that'll have one connection, and then it was privately served from there to each building.

CHAIRPERSON MASSEY: Does anyone have any other questions, or are we at a point where we can close the public record? Is there a motion to close the public record?

MR. STERN: So moved.

MR. CLANCY: Second.

CHAIRPERSON MASSEY: Is there a second?

MS. KORNBLUM: Second.

CHAIRPERSON MASSEY: There's been a motion and a second to close the public record. Please call the roll on this.

SECRETARY FOCHS: Member Larson?

MS. LARSON: Yes.

SECRETARY FOCHS: Member Stern?

MR. STERN: Yes.

SECRETARY FOCHS: Member Clancy?

MR. CLANCY: Yes.

SECRETARY FOCHS: Member Kornblum?

MS. KORNBLUM: Yes.

SECRETARY FOCHS: Chairman Massey?

CHAIRPERSON MASSEY: Yes. Public record

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is closed. It's now going to be open to discussion by the board. Who'd like to begin?

MR. CLANCY: It seems to me that -- I realize that this was not presented to the planning commission, the whole issue that we have here today, but in fairness, I think it should be sent back to the planning commission to give him the opportunity to raise the issues that he didn't raise initially.

CHAIRPERSON MASSEY: I also agree with Mr. Clancy's view, because this could really cut two ways. One could say Mr. Thompson chose affirmatively not to bring the issue before the planning commission, although he did clearly discuss it with members of staff but chose not to raise it for reasons that he felt were justified.

So when that happens, we can only do one of two things. We can say he chose not to have it discussed; we then will look just at the record that was before the planning commission, which doesn't include anything that we have heard over the last two sessions, and just vote on the record and what staff had before it and what they considered.

Which in the past, when some of

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those things have happened, we have given the applicant the benefit of the doubt. Mr. Thompson is not an attorney, perhaps he wouldn't have understood that he would be harmed by not raising the issue during the hearing.

And I would like to give him the opportunity to raise it at the planning commission so that, should it have a necessity to come up to the board, he has a full record that can be considered and we can also have the benefit of the planning committee's -- planning commission's views on this. Other members?

MS. LARSON: So then if it goes back to the planning commission, that's another meeting for him? And then whatever the planning commission decides, then if he doesn't agree with that, then it comes back to us again?

MR. STERN: I'm sorry, can you use the microphone?

CHAIRPERSON MASSEY: Talk into your microphone.

MS. LARSON: Oh, I'm sorry.

CHAIRPERSON MASSEY: Member Stern couldn't hear you.

MS. LARSON: I said if it goes back to

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the planning commission, then whatever they decide, if he doesn't agree with it, then he has to come back to us again. Is that the idea?

MR. CLANCY: Yes.

CHAIRPERSON MASSEY: That would happen, but we've already heard everything that he has to say.

MS. LARSON: Okay. But if he goes back to the planning commission, depending on what they say, they could say something that he doesn't agree with, and so now he's going to appeal it again and it will be right back to us, won't it?

MR. SAJDAK: It certainly could be. On the other hand, the planning commission may say yeah, you're right, and give him what he wants.

MS. LARSON: Right. I'm just anticipating it could go either way.

MR. CLANCY: Well, at least we would benefit by the planning commission's response, which we don't have presently because it wasn't an issue before the planning commission.

CHAIRPERSON MASSEY: Right. Now we're guessing what the planing commission would have done. So when I look at this from a legal standpoint, I say okay, there's absolutely nothing

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about this issue on the record. Zero. So if I'm really looking at what Mr. Thompson has appealed, which was number 14 and 17 of the planning commission's findings, and I look at the record, there's none of these arguments that were made before the planning commission. They couldn't consider it, they didn't know that Mr. Thompson wanted to have a private water main, they didn't consider whether or not there was any -- any, you know, issues with respect to the water tariff, how the water tariff was going to impact, you know, what the state plumbing code requires. None of that was brought before the planning commission, so they didn't even consider it.

So I'm kind of guessing what they were thinking on an issue that they never considered, which is very uncomfortable, especially as a body that's really supposed to be an appellate body. We're supposed to, you know, answer the question did they do the right thing. Well, how can you do the right thing when you don't even know all the issues that you're considering. Did they make a mistake.

