

VILLAGE OF ELM GROVE
Application for Plan of Operation and
Change in Use/Amendment to Existing Operation

****This document is a matter of public record and may be reviewed upon request****

\$50.00 Application Fee Due at Time of Submission

Business Contact Information

| Property Information | Business/Tenant Information |
|--|--|
| Property Tax Key #: EGV 1108978 | Business Name: Better Cowork Elm Grove |
| Property Address: 12500 W Bluemound Rd, Elm Grove, WI 53122 | Business Owner: Better Cowork LLC |
| Property Owner and Mailing Address (City/State/ZIP): Better Cowork, LLC 2735 N. Calhoun Rd., Brookfield, WI 53005 | Business Owner Mailing Address (City/State/ZIP): 2735 N. Calhoun Rd., Brookfield WI 53005 |
| Property Owner Business Phone and Fax #: Better Cowork, LLC 2735 N. Calhoun Rd., Brookfield, WI 53005 | Business Owner Business Phone and Fax #: (262) 720-8545 |
| Property Owner Cell Phone #: (262) 720-8545 | Business Owner Cell Phone #: (262) 720-8545 |
| Property Owner E-mail Address: alex@simicfamily.com | Business Owner E-mail Address: alex@simicfamily.com |
| After Hours Emergency Contact Name and Phone #: Matt Imbruglia (414) 628-2645 | After Hours Emergency Contact Name and Phone #: Matt Imbruglia (414) 628-2645 |

Business Use Information (attach additional sheets if required)

1. Explanation of Proposed Business (e.g. use of building/property):
 The Company plans to operate the building as a coworking office. Better Coworks would be the only office tenant in the building. However, it would allow the general public, including individuals and businesses to purchase daily or monthly memberships to access the building. Depending on the level of membership, customers would be granted access to its lounges, meeting rooms, cafés, designated desks, private offices and team suites. Each of these working spaces would be fully furnished by Better Cowork, come with high speed internet, and the meeting rooms would be equipped with the latest AV equipment. Better Cowork is seeking the Village of Elm Grove's approval to enable members to utilize the building without having to register as tenants.

2. Total Number of Employees/Number of Employees on Largest Work Shift:
 Total Number of Employees: 4 (both full and part time)
 Total Number of Employees on Largest Work Shift: 4

3. Hours of Operation (for each day of the week):
 Monday: 8-5 Tuesday: 8-5 Wednesday: 8-5 Thursday: 8-5
Members will have 24/7 access

Friday: 8-5 Saturday: NA Sunday: NA

4. Customer Load:
 Daily Average: 80
 Daily Peak: 100

5. Will you be submitting for signage? If yes, your proposal must meet Building Board specifications – see Zoning Administrator.
 Yes
 No

6. If a dumpster is located on the property, is it screened from the street and all neighboring properties? Dumpsters must be screened per Village Ordinance – see Zoning Administrator.
 Yes
 No

7. Expected Date of Occupancy:
8/31/2023

Site Plan Information (Provide representation of the following: ingress; egress; parking arrangement; landscaping; loading docks/stalls; refuse/recycling receptacle storage; equipment/materials storage; accessory structures.
(If a site plan has been previously filed with the Village, please indicate below and reference the date of submittal.)

Floor Plan Information (Provide identification of offices, conference rooms, display areas and storage areas).
 List all other occupants within the building, their business and parking requirements (may be provided by building owner).

Building Permits

Repairs, alterations, or mechanical work to any structure or tenant space may require permits. Please contact the Village Building Inspector Mike Hadley for questions. Email: mhadley@safebuilt.com / Phone: (262) 212-8615.

Approval of the Plan of Operation and Site Plan Review will NOT be granted without receipt of this completed form at least 20 business days prior to a regularly scheduled Plan Commission meeting (first Monday of each month).

Applicant's Signature: [Signature] Date: 2/21/2023

Signature of Property Owner or Registered Agent: [Signature] Date: 2/21/2023

Signature of this document denotes review of and agreement to the content of this form and the requirements of Section 335-85 – Plans of Operation.

Conditions of Approval:

- ① Conditional Use Permit Review + Approval by Village Board
- ② 236 Parking Spaces
- ③ Allowance of storage of snow removal equipment during winter months
- ④ Member Access: 5:00 A.M. to 11:00 P.M. Monday through Sunday

Copies provided to:

- Building Inspector
- Police Department
- Fire Department
- Fire Inspector
- Assessor
- Village Clerk

PLAN COMMISSION APPROVED

DATE: 4/3/23 INITIALS: RB

MEMORANDUM

TO: David De Angelis & Katherine Gehl
FROM: Attys. Hector de la Mora & Hannah L. Chin
DATE: March 17, 2023
RE: Overview of Coworking Space Regulation

I. INTRODUCTION

This memorandum will address various approaches to coworking spaces, as well as provision suggestions to include in a conditional use permit issued by the Village of Elm Grove (“Village”) upon Better Cowork LLC (“Better Cowork”). While we could not locate conditional use permit examples in this context, communities within and beyond Wisconsin have contemplated and regulated coworking and shared work spaces.

II. VILLAGE REGULATIONS

§ 335-86 of Article XI of the Village Code authorizes the use of conditional use permits. The Village Board may authorize the Zoning Administrator to issue a conditional use permit for conditional uses after review and a public hearing, provided that such conditional uses and structures are in accordance with the purpose and intent of the Village Code and are found not to be hazardous, harmful, offensive, or otherwise adverse to the environment or value of the neighborhood or community.

