



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
Monday, December 13, 2021
6:00 PM
Christine Nuernberg Hall

AGENDA

1) Call to Order, Roll Call

- a) Approval of Minutes from November 22, 2021

2) Consent

- a) Trees for Less Nursery. The applicant is seeking certified survey map approval to allow for a 3-lot land division for the property located at 11550 N. Wasaukee Road.
- b) Chaput Land Surveys for Kellner Highland Property, LLC. The applicant is seeking certified survey map approval for a 4-lot land division for the property located at 4550 W. Highland Road.
- c) Berengaria Development for BMSL Mequon Invest LLC. The applicant is seeking approval of a previously approved land division to create four lots south of 11104 N Oriole Lane since the deadline to record the certified survey map has passed. The land division was previously approved on March 22, 2021. No changes are proposed.

3) Regular Business

- a) Patricia and George Kashou. The Planning Commission may review a request to amend its approval of the certified survey map from September 27, 2021, for the property located at 10425 N. Granville Road to remove the requirement for a share driveway.

4) Policy

- 1) An Ordinance Creating Section 62-21 of the Mequon Municipal Code Relating to Signs Along Streets and on Public Property

5) Announcements

- a) 2022 Meeting Calendar

6) Adjourn

Dated: December 9, 2021

/s/ John Wirth, Chair

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

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

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



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PLANNING COMMISSION
Regular Meeting
Monday, November 22, 2021
6:00 PM
Christine Nuernberg Hall

Minutes

1) Call to Order, Roll Call

Present:

Alderman Robert Strzelczyk
Alternate Alderman Andrew Nerbun
Alternate Greg Bach
Commissioner Martin Choren
Commissioner Dan Gentges
Alternate Stephanie Hawley
Commissioner James Schaefer
Commissioner Rebecca Schaefer
Commissioner John Stoker
Commissioner Rick Lemke - **Absent**

Ald. Strzelczyk called the meeting to order at 6:00 p.m.

a) Approval of Minutes from October 28, 2021.

Action

Commissioner Stoker made a motion to approve the minutes from 10.28.21.

Commissioner Becky Schaefer seconded the motion.

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

RESULT:	APPROVED [8 TO 0]
MOVER:	John Stoker, Commissioner
SECONDER:	Rebecca Schaefer, Commissioner
AYES:	Strzelczyk, Nerbun, Choren, Gentges, Hawley, J. Schaefer, R. Schaefer, Stoker
ABSENT:	Lemke, Wirth

Attachment: PC 11.22.21_DRAFT (6897 : Meeting Minutes from November 22, 2021)

2) Public Hearing

- a) North Shore Bank. The applicant is seeking conditional use grant extension approval for the previously approved bank building with a rear drive-through for the property located at 11319 N. Port Washington Road. This was previously approved in October 2020.

Action

Commissioner Choren made a motion to open a public hearing.

Commissioner Stoker seconded the motion.

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

No public comment.

Action

Commissioner Stoker made a motion to close the public hearing.

Commissioner Hawley seconded the motion.

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

Planner Vang stated that this item was approved for a conditional use grant (CUG) for the project on Port Washington Road on October 26, 2020. CUG's require the project to either obtain building permits or for the use to commence on the site no later than one year of the date of approval. The applicant has made progress and is working on obtaining building permits, they have not yet been obtained and it is past the year deadline. The approval requested is an extension of the CUG along with the requirement to obtain permits within a year or commence use on the site. Staff recommends approval of the extension of the CUG based on all previously approved conditions from last October.

The applicant, David Kane from North Shore Bank, stated that no issues have arisen that would prevent building, the delay is due to the process (labor shortage, construction delays) taking additional time. They plan to demo the existing building in the next few weeks.

Action

Commissioner Choren made a motion to approve the extension of the CUG.

Commissioner Hawley seconded the motion.

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

RESULT:	APPROVED [8 TO 0]
MOVER:	Martin Choren, Commissioner
SECONDER:	Stephanie Hawley, Alternate
AYES:	Strzelczyk, Nerbun, Choren, Gentges, Hawley, J. Schaefer, R. Schaefer, Stoker
ABSENT:	Lemke, Wirth

3) Regular Business

- a) Applied Buildings, LLC. The applicant is seeking building and site plan and fill approval for a proposed 36,843 sq. ft. multi-tenant office/warehouse building and certified survey map approval to allow for a 3-lot land division for the property located at 5715 W. Donges Bay Road.

Planner Vang stated this proposal is for a multi-tenant building for a new location for HVA Products, which is currently located on Baehr Road, and Specialty Software Group with shell space for future expansion and/or tenant improvement. The request for the building and site plan approval is for Lot 1 of the CSM. The proposal does meet all the requirements of the B-5 zoning district except for the parking requirement. The applicant has indicated that the two tenants will have a total of 16 employees. Based upon the parking code, staff calculated the parking requirement for an office use of 87 stalls plus additional stalls if an additional user goes into the spec spaces. The two known tenants will occupy Suite B (1st floor and 2nd floor) and Suite A is currently spec.

The parking stall requirement is based on office use which requires 1 stall per 200 sq. ft. of gross leasable space. This space totals approximately 17,000 sq. ft. of office use for these two tenants, which significantly increased the parking count. However, based on the number of employees indicated by the applicant, staff believes this is sufficient parking for the site and there is potential for additional parking lot expansion in the future if required.

Ms. Vang showed plans for the space which were not included in the packet as they are not yet final. The first floor will have offices and a conference room, and the second floor is communal community space. Staff considered the number of 16 total employees when determining the parking count and believes it will be sufficient for this site.

A lighting plan was submitted which meets all the code requirements as well as a landscaping plan which was reviewed by the landscape consultant. Staff included an additional requirement to add additional screening along the south property line. The landscape plan overall is well done, and the stormwater pond is screened from the building. However, staff is recommending additional canopy trees along the south property line. Staff is supportive of the building and site plan, the 3-lot CSM and the fill permit for fill over 1,000 C.Y. Staff believes this is a great project and will be a welcome addition to the industrial park, subject to the conditions in the staff report.

The applicant was represented by the architect, Stephen Smith, and the owner, Kris Mehta. Mr. Smith commented that due to the low number of employees, they prefer the green space to unnecessary parking lot surface. Regarding the additional landscape requirement, their plan is to possibly have back-to-back buildings, one facing the pond. They are agreeable to adding some landscaping, but they do not want to screen the pond from the front of a potential building.

Staff responded that it does not need to be heavily landscaped but are recommending a scattering of trees in that location along the south property land (condition #4).

The Commission provided feedback that the architecture and the details are very well done. The applicant explained that the building will have a white cement with a high-end finish. The intent

is to have a more modern looking building with more glass added and a higher end precast than is typically used.

It was discussed that most of Lot 3 is wetland, but it does have buildable area and the applicant will work with the DNR in the future.

It was requested by the Commission that staff view the building materials prior to final approvals.

The potential additional parking area was discussed. On the southern side of the building there is a large green space that could be reclaimed for parking if needed; it is 60-feet out from the building. A row of cars, either single or double loaded could be added there. There is the capability to add parking if needed.

Staff answered a question from the Commission regarding parking and stated that the Commission has the authority per the code language to approve changes to the parking requirements. This has previously been granted in the industrial park when office uses are proposed instead of manufacturing use.

Action

Commissioner Stoker made a motion to approve per the conditions in the staff report. Commissioner Hawley seconded the motion.

Commissioner Choren mad a friendly amendment that staff work with the applicant to approval building materials.

The amendment was accepted.

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

RESULT:	APPROVED WITH CONDITIONS [8 TO 0]
MOVER:	John Stoker, Commissioner
SECONDER:	Stephanie Hawley, Alternate
AYES:	Strzelczyk, Choren, Gentges, Goldberger, Hawley, J. Schaefer, Nerbun, R. Schaefer, Stoker,
ABSENT:	Lemke, Wirth

- b) The Green at Mequon. The applicant is seeking concept plan approval and rezoning recommendation approval from R-3/OA (Residential 1-acre, Agricultural Overlay) zoning to R-3/PUD (Planned Unit Development) zoning and for a proposed 7-lot subdivision for the property located at the southwest corner of Freistadt Road and Villa Grove Road.

Asst. Dir. Zader stated that staff and the applicant have been working on the concept plan over the past few months. The property is currently zoned R-3 (1-acre zoning) with a substantial portion of the south end being wetland. The request is for a conservation type subdivision based on a yield of 7 lots. There would be a private road access off Villa Grove Road with lots

surrounding the private road.

The City Forester walked the site and found a substantial amount of specimen trees and he had the applicant go back and GPS them. Staff supports the removal of the two white pines on Lot 4 but not the removal of any other specimen trees on the proposed lots. Additionally, a tree preservation easement is recommended for large arborvitaes along the west property line in the setback of Lot 4. The hickories located on Lot 6 near the proposed storm water pond shall remain as is which will require modification of the stormwater management pond. The three black walnut trees may impact the building pad on Lot 1. Any request for removal of a specimen tree will be at the same time as the preliminary plat. Staff wanted to ensure that the Commission knew about the ramifications of approving the concept plan.

Staff recommends Lots 5 & 6 move the wetlands off the private lots which requires an adjustment to the proposed concept plan. Also recommended is a tree preservation agreement to have consistent treatment of the area along Freistadt Road (back of the yards) so that there is a wholistic approach to the landscape buffer.

Staff recommends approval based on the conditions listed in the staff report.

The applicant, Mike Perlewitz, stated he is agreeable to the conditions in the report.

There was a question from the Commission regarding the stormwater management pond being located on private lots. Staff explained this is not typical, although it is allowed, but due to the number of wetlands on the property it is difficult to find a place for the ponds. Staff will continue to work with the applicant regarding placement of the ponds. The outlot is mostly all wetland, floodway and floodplain.

The yield plan shows 7 lots are allowed and can be developed even if the PUD is not approved. It is strongly encouraged that the private driveways do not have Freistadt Road access.

There was a recommendation from the Commission that part of an approval should include the requirement that the property lines do not extend all the way to the floodplain or wetlands.

It was discussed that an association would need to be created that would be responsible for the ponds and the fiscal responsibility of their maintenance. This would be included in the development agreement that would be reviewed for approval by the Commission at the time of the preliminary plat.

Asst. City Eng., Cole McGraw, stated that the two north most ponds are for storm water quantity and will most likely be dry ponds. The south pond shown in the floodplain would most likely be wet pond or bio-retention for water quality.

There was discussion about whether the proposed building pad size is a realistic size due to the presence of specimen trees on some of the lots. Staff explained that setbacks will also be a factor in determining allowable building space. Once a plat is approved setback waivers will not be granted.

Public Feedback

Wendy Porterfield – 3245 Oak Shore Lane – stated that the area where the road is proposed on Villa Grove Road is often flooded. She is also concerned about the fill. She stated there is a lot of boat launching and foot traffic in that area.

Sean Forcien – 3811 W. Freistadt – he has a question regarding the amount of fill requested. He does not agree with the rezoning as there are not properties under 1-acre near this area.

Asst. Dir. Zader stated that Villa de Parc is in the area and has smaller lot sizes; some sewer-lots are as small as ¼ -acre.

Jean Johnson – 3330 W. Freistadt Road – stated that she is the closest neighbor to the east. Villa Grove Road is heavily used for river users and walkers. She feels the density of the 7-lots will negatively impact this road.

Ald. Nerbun stated that it is important to distinguish between lot size and density. It is legally permissible for the developer to build 7 homes on these lots without any changes to the current zoning. The advantage of a conservation subdivision is that the lots will be kept off the floodplain and off the wetland and other conditions can be required.

Action

Ald. Nerbun made a motion to make an amendment to condition #2 to include the floodplain. Commissioner Stoker seconded the motion.
A roll call vote was taken; vote passed (8-0)

Action

Commissioner Stoker made a motion to approve the item per staff conditions and the amendment. Commissioner Hawley seconded the motion.
A roll call vote was taken; vote passed (6-2)(No: Becky Schaefer, Ald. Strzelczyk)

RESULT:	APPROVED WITH CONDITIONS [6 TO 2]
MOVER:	John Stoker, Commissioner
SECONDER:	Stephanie Hawley, Alternate
AYES:	Nerbun, Choren, Gentges, Hawley, J. Schaefer, Stoker
NAYS:	Strzelczyk, R. Schaefer
ABSENT:	Wirth, Lemke

4) Announcements

Staff stated that item 3(c) was cancelled due to a timing restriction, but the Commission can make a motion to bring back the item for a reconsideration in December.

Action

Commissioner Stoker made a motion to put the item on the December agenda for reconsideration.

Commissioner Hawley seconded the motion.

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

The next meeting is Monday, December 13, 2021, at 6:00 p.m.

5) Adjourn**Action**

Commissioner Stoker made a motion to adjourn the meeting.

Ald. Nerbun seconded the motion.

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

The meeting concluded at 7:03 p.m.

Respectfully Submitted,

Jac Zader



11333 N. Cedarburg Rd
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Fax: 262-242-9655

www.ci.mequon.wi.us

Department of Community Development

TO: Planning Commission
FROM: PA PHOUALA VANG, PLANNER
DATE: December 13, 2021
SUBJECT: Chaput Land Surveys for Kellner Highland Property, LLC. The applicant is seeking certified survey map approval for a 4-lot land division for the property located at 4550 W. Highland Road.

Applicant:	Allen J. Schneider
Status of Applicant:	Agent
Requested:	Final Land Division Approval
Existing Use:	Agricultural
Existing Zoning:	R-1 (Rural Residential 5 -Acres) OA (Agricultural Overlay)
Lot size:	167.13 acres
Location:	4550 W. Highland Road
Tax Key Number:	#14-022-09-009.00
District:	#1

Background:

The applicant is requesting approval for a four-lot land division of property located at 4550 W Highland Road. The land division would create four lots; Lot 1 is 5.67 acres; Lot 2 is 64.58 acres; Lot 3 is 20.49 acres and Lot 4 is 68.59 acres. The applicant indicated that the purpose of the land division is for estate planning. There is no plan to sell any of the parcels at this time. The applicant also indicated that a 6-acre portion, which is not part of the proposed Certified Survey Map, is intended to be donated to Ozaukee Washington Land Trust.

Zoning District Standards and Site Conditions:

The proposed certified survey map is consistent with the current zoning designation of R-1, requiring a five (5) acre minimum lot size and 300 minimum average lot width and depth.