MS. KORNBLUM: Well, I understand where you're -- you know, where you're coming from

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legally, but it makes me a little uncomfortable to just send this right back to the planning commission and say -- without really a lot of direction, and say, you know, we have all this public record here, we want you to consider the entire public record, including going back to all of your staff correspondence, all of your staff memos, all of the information that they had from Mr. Thompson. Perhaps inquire why the staff never -- never informed the planning commission that this was a big issue, when clearly it was lurking out there.

And also that -- that what I'm really concerned about is that we're really going to come up here and the planning commission is going to say well, this is really a public service commission issue and we're going to interpret the water tariff the way we want to, but really you have to go to the public service commission to get an interpretation of the water tariff from the public service commission, and kind of keep kicking it down the road.

And I think that the information we don't have is -- is how does the public service commission interpret the water tariff and this

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1 conflict with -- with the DSPS regulations.
2 But if we do remand it, I would
3 really want some very specific direction, because
4 otherwise -- I mean, we've been here now for four
5 hours considering this case and hearing extensive
6 testimony from the City, from Mr. Thompson; we've
7 brought Mr. Braun down here from Hayward. And
8 then, you know, to -- to not say like we really
9 want you to consider this as this is evidence, this
10 is testimony, this is under oath, you know,
11 otherwise it just goes back to them to start all
12 over again.
13 MR. SAJDAK: Well, I mean, I think -- and
14 it's not a perfect analogy, because obviously we're
15 not a court, necessarily, but the concepts are kind
16 of the same. Certainly in these types of
17 circumstances a court wouldn't send something back
18 and say you gotta look at our decision and, you
19 know, apply everything that we heard as part of our
20 arguments and consider that.
21 You would instead say we're going
22 to send it back and you guys do your own fact
23 finding decisions. And then when that comes back
24 to us, that ultimately is one of this body's
25 decisions on that review, is did they do the proper

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1 analysis of the record. Did they -- did they
2 properly fact find. I don't know if we can do that
3 if we say you're supposed to do X.
4 Now the reality is, I mean, if I
5 was on the planning commission and I got something
6 that was on remand from me, you know, from my board
7 of appeals, the first thing I would do is okay, I'm
8 going to go look at the decision, I'm going to go
9 look at the minutes, I'm going to see what happened
10 so I understand what it is I'm supposed to be
11 looking at. But I don't know that we can dictate
12 to them that you have to consider A, B and C. I
13 think that's for them to decide what's relevant and
14 what isn't.
15 MS. KORNBLUM: Well, what if they just go
16 back to the staff and the staff says -- with all
17 due respect -- and the staff says well, our
18 interpretation of the law is X and we advised you,
19 we put this condition in because that's our
20 interpretation of the law, and we're standing with
21 it. And the planning commission says okay, you're
22 our staff, we trust you, we've worked with you for
23 years, that's fine. And then we're right back
24 here. Is there anything that precludes this board
25 from being a fact finding body?

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1 MR. SAJDAK: In short, no, there's
2 nothing that precludes us from doing it, but what
3 our code says is that if we are going to do that,
4 and we find -- and we are going to do that fact
5 finding, and it's facts that weren't available to
6 the decision maker that was before us, then we have
7 to send it back to them for them to look at that
8 information and have the opportunity to hear that
9 information.
10 MS. KORNBLUM: So that's what precludes
11 that. That's all I was asking.
12 MR. SAJDAK: Right. And the answer to
13 your concern is that when staff says hey, this is
14 what we believe, you have an applicant who can say
15 well, this is why I think you're wrong. And he can
16 present all of the same information that he's had.
17 He can certainly even get a copy of the transcript
18 from this proceeding and even use that as part of
19 his presentation.
20 MS. KORNBLUM: Well, could we -- could we
21 as a board make the transcript available to the
22 planning commission?
23 MR. SAJDAK: It's a public record. It's
24 always available.
25 MS. KORNBLUM: Right. But without

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1 Mr. Thompson having to go to that extra step. I
2 mean --
3 CHAIRPERSON MASSEY: Yeah, I don't think
4 Mr. Thompson should have to pay any cost with
5 respect to any transcript from this proceeding.
6 MR. SAJDAK: Well, right. I mean, you
7 guys order that staff have a transcript be
8 prepared. And in all honesty, we probably may
9 anyway just because trying to make sense of how --
10 this decision is going to be challenging without
11 having that transcript to go back to and refer, you
12 know. So, I mean, that we probably would. But
13 certainly you guys could order or mandate that
14 staff have that transcript be prepared such that it
15 would be available for anybody who wanted to use it
16 at that point.
17 CHAIRPERSON MASSEY: Any other thoughts?
18 MS. KORNBLUM: Well, let me just
19 continue. So we can't -- I mean, I understand you
20 can't tell the planning commission what to do if
21 you're going to remand, but can we make
22 recommendations? I mean, can we make
23 recommendations that they -- you know, they
24 consider the conflict of laws and they consider how
25 this decision, you know, may or may not impact on,

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you know, the SPS code and the -- and the water tariff, whether there is a conflict?