§ 335-86(B)(5) reserves the Village’s right to require additional information from applicants, in completing their applications for conditional use permits. On a foundational level, the section already requires applicants to provide their contact information, a description of the subject site, and a land survey. Once submitted, the Village Plan Commission reviews the

application. The Village Plan Commission has 60 days to report its findings to the Village Board and may recommend conditions, such as landscaping, lighting, fencing, drainage, sound and vibration generation reduction or elimination, hours of operation, improved traffic circulation, parking requirements, and other controls, where such conditions are necessary to fulfill the purpose and intent of the Village Code. Therefore, the Village has discretion in imposing reasonable conditions upon applicants for conditional use permits.

After receiving recommendations from the Village Plan Commission, the Village Board must hold a public hearing. Following the public hearing, the Village Board may grant the conditional use permit as applied for, grant the conditional use permit with conditions deemed appropriate by the Village Board, or deny the permit. Additionally, § 335-86(E)(1)-(3) states applicants must comply with all other provisions of the Village Code, initial conditions within a conditional use permit may be changed via amendment, and a conditional use permit may be revoked, if the applicant fails to comply with the conditions.

III. WISCONSIN APPROACHES

a. City of Brookfield

While the City of Brookfield has a couple of coworking enterprises, the City of Brookfield does not have any ordinances or conditional use permits relating to coworking spaces. According to the Planning Administrator, this type of use is automatically permitted under the City of Brookfield's Office District Code, [Chapter 17.75](#). Chapter 17.75 permits commercial, mixed-use, residential, and religious land uses within the City's office and limited residential and commercial district. Additionally, Chapter 17.75 places some general restrictions on such land uses, including placement, density, design, and height regulations, among other provisions.

Furthermore, the City of Brookfield's Zoning and Building Administrator inspects properties for occupancy permits, including coworking spaces. The Zoning and Building Administrator issues an occupancy permit, if the property has the appropriate conditions. Regarding coworking spaces, the Zoning and Building Administrator stated, if the coworking space is good enough for general cubical work, it is sufficient.

b. City of Milwaukee

The City of Milwaukee classifies coworking spaces as general office uses. According to Ed Richardson, a Principal Planner for the City of Milwaukee, coworking spaces are zoned and permitted based on their classification as general office uses. Therefore, in Milwaukee, no conditional use permits exist for coworking spaces.

The City of Milwaukee Zoning Code defines a general office as a use of a building for a business, professional or administrative office. A general office is characterized by a low proportion of vehicle trips attributable to visitors or clients in relationship to employees. Examples include, but are not limited to, offices of firms or organizations providing architectural, computer software consulting, data management, engineering, interior design, graphic design, real estate, insurance, investment, or legal services. This designation does not include a bank or other financial institution or the office of a physician, dentist, optometrist, or chiropractor. Accessory uses may include, but are not limited to, common areas, break rooms and lounge areas, including kitchens, coffee bars, outdoor spaces, pet-friendly areas, game rooms, fitness centers, locker and shower rooms, meeting rooms, and conference centers. Accessory conference or meeting spaces may be occasionally used by outside groups. Notably, accessory uses and functions may be related to an individual building occupant or may be common resources available to all occupants in a multi-tenant office building.

IV. OTHER APPROCHES

a. City of Wheaton, Illinois

The City of Wheaton recently passed an [ordinance](#), granting a special use permit to allow a coworking space to occupy the main floor of an existing building located in a retail core business district. There, the City's Planning and Zoning Board recommended that the City Council approve the business owner's request for a special use permit because it found the proposed coworking space business model presented unique attributes, such as having different members and attendees coming and going at different times, seven days a week, which would create more activity and synergy throughout the day than a typical office use, and hosting curated business and network meetings. The City's Planning and Zoning Board concluded that such attributes were complimentary and beneficial to the downtown business mix.

b. City of Fairfield, California

Within its zoning code, the City of Fairfield discusses coworking spaces. The City of Fairfield defines "[coworking space](#)" as "a facility that contains desks or other workspaces that are made available to individuals or small businesses for short term intervals on a membership, day, or hourly rental basis, and that includes shared business resources (e.g., internet, meeting rooms, office equipment)."

[Section 25.23.2](#) of the Fairfield City Code addresses allowed uses and permit requirements. Coworking spaces are categorized as "Office and Financial Services" spaces. In Fairfield, coworking spaces are conditionally permitted on the ground floor buildings facing a specific street. Otherwise, coworking spaces are also permitted on upper floors. Developmental regulations for such buildings include site planning and building requirements.

c. Township of Allen, Pennsylvania

The Township of Allen identifies coworking and shared work spaces as mixed-use developments. [Section 27-15029A](#) of the Allen Township Code defines a shared or coworking space as a “facilitated work-share environment for business, executive, professional and administrative purposes, which may contain dedicated, floating, or shared desks, individual offices, on-demand rooms and meeting rooms, or other shared workspaces and facilities who share the common infrastructure and resources in order to network, interact, and collaborate with each other as part of a community.” The Township’s Code further states “such an environment is used by a recognized membership available to the public on an hourly, daily, monthly, or annual basis.”

The Township’s Code permits the adaptive re-use of existing buildings and structures for the use of coworking or shared office space. Additionally, any use of the same general character may be authorized as a conditional use by the Board of Supervisors, subject to any reasonable restrictions, as determined by the Board of Supervisors.

MEMORANDUM

TO: Plan Commission

FROM: Hector de la Mora

DATE: March 24, 2023

RE: Recommended CUP Provisions for Proposed Co-Work Offices
to be Operated by Better Cowork LLC (“Better Cowork”)

This Memorandum is intended to supplement the legal background memo dated March 17, 2023 submitted regarding the application by Better Cowork LLC to operate a “coworking” facility in a currently vacant building at 12500 W. Bluemound Rd., Elm Grove. The understood intent is to accommodate as many as 125 different businesses, individuals and entities with assigned spaces/offices and conference areas.

I have advised the Village Plan Commission that it is in a position to conditionally approve the establishment of such an enterprise under Elm Grove Ord. § 335-24 C. (9) provided that a conditional use permit (“CUP”) with specific conditions and restriction is ultimately approved by the Village Board. CUP’s are recorded with the Waukesha County Register of Deeds.

