

February 6, 2019

Mr. Thomas Harrigan  
Zoning and Planning Administrator  
Village of Elm Grove  
13600 Juneau Boulevard  
Elm Grove, WI 53122-0906

Re: 13040 W. Bluemound Road  
Redevelopment Plan Review

Dear Mr. Harrigan:

As requested, we have reviewed the documents submitted to the Village for the redevelopment of the lot at 13040 W. Bluemound Road into a multi-story, 75-unit senior apartment building. These documents were submitted to meet the requirements of the Village Code. Our findings and recommendations are as follows:

1. **Previous Development:** The air photo taken in 1980 shows the property was previously developed with multiple buildings. The air photo taken in 1990 shows the previous development was demolished. Periodic air photos taken since 1990 shows the property has remained undeveloped to today. We have no record of the previous development, use or demolition of the site. During our meeting on May 3, 2018 the developer indicated a Phase 1 environmental assessment report was in progress. A copy of the final report will need to be provided to the Village.
2. **Wetlands:** Mapping from the Wisconsin Department of Natural Resources (DNR) Water Surface Data Viewer website shows wetland indicators exist across a portion of the property at the north end. In addition, the mapping also shows an unnamed waterbody exists at the north end of the property. The water body may be navigable and is likely to have wetlands associated with the bank area. Wetland and waterways cannot be impacted unless approved by DNR and possibly the Army Corps of Engineers also. The applicant will need to contact a representative from DNR to determine the following:
  - a. Is a wetland investigation or delineation necessary for this project?
  - b. Does a navigability and Ordinary High Water Mark (OHWM) determination need to be conducted for this project?
  - c. Does an endangered resources review need to be completed for this project?

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- d. The width of the protective buffer around any wetland.
- e. The setbacks from any Ordinary High Water Mark (OHWM).
- f. Does the Army Corps of Engineers need to be involved in approving this project?

3. Floodplain:

FEMA Map No. 55133C0237G that was effective on November 5, 2014 shows a Zone A floodplain boundary on the subject property. Zone A floodplains have not been studied. Therefore, there are no Base Flood elevations and the boundary shown on the FEMA map is approximate. Several of the redevelopment plan drawings show and label this floodplain. The label says the boundary line was scaled from the FEMA drawings. However, the boundary appears to be reasonable.

Most of the proposed improvements are shown to be located outside of the approximate Zone A floodplain boundary. Any construction or disturbance within the floodplain boundary will need to be restored to its original condition and cannot be filled without a floodplain analysis and a LOMR from FEMA.

4. Sanitary Sewer Service:

According to the sanitary sewer as-built drawings an existing 8-inch diameter sewer bisects the property within an easement at the northern end of the lot. The as-built drawings also show that a lateral connection was provided approximately 135 feet east of the existing sanitary manhole located on the 500 Elm Grove Road property. It is unknown if this lateral connection was ever used or if it exists today.

The redevelopment plan shows the new building will be served by a new sanitary lateral connection at a point that is approximately 30 feet west of the as-built drawing connection point. A new connection of the lateral to the existing sanitary sewer will need to be watertight.

The applicant will need to abandon any existing lateral connections that are not used per Section 232-8 of the Village Code. The existing sanitary lateral will need to be severed from the main and a watertight seal placed at the main connection. The abandonment will need to be inspected and tested to the satisfaction of the Director of Public Works.

The proposed development plan calls for construction of 75-unit apartment building. According to the redevelopment plan there appears to be 22 single bedroom apartments and 53 two-bedroom apartments. According to calculations confirmed by MMSD, the proposed apartment building will generate approximately 36,200 gallons of sewage per day. Representatives from MMSD agree that there is enough available sewage flow allocation

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within Sewershed EG 3007 to accommodate the proposed development according to the 2020 Facilities Plan.

The results of my desktop analysis shows that the existing 8-inch diameter sewer downstream of the property has enough remaining capacity to serve the proposed development. I am not able to properly evaluate the remaining capacity in larger diameter sewers downstream of the 8-inch sewers in the desktop analysis. The best way to determine remaining capacity in larger sewers is through monitoring actual existing flows in the pipeline during dry and wet weather conditions.