Site Conditions:

All proposed lots are vacant. The exiting pond is shown on Lot 4 and an existing ingress and egress and utility easement is shown on proposed Lot 2 and Lot 4. The lots are subject to compliance with the Tree Preservation Ordinance. A 6-acre portion of existing Lot 1 of CSM 4148 is not part of the proposed CSM. The applicant indicated that this will be donated to Ozaukee Washington Land Trust. Staff will add a condition that this 6-acre portion shall be donated and combined with the property owned by Ozaukee Washington Land Trust prior to recording of the Certified Survey Map.

Engineering Report:

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

The existing right-of-way along Highland Road is the width of the ultimate right-of-way, therefore no right-of-way dedication is required.

Access points are shown through ingress and egress easements for Lot 1 and Lot 3. Applicant shall provide ingress and egress easement documents for all created lots using the easements. Easement documents are subject to review by the City attorney. Lot 4 access is not indicated. All access points should conform to the street access ordinance.

Wetlands are present on site and are shown on the CSM with protective areas. A wetland delineation report with concurrence by the Wisconsin Department of Natural Resources (DNR) is required. The indicated delineation by Stantec from October 2018 and concurred by the DNR in December 2018 should be provided.

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 prior to recording. 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.

The land division itself does not propose an increase in impervious surface. However, the combination of home and driveway construction may trigger the MMSD requirement for green infrastructure. The individual lot owners will be required to provide the green infrastructure with individual home construction prior to the issuance of a building permit if adding 5,000 sq. ft. or more of impervious area. If green infrastructure is required, the buildings permit is also conditioned upon receipt of a stormwater maintenance and easement agreement and a drainage financial guarantee.

Other Technical Corrections:

Engineering will provide a full technical review of the CSM upon Planning Commission approval.

Staff Recommendation:

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

1. The applicant shall make any technical corrections to the final CSM.
2. Compliance with the Tree Preservation Ordinance.
3. No certified survey map shall be offered for recording or recorded after 180 days from the date of approval by the Planning Commission.
4. Final staff technical review and approval of CSM.
5. The remaining 6 acres of Lot 1 CSM 4148 shall be donated and combined with the property owned by Ozaukee Washington Land Trust with prior to recording of the Certified Survey Map.
6. Provide all used ingress and egress easements benefitting lots created by the CSM. Easement documents are subject to review by the City attorney.
7. The applicant shall submit a wetland delineation report with concurrence by the DNR.
8. Applicant shall provide soil boring information and evaluation that soil conditions allow for usage of septic or mound systems unless parcel deeds restricted to uses which do not require a sewage disposal facility prior to recording.
9. For home/driveway construction that exceeds 5,000 square feet of impervious area, each individual lot will be required to provide green infrastructure meeting MMSD requirements. Alternatively, the developer could plan for a regional stormwater facility that meets City ordinances and MMSD Chapter 13.

10. For home/driveway construction which triggers the MMSD requirement for green infrastructure, each property owner will also be required to provide a stormwater maintenance and easement agreement for the green infrastructure. If a regional stormwater facility is proposed, the developer would be required to provide a stormwater maintenance and easement agreement. Both require drainage financial guarantees.
11. The applicant shall submit an electronic file for the proposed certified survey map in a format compatible with AutoCAD 2015 dwg or dxf in Wisconsin State Plane Coordinate system. South Zone (NAD 83).

Attachments:

Map (PDF)

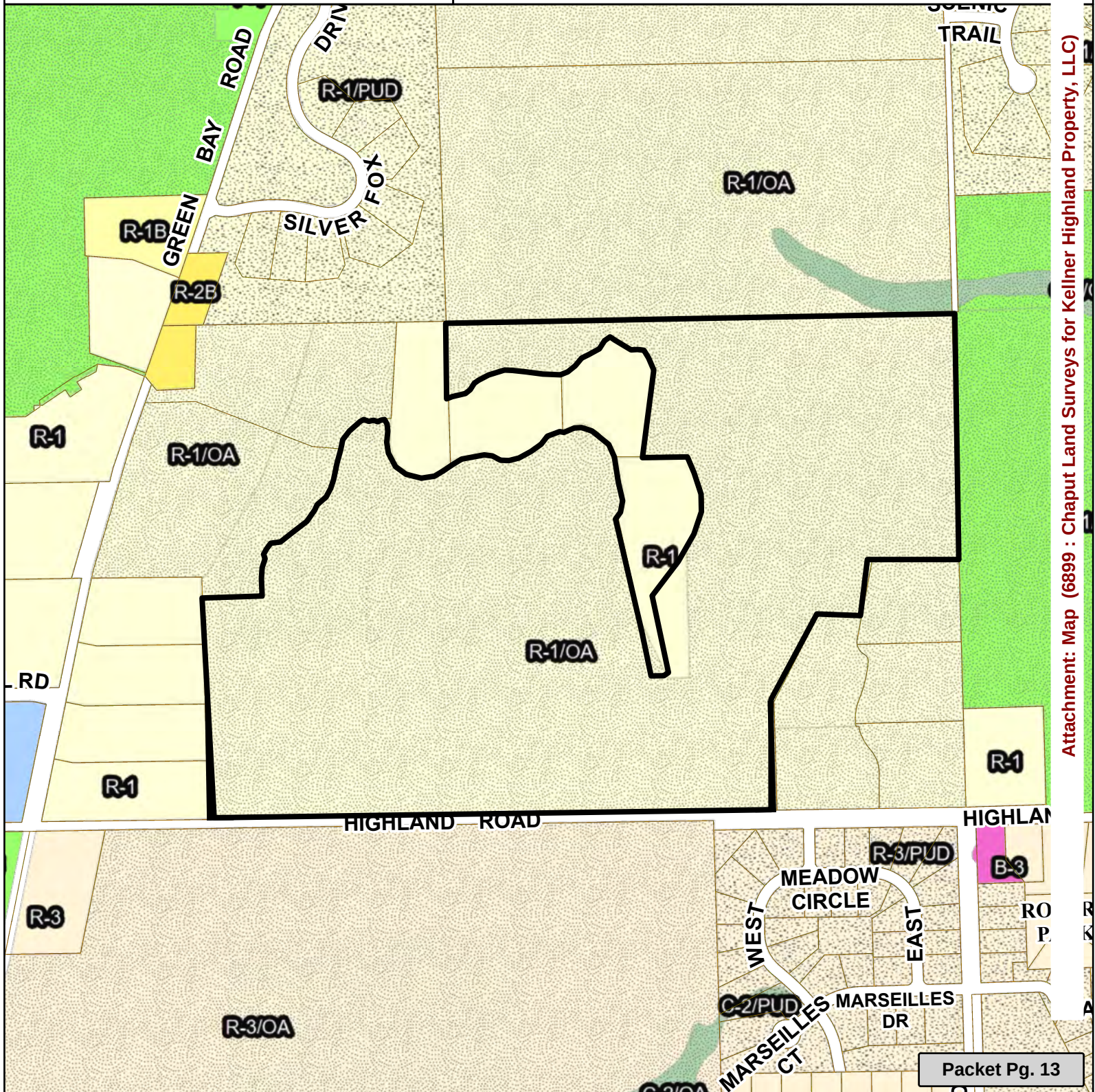
20211104-csm-3000-3-Sheet 1-6 (PDF)

20211101-exhibit NE-3000 (PDF)

Kellner Highland Property LLC

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

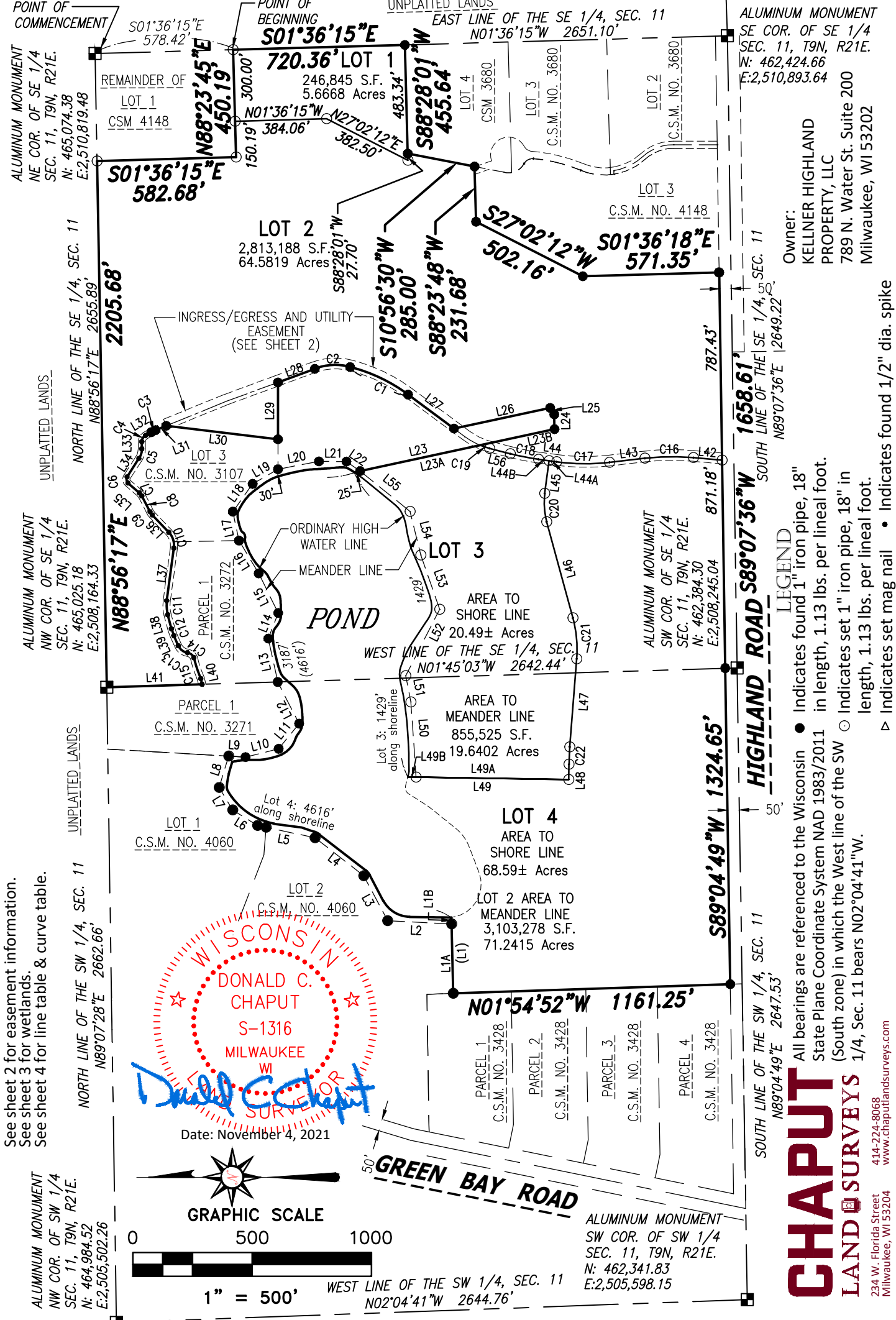
2.a.a



Attachment: Map (6899 : Chaput Land Surveys for Kellner Highland Property, LLC)

CERTIFIED SURVEY MAP NO. _____

Part of Lot 1 of Certified Survey Map No. 4148, being a part of the Northeast 1/4 and Southeast 1/4 of the Southwest 1/4 and part of the Northwest 1/4, Northeast 1/4, Southwest 1/4 and Southeast 1/4 of the Southeast 1/4 all in Section 11, Township 9 North, Range 21 East, in the City of Mequon, Ozaukee County, Wisconsin.



See sheet 2 for easement information.
See sheet 3 for wetlands.
See sheet 4 for line table & curve table.

Owner:
KELLNER HIGHLAND
PROPERTY, LLC
789 N. Water St. Suite 200
Milwaukee, WI 53202

LEGEND
All bearings are referenced to the Wisconsin State Plane Coordinate System NAD 1983/2011 in length, 1.13 lbs. per lineal foot. (South zone) in which the West line of the SW 1/4, Sec. 11 bears N02°04'41\"/>

Attachment: 20211104-csm-3000-3-Sheet 1-6 (6899 : Chaput Land Surveys for Kellner Highland Property, LLC)

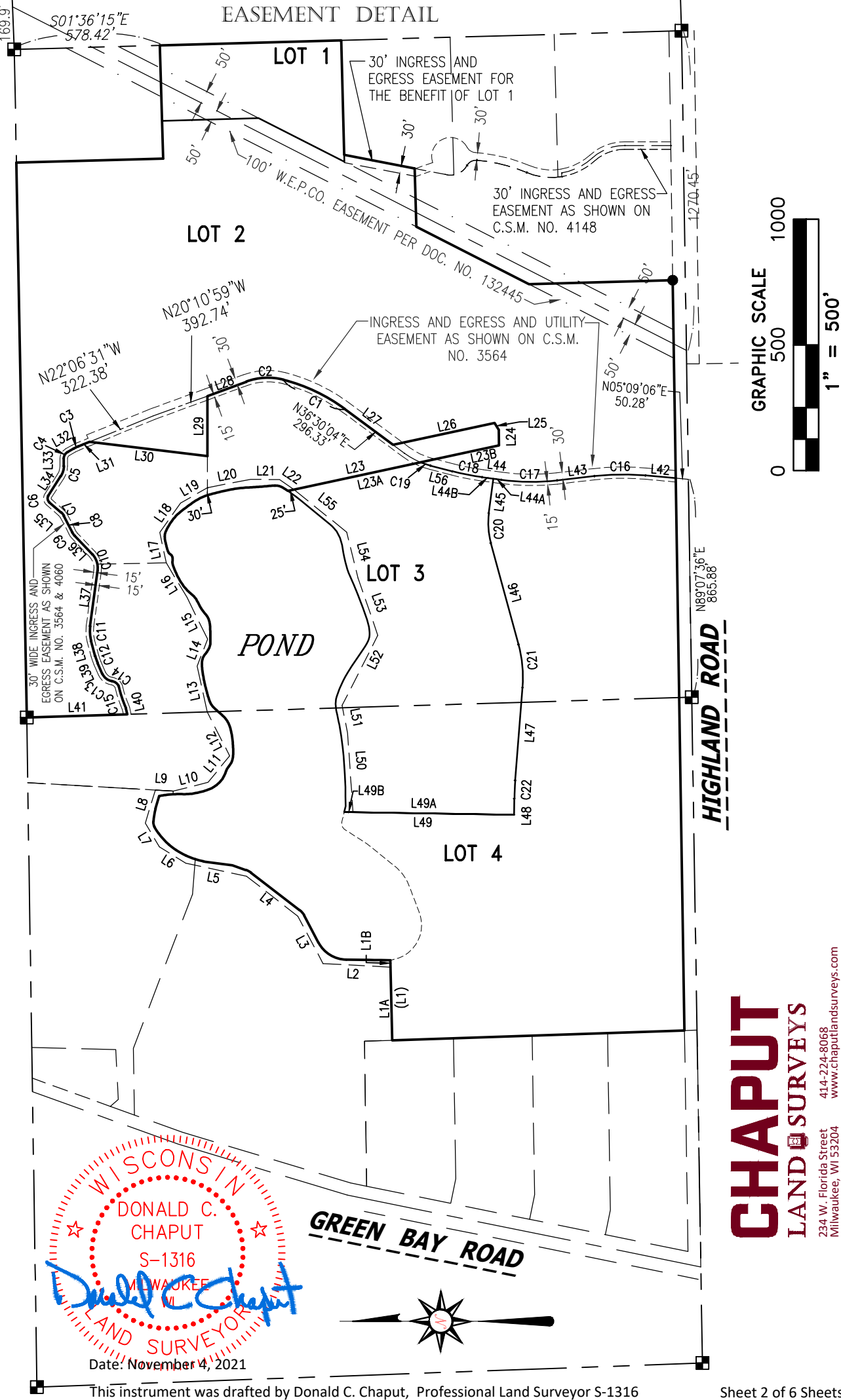
CHAPUT
LAND SURVEYS
414-224-8068
www.chaputlandsurveys.com
234 W. Florida Street
Milwaukee, WI 53204

Survey No. 3000-3-grb
Sheet 1 of 6 Sheets

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

CERTIFIED SURVEY MAP NO. _____

Part of Lot 1 of Certified Survey Map No. 4148, being a part of the Northeast 1/4 and Southeast 1/4 of the Southwest 1/4 and part of the Northwest 1/4, Northeast 1/4, Southwest 1/4 and Southeast 1/4 of the Southeast 1/4 all in Section 11, Township 9 North, Range 21 East, in the City of Mequon, Ozaukee County, Wisconsin.