The purpose of this memo is to present my recommended conditional use provisions and restrictions. In formulating these provisions, I have had an extended telephone conference with Mr. Alex Simic the owner of Better Cowork LLC (“Applicant”), have studied materials prepared by Mr. Simic’s attorney as well as his submissions to the Village and have had consulted with the Village Manager and also have received input from the Village Zoning Administrator and Police Chief.

Notwithstanding the position taken by Mr. Simic’s attorney that the users that will be occupying the former medical arts building just south of the UPS complex are “licensees” and not “tenants”, my recommendations are not predicated on whether the many planned for users are Tenants or Licensees. Instead, I have considered and taken into account existing Elm Grove Ordinances in formulating suggested conditions.

I therefore recommend that the Plan Commission recommend the issuance, pursuant to Elm Grove Ord. § 335-24 C. (9), of a CUP with the following provisions and restriction:

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1. Hours of Operation and Permitted Uses

- a. No Member, Licensee or Tenant of Better Cowork LLC or guest thereof, except employees of Better Cowork LLC or contracted independent entities or individuals performing cleaning or maintenance work at the Premises may be present on the Premises outside of the hours of 5:00 A.M. through 11:00 P.M. of any day.
- b. Violations shall be subject to prosecution under Elm Grove Ord. §335-85 G.
- c. Applicant shall be eligible to petition the Plan Commission and the Village Board for a modification of the prescribed hours or other provisions and restrictions following full commencement of “coworking” operations on the Premises (“Beginning of Operations”). Applicant shall inform the Village Zoning Administrator in writing of the occurrence of the Beginning of Operations.
- d. The Village reserves the right to reduce or adjust any approved or modified hours of operation or other provisions and restrictions in the course of the duration of the granted CUP.
- e. The only permitted uses allowed under this permit shall be professional office uses as are consistent with the existing zoning for this property with the following exceptions:
 - (3) Barbershops and beauty shops.
 - (6) Fitness centers.
 - (7) Gift shops and boutiques.
 - (8) Hotels and motels.
 - (10) Medical clinics.
 - (13) Retail stores.

2. Availability of User Information for Public Safety Services

In order to facilitate the prompt and orderly delivery of public safety services should the need arise, Better Cowork LLC shall create and maintain on a daily basis an electronic data base that can be provided immediately upon request by authorized Elm Grove Police or Fire Personnel as well as the Zoning Administrator and Village Manager which contains the following information:

- a. The name of each Member, Tenant or Licenses or Exempt Agent allowed to use the Premises. In the case of an entity, the primary contact of each such entity.
- b. All the names of the employees, associates or agents of each Member, Tenant or Licensee allowed to use the Premises.

- 81 c. The anticipated duration of use/occupancy of the Premise by each individual or entity
82 listed in 2.a and 2.b. above.
83 d. The home address of each individual or business office of each entity listed in 2.a.
84 and 2.b. above.
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86 e. The cell phone number and e-mail address, or if the individual does not have a cell
87 phone or e-mail address, telephone number where each individual or entity listed in
88 2.a. and 2.b. above can be promptly reached in an emergency.
89
90 f. All information required under this Condition No. 2 shall be maintained and made
91 available by Better Cowork LLC for a minimum of two (2) years following the
92 departure from the Premises of each Member, Licensee or Tenant of Better Cowork
93 LLC.
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95 3. Parking
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97 Better Cowork LLC has represented that it has available two hundred and thirty-five
98 (235) parking spaces available to service the Premises. The following requirements/
99 restrictions shall apply:
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- 101 a. A current accurate scale drawing of the parking lot and its usable spaces shall be filed
102 with the Elm Grove Zoning Administrator as a condition precedent to the validity of
103 this CUP.
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105 b. No vehicle parked in the parking lot or on any street or private roadway abutting the
106 Premises shall have any signage or markings indicating that it is for sale or
107 advertising any off-Premises services or items by a non-licensee.
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109 c. Only vehicles commonly associated with a “professional office” may be parked in the
110 parking lot or on any street or private roadway abutting the Premises.
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112 d. No storage, placement or parking of vehicles, or motorized or non-motorized
113 equipment for transport or for personal utility use (including but not limited to
114 recreational camper, trailer, bus, service or delivery or trade truck, banner sign truck,
115 sleeping or lodging unit) whether or not connected with any Member, Licensee or
116 Tenant or Exempt Agent.
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118 e. No overnight parking of any nature shall be allowed at the Premises.
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121 4. Outside Activities Restricted
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- 123 a. Better Cowork LLC has represented that the coworking areas of the Premises shall be
124 operated in a manner consistent with a professional office setting and to that end it
125 will be providing for its Members, Licensees or Tenants distinct interior exclusive or

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shared work areas as well as certain common facilities and limited individual use patio areas.