5. Public Water Service:

The redevelopment plan shows a new water main will be extended from the northeast corner of Elm Grove Road and Bluemound Road along the south side of the property at 500 Elm Grove Road and the south side of the subject property. Correspondence from the site design engineer at Excel indicated the developer is considering changing the alignment of the water main to be along side the existing water service for the property at 500 Elm Grove Road. The proposed new alignment will be on private property to avoid conflicts with multiple utilities that are currently located in the public right-of-way of Bluemound Road. The design engineer asked if either alignment would be acceptable to the Village of Elm Grove.

After some consultation with Village Staff a decision was made that the water main could be constructed in the public right-of-way as originally proposed or the water main could be constructed in an easement granted by the property owner of 500 Elm Grove Road to the Village of Elm Grove. The design engineer was told that regardless of which option is chosen the following items will be necessary:

- a. The new public water main will need to be turned over to the Village of Elm Grove who will then turn it over to the City of Brookfield because the City is the current owner and operator of the water system in Elm Grove.
- b. The water main extension will need to be designed in accordance with City of Brookfield standards.
- c. The City of Brookfield will need to approve the design and the proposed easement.
- d. The new public water main shall be at least 12-inches in diameter. However, the final water main sizing will need to be approved by the City of Brookfield and the Village.
- e. The City of Brookfield will likely require the property owner to pay City for inspection services during construction of the water main extension.

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- f. As-built drawings of the new public water main will need to be prepared according to the City of Brookfield standards.
- g. We recommend the existing water service line be shortened by abandoning portions that parallel the new public water main. The water service connection for 500 Elm Grove Road should be moved farther east.

The existing survey drawing (Appendix 2) shows the property is currently served by an existing well. Since the redevelopment plan shows the new building will be served by a public water main extension, the well will need to be abandoned in accordance with Village Code Chapter 283 and WDNR Administrative Code NR812.

The public water main extension will need to be approved by the Department of Natural Resources. The applicant will need to prepare fire flow calculations for the water main extension as part of the approval application submittal. Alternatively, the applicant may coordinate with the City of Brookfield to determine if they will provide the calculations.

During our meeting on May 3, 2018 there was discussion that the Emerald Woods development to the north would also desire to have municipal water service. If there is a chance that the proposed water service will serve an additional development, then the City of Brookfield will need to determine if the water service line should be constructed as a public water main located in an easement. In addition, fire flow calculations and sizing will need to take this potential into account.

6. Appendix 1 (Concept Plan): It is noted that information on the concept plan may or may not agree with other drawings in the redevelopment plan drawing set we reviewed. We understand other drawings will take precedent over the concept drawing whenever discrepancies are found.
7. Appendix 1 (Conceptual Units Layout): The underground parking layout needs to be revised to show overall and parking space dimensions.
8. Appendix 2 (ALTA/NSPS Land Title Survey):
  - a. We conducted a cursory review of this drawing.
  - b. The area south of the Zone A floodplain is labeled as a Zone X floodplain. The effective FEMA map does not show a Zone X floodplain in this area. The ALTA Survey drawing needs to be revised to remove the label.
  - c. We understand a lender that may be engaged for this project will review this drawing in more detail and will defer to their comments.

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9. Appendix 2 (Existing Survey): No comments at this time.

10. Appendix 3 (Site Plan):

- a. During our meeting on May 3, 2018 there was discussion about whether or not DOT would require a traffic impact analysis (TIA) for this development. The Village has received documentation from DOT that a TIA will not be required.
- b. Emergency access and fire hydrant location: The Site Plan has been reviewed and approved by the Village Fire Chief.
- c. The redevelopment plan needs to show a detail of the raised concrete walk. The detail needs to note that the sidewalks shall meet ADAAG Standards.
- d. The redevelopment plan needs to show a detail of the accessible ramps. The detail needs to note that the ramps shall meet ADAAG Standards.
- e. The drawing shows two signs. One for Emerald Woods and one for Elm Grove Heights. Section 335-48.B(11) limits one sign per frontage road.
- f. Several improvements are shown to be located within existing easement limits. The grantee of the utility easements should review and may need to provide approval before improvements are made with existing easement limits.
- g. The property is currently zoned as a B-3 district. The property is petitioned to be rezoned as an RM-2 district with a Planned Development Overlay District (PDO). We did not review the rezoning/PDO petition. The PDO may provide some flexibility on certain zoning requirements such as building height, building setbacks, density and on-site parking. This flexibility is at the discretion of the Village. Below are the values provided by the redevelopment plan and a determination as to whether or not the values provided meet the proposed underlying RM-2 zoning district:
  - i. The new building is proposed to be 51' – 6" tall, which does not meet the requirements of the underlying proposed RM-2 zoning district.
  - ii. The front yard setback is proposed to be 29.98 feet, which does not meet the requirements of the underlying proposed RM-2 zoning district when considering the proposed building height.
  - iii. The westerly side yard setback is proposed to be 13.83 feet, which does not meet the requirements of the underlying proposed RM-2 zoning district.
  - iv. The easterly side yard setback is proposed to be 55 feet, which meets the requirements of the underlying proposed RM-2 zoning district.
  - v. The rear yard setback is proposed to be 126.87 feet, which meets the requirements of the underlying proposed RM-2 zoning district.