Attachment: 20211104-csm-3000-3-Sheet 1-6 (6899 : Chaput Land Surveys for Kellner Highland Property, LLC)

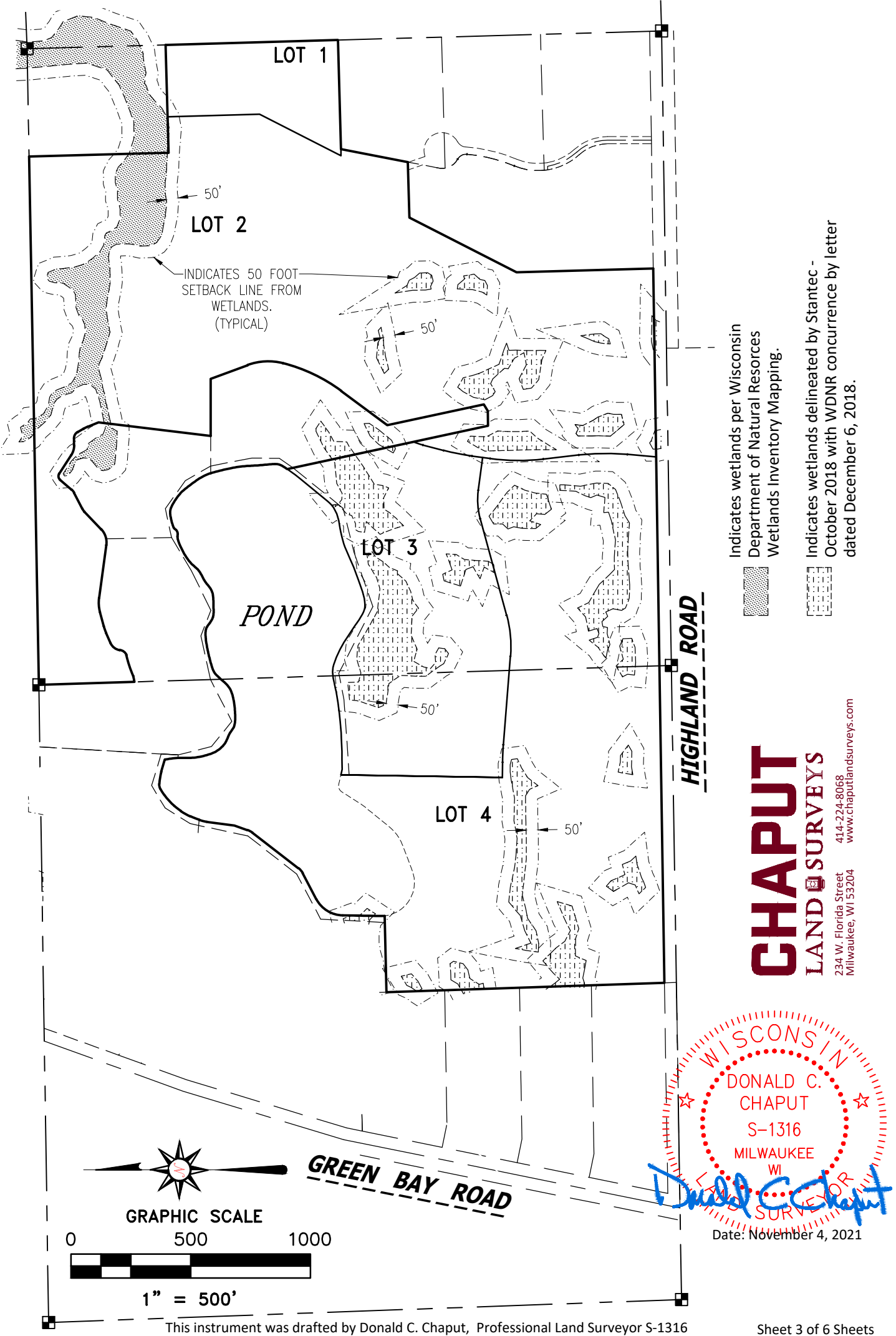
CHAPUT

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Milwaukee, WI 53204

CERTIFIED SURVEY MAP NO. _____

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Attachment: 202111104-csm-3000-3-Sheet 1-6 (6899 : Chaput Land Surveys for Kellner Highland Property, LLC)

CERTIFIED SURVEY MAP NO. _____

Part of Lot 1 of Certified Survey Map No. 4148, being a part of the Northeast 1/4 and Southeast 1/4 of the Southwest 1/4 and part of the Northwest 1/4, Northeast 1/4, Southwest 1/4 and Southeast 1/4 of the Southeast 1/4 all in Section 11, Township 9 North, Range 21 East, in the City of Mequon, Ozaukee County, Wisconsin.

LINE TABLE

LINE	BEARING	DIST.
L1	N88°35'01"E	318.02'
L1A	N88°35'01"E	290.92'
L1B	N88°35'01"E	27.10'
L2	N03°00'00"E	268.04'
L3	N62°00'00"E	213.00'
L4	N38°00'00"E	259.00'
L5	N12°00'00"E	246.54'
L6	N32°00'00"E	123.24'
L7	N59°00'00"E	109.55'
L8	S73°00'00"E	137.69'
L9	S03°20'21"W	70.54'
L10	S14°04'19"E	143.26'
L11	S50°58'38"E	135.83'
L12	N62°50'09"E	196.09'
L13	N77°44'15"E	186.22'
L14	S68°49'42"E	114.85'
L15	N63°44'31"E	184.92'
L16	N59°03'04"E	160.54'
L17	N77°59'40"E	124.04'
L18	S54°23'06"E	142.79'
L19	S30°08'02"E	122.54'
L20	S10°51'16"E	174.71'
L21	S00°25'02"W	115.17'
L22	S34°30'55"W	69.96'
L23	S12°10'24"E	833.05'
L23A	S12°10'24"E	513.69'
L23B	S12°10'24"E	319.36'
L24	N89°07'37"E	61.54'
L25	N58°13'16"E	32.60'
L26	N12°10'24"W	412.26'
L27	N36°30'04"E	239.44'
L28	N20°10'59"W	164.31'
L29	WEST	238.50'
L30	N06°54'31"E	471.35'
L31	N22°06'31"W	48.73'
L32	N29°44'15"W	27.84'
L33	N89°34'31"W	30.12'
L34	N57°07'52"W	91.55'
L35	S40°55'42"W	62.88'
L36	S46°23'59"W	101.13'
L37	N82°15'05"W	222.53'
L38	S75°00'53"W	60.85'
L39	S66°16'31"W	45.87'
L40	S77°05'55"W	24.59'
L41	N01°45'03"W	399.70'
L42	N05°09'06"E	120.60'
L43	N06°30'21"W	149.24'
L44	N07°39'33"E	76.32'
L44A	N07°39'33"E	31.49'
L44B	N07°39'33"E	44.83'
L45	N82°20'27"W	137.89'
L46	S74°42'54"W	417.60'
L47	N85°26'20"W	370.12'
L48	N89°37'52"W	63.54'
L49	N00°53'30"E	675.0'
L49A	N00°53'30"E	640.00'
L49B	N00°53'30"E	35.0'
L50	N86°00'00"E	315.29'
L51	N79°00'00"E	112.25'
L52	S63°00'00"E	312.43'
L53	N71°00'00"E	240.76'
L54	N76°00'00"E	188.31'
L55	N39°00'00"E	268.79'
L56	N14°34'10"E	89.81'

CURVE DATA

CURVE	ARC	RADIUS	CH. BEARING	CHORD	DELTA
C1	270.32'	700.00'	N25°26'17.5"E	268.64'	22°07'33"
C2	150.79'	250.00'	N02°54'14"W	148.51'	34°33'30"
C3	19.97'	150.00'	N25°55'23"W	19.96'	7°37'44"
C4	31.33'	30.00'	N59°39'23"W	29.93'	59°50'16"
C5	42.47'	75.00'	N73°21'11.5"W	41.90'	32°26'39"
C6	28.60'	20.00'	S81°53'55"W	26.23'	81°56'26"
C7	17.11'	50.00'	S50°43'52"W	17.03'	19°36'20"
C8	74.35'	1000.00'	S62°39'49.5"W	74.33'	4°15'35"
C9	16.05'	50.00'	S55°35'48"W	15.98'	18°23'38"
C10	71.70'	80.00'	S72°04'27"W	69.32'	51°20'56"
C11	59.52'	150.00'	S86°22'54"W	59.13'	22°44'02"
C12	30.51'	200.00'	S70°38'42"W	30.48'	8°44'22"
C13	50.71'	50.00'	S37°13'13.5"W	48.56'	58°06'35"
C14	35.63'	35.00'	S37°19'59.5"W	34.12'	58°20'07"
C15	92.48'	500.00'	S71°47'59"W	92.35'	10°35'52"
C16	203.46'	1000.00'	N00°40'37.5"W	203.11'	11°39'27"
C17	222.50'	900.00'	N00°34'36"E	221.94'	14°09'54"
C18	120.61'	1000.00'	N11°06'51.5"E	120.53'	6°54'37"
C19	42.02'	300.00'	N18°34'54"E	41.98'	8°01'28"
C20	120.14'	300.00'	S86°11'13.5"W	119.33'	22°56'39"
C21	173.19'	500.00'	S84°38'17.5"W	172.33'	19°50'47"
C22	73.17'	1000.00'	N87°32'06"W	73.15'	4°11'32"



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Milwaukee, WI 53204
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Attachment: 20211104-csm-3000-3-Sheet 1-6 (6899 : Chaput Land Surveys for Kellner Highland Property, LLC)

CERTIFIED SURVEY MAP NO. _____

Part of Lot 1 of Certified Survey Map No. 4148, being a part of the Northeast 1/4 and Southeast 1/4 of the Southwest 1/4 and part of the Northwest 1/4, Northeast 1/4, Southwest 1/4 and Southeast 1/4 of the Southeast 1/4 all in Section 11, Township 9 North, Range 21 East, in the City of Mequon, Ozaukee County, Wisconsin.