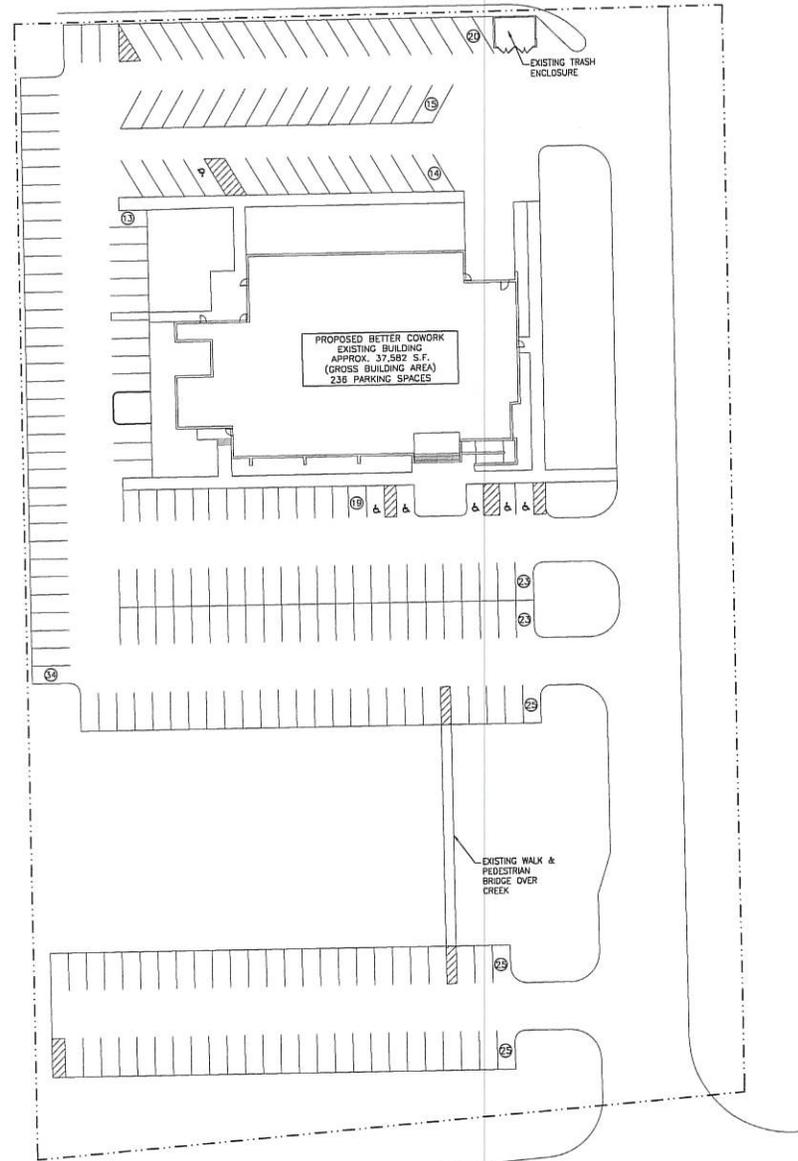
- b. No group event or social function shall be held outside the interior of the Premises without prior approval by the Plan Commission.
- c. The use of all interior and exterior spaces of the Premises shall track all plans submitted in conjunction with the CUP application.
- d. Submitted plans shall be updated in the event of any modification of any area of the Premises requiring a Building Permit.

5. Enactment of Other Laws

- a. Each Member, Licensee or Tenant or Exempt Agent shall comply with all applicable Village Ordinances, State or Federal laws or regulations.
- b. In the event that any legislation should be enacted, in the course of the duration of the granted CUP that is intended to regulate “coworking” spaces, the provisions of this CUP shall control notwithstanding such legislation where they do not conflict with specific provisions of such subsequent enacted legislation.

6. Reservation of Right to Amend CUP

In recognition of the fact that this constitutes the first Elm Grove CUP authorized for a coworking premises, the Village expressly reserves the right to amend this CUP in its sole discretion.



BLUEMOUND ROAD

SITE PLAN
SCALE: 1"=30' (22x34); 1"=60' (11x17)

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

Project Info. — 23007
ELM GROVE CO-WORK
 BUILDING ALTERATIONS
 12500 W Bluemound Rd
 Elm Grove, WI 53122

Sheet Title
EXISTING SITE PLAN

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| KJV | JMS |

Revisions

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2023-03-24 PERMIT SET

GENERAL DEMOLITION NOTES

1. REMOVE ALL EXISTING CONSTRUCTIONS AND FINISHES NECESSARY FOR THE COMPLETION OF THE WORK AS DEPICTED ON THE DRAWINGS, INCLUDING BUT NOT LIMITED TO, ITEMS SHOWN ON THE PLANS WITH DASHED LINES. NECESSARY DISCONNECTS AND ALTERATIONS TO EXISTING MECHANICAL, PLUMBING AND ELECTRICAL SYSTEMS SHALL BE INCLUDED AND VERIFIED WITH ARCHITECT IF NOT SPECIFIED ON DRAWINGS. PATCH AS REQUIRED. ALL CONSTRUCTIONS TO REMAIN IN ACCORDANCE WITH THE CONTRACT DRAWINGS. WHERE CONTRACTOR IS DISCREPANT TO MAKE REMOVALS, DISPOSITION OF MATERIALS IS THE RESPONSIBILITY OF THE CONTRACTOR. VERIFY WITH OWNER, THE DISPOSITION AND REMOVAL OF ANY COMPONENTS OF SALVAGEABLE VALUE.
2. G.C. TO COORDINATE WITH OWNER ANY SALVAGING AND RE-USING OF ANY REMOVALS.
3. ALL REMOVALS AND SAVAGE, UNLESS SPECIFICALLY NOTED OR REQUESTED BY THE OWNER SHALL BECOME THE PROPERTY OF THE CONTRACTOR.
4. CONTACT THE ARCHITECT PRIOR TO REMOVAL OF ANY STRUCTURAL COMPONENTS, I.E. BEARING WALLS, BEAMS, HEADERS, LOAD BEARING CONSTRUCTION AND PARTITIONS, ETC. CONTACT THE ARCHITECT PRIOR TO REMOVAL OF ANY CONSTRUCTION IN QUESTION OR DEVIATING FROM THE DESIGN INTENT.
5. WHERE APPLICABLE, PATCH AND REPAIR AS REQUIRED EXISTING WALLS GYPSUM DRYWALL OR PLASTER TO MATCH EXISTING OF SUFFICIENT THICKNESS TO MAINTAIN UNIFORM WALL THICKNESS.
6. WHERE APPLICABLE, PATCH, REPAIR AND LEVEL ALL EXISTING FLOORS AS REQUIRED TO RECEIVE NEW FLOOR FINISHES.