MR. STERN: Microphone, please.

MS. KORNBLUM: Or could we advise them of the issues that we were looking at?

MR. SAJDAK: Well, so what planning commission will get as part of their packet when this goes back on remand will be a copy of the decision of this body. So some of those issues will be highlighted as part of that decision. Just as part of, you know, here's the discussion that we had, here's why that discussion resulted in us remanding this case. And so they will have that.

MR. STERN: Can we include the entire transcript with that?

MR. SAJDAK: Well, I mean, again, that's ultimately for them to decide what they want to review and look at. You know, they may want to -- you know, they may find that what happened here is all well and good, but they want to focus on different facts and issues.

CHAIRPERSON MASSEY: I understand. But what if Mr. Thompson would need that transcript, or what if the city of Mequon would need that transcript?

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MR. SAJDAK: Right. But again, the transcript, assuming that there is an order by you guys to prepare that transcript, is then available for staff or the applicants, or even a member of the planning commission, to say hey, I'd like a copy of it, it's a public record, anybody can do with that as they please.

MS. KORNBLUM: Well, I would like to make a motion that this board mandate that the transcript is prepared and that -- that the transcript be connected to any decision that comes out. If we decide to remand -- we have to vote on remand. But if we decide to remand this to the planning commission for further consideration, that as part of the decision the transcript is connected to it, as well as all of the exhibits, the entire record that this board considered, and that we highlight the issues that we are concerned about so that we don't come back here in two months for the same problem.

CHAIRPERSON MASSEY: I think as a point of order there would need to be a decision that we were going to remand and then --

MR. CLANCY: I'm sorry, I can't hear you.

CHAIRPERSON MASSEY: I think as a point

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of order, before you say if we do this, then I want this, there would need to be a decision that we are going to remand to the planning commission. There would need to be a motion, there would need to be a second, there would need to be a roll call vote. Once we have that, then there could be a second motion that would put -- put the condition that it go with. But, you know, you're saying if we do X, then I would like this. Well, we haven't done X yet. I think. So point of order.

MR. STERN: Just to point out; this has nothing to do with this case. This room has terrible acoustics. Some of us have less than perfect hearing. These microphones are extremely directional, so if you talk into them, you can hear, if you talk away from them, you got nothing. So if we could all please use these.

MR. CLANCY: I'd make a motion that we remand this to the planning commission for further consideration and request that they allow Mr. Thompson to bring forth what he didn't bring forth at the first hearing.

MR. STERN: And I would second that motion.

CHAIRPERSON MASSEY: There's been a

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motion and a second that we remand to the planning commission with the opportunity for Mr. Thompson to raise any additional issues he's raised before us as the board of appeals and present a full record to the planning commission. Ms. Fochs, will you take a roll call vote, please?

SECRETARY FOCHS: Member Larson?

MS. LARSON: Yes.

SECRETARY FOCHS: Member Stern?

MR. STERN: Yes.

SECRETARY FOCHS: Member Clancy?

MR. CLANCY: Yes.

SECRETARY FOCHS: Member Kornblum?

MS. KORNBLUM: Yes.

SECRETARY FOCHS: Chairman Massey?

CHAIRPERSON MASSEY: Yes. Now, Ms. Kornblum.

MS. KORNBLUM: Now I can make my motion?

CHAIRPERSON MASSEY: Yes.

MS. KORNBLUM: Okay. So I am making a motion that this board order a transcript of these hearings, last time and this time be prepared, at no cost to Mr. Thompson, and that the transcript of the hearing, plus the entire record before this board, be attached to the decision of the board to

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remand.

And as a second part of the motion, I think that I would like to move that the planning commission be told that one of the main -- the main concern of this board is the potential conflict of laws between the SPS code and the water tariff and the way the planing commission has interpreted this.