SURVEYOR'S CERTIFICATE

STATE OF WISCONSIN} :SS
COUNTY OF OZAUKEE}

I, DONALD C. CHAPUT, Professional Land Surveyor, do hereby certify:
THAT I have surveyed, divided and mapped part of Lot 1 of Certified Survey Map No. 4148, being a part of the Northeast 1/4 and Southeast 1/4 of the Southwest 1/4 and part of the Northwest 1/4, Northeast 1/4, Southwest 1/4 and Southeast 1/4 of the Southeast 1/4 all in Section 11, Township 9 North, Range 21 East, in the City of Mequon, Ozaukee County, Wisconsin, bounded and described as follows:
Commencing at the Northeast corner of the Southeast 1/4 of said Section 11, thence South 01°36'15" East along the East line of the Southeast 1/4 of said Section 578.42 feet to the point of beginning of the lands to be described; thence continuing South 01°36'15" East along said East line 720.36 feet to a point on the North line of Certified Survey Map No. 3680 feet to a point; thence South 88°28'01" West along said North line 455.64 feet to a point on the West line of said map; thence South 10°56'30" West along said West line 285.00 feet to a point on the North line of Lot 3 of Certified Survey Map No. 4148; thence South 88°23'48" West along said North line 231.68 feet to a point on the West line of said map; thence South 27°02'12" West along said West line 502.16 feet to a point; thence South 01°36'18" East along said West line 571.35 feet to a point; to a point on the North line of Highland Road; thence South 89°07'36" West along said North line 1658.61 feet to a point; thence South 89°04'49" West along said North line 1324.65 feet to a point on the East line of Certified Survey Map No. 3248; thence North 01°54'52" West along said East line 1161.25 feet to a point on the South line of Certified Survey Map No. 4060; thence North 88°35'01" East along said South line 290.92 feet to a point on a meander corner, being 27 feet more or less South 88°35'01" West from the shore of the pond; thence North 03°00'00" East 268.04 feet along said meander line to a point; thence North 62°50'09" East 213.00 feet along said meander line to a point; thence North 38°00'00" East 259.00 feet along said meander line to a point; thence North 12°00'00" East 246.54 feet along said meander line to a point; thence North 32°00'00" East 123.24 feet along said meander line to a point; thence North 59°00'00" East 109.55 feet along said meander line to a point; thence South 73°00'00" East 137.69 feet along said meander line to a point; thence South 03°20'21" West 70.54 feet along said meander line to a point; thence South 14°04'19" East 143.26 feet along said meander line to a point; thence South 50°58'38" East 135.83 feet along said meander line to a point; thence North 62°50'09" East 196.09 feet along said meander line to a point; thence North 77°44'15" East along said meander line 186.22 feet to a point; thence South 68°49'42" East along said meander line 114.85 feet to a point; thence North 63°44'31" East along said meander line 184.92 feet to a point; thence North 59°03'04" East along said meander line 160.54 feet to a point; thence North 77°59'40" East along said meander line 124.04 feet to a point; thence South 54°23'06" East along said meander line 142.79 feet to a point; thence South 30°08'02" East along said meander line 122.54 feet to a point; thence South 10°51'16" East along said meander line 174.71 feet to a point; thence South 00°25'02" West along said meander line 115.17 feet to a point; thence South 34°30'55" West along said meander line 69.96 feet to a point on the West line of Lot 2 of Certified Survey Map No. 4148, said point being 25 feet more or less South 12°10'24" East from the shore of the pond; thence South 12°10'24" East along said West line 833.05 feet to a point on the South line of said map; thence North 89°07'37" East along said South line 61.54 feet to a point; thence North 58°13'16" East along said South line 32.60 feet to a point on the East line of said map; thence North 12°10'24" West along said East line 412.26 feet to a point; thence North 36°30'04" East along said East line 239.44 feet to a point; thence Northeasterly 270.32 feet along said East line and arc of a curve, whose center lies to the Northwest, whose radius is 700.00 feet and whose chord bears North 25°26'17.5" East 268.64 feet to a point of compound curve; thence Northeasterly 150.79 feet along said East line and arc of a curve, whose center lies to the West, whose radius is 250.00 feet and whose chord bears North 02°54'14" West 148.51 feet to a point; thence North 20°10'59" West along said East line 164.31 feet to a point on the North line of said map; thence West along said North line 238.50 feet to a point on the East line of Lot 3 of Certified Survey Map No. 3107; thence North 06°54'31" East along said East line 471.35 feet to a point on the North line of said map; thence North 22°06'31" West along said North line 48.73 feet to a point; thence Northwesterly 19.97 feet along said North line and arc of a curve, whose center lies to the West, whose radius is 150.00 feet and whose chord bears North 25°55'23" West 19.96 feet to a point; thence North 29°44'15" West along said North line 27.84 feet to a point; thence Northwesterly 31.33 feet along said North line and arc of a curve, whose center lies to the South, whose radius is 30.00 feet and whose chord bears North 59°39'23" West 29.93 feet to a point; thence North 89°34'31" West along said North line 30.12 feet to a point; thence Northwesterly 42.47 feet along said North line and arc of a curve, whose center lies to the North, whose radius is 75.00 feet and whose chord bears North 73°21'11.5" West 41.90 feet to a point; thence North 57°07'52" West along said North line 91.55 feet to a point; thence Southwesterly 28.60 feet along said North line and arc of a curve, whose center lies to the South, whose radius is 20.00 feet and whose chord bears South 81°53'55" West 26.23 feet to a point; thence South 40°55'42" West along said North line 62.88 feet to a point; thence Southwesterly 17.11 feet along said North line and arc of a curve, whose center lies to the Northwest, whose radius is 50.00 feet and whose chord bears South 50°43'52" West 17.03 feet to a point of compound curve; thence Northeasterly 74.35 feet along said North line and arc of a curve, whose center lies to the Northwest, whose radius is 1000.00 feet and whose chord bears South 62°39'49.5" West 74.33 feet to a point of reverse curve; thence Southwesterly 16.05 feet along said North line and arc of a curve, whose center lies to the Southeast, whose radius is 50.00 feet and whose chord bears South 55°35'48" West 15.98 feet to a point; thence South 46°23'59" West along said North line 101.13 feet to a point; thence Southwesterly 71.70 feet along said North line and arc of a curve, whose center lies to the Northwest, whose radius is 80.00 feet and whose chord bears South 72°04'27" West 69.32 feet to a point; thence North 82°15'05" West along said North line 222.53 feet to a point; thence Southwesterly 59.52 feet along said North line and arc of a curve, whose center lies to the South, whose radius is 150.00 feet and whose chord bears South 86°22'54" West 59.13 feet to a point; thence South 75°00'53" West along said North line 60.85 feet to a point; thence Southwesterly 30.51 feet along said North line and arc of a curve, whose center lies to the South, whose radius is 200.00 feet and whose chord bears South 70°38'42" West 30.48 feet to a point; thence South 66°16'31" West along said North line 45.87 feet to a point; thence Southwesterly 50.71 feet along said North line and arc of a curve, whose center lies to the Southeast, whose radius is 50.00 feet and whose chord bears South 37°13'13.5" West 48.56 feet to a point of reverse curve; thence Southwesterly 35.63 feet along said North line and arc of a curve, whose center lies to the Northwest, whose radius is 35.00 feet and whose chord bears South 37°19'59.5" West 34.12 feet to a point of reverse curve; thence Southwesterly 92.48 feet along said North line and arc of a curve, whose center lies to the Southeast, whose radius is 500.00 feet and whose chord bears South 71°47'59" West 92.35 feet to a point; thence South 77°05'55" West along said North line 24.59 feet to a point on the West line of said Lot 3; thence North 01°45'03" West along said East line 399.70 feet to a point on the North line of the Southeast 1/4 of Section 11; thence North 88°56'17" East along said North line 2205.68 feet to a point; thence South 01°36'15" East 582.68 feet to a point; thence North 88°23'45" East 450.19 feet to the point of beginning. Excepting therefrom all land lying between the above mentioned meander line and the ordinary high water line.

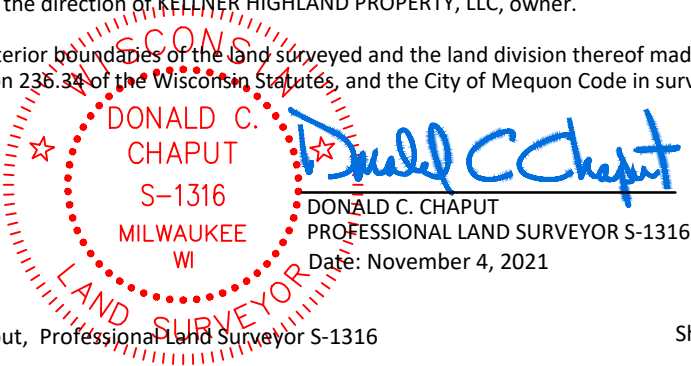
Said lands as described contains 6,940,440± S.F. or 159.33± Acres to the shoreline.

THAT I have made the survey, land division and map by the direction of KELLNER HIGHLAND PROPERTY, LLC, owner.

THAT such map is a correct representation of all the exterior boundaries of the land surveyed and the land division thereof made.
THAT I have fully complied with the provisions of Section 236.34 of the Wisconsin Statutes, and the City of Mequon Code in surveying, dividing and mapping the same.

CHAPUT
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234 W. Florida Street
Milwaukee, WI 53204 414-224-8068
www.chaputlandsurveys.com



Attachment: 20211104-csm-3000-3-Sheet 1-6 (6899 : Chaput Land Surveys for Kellner Highland Property, LLC)

CERTIFIED SURVEY MAP NO. _____

Part of Lot 1 of Certified Survey Map No. 4148, being a part of the Northeast 1/4 and Southeast 1/4 of the Southwest 1/4 and part of the Northwest 1/4, Northeast 1/4, Southwest 1/4 and Southeast 1/4 of the Southeast 1/4 all in Section 11, Township 9 North, Range 21 East, in the City of Mequon, Ozaukee County, Wisconsin.

CORPORATE OWNER'S CERTIFICATE

KELLNER HIGHLAND PROPERTY, LLC, a Limited Liability Company, duly organized and existing under and by the virtue of the laws of the State of Wisconsin as owner, by its members, certifies that KELLNER HIGHLAND PROPERTY, LLC is the owner of the lands shown heron and further certifies that said Limited Liability Company caused the land described on this map to be surveyed, divided and mapped as represented on this map in accordance with the City of Mequon ordinance regulating the platting of land and the Ozaukee County ordinance regulating the platting of land, and Chapter 236.34 of the Wisconsin Statutes.

IN Witness whereof KELLNER HIGHLAND PROPERTY, LLC has caused these presents to be signed by TED D. KELLNER, MEMBER
this _____ day of _____, 202__.

KELLNER HIGHLAND PROPERTY, LLC
By: TED D. KELLNER, MEMBER
4500 West Highland Road, Mequon, WI

STATE OF WISCONSIN }
 } ss
COUNTY }

Personally came before me this ____ day of _____, 202__, the above named TED D. KELLNER, member for KELLNER HIGHLAND PROPERTY, LLC known as the person who executed the foregoing instrument as such officers, by its authority.

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

PLANNING COMMISSION CERTIFICATE OF APPROVAL

APPROVED by the Planning Commission of the City of Mequon on this _____ day of _____, 202__.

JOHN WIRTH, CHAIRPERSON

SECRETARY



234 W. Florida Street
Milwaukee, WI 53204

414-224-8068
www.chaputlandsurveys.com



Date: November 4, 2021

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

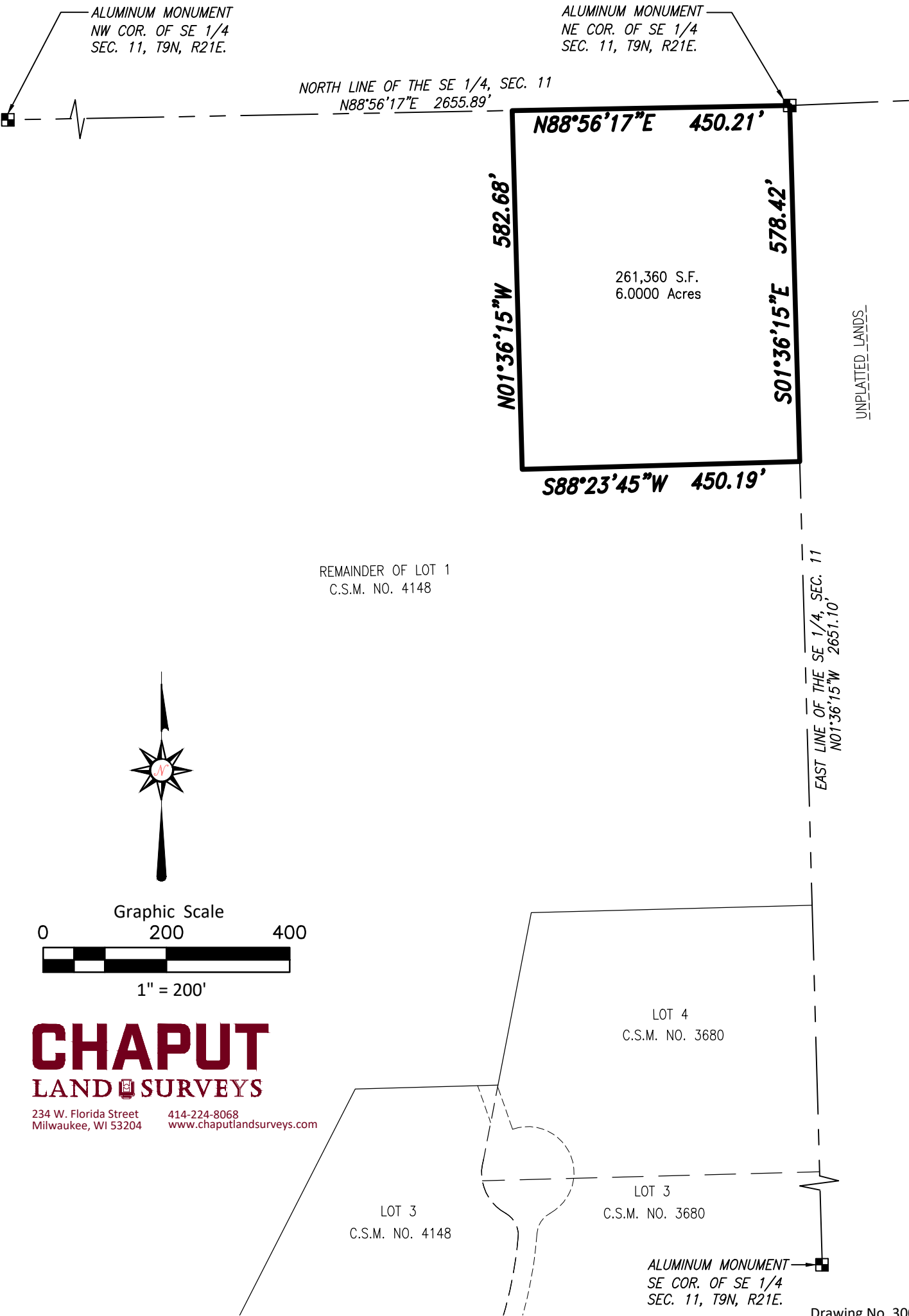
Sheet 6 of 6 Sheets

EXHIBIT

Part of Lot 1 of Certified Survey Map No. 4148, being part of the Northeast 1/4 of the Southeast 1/4 in Section 11, Township 9 North, Range 21 East, in the City of Mequon, Ozaukee County, Wisconsin which is bounded and described as follows:

Beginning at the Northeast corner of the Southeast 1/4 of said Section 11, thence South 01°36'15" East along the East line of the Southeast 1/4 of said Section 578.42 feet to a point; thence South 88°23'45" West 450.19 feet to a point; thence North 01°36'15" West 582.68 feet to a point on the North line of the Southeast 1/4 of Section 11; thence North 88°56'17" East along said North line 450.21 feet to the point of beginning. Containing 261,360 square feet or 6.0000 acres of land.

November 1, 2021



Attachment: 20211101-exhibit NE-3000 (6899 : Chaput Land Surveys for Kellner Highland Property, LLC)

CHAPUT
LAND SURVEYS

234 W. Florida Street
Milwaukee, WI 53204

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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: COLE MCCRAW, ASSISTANT CITY ENGINEER
DATE: December 13, 2021
SUBJECT: Berengaria Development for BMSL Mequon Invest LLC. The applicant is seeking approval of a previously approved land division to create four lots south of 11104 N Oriole Lane since the deadline to record the certified survey map has passed. The land division was previously approved on March 22, 2021. No changes are proposed.