FLOOR PLAN - 1ST FLOOR
 SCALE: 1/8"=1'-0" (22x34); 1/16"=1'-0" (11x17)



NOT FOR CONSTRUCTION

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

Project Info. — 23007
ELM GROVE CO-WORK
 INTERIOR ALTERATION
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 Elm Grove, WI 53122

Sheet Title
DEMOLITION PLAN

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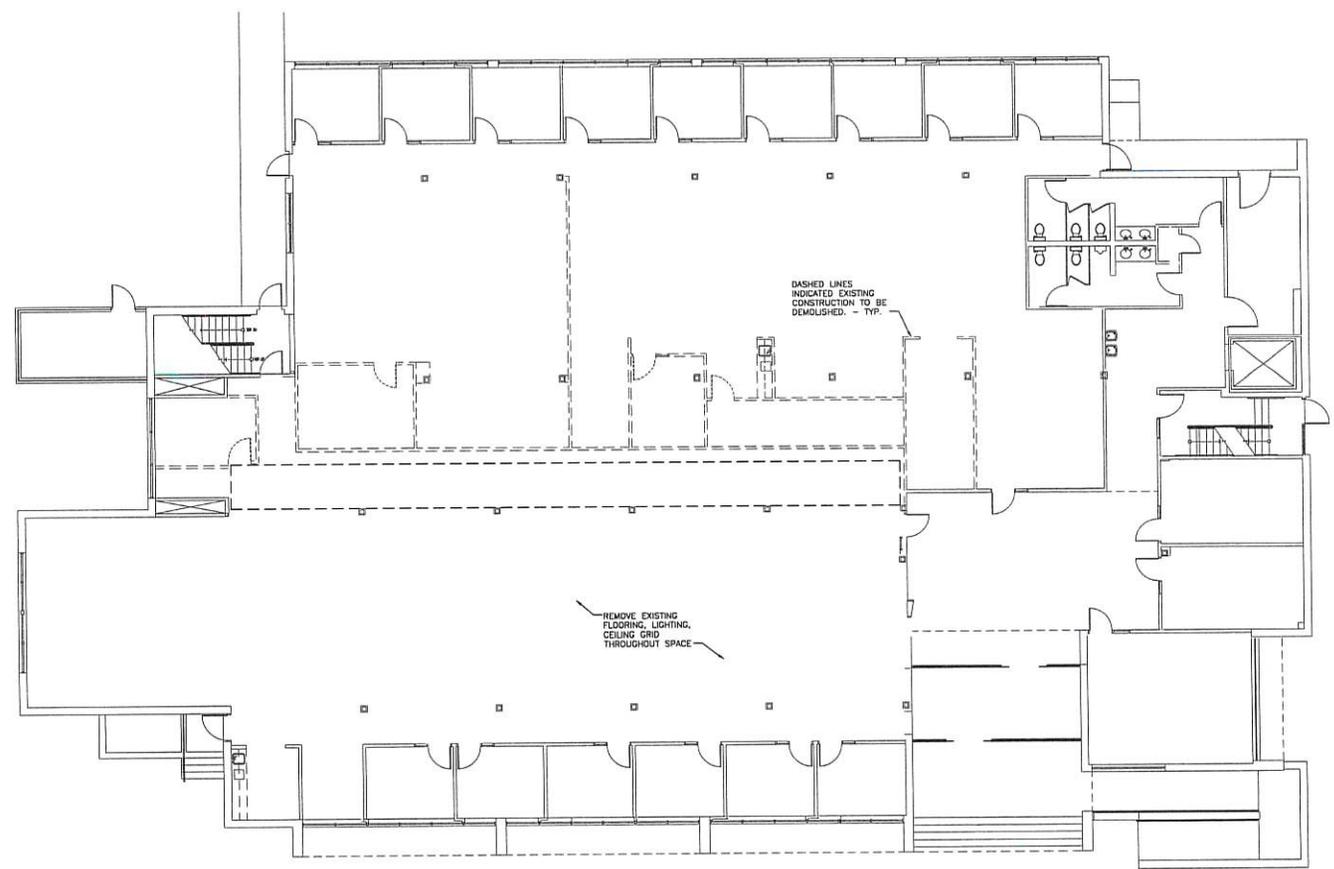
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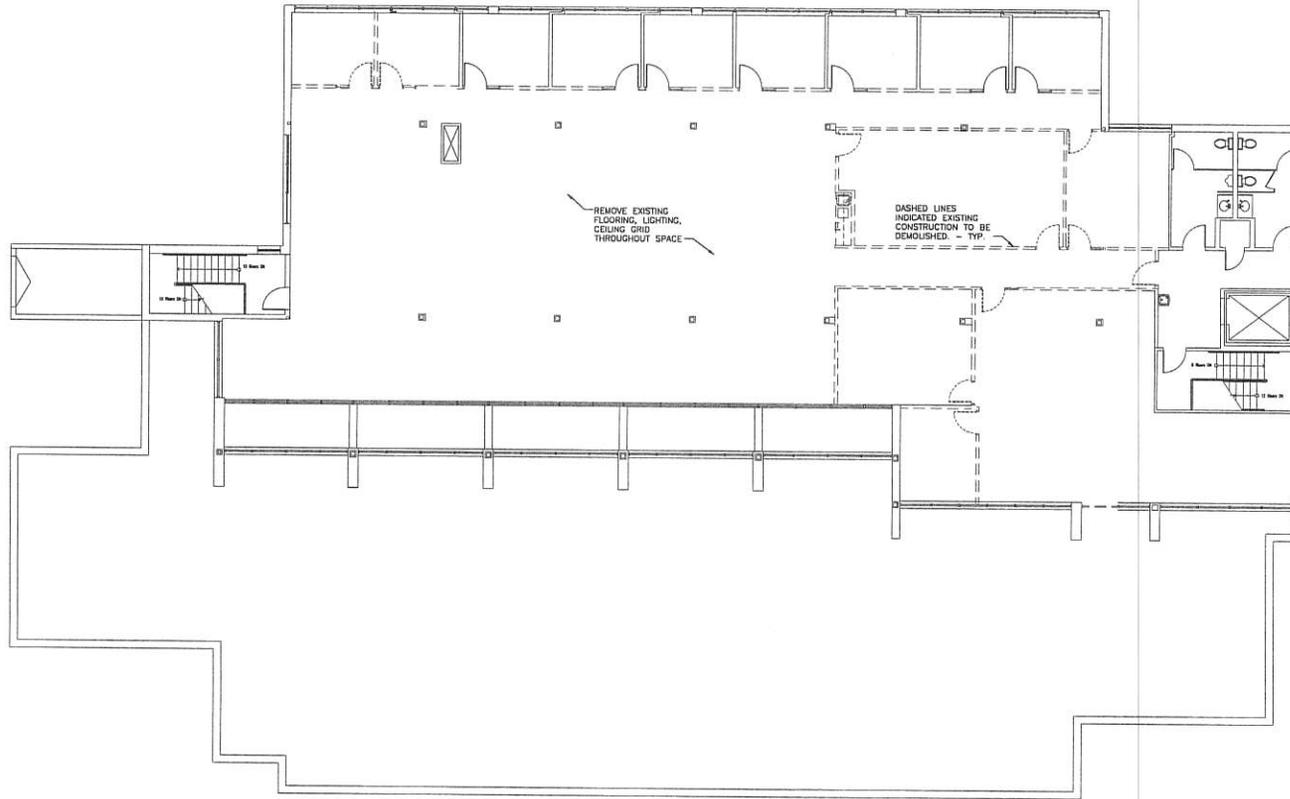
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THRIVE ARCHITECTS
 Architect
 259 South Street, Suite A
 WAUKESHA, WI 53186
 p: 833-380-6180