CHAIRPERSON MASSEY: Okay, we have two motions, and we're going to take them one after the other. The first motion that Ms. Kornblum has made is for a copy of the transcript to be ordered by the Mequon board of appeals at no cost to any party, and available to Mr. Thompson, and that a copy of that transcript be attached to the decision of the board that will be transmitted to the planning commission. Is there a second to that motion?

MS. LARSON: Second.

CHAIRPERSON MASSEY: There's been a motion and second. Ms. Fochs, could you call the roll call on the vote?

SECRETARY FOCHS: Member Larson?

MS. LARSON: Yes.

SECRETARY FOCHS: Member Stern?

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MR. STERN: Yes.

SECRETARY FOCHS. Member Clancy?

MR. CLANCY: Yes.

SECRETARY FOCHS: Member Kornblum?

MS. KORNBLUM: Yes.

SECRETARY FOCHS: Chairman Massey?

CHAIRPERSON MASSEY: Yes. Ms. Kornblum has a second motion, and the second motion is that the planning commission be instructed that there is a choice of law issue that is facing the board of appeals, to state what the choice of law issue is, which is there is some conflict or perhaps a conflict between the state plumbing code and the water tariff, and that we would like some decision from the planning commission on that. Is that correct, Ms. Kornblum?

MS. KORNBLUM: Yes, how they're interpreting it and its bearing on this particular decision to impose this particular requirement on Mr. Thompson's development.

CHAIRPERSON MASSEY: Is there a second to Ms. Kornblum's motion?

MR. CLANCY: Second.

CHAIRPERSON MASSEY: All right.

MR. SAJDAK: I just -- again, and as I

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said before, and obviously you guys can make your motion as you will, just recognize that effectively the decision that will be written will highlight that that is an issue. And I think we assumed that the planning commission should be smart enough to figure out that, hey, here's the decision, they'll read through it, they'll figure out what the issues are.

MS. KORNBLUM: I have no doubt that they're very intelligent people, but I think it's important for us as a board to highlight this. I mean, we have now spent two full evenings on it, we have brought a witness down from Hayward. I think they need to know that this is really a critical issue and we want their weigh in on it. It's not just a -- it's not just a factual issue.

CHAIRPERSON MASSEY: Ms. Fochs, could you call a roll vote on the issue?

SECRETARY FOCHS: Member Larson?

MS. LARSON: Yes.

SECRETARY FOCHS: Member Stern?

MR. STERN: Yes.

SECRETARY FOCHS: Member Clancy?

MR. CLANCY: Yes.

SECRETARY FOCHS: Member Kornblum?

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MS. KORNBLUM: Yes.

SECRETARY FOCHS: Chairman Massey?

CHAIRPERSON MASSEY: No. Motion is passed.

MR. CLANCY: They can ask their attorney to give an opinion on that issue.

MR. SAJDAK: They will have to hire an attorney to give an opinion on that issue.

CHAIRPERSON MASSEY: He does not represent the City of Mequon, he represents the board.

Is there a motion to adjourn?

MR. CLANCY: Yes.

MR. STERN: Second.

CHAIRPERSON MASSEY: There's been a motion and seconded to adjourn. Would you please call the roll?

SECRETARY FOCHS: Member Larson?

MS. LARSON: Yes.

SECRETARY FOCHS: Member Stern?

MR. STERN: Okay.

SECRETARY FOCHS: Member Clancy?

MR. CLANCY: Yes.

SECRETARY FOCHS: Member Kornblum?

MS. KORNBLUM: Yes.

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SECRETARY FOCHS: Chairman Massey?
CHAIRPERSON MASSEY: Yes. Dismissed.
(Hearing concluded at 8:04 p.m.)

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STATE OF WISCONSIN )
) ss.
COUNTY OF MILWAUKEE )

I, ANITA KORNBURGER, Registered Professional Reporter and Notary Public in and for the State of Wisconsin, do hereby certify that the preceding hearing was recorded by me and reduced to writing under my personal direction.

I further certify that said hearing was taken at 11333 North Cedarburg Road, Mequon, Wisconsin, on August 2, 2018, commencing at 6:01 p.m. and concluding at 8:04 p.m.

I further certify that I am not a relative or employee or attorney or counsel of any of the parties, or a relative or employee of such attorney or counsel, or financially interested directly or indirectly in this action.

In witness whereof, I have hereunto set my hand and affixed my seal of office at Milwaukee, Wisconsin, this 8th day of August, 2018.

_____
ANITA KORNBURGER-FOSS, RPR - Notary Public

My commission expires May 24, 2021.

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