Applicant:	Berengaria Development
Status of Applicant:	Owner
Requested:	Final Land Division Approval
Existing Zoning:	R-3 (1-acre single-family) C-2 (General Conservancy)
Land Use Plan:	Residential 1-1.5 Acres
Lot size:	7.4 acres
Location:	11104 N. Oriole Lane
Tax Key Number:	#15-030-02-020.00, #15-030-02-021.00, #15-030-02-022.00, #15-030-02-024.00
District:	#6

Background:

The applicant requests approval for a previously approved land division to create four lots immediately south of 11104 N Oriole Lane. On March 22, 2021, Planning Commission approved the land division on Oriole Lane. Due to the required condition to extend the water main, the applicant was unable to record the Certified Survey Map within the 180-day deadline. There are no changes proposed to the previously approved land division which creates four lots between 1.05 acres – 2.58 acres.

Engineering Report:

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

The developer was required to extend water main along the frontage of the land division as a condition of the March 2021 Planning Commission approval and the Water Services Agreement. The developer constructed the water main in Fall of 2021. The timeline of construction and acceptance by the Water Utility caused the project to exceed 180 days from the date of approval of the Certified Survey Map by Planning Commission.

There are remaining items that the developer must provide to the City as part of the approved Planning Commission conditions from March 2021. The CSM shall not be recorded until all conditions of the March 2021 approval are met.

Staff Recommendation:

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

1. All conditions from March 22, 2021, approval shall be met prior to recording of the certified survey map.

Attachments:

Map (PDF)

SIGNED Follow up_BMSL_03.22.21 (PDF)

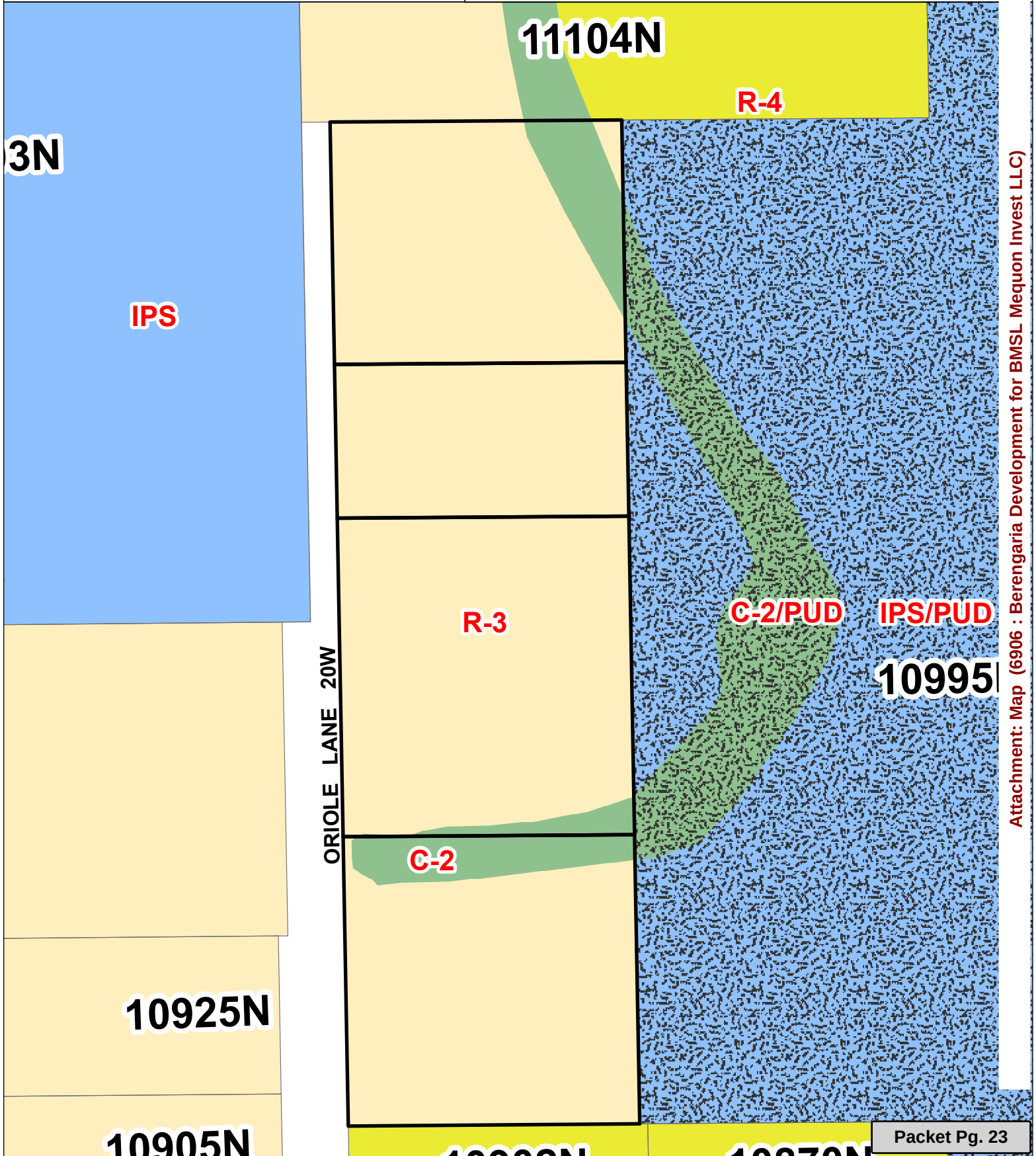
CSM_Updated (PDF)

BMSL Mequon Invest LLC

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

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

2.b.a



Attachment: Map (6906 : Berengaria Development for BMSL Mequon Invest LLC)



11333 N. Cedarburg Rd
Mequon, WI 53092-1930
Phone (262) 236-2908
Fax (262) 242-9655

Email: ppvang@ci.mequon.wi.us

DEPARTMENT OF COMMUNITY DEVELOPMENT

March 23, 2021

Mr. Dan Sisel
BMSL Mequon Invest LLC
301 N Broadway, Suite 300
Milwaukee, WI 53202

Mr. Darin Frerichs
Berengaria Development
301 N Broadway, Suite 300
Milwaukee, WI 53202

Re: Certified Survey Map

Dear Dan and Darin,

At their March 22, 2021 meeting, the Planning Commission took the following action regarding the request for certified survey map approval to allow for a 4-lot land division which reconfigures the existing four parcels (7.4-acres) and ultimately creates 5 lots out of the four lots located immediately south of 11104 N. Oriole Lane.

Approval of the land division subject to the following conditions:

1. Final staff review and approval of CSM.
2. Compliance with the Tree Preservation Ordinance.
3. No certified survey map shall be offered for recording or recorded after 180 days from the date of approval by the Planning Commission.
4. Applicant or individual home builders shall provide wetland fill approval from the WDNR, if filling of the wetlands is proposed.
5. Connection to the public sanitary sewer utility and water utility are required.
6. Where available, new homes shall connect to the existing sanitary laterals. Construction of new laterals shall adhere to the Standard Specifications for Land Development.
7. Execution of a Water Service Agreement between the applicant and the Water Utility. The mainline water main shall meet Water Utility standards for ISO recommended fire flows of 2500 gpm.
8. The applicant shall obtain the necessary approval and permits for the installation of the water main from regulatory agencies.
9. The public water main shall be extended to the northern property line of Lot 1.
10. In exchange for abandonment of the existing bike path easement requirement, as recorded on CSM No. 3406, the applicant shall provide a 20 foot wide water main easement along the northern property line of Lot 1, for potential future looping of the water infrastructure.

Attachment: SIGNED Follow up_BMSL_03.22.21 (6906 : Berengaria Development for BMSL Mequon Invest LLC)

11. For home/driveway construction that exceeds 5,000 square feet, each individual lot will be required to provide green infrastructure meeting MMSD requirements. Alternatively, the developer could plan for a regional stormwater facility that meets City ordinances and MMSD Chapter 30.
12. For home/driveway construction which triggers the MMSD requirement for green infrastructure, each property owner will also be required to provide a stormwater maintenance and easement agreement for the green infrastructure.
13. For home/driveway construction which triggers the MMSD requirement for green infrastructure, each property owner will also be required to provide a drainage financial guarantee. City ordinance 58-677(b) requires 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).
14. The applicant shall submit an electronic file for the proposed certified survey map in a format compatible with AutoCAD 2015 dwg or dxf in Wisconsin State Plane Coordinate system. South Zone (NAD 83).

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

Sincerely,



Pa Phouala Vang
Planner

CERTIFIED SURVEY MAP NO. _____

BEING A RE-DIVISION OF PART OF LOT 4 AND ALL OF LOTS 1, 2 & 3 OF CERTIFIED SURVEY MAP NO. 3406; BEING A PART OF THE NORTHWEST 1/4 AND SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 30, TOWN 9 NORTH, RANGE 22 EAST, IN THE CITY OF MEQUON, OZAUKEE COUNTY, WISCONSIN.

NW. CORNER OF THE NE. 1/4 OF SECTION 30-9-22 CONC. MONUMENT WITH ALUMINUM CAP

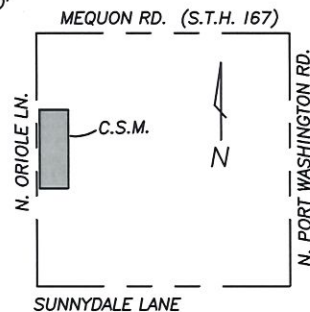
OWNER & SUBDIVIDER:
BMSL MEQUON INVEST, LLC
301 N. BROADWAY, SUITE 300
MILWAUKEE, WI. 53202

NSE

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

SETBACK NOTE:

FRONT YARD = 50.0'
REAR YARD = 20.0'
SIDE YARD = 20.0'



LOCATION MAP

NORTHEAST 1/4 SEC. 30-9-22
(SCALE 1"=2000')



SCALE 1" = 100'

LEGEND

○ - DENOTES 1.315"X18" STEEL PIPE WEIGHING 1.13 LBS. PER LINEAL FOOT (SET)

● - DENOTES 1.3" STEEL PIPE FOUND

ALL BEARINGS REFERENCED TO GRID NORTH OF THE WISCONSIN STATE PLANE COORDINATE SYSTEM, SOUTH ZONE (WEST LINE OF THE NE. 1/4 OF SECTION 30-9-22, WHICH BEARS S1°02'25"E) (MAR. 1994 DATUM/NAD-27)

NOTES:

1. THIS PROPERTY IS ALSO SUBJECT TO EASEMENTS OF RECORD.
2. THIS PROPERTY IS PRESENTLY ZONED;
R-3 - SUBURBAN RESIDENTIAL DETACHED
C-2 - GENERAL CONSERVANCY DISTRICT
3. SEE SHEET 2 FOR WETLAND NOTE AND LINE SEGMENT TABLE INFORMATION.



2-11-2021

REV. 4-1-2021

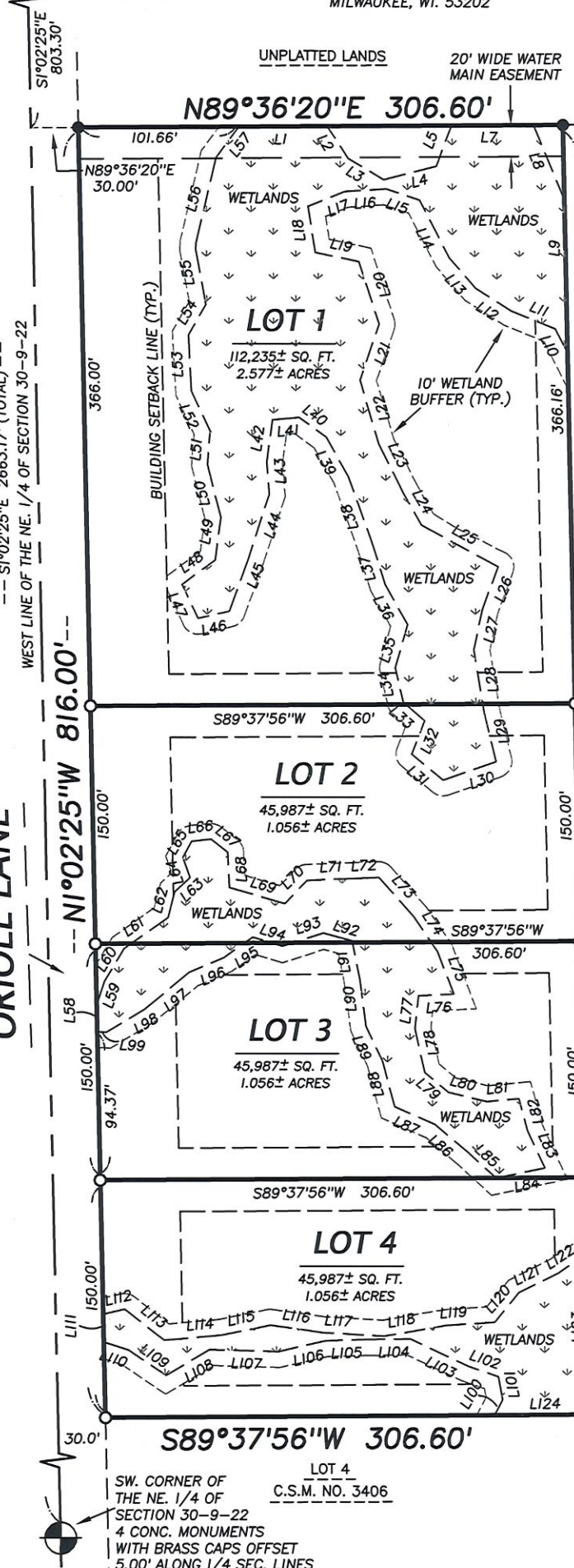
ORIOLE LANE

WEST LINE OF THE NE. 1/4 OF SECTION 30-9-22
S1°02'25"E 2663.17' (TOTAL)

N1°02'25"W 816.00'

S1°02'25"E 816.16'

LOT 1 - C.S.M. NO. 3634



SW. CORNER OF THE NE. 1/4 OF SECTION 30-9-22 4 CONC. MONUMENTS WITH BRASS CAPS OFFSET 5.00' ALONG 1/4 SEC. LINES

CERTIFIED SURVEY MAP NO. _____

BEING A RE-DIVISION OF PART OF LOT 4 AND ALL OF LOTS 1, 2 & 3 OF CERTIFIED SURVEY MAP NO. 3406; BEING A PART OF THE NORTHWEST 1/4 AND SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 30, TOWN 9 NORTH, RANGE 22 EAST, IN THE CITY OF MEQUON, OZAUKEE COUNTY, WISCONSIN.