Project Info. — 23007 —
ELM GROVE CO-WORK
 INTERIOR ALTERATION
 12500 W Bluemound Rd
 Elm Grove, WI 53122

Sheet Title
DEMOLITION PLAN

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| ALS | JDB |

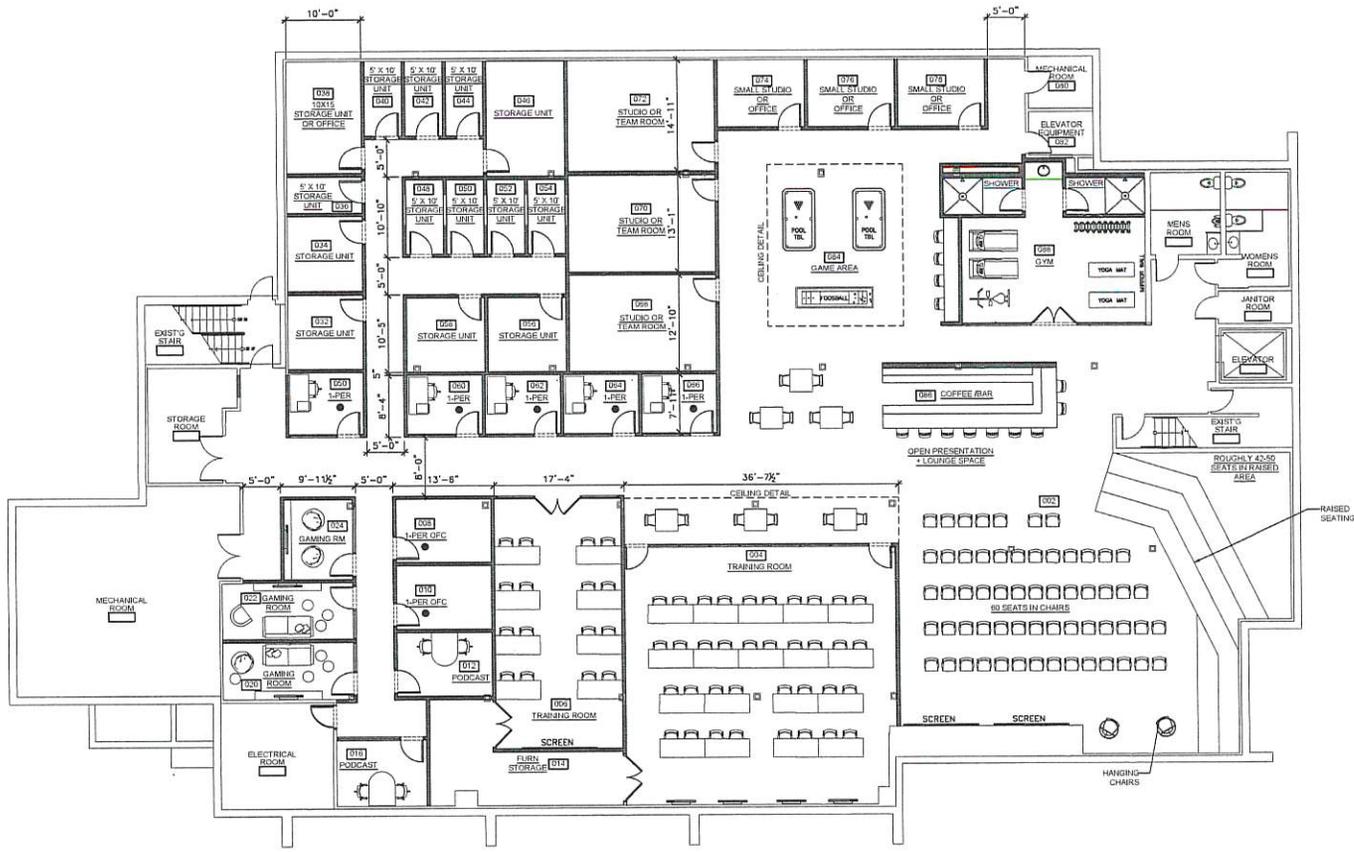
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FLOOR PLAN - 2ND FLOOR
 SCALE: 1/8"=1'-0" (22x34); 1/16"=1'-0" (11x17) 1 N