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- vi. The density of the proposed development is 37.5 dwelling units per acre, which may meet the requirements of the proposed underlying RM-2 zoning district as a conditional use if a variance is granted for enhanced density.
- vii. The redevelopment plan provides 90 parking spaces (20 surface spaces and 70 underground spaces), which is less than the required number of spaces for an elderly multiple family use per Section 335-32.J of the Village Code (1.5 spaces per dwelling unit =  $75 \times 1.5 = 113$  spaces required).

A drawing was included in the redevelopment plan drawing set that shows 13 additional surface parking spaces may be provided in the future (15 new – 2 existing). The future parking spaces are located partially within the Zone A floodplain, which even though is allowed by ordinance, is not recommended unless the area is filled to an elevation above the flood level. Therefore, we believe a floodplain analysis and a LOMR from FEMA would be required if these future parking spaces were constructed. The redevelopment plan would still not meet the current Village Code if the future parking spaces were constructed.

We understand that an ordinance revision is currently being proposed to require 1.1 parking spaces per independent senior living dwelling unit. The redevelopment plan as currently proposed (without the future additional spaces) will provide adequate parking if the ordinance revision is approved.

- h. Reserved Accessible Parking Stalls:
  - i. Section 208 of the Americans with Disabilities Act requires each parking facility at a site provide the minimum number of accessible spaces. Table 208.2 requires at least 3 accessible parking spaces for a parking facility with 51 to 75 total parking spaces. The layout of the underground parking facility needs to be revised to show at least 3 accessible spaces provided.
  - ii. The future parking facility on the north side of the building will also need to provide accessible spaces. According to Table 208.2 of the Americans with Disabilities Act the facility will need to provide at least one reserved parking space and loading area.
- i. Impervious Area Calculations:

The redevelopment plan shows the proposed building footprint area to be 24,656 square feet (28.3% of the gross parcel area). The calculations provided show the proposed development plan meets the building footprint coverage limitation (30% Max. per Section 335-21.1.G of the Village Code for the proposed RM-2 zoning).

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The redevelopment plan shows the proposed total impervious area coverage for the property to be 50,755 square feet (58.3% of the gross parcel area). The calculations provided also show the proposed development plan meets the total impervious area coverage limitation (65% Max. per Section 335-21.1.H of the Village Code for the proposed RM-2 zoning).

- j. House Grade: The redevelopment plan shows the following:
    - i. Proposed first floor is approximately 3.8 feet higher than the neighboring building to the east.
    - ii. Proposed first floor is approximately 0.6 feet lower than the exposed lower level parking garage floor for the neighboring building to the west.
    - iii. Proposed lower level parking garage floor at elevation 740.50 is 1.5 feet higher than the existing grade at the approximate Zone A floodplain limits adjacent to the garage opening on the north side of the building.
    - iv. Based on the above, the proposed first floor elevation appears to be reasonable for this lot.
  