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WETLAND LINE SEGMENT TABLE

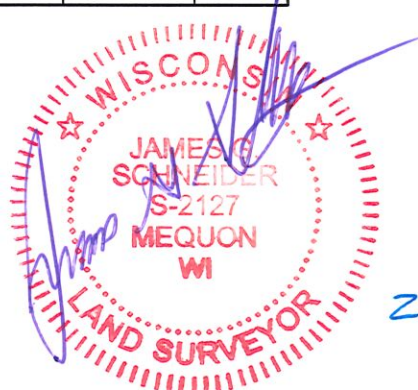
Line Table		
Line #	Direction	Length
L1	N89°36'20"E	55.92'
L2	S32°26'18"E	24.33'
L3	S59°16'52"E	25.94'
L4	N75°52'39"E	34.54'
L5	N20°28'07"E	27.64'
L7	N89°36'20"E	51.80'
L8	S22°22'41"E	51.40'
L9	S1°02'25"E	96.77'
L10	N26°31'48"W	17.21'
L11	N68°09'06"W	30.51'
L12	N57°27'39"W	26.24'
L13	N40°50'42"W	25.44'
L14	N26°59'33"W	41.08'
L15	N71°41'30"W	22.31'
L16	S86°22'22"W	26.17'
L17	S67°59'29"W	25.13'
L18	S8°42'42"E	29.42'
L19	S77°49'58"E	28.04'
L20	S18°04'21"E	41.55'
L21	S18°59'36"W	37.56'
L22	S16°22'06"E	41.82'
L23	S26°32'32"E	33.63'
L24	S29°07'56"E	24.51'
L25	S61°27'16"E	55.04'
L26	S20°29'01"W	28.77'
L27	S11°55'29"W	26.31'
L28	S9°02'21"E	39.73'
L29	S13°42'10"E	32.13'
L30	S70°51'21"W	35.55'
L31	N50°11'32"W	25.67'
L32	N21°17'24"E	22.53'
L33	N48°58'18"W	17.98'
L34	N12°58'34"W	22.10'
L35	N16°06'56"E	28.52'
L36	N29°05'06"W	29.29'
L37	N17°08'48"W	25.99'
L38	N19°30'29"W	46.62'
L39	N29°07'32"W	27.82'
L40	N54°00'35"W	21.31'
L41	S84°52'52"W	16.97'
L42	S7°43'59"W	26.87'
L43	S4°00'11"E	20.78'

Line Table		
Line #	Direction	Length
L44	S18°10'06"W	42.85'
L45	S20°03'59"W	35.43'
L46	S76°59'46"W	20.34'
L47	N25°02'06"W	23.70'
L48	N53°39'55"E	26.07'
L49	N7°55'40"E	27.17'
L50	N14°02'03"W	34.69'
L51	N4°42'07"E	21.29'
L52	N25°04'51"W	27.76'
L53	N2°54'52"W	35.45'
L54	N30°02'17"E	22.16'
L55	N10°24'18"W	35.28'
L56	N13°22'58"E	55.30'
L57	N36°14'25"E	24.77'
L58	N1°02'25"W	16.85'
L59	N18°17'10"E	15.76'
L60	N31°05'23"E	24.33'
L61	N54°48'17"E	33.89'
L62	N14°55'36"E	16.80'
L63	N47°24'07"E	13.22'
L64	N19°30'04"W	13.41'
L65	N28°39'07"E	11.95'
L66	N83°49'39"E	12.20'
L67	S51°38'04"E	13.34'
L68	S2°23'55"E	22.16'
L69	S73°50'40"E	36.77'
L70	N43°34'17"E	20.35'
L71	N87°43'33"E	28.32'
L72	N87°40'10"E	17.06'
L73	S41°43'28"E	33.24'
L74	S34°06'31"E	26.21'
L75	S20°46'06"E	29.11'
L76	S87°33'25"W	22.34'
L77	S6°20'40"W	21.06'
L78	S12°20'58"E	28.75'
L79	S49°57'59"E	19.60'
L80	S76°17'16"E	25.06'
L81	N84°28'55"E	20.20'
L82	S15°05'51"E	20.88'
L83	S24°39'48"E	26.09'
L84	S78°16'46"W	31.41'
L85	N47°32'31"W	24.30'
L86	N49°48'40"W	27.43'

Line Table		
Line #	Direction	Length
L87	N66°19'57"W	27.68'
L88	N14°39'12"W	30.15'
L89	N25°02'01"W	24.20'
L90	N7°28'18"W	30.27'
L91	N10°59'56"W	24.87'
L92	N75°07'26"W	18.70'
L93	S72°01'05"W	27.21'
L94	N72°59'40"W	19.63'
L95	S54°40'03"W	22.21'
L96	S66°52'35"W	23.84'
L97	S50°20'20"W	37.40'
L98	S58°59'47"W	27.81'
L99	N86°40'13"W	5.93'
L100	N27°38'37"E	11.05'
L101	N10°38'02"W	15.08'
L102	N70°32'42"W	20.03'
L103	N64°50'30"W	40.41'
L104	S89°12'40"W	26.44'
L105	S88°26'39"W	26.99'
L106	S77°07'39"W	30.86'
L107	N88°25'51"W	43.64'
L108	S59°06'24"W	31.99'
L109	N55°49'43"W	28.78'
L110	N72°17'55"W	16.38'
L111	N1°02'25"W	17.51'
L112	N76°46'48"E	13.90'
L113	S51°59'03"E	31.70'
L114	N84°58'27"E	36.00'
L115	N78°32'48"E	32.17'
L116	S82°06'52"E	33.30'
L117	S86°34'33"E	38.85'
L118	N80°18'34"E	39.64'
L119	N86°04'28"E	31.19'
L120	N39°20'18"E	24.23'
L121	N63°24'54"E	28.45'
L122	N56°08'33"E	20.82'
L123	S1°02'25"E	101.73'
L124	S89°37'56"W	60.35'

WETLAND NOTE:

WETLANDS AS SHOWN ON THIS CERTIFIED SURVEY MAP WERE DELINEATED AND GPS LOCATED BY HEARTLAND ECOLOGICAL GROUP.



2-11-2021

CERTIFIED SURVEY MAP NO. _____

*BEING A REDIVISION OF PART OF LOT 4 AND ALL OF LOTS 1, 2 AND 3 OF
CERTIFIED SURVEY MAP NO. 3406, BEING A PART OF THE NORTHWEST 1/4 AND
SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 30, TOWN 9 NORTH,
RANGE 22 EAST, IN THE CITY OF MEQUON, OZAUKEE COUNTY, WISCONSIN.*

SURVEYOR'S CERTIFICATE

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

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

Part of lot 4 and all of lots 1, 2 and 3 of Certified Survey Map No. 3406, being a part of the Northwest 1/4 and Southwest 1/4 of the Northeast 1/4 of Section 30, Township 9 North, Range 22 East, in the City of Mequon, Ozaukee County, Wisconsin, bounded and described as follows:

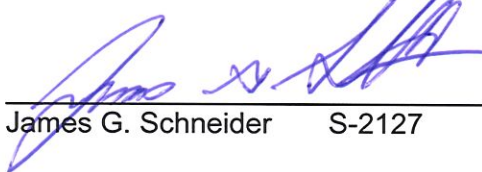
Commencing at the Northwest corner of the Northeast 1/4 of said Section 30; thence S1°02'25"E along the West line of said 1/4 Section, 803.30 feet to a point, thence N89°36'20"E, 30.00 feet to a point in the East right of way line of Oriole Lane, said point also being the Northwest corner of Lot 1 of Certified Survey Map No. 3406 and the point of beginning of lands to be described; thence continuing N89°36'20"E along the North line of said Certified Survey Map, 306.60 feet to the Northeast corner of said Certified Survey Map; thence S1°02'25"E along the East line of said Certified Survey Map, 816.16 feet to a point; thence S89°37'56"W and parallel with the South line of said Certified Survey Map, 306.60 feet to a point in the East right of way line of Oriole Lane; thence N1°02'25"W along said right of way line, 816.00 feet to the point of beginning.

Said lands containing 5.744 acres of land, more or less.

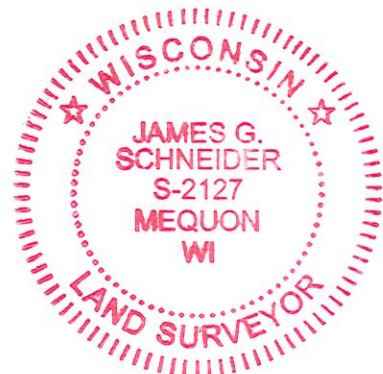
That I have made such survey, land division, and plat at the direction of BMSL MEQUON INVEST, LLC, OWNER of said lands.

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

That I have complied with Section 236.34 of the Wisconsin Statutes and the requirements of the City of Mequon.


James G. Schneider S-2127

2-11-2021



This instrument was drafted by James G. Schneider

CERTIFIED SURVEY MAP NO. _____

BEING A REDIVISION OF PART OF LOT 4 AND ALL OF LOTS 1, 2 AND 3 OF
CERTIFIED SURVEY MAP NO. 3406, BEING A PART OF THE NORTHWEST 1/4 AND
SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 30, TOWN 9 NORTH,
RANGE 22 EAST, IN THE CITY OF MEQUON, OZAUKEE COUNTY, WISCONSIN.

CORPORATE OWNER'S CERTIFICATE

I, Jay Peirick (President) of BMSL MEQUON INVEST, LLC, OWNER, do hereby certify:
THAT, I have caused the lands described in the foregoing certificate of James G.
Schneider, Surveyor, to be surveyed, divided and mapped.

WITNESS the hand and seal of said OWNER on this 3rd day of
June, 2021.

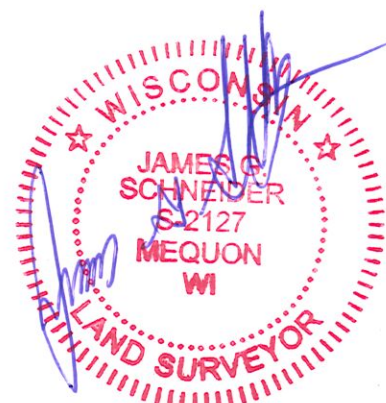
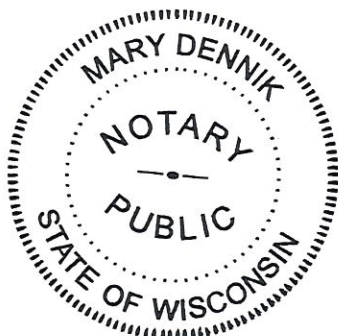

Witness


Jay Peirick (President)

STATE OF WISCONSIN)
OZAUKEE COUNTY)^{ss}
PERSONALLY came before me on this 3rd day of June, 2021
the above named Jay Peirick (President) to me known to be the person who executed
the foregoing certificate and acknowledged the same.


Notary Public

My Commission expires 03/15/2025



This instrument was drafted by James G. Schneider

Sheet 4 of 5 Sheets

2-11-2021

CERTIFIED SURVEY MAP NO. _____

BEING A REDIVISION OF PART OF LOT 4 AND ALL OF LOTS 1, 2 AND 3 OF
CERTIFIED SURVEY MAP NO. 3406, BEING A PART OF THE NORTHWEST 1/4 AND
SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 30, TOWN 9 NORTH,
RANGE 22 EAST, IN THE CITY OF MEQUON, OZAUKEE COUNTY, WISCONSIN.

CITY OF MEQUON PLAN COMMISSION APPROVAL
APPROVED by the City of Mequon Plan Commission on this _____ day of
_____, 20____.

Chairman

Secretary

Attachment: CSM_Updated (6906 : Berengaria Development for BMSL Mequon Invest LLC)

This instrument was drafted by James G. Schneider



TO: Planning Commission
FROM: COLE MCCRAW, ASSISTANT CITY ENGINEER
DATE: December 13, 2021
SUBJECT: Patricia and George Kashou. The Planning Commission may review a request to amend its approval of the certified survey map from September 27, 2021, for the property located at 10425 N. Granville Road to remove the requirement for a share driveway.

Background:

The applicant is requesting reconsideration of a condition of approval for a three-lot land division of property located at 10425 N Granville Road.

As a condition of the preliminary certified survey map (CSM) approval, Staff recommended shared driveway access for Lots 2 and 3. Planning Commission approved the CSM with the condition included to share the access point on September 27, 2021, as condition #6:

6. *Lot 2 and 3 shall share an access point with a shared driveway easement.*

The previous report is attached.

After approval, the applicant asked to have this condition removed. The applicant is requesting reconsideration based on the low amount of existing access points in the area and low traffic on Donges Bay Road, as well as hardship for the future landowners.

Engineering Report:

Cole McCraw, Assistant City Engineer, has provided the following comments.

The original recommendation was provided on the basis of traffic safety. The safety benefits of controlling access on roadways have long been recognized and documented. Increasing access density increases conflict points in the roadway system and correlates to increased crash frequency and travel times.

Attached to the report is an excerpt from the American Association of State Highway Transportation Officials' (AASHTO) *A Policy on Geometric Design of Highways and Streets*, a commonly referenced publication for transportation facilities. The excerpt summarizes the correlations of accident rates to access point density.

Staff Recommendation:

Staff recommended that the lots share a driveway access as part of the report from September 27, 2021. Planning Commission may consider removing the condition.