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

NOT FOR CONSTRUCTION



FLOOR PLAN

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THRIVE ARCHITECTS
 Architect
 259 South Street, Suite A
 WAUKESHA, WI 53186
 p: 833-390-6180

Project No. — 23007
ELM GROVE CO-WORK
 INTERIOR ALTERATION
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 Elm Grove, WI 53122

Sheet Title

EXTERIOR ELEVATIONS

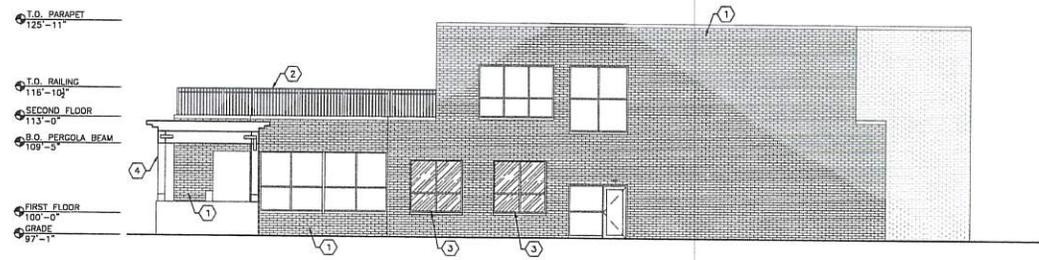
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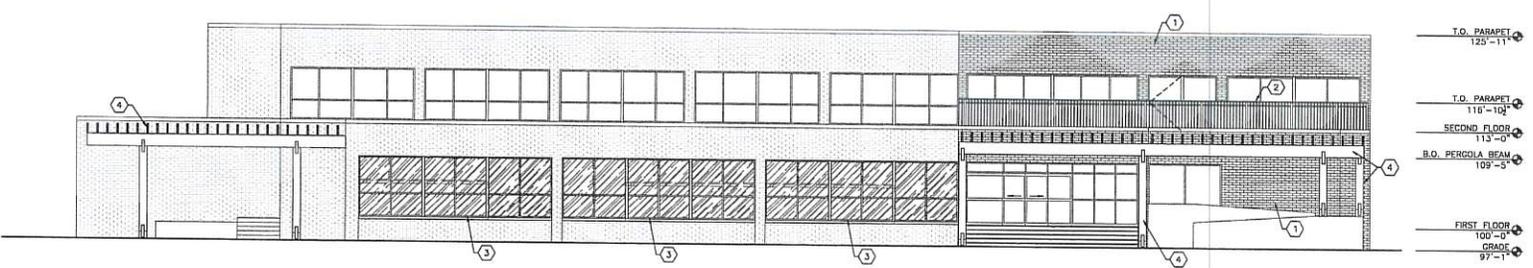
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PC KEYNOTES

| | |
|---|---|
| 1 | STAIN BRICK, BY HARKAW. COLOR - IVORY |
| 2 | RAILING ON NEW PATIO - COLOR - BLACK |
| 3 | NEW WINDOW TO MATCH EXISTING (GLAZING, FRAMING PROFILE & COLOR) |
| 4 | WOOD PERGOLA W/ BLACK METAL BRACKETS |



EAST ELEVATION
 SCALE: 1/8"=1'-0" (22x34); 1/16"=1'-0" (11x17) 2



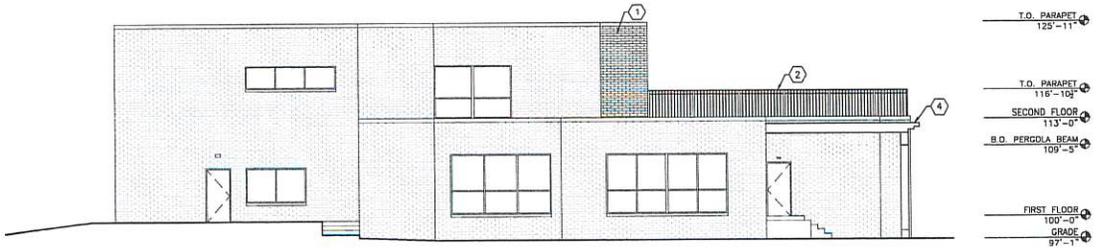
SOUTH ELEVATION
 SCALE: 1/8"=1'-0" (22x34); 1/16"=1'-0" (11x17) 1

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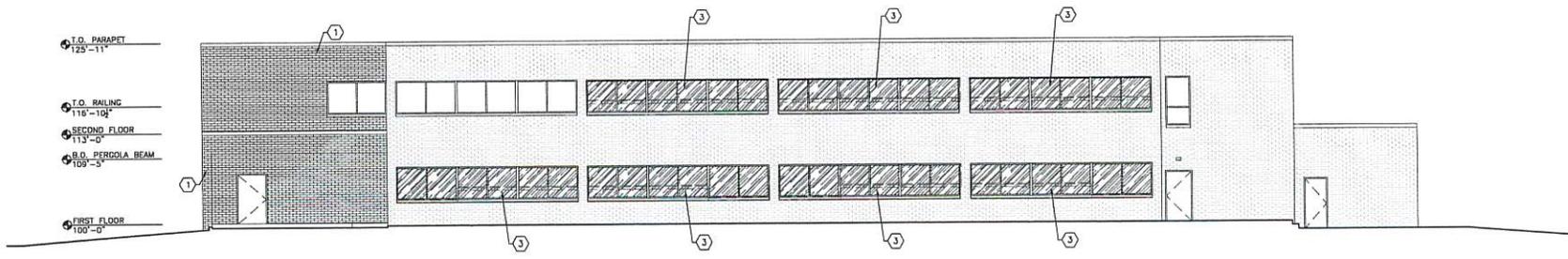
| PC KEYNOTES | |
|-------------|---|
| ① | STAIN BRICK, BY NAWKAW, COLOR - IVORY |
| ② | RAILING ON NEW PATIO - COLOR - BLACK |
| ③ | NEW WINDOW TO MATCH EXISTING (GLAZING, FRAMING PROFILE & COLOR) |
| ④ | WOOD PERGOLA W/ BLACK METAL BRACKETS |