  - k. A note on the drawing shows the concrete driveway apron and sidewalk need to meet “City” Standards. The note needs to be revised for the apron and sidewalk to meet “Wisconsin DOT and Village” Standards.
  - l. Improvements within the Bluemound Road right-of-way will require a permit from DOT.
  - m. A traffic control plan needs to be added to the redevelopment plan and will be subject to DOT and Village approval.
  - n. A temporary access plan needs to be developed for traffic headed into Emerald Woods during construction.
11. Appendix 3 (Site Plan Specifications):
- a. A construction sequence needs to be added to the drawing.
  - b. Add a note that all erosion controls must be in place before commencing construction.
  - c. Specifications for the water main extension need to follow City of Brookfield standards.
  - d. Specifications for the water main appurtenances need to be added to the drawing and need to follow City of Brookfield standards.
  - e. Note 1 in the General Project Notes should be revised to indicate driveways and curb cuts also need to follow DOT requirements

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- f. Note 3 in the General Project Notes should be revised to replace “Stormwater Pond” with “Stormwater Management Facilities”.
  
12. Appendix 4 (Lighting Plan): We have reviewed the lighting plan and photometric data. The fixture selections are full cut-off style (all light directed downward) as required and appear appropriate for this application. In addition, the intent of the Village lighting ordinances appear to be met with this proposed lighting plan.
  
13. Appendix 5 (Surface Water Drainage Plan – Grading Plan):
  - a. A 30-foot long tracking pad consisting of 3-inch breaker run stone must be added to the drawing.
  - b. We recommend a guardrail be constructed between the proposed retaining wall and the east side of the access drive. We also recommend a guardrail be constructed between the proposed retaining wall and the east side of the outside parking lot.
  - c. The Site Plan shows the sidewalk around the outside parking lot to be raised. Additional grades need to be provided to differentiate the top of the sidewalk grade and the asphalt parking lot grade.
  - d. The grading plan needs to be revised to show a berm and/or swale to be constructed north of the downstream end of the curb and gutter for the access drive with sufficient capacity to carry runoff that is not captured by the inlet during larger storm events. The runoff needs to discharge into the unnamed tributary to the north so that it is not directed on to the adjacent property. Additional inlets at the end of the curb and gutter may reduce the potential for storm water to flow beyond the end of the curb and gutter and may reduce the carrying capacity of a downstream swale and/or berm system.
  
14. Appendix 5 (Stormwater Management and Utility Plan):
  - a. The storm sewer outfall is located with a floodplain and will likely disturb wetlands normally associated with the bed and bank of a water body. The trench will need to be restored to original condition and elevation to avoid floodplain approvals. The wetland disturbance will need a DNR permit.
  - b. The size, slope and elevations of the proposed sanitary lateral need to be provided.
  - c. A plan and profile drawing(s) of the public water main extension needs to be included in the plan set. The size, slope and elevations of the water main extension and water service need to be provided.
  - d. The size, slope and elevations of the proposed storm sewers and underground detention facility need to be provided.

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- e. The proposed water service piping is shown to be fairly close to the proposed underground storm detention system. The separation between these two facilities will need to follow applicable building and plumbing codes. Even if the separation shown on the drawing meets applicable codes, we recommend additional separation be provided for improved constructability and future maintenance considerations.
- f. The drawings show conflicts between utilities at multiple locations.
- g. The swale proposed along the west side of the new building is located within an existing utility easement and may require approval from the existing utility.
- h. Calculations showing the pipe capacity and anticipated peak flows for the on-site storm sewers needs to be provided.
- i. A written storm water management plan showing how the site improvements will meet MMSD Chapter 13 regulations needs to be provided.
- j. Proposed utilities located within the Bluemound Road right-of-way will require a permit from DOT.

15. Appendix 6 (Landscape Plan):

- a. The Site Information at the top of Sheet LSP 1.0 does not match the Site Plan in Appendix 3. The information on both sheets will need to match.
- b. Plantings along the west lot line shall not encroach upon or interfere with the parking lot on the adjacent property, the buried utilities in easement or the overhead power lines in easement.
- c. Plantings along the east lot line shall not encroach upon or interfere with the building on the adjacent property or any buried utility in the existing easement.
- d. The grantee of the utility easements should review and may need to provide approval of the landscape plan.

16. Permits and Approvals: A copy of all permits and approvals obtained from regulatory agencies having jurisdiction over the improvements need to be provided.

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We recommend the items listed above be addressed to the Village's satisfaction prior to approval. Please contact our office with any questions regarding this matter. Thank you for allowing us to be of service to the Village of Elm Grove.

Very truly yours,

RUEKERT & MIELKE, INC.



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