Attachments:

Map (PDF)

George Kashou PC Narrative (DOCX)

SIGNED Follow Up_Kashou_09.27.21 (PDF)

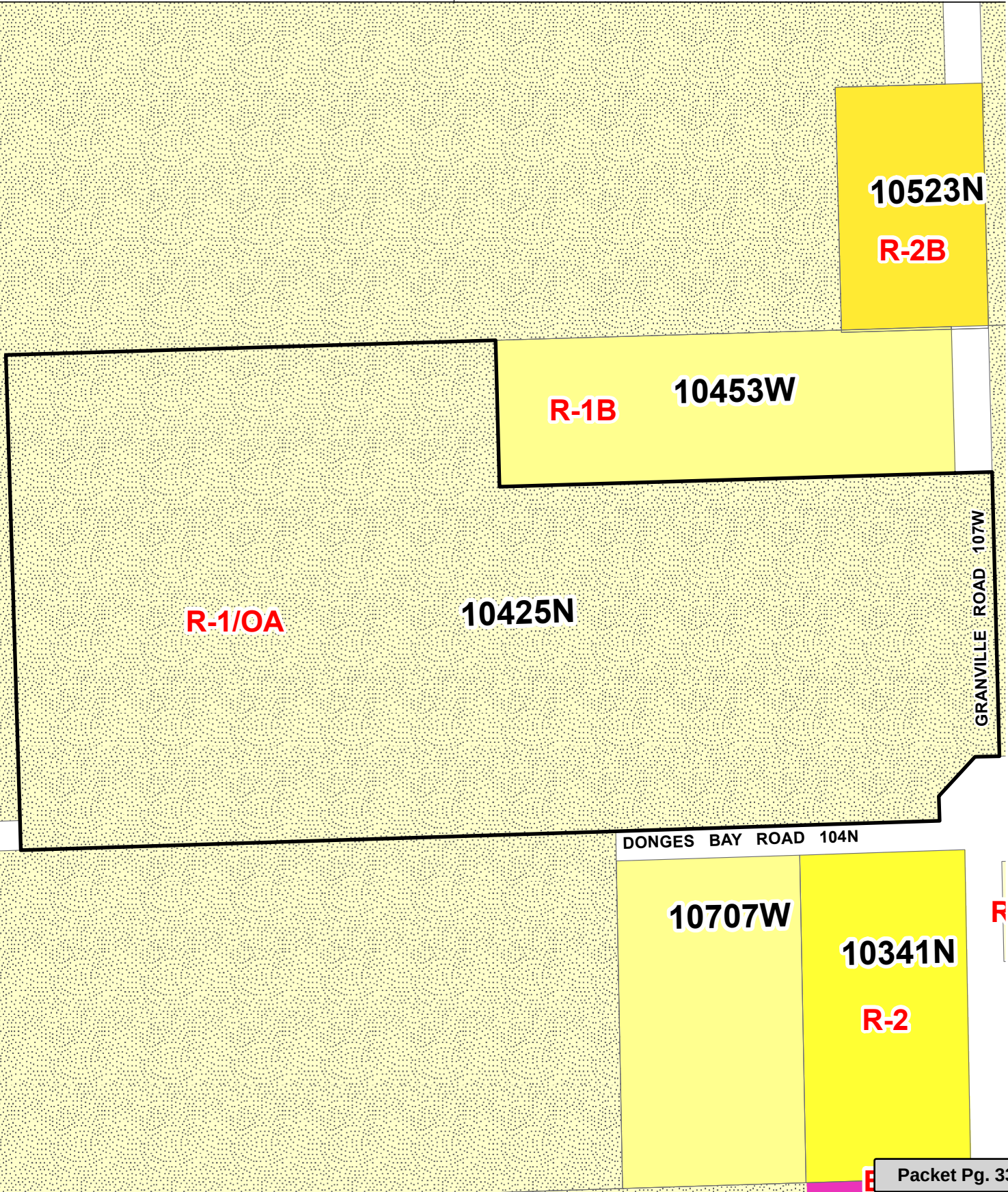
Green Book Excerpt - Access Points (PDF)

Kashou

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

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

3.a.a



Attachment: Map (6907 : George and Patricia Kashou)

Narrative

From: George Kashou

TO: Mequon Planning commission

Date: 11-2-21

RE: Property located at 10425 N Granville rd.

Request to remove shared driveway access for lots 2 & 3

The planning commission imposed a shared driveway access for Lots 2 & 3. I request this be removed for the following reasons:

1. Both lots 2 & 3 are approximately 350 ft. wide and 625 deep and the driveway access for both lots will be on Donges bay rd. between 107th st and 124 st.
 - There is only 4 driveway access points onto donges bay rd on both north and south side of the streets.
 - There is NO issue with traffic on Donges bay rd.
2. A shared drive would impose a hardship on the lot owners for these reasons:
 - Each homeowner may opt to locate their driveway access at a location that may coincide with the location of their home on the property.
 - Given these are 5 acre lots, the location of each home can greatly vary in distance from the street access point, and this would create an inequitable shared situation and a potential conflict between homeowners.

Thank you for your consideration in this matter.

Respectfully,

George Kashou

Attachment: George Kashou PC Narrative (6907 : George and Patricia Kashou)



11333 N. Cedarburg Rd
Mequon, WI 53092-1930
Phone (262) 236-2908
Fax (262) 242-9655

Email: ppvang@ci.mequon.wi.us

DEPARTMENT OF COMMUNITY DEVELOPMENT

September 28, 2021

Patricia and George Kashou
7047 W. Ridgeview Drive
Mequon, WI 53092

Re: Certified Survey Map

Dear Patricia and George,

At their September 27, 2021, meeting, the Planning Commission took the following action regarding the request for certified survey map approval to allow for a 3-lot land division for the property located at 10425 N. Granville Road.

Approval of the land division subject to the following conditions:

1. The applicant shall make any technical corrections to the final CSM.
2. Compliance with the Tree Preservation Ordinance.
3. No certified survey map shall be offered for recording or recorded after 180 days from the date of approval by the Planning Commission.
4. Final staff technical review and approval of CSM.
5. The shed shall be removed prior to obtaining a building permit for Lot 1.
6. Lot 2 and 3 shall share an access point with a shared driveway easement.
7. A shared access agreement shall be approved by the City Attorney prior to recording of the CSM. The shared access shall be described on the face of the CSM.
8. Common Council acceptance of right-of-way on Granville Road and Donges Bay Road.
9. Applicant shall provide proof of concurrence by the WDNR and show the survey from the wetland delineation, the name of the delineator, the date of delineation, the date of WDNR concurrence and the protective area setback on the certified survey map. Per City ordinance, the certified survey map shall further restrict the protective areas setbacks to natural, vegetated areas of land. If the combination of wetland area and protective setback renders a lot unbuildable, the certified survey map shall be adjusted to conform with City ordinances.
10. Applicant or individual home builders shall provide wetland fill approval from the WDNR, if filling of the wetlands is proposed.
11. Applicant shall provide soil boring information and evaluation that soil conditions allow for usage of septic or mound systems unless parcel deeds restricted to uses which do not require a sewage disposal facility.
12. For home/driveway construction that exceeds 5,000 square feet, each individual lot will be required to provide green infrastructure meeting MMSD requirements. Alternatively, the developer could plan for a regional stormwater facility that meets City ordinances and MMSD Chapter 30.

Attachment: SIGNED Follow Up_Kashou_09.27.21 (6907 : George and Patricia Kashou)

13. For home/driveway construction which triggers the MMSD requirement for green infrastructure, each property owner will also be required to provide a stormwater maintenance and easement agreement for the green infrastructure. If a regional stormwater facility is proposed, the developer would be required to provide a stormwater maintenance and easement agreement. Both require drainage financial guarantees.
14. The applicant shall submit an electronic file for the proposed certified survey map in a format compatible with AutoCAD 2015 dwg or dxf in Wisconsin State Plane Coordinate system. South Zone (NAD 83).

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

Sincerely,



Pa Phouala Vang
Planner

The benefits of controlling access to a highway have long been recognized and well documented. As access density increases, there is a corresponding increase in crashes and travel times. Good access management can limit this increase.

A study on congestion by the Texas Transportation Institute has reported a 5- to 8-km/h reduction in speed for every added signal per kilometer [2- to 3-mph reduction in speed for every added signal per mile] (29). A research study on the impact of access management found that through vehicles in the curb or right lane comprised approximately 20 percent of the right turns desiring to enter a development (22).

As shown in Figures 2-32 through 2-34, the frequency of access points, such as driveways or business entrances, substantially affects the crash rate for that particular section of roadway. As the number of business and access points increases along a roadway, there is a corresponding increase in crash rates. This increase contrasts sharply with freeway crash rates which generally remain the same or even decrease slightly over time.

The generalized effects of access spacing on traffic crashes were derived from a literature synthesis and an analysis of 37,500 crashes (22). This study's analysis shows the relative increase in crash rates that can be expected as the total driveway density increases. Increasing the access frequency from 10 to 30 access points per kilometer [20 to 50 access points per mile] will result in almost doubling the number of crashes. Each additional access point per kilometer increases the crash rate about 5 percent; thus, each additional access point per mile increases the crash rate about 3 percent.

Figures 2-32 and 2-33 show crash rates by access frequency and type of median for urban/suburban and rural roads, respectively. Crash rates rise for each type of median treatment with an increase in access frequency. Non-traversable medians generally have a lower crash rate than two-way left-turn lanes and undivided roadway sections for all access densities. However, as discussed in Section 7.3.3, provision of non-traversable medians will eliminate left-turn movements at some intersections and driveways, but may increase U-turn volumes at other locations on the same road or may divert some traffic to other roads. The effect on crash frequency of increased U-turn volumes or diverted traffic may not be reflected in Figures 2-32 and 2-33.

For urban/suburban roads, representative crash rates for combinations of signalized and unsignalized access density are shown in Figure 2-34. This figure indicates that crash rates rise with increases in either unsignalized or signalized access density.

In summary, some degree of access control or access management should be included in the development of any street or highway, particularly on a new facility where the likelihood of commercial development exists. The type of street or highway to be built should be coordinated with the local land-use plan so that the desired type of access can be maintained through local zoning ordinances or subdivision regulations. The control of access may range from minimal driveway regulations to full control of access. Thus, the extent of access management that is practical is a significant factor in defining the type of street or highway.

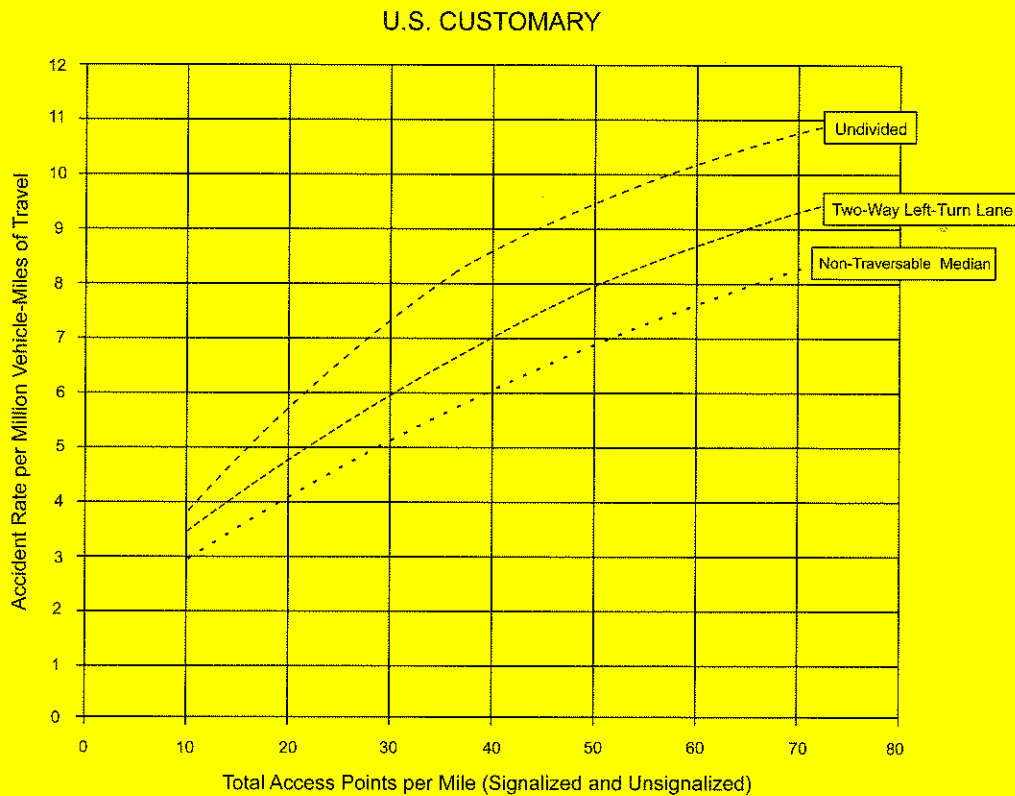
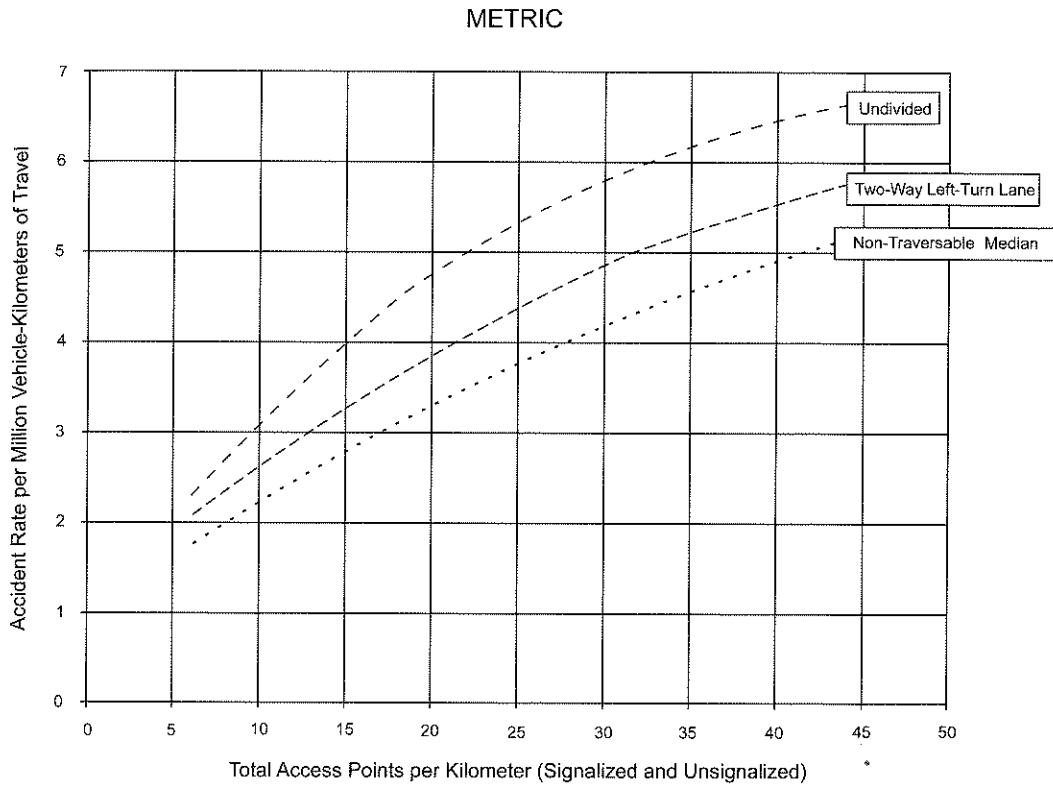


Figure 2-32. Estimated Crash Rates by Type of Median—Urban and Suburban Areas (22)



11333 N. Cedarburg Road
Mequon, WI 53092-1930
Phone: 262-242-3100
Fax: 262-242-9655

www.ci.mequon.wi.us

Office of Community Development

TO: Planning Commission
FROM: Brian Sajdak, City Attorney
DATE: December 13, 2021
**SUBJECT: An Ordinance Creating Section 62-21 of the Mequon Municipal Code
Relating to Signs Along Streets and on Public Property**

Background and Discussion

Following the U.S. Supreme Court's decision in Reed v. Town of Gilbert, 135 S. Ct. 2218 (2015), and subsequent cases interpreting that decision, it became clear that the City's sign regulations may have some constitutional infirmities that caused the Common Council to suspend enforcement of the non-commercial provisions of the sign code pending further review and analysis. At the October meeting, the Council authorized the engagement of Attorney William Cole to review the City's current code to identify areas where the code conflicts with the constitutional requirements as established by the applicable court decisions.