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 WAUKESHA, WI 53186
 p: 833-380-6180

Project Info. — 23007
ELM GROVE CO-WORK
 INTERIOR ALTERATION
 12500 W Bluemound Rd
 Elm Grove, WI 53122



WEST ELEVATION
 SCALE: 1/8"=1'-0" (22x34); 1/16"=1'-0" (11x17) ②



NORTH ELEVATION
 SCALE: 1/8"=1'-0" (22x34); 1/16"=1'-0" (11x17) ①

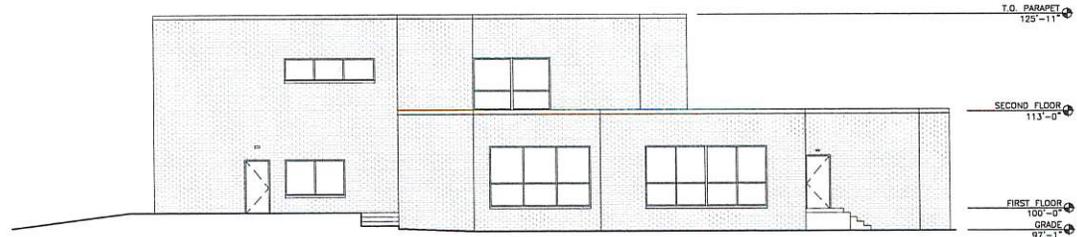
EXTERIOR ELEVATIONS

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EXISTING WEST ELEVATION

SCALE: 1/8"=1'-0" (22x34); 1/16"=1'-0" (11x17)

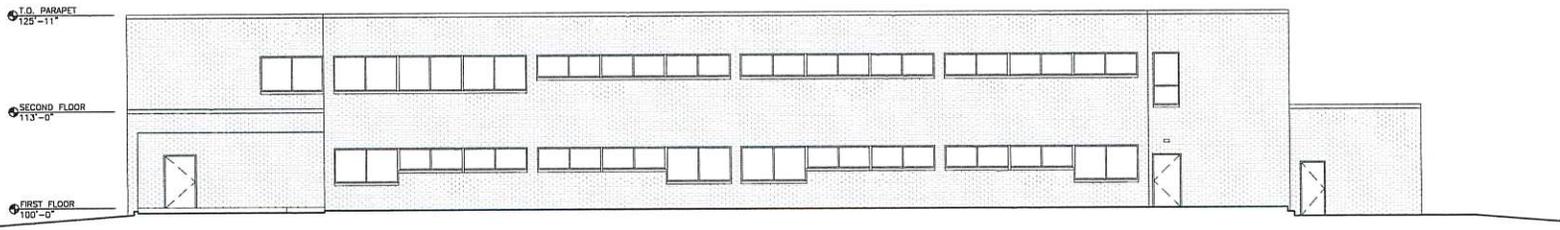
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EXISTING NORTH ELEVATION

SCALE: 1/8"=1'-0" (22x34); 1/16"=1'-0" (11x17)

1



EXISTING WEST ELEVATION
SCALE: N.T.S. 4



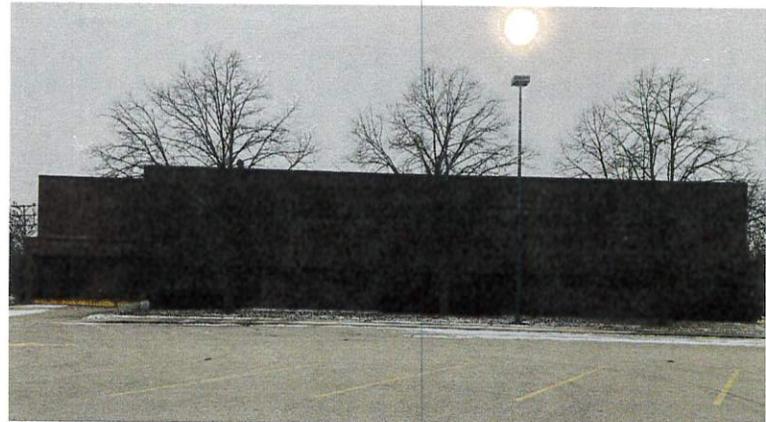
EXISTING EAST ELEVATION FROM SOUTH
SCALE: N.T.S. 3



EXISTING EAST ELEVATION FROM NORTH
SCALE: N.T.S. 2



EXISTING SOUTH ELEVATION
SCALE: N.T.S. 5



EXISTING NORTH ELEVATION
SCALE: N.T.S. 1

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Sheet Title
EXISTING EXTERIOR PHOTOS

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Nawkaw
ARCHITECTS

Thrive Architects
- Elm Grove, WI Project

BEFORE



Nawkaw
ARCHITECTS

Thrive Architects
- Elm Grove, WI Project

03



Lakebottom - NWW020



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Sheet Title
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STAINED BRICK HI-RESOLUTION IMAGE
NOT TO SCALE



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 BUILDING ALTERATIONS
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Sheet Title
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| KJV | JMS |

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| 03 | 24.2023 | Permit Set |
| Δ 04 | 03.2023 | BLDG BOARD |
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2023-03-24 PERMIT SET

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