Attorney Cole has completed his initial review and provided it to staff. As staff works through the various issues identified by Attorney Cole, and following the City's recent experience during the school board recall election, it became clear that an area of immediate concern was to ensure that the City had enforceable regulations related to signs on public property. Accordingly, I have worked with the Mayor and staff to create the attached proposed ordinance. This ordinance addresses only signs on public property, including along streets. This proposal has been brought forward to address the issues involved with public property while staff and I continue to work through the broader issues identified by Attorney Cole, which will likely require further policy-setting discussions moving forward.

As it relates to the specific issues presented in the proposed ordinance, there are a few points that I want to highlight. First, the ordinance generally creates three specific regulations:

1. The ordinance generally prohibits all signs on public property and within right-of-way, with certain limited exceptions.

2. The ordinance further creates a “street reserved area” which is designed to provide a level of consistency as it relates to signs along streets. As the City has developed, certain streets have dedicated right-of-way lines which are consistent with the established ultimate right-of-way which was set by the City in Resolution 441 in 1976. However, there are many properties within the City (typically those with metes and bounds descriptions where property line goes to the centerline of a road) where the actual right-of-way is set by statutory presumption and actual use which is different than the ultimate desired right-of-way. The street reserved area prohibits signs within 15 feet of the edge of a roadway (with certain exceptions) which will generally make the setback for signs more consistent for both types of properties (those with dedicated right-of-way and those with metes and bounds descriptions).
3. The ordinance creates a “free area” where signs will be allowed on public property with certain restrictions. The free area is defined by the ordinance and contains an area generally located just north of the Town Center Gateway Monument on the east side of Cedarburg Road.

The second point to highlight is that while the regulations will ultimately be more uniform for all parties, the result of this uniformity will be that some existing signs will be removed. For example, there are signs that might generally be described as way-finding signs that direct a driver to a particular location. In Mequon they are generally blue in color. For example, on southbound Port Washington Road as you approach Highland Road, there is one of these signs indicating that the River Club is to the right on Highland. In most of these cases, with the advent of cellular phones and GPS directions, these signs provide less value than they once did.

Fiscal Impact

There is no fiscal impact to the City as a result of this action.

Recommendation

A recommendation is forthcoming from the Planning Committee on December 13, 2021, and the Committee of the Whole on December 14, 2021.

Attachments:

Document12 - Compatibility Mode (DOCX)

RECITALS

A. The Common Council previously adopted various regulations related to signage within the City, the bulk of which is located in Chapter 62.

B. Following the U.S. Supreme Court's decision in *Reed v. Town of Gilbert*, 135 S. Ct. 2218 (2015), and subsequent cases interpreting that decision, it became clear that the City's sign regulations may have some constitutional infirmities that caused the Common Council to suspend enforcement of the non-commercial provisions of the sign code pending further review and analysis.

C. During this review, one area of immediate concern was to ensure that the City had enforceable regulations related to signs on public property based upon significant governmental interests, which are identified in the text of the provisions adopted by this ordinance.

D. Based upon these significant governmental interests, the Common Council finds that the regulation of signage along streets and on public property is in the best interests of the health, safety and welfare of the community.

BASED ON THE FOREGOING RECITALS, the Common Council of the City of Mequon, Wisconsin, do ordain as follows:

SECTION I

Sections 54-26(3) and 62-7(22) of the Mequon Municipal Code are repealed.

SECTION II

Section 62-21 of the Mequon Municipal Code is created to read as follows:

Sec. 62-21 Signs along streets and on public property

- (a) Findings. The city encourages the exercise of free speech, and recognizes the right of all people to speak, petition, picket and otherwise express speech on public property. Signage on public property, however, poses additional concerns, among them being:
 - (1) Signs installed on public property give the appearance of government endorsement of the messages on the signs.
 - (2) Signs installed in certain locations can obstruct visibility and conflict with necessary safety signs and, therefore, create safety hazards.

- (3) Signs that are installed too close to roads can create distractions for drivers and, in certain locations, obstruct visibility.
- (4) Signs installed on public property can obstruct vehicles, bicycles and pedestrians; moreover, excessive signage has in the past made parks and public buildings uninviting to regular users.
- (5) The common council knows of no way to ensure that an installed sign on public property is removed when the person posting the sign has no further use for it, and the city has no way to know who installed a sign so that the city can inquire whether the sign can be removed; therefore, signs could be installed permanently.
- (6) The proliferation of installed signs on public property unnecessarily changes the character and aesthetics of the city. Nevertheless, the public has the ability to post non-commercial signs on private property and in the free area (defined below), thereby ensuring that the public may express itself on signs.

Accordingly, the common council has determined that this section is required for the safe and orderly administration of public property. With certain limited exceptions, this section restricts all people and entities, including the city, from installing signs. However, the city has reserved the right to install specific signs that are fundamental and necessary for the purposes for which the city owns its properties. The city allows others to hold signs on public property while petitioning, picketing and at all other times. The city also allows all people and entities to install signs in the free area (defined below) on conditions substantially the same as the conditions under which the city can install and display signs in the free area and allows any person or entity to purchase advertising signs, without content restriction, at athletic fields. The common council further finds that numerous and significant alternatives exist to placing signs along streets and on public property that allow the exercise of free speech.

(b) Interpretation. The provisions of this section supersede all contrary provisions of this chapter 62, this code and city policies. Except for sections 62-18(b)-(d) and 62-19 which are specifically incorporated in this section by reference, any provision of this chapter 62, this code or any city policy that conflicts with or could be read to supplement this section or that grants discretion in the city or any of its committees shall have no force or effect with respect to the subject matter of this section or the properties described in this section. Without limiting the foregoing, sections 62-4, 62-17 and 62-18(a) shall specifically not apply to this section.

(c) Definitions. The definitions of the following terms and phrases set forth above are specifically incorporated in this section: area, electronic message sign, ground sign, height, sign and street. Additionally, the following terms and phrases shall have the following meanings as used in this section:

Edge of the street means the back side of any curb, if installed along a street, or if not, the edge of the pavement of a street.

Hold means to grasp or carry or to display on clothing being worn by a person.

Install means to cause to be or stay in a particular place and includes to erect, embed, attach, fasten, place, display, paint, draw, or otherwise illustrate, but does not include to hold.

Roadside ditch means a long, narrow open channel that is dug into the ground along the side of a street used for the collection of storm water.

Street reserved area means the physical surface of any public street to the edge of the street plus any medians and/or islands within lanes of traffic, together with the following:

(1) If there is a sidewalk or multi-use path located in whole or in part within 15 feet from the edge of the street, the area from the edge of the street up to, and including, the sidewalk or multi-use path; or

(2) In an area along a street where (1) does not apply, 15 feet from the edge of the street.

(d) General exceptions. Nothing in this section shall prohibit any person from holding a sign in a street reserved area or on public property provided that no such sign being held shall (1) block the view of traffic in a manner that could cause safety concerns; (2) block the driveway except while being carried from one side to another; (3) be held within 25 feet of the entrance of any public building; (4) obstruct pedestrian ingress or egress from any public building; or (5) be held in any street reserved area that is titled to a private property owner without the property owner's permission.

(e) Street reserved areas.

(1) Except for the following, no signs shall be installed in any street reserved area:

- a. The following signs erected by the city or any other governmental entity with authority:
 - i. Traffic signs and street signs.
 - ii. Warning signs and temporary emergency signs installed for the public safety.
 - iii. Entrance signs to the city stating the name, population and official slogan, if any, for the city and containing the logo for the city (or any combination of the foregoing).
 - iv. Signs designating historical landmarks, signs naming neighborhoods and signs notifying the public of designations bestowed upon the city or a place by an entity other than the city (e.g., Bird City USA, Rustic Road).
 - v. Adopt a street program signs.
 - vi. Signs required by federal or state law to be placed in such locations.
- b. Railroad signs installed by or on behalf of a railroad, or a governmental entity with authority, for safety purposes.
- c. Utility signs installed by or on behalf of a public utility, or governmental entity with authority, for safety purposes.
- (2) No sign in a roadside ditch may be installed in a manner that would restrict the free flow of water.
- (f) Other public property.
 - (1) This subsection (f) shall not apply to the following:
 - a. That portion of any right-of-way that is regulated under subsection (e) as part of a street reserved area.
 - b. The free area regulated under subsection (g).
 - c. Signs on properties owned or controlled by the State of Wisconsin or its subdivisions (other than the city), Ozaukee

County, Mequon Area Technical College or the Mequon-Thiensville School District except for street reserved areas owned by such entities. Monument, wall and directional signage on such properties shall be regulated to the extent allowed by law by provisions of this chapter 62 other than this section. Those entities shall regulate signs, including signs installed by third-parties, under their own authority.

- d. Signs on properties leased from the city under a long term written lease of more than one year (e.g., the lease with Mequon Nature Preserve), but not including special event leases or licenses. Monument, wall and directional signage on such properties shall be regulated to the extent allowed by law by provisions of this chapter 62 other than this section. Subject to restrictions in their leases, tenants under such leases shall regulate signs, including signs installed by third-parties, under their own authority.
- (2) Subject to paragraph (1), no signs shall be installed on any public property, including without limitation in any park, all publicly owned areas around any city building or in any right-of-way except for the following:
- a. Any sign described in subsection (e)(1) of this section, including any such described sign located on public property outside of a street reserved area.
 - b. The American flag, the flag of the State of Wisconsin and the flag, if any, of the city.
 - c. Outside of a public building or park, one or more signs specifying the name or address, or both, of the building or park. Such a sign may contain the city logo or the logo for the city's park system.
 - d. Signs installed by the city on the day of or evening before an election day stating nothing more than "vote here" and giving the hours of voting. Such signs shall be removed at the conclusion of voting or on the following day.
 - e. A sign on the outside of city hall designating the city's drop box.
 - f. Signs approved by the common council or a committee

designated by the common council recognizing donors and contributors toward an improvement to which the sign is attached or adjacent.

- g. Signs required by government or quasi-government authorities other than the city as a condition of funding of improvements.
- h. Signs specifying the rules and regulations for the property or facility.
- i. Advertising signs at athletic fields provided that the advertiser has paid an annual fee for the sign.
- j. Words, logos and depictions on tombstones in any cemetery.
- k. Directional signs, maps and signs identifying features of interest on city property.
- l. The following signs that have been installed prior to the date of the enactment of this ordinance, each of which shall be grandfathered: [1] The Mequon-Thiensville sign on the Gateway Monument at the corner of Mequon and Cedarburg Roads; and [2] the four historic signs around such monument.

(g) Free area.

- (1) The following area shall be designated the “free area”: the area along Cedarburg Road having a southern edge two feet north of the Gateway Monument, bordered on the west by (but not including) the street reserved area of Cedarburg Road, extending north 50 feet, and extending east 25 feet.
- (2) The city’s electronic message sign is in the free area. The electronic message sign shall be subject to the following regulations:
 - a. The electronic message sign shall be turned off from 11:00 p.m. until 5:30 a.m.
 - b. No commercial messages or commercial advertising may be displayed on the electronic message sign.

- c. The display screen shall only contain text and remain static. Pictographic or video images are prohibited. Messages which move by scrolling, blinking, flashing, turning or other similar movements are prohibited. A message shall not change more than one time per 30 seconds.
 - d. The electronic display screen background shall be black. The display screen shall not be illuminated. The message on the display screen is not limited by color. There shall be no variation of color or intensity per message.
 - e. The maximum illumination shall not exceed 15 foot-candles when measured with a light meter held perpendicular to the sign at a distance of 12 inches.
- (3) Any person may install a ground sign in the free area subject to the following regulations:
- a. All ground signs shall be removed during those hours that the electronic message board is turned off pursuant to the requirement set forth above.
 - b. No commercial messages or commercial advertising may be displayed on any sign in the free area.
 - c. No sign may be installed within the area that is five feet immediately in front of the face of any other sign in the free area, including the electronic message sign.
 - d. Only one of any sign may be installed in the free area.
 - e. No sign in the free area may have an area greater than 63 square feet (the area of the electronic message sign).
 - f. No sign in the free area may have a height greater than seven feet (the height of the electronic message sign).

(h) Enforcement. The city may enforce the provisions of this section as described in section 62-18(b)-(d). Additionally, the city may remove any sign that violates this section.

SECTION III

The terms and provisions of this ordinance are severable. Should any term or provision of this ordinance be found to be invalid by a court of competent jurisdiction, the remaining terms and provisions shall remain in full force and effect.

SECTION IV

All ordinances and parts of ordinances in contravention to this ordinance are hereby repealed.

SECTION V

All city policies and parts of city policies that contravene or that are more permissive than this ordinance or that allow the city or any of its committees more discretion than that provided by this ordinance are hereby repealed.

SECTION VI

This Ordinance shall become effective the day after its publication as provided by law.

PLANNING COMMISSION SCHEDULE 2022

Meeting Start Time is 6:00 pm

PC APPLICATIONS Deadline	PC Meeting Date	Next Council Meeting
12/20/21	01/24/22	02/08/22
01/24/22	02/28/22	03/08/22
02/21/22	03/21/22	04/12/22
3/21/22	04/25/22	05/10/22
04/18/22	05/23/22	06/14/22
05/23/22	06/27/22	7/12/22
06/20/22	07/25/22	8/10/22
08/15/22	09/19/22	10/11/22
09/19/22	10/17/22	11/09/22
10/24/22	11/28/22	12/13/21
11/07/22	12/12/22	01/09/22

Planning Commission applications are scheduled for meetings on a first-come-first-serve basis. Only complete applications, as determined by the Community Development Department staff, will be scheduled for Planning Commission meetings.

Updated 12.09.21

Attachment: 2022 Planning Commission Meeting Schedule (6919 : 2022 Meeting Calendar)