

ORDINANCE NO. 2688

Mandel Neighborhood Development Plan & Highland Memorial Park Cemetery PUD / Planned Unit Development

The Common Council of the City of New Berlin, Waukesha County, do ordain as follows:

SECTION I

WHEREAS, The City of New Berlin (City) has adopted a Comprehensive Plan under Wis. Statutes Sections 62.23 and 66.1001; and

WHEREAS, The City has adopted a Zoning Ordinance under Wis. Statutes 62.23 and does allow planned unit development overlays (PUD) per Section 275-39B(1) of the New Berlin Municipal Code; and

WHEREAS, Dan Romnek with Mandel Group, Highland Memorial Park Cemetery, along with the City of New Berlin have submitted an application for a Planned Unit Development Overlay District located at 1750 S. Moorland Road (includes Tax Keys #'s listed from north to south, beginning at the intersection of Greenfield Avenue south along the east side of Moorland Road, up to the New Berlin Recreation Trail): 1158-990; 1158-991-001; 1158-993, 1158-994, 1158-989, 1158-991 & a portion of 1158-992) in accordance with Sections 275-23 and 275-39(B)(1) of the New Berlin Municipal Code; and

WHEREAS, the procedure for the creation of a PUD Overlay District has been followed in compliance with Section 275-22 and 275-23 of the New Berlin Municipal Code; and

WHEREAS, a public hearing was held on July 10, 2023 before the Plan Commission, and;

WHEREAS, based upon the recommendation from the Plan Commission at a meeting held on August 14, 2023 to approve the Mandel Neighborhood Development Plan & Highland Memorial Park Cemetery Planned Unit Development Ordinance #2679, and;

WHEREAS, a public hearing was held on January 8, 2024 before the Plan Commission, and;

WHEREAS, the Plan Commission approved textual changes to the Mandel Neighborhood Development Plan & Highland Memorial Park Cemetery Planned Unit Development Ordinance #2679 on January 8, 2024; and

WHEREAS, the applicable entities have submitted a City of New Berlin Use Approval Application File # UA-2301691 which requires a PUD modification to the Section IV (9) Multi-family Parking of Ordinance #2679.

NOW, THEREFORE, BE IT HEREBY RESOLVED AND ADOPTED BY THE CITY OF NEW BERLIN, the Mandel Neighborhood Development Plan & Highland Memorial Park Cemetery Planned Unit Development Ordinance is hereby adopted pursuant to Chapter 275-39(B)(1) of the New Berlin Municipal Code as follows:

SECTION IIPlanned Unit Development Summary

The purpose of the Planned Unit Development (PUD) is to create a zoning district that allows flexibility from the rigid development standards of underlying zoning districts. This PUD ordinance shall specify all elements of what is to be modified or added to the basic underlying district, and provisions of the underlying basic use district not specifically enumerated as changed, modified, or deleted shall remain in full effect.

Unless specified otherwise by this ordinance, any regulation not listed shall be regulated in accordance with the Zoning Ordinance dated May 3, 2023 and underlying zoning districts: Section 275-33B(10), Multi-Family Residential District, Section 275-34B(1), Shopping Center District, Section 275-36B(1), Institutional District and Section 275-37B(4) Shoreland Wetland Holding District.

The parcels of land that are the subject of this ordinance are located at approximately 1750 S. Moorland Road (includes Tax Keys #'s listed from north to south, beginning at the intersection of Greenfield Avenue south along the east side of Moorland Road, up to the New Berlin Recreation Trail): 1158-990; 1158-991-001; 1158-993, 1158-994, 1158-989, 1158-991 & a portion of 1158-992) in the City of New Berlin, which are legally described below. The property is approximately 44.58 acres in size.

EXISTING LEGAL DESCRIPTIONS:

Tax Key #: 1158-990

PT NW1/4 SEC 2 T6N R20E; COM NW CRNR OF SEC 2; S ALNG W LINE OF SEC 446.82 FT; N86°45'E 561.43 FT; N0°00'30"E 435.22 FT TO N LINE OF SEC 2 BNG CNTLRNE OF ROAD; S87°56'W ALNG N LINE OF SEC 561.00 FT TO BGN: EX DOC #673527 FOR ROAD: EX DOC #2564075 FOR ROAD: INCLUDING ACCESS EASEMENT RECORDED AS DOC #4654236 ON 3/3/2022

Tax Key #: 1158-991-001

PT NW1/4 SEC 2 T6N R20E; COM AT PNT ON W LINE SEC 2 BNG 446.82 FT S OF NW CRNR; S ALNG W LINE OF SEC 388.59 FT; N86°45'E 561.37 FT; N0°00'30"E 388.59 FT; S86°45'W 561.43 FT TO BGN: EX DOC #0673527 FOR ROAD: INCLUDING ACCESS EASEMENT RECORDED AS DOC #4654236 ON 3/1/2022

Tax Key #: 1158-993

PT NW1/4 SEC 2 T6N R20E; COM ON W LINE 835.41 FT S OF NW CRNR; S ALNG W LINE OF SEC 137.59 FT; N86°45'E 200.00 FT; S & PARALLEL TO W LINE OF SEC 390.00 FT; N86°45'E 361.29 FT; N00°00'30"E 527.59 FT; S86°45'W 561.37 FT TO BGN: EX DOC #0673527 FOR ROAD: INCLUDING ACCESS EASEMENT RECORDED AS DOC #4654236 ON 3/1/2022

Tax Key #: 1158-994

PT NW.25 SEC 2 T6N R20E COM ON W LI 973 FT S OF NW COR,TH S 300 FT,TH N 86 DGR 45' E 200 FT,TH N 300 FT,TH S 86 DGR 45' W 200 FT/BGN EXC VOL 1066/493

Tax Key #: 1158-989

PT NW.25 SEC 2 T6N R20E COM AT NW COR,TH S 1273 FT,TH N 86 DGR 45' E 146 FT,TH S 80 FT,TH S 86 DGR 45' W 146 FT,TH N 80 FT/BGN ALSO COM 1353 FT S OF NW COR,TH S 10 FT,TH N 86 DGR 45' E 200 FT,TH N 90 FT,TH S 86 DGR 45' W 54 FT,TH S 80 FT, TH S 64 DGR 45' W 146 FT/BGN V1047 P674

Tax Key #: 1158-991

PT NW.25 SEC 2 T6N R20E 12.419 AC BEING V608 OF DEEDS P430 EX HY DEED IN V1066 P493

Tax Key #: 1158-992

PT NW.25 SEC 2 T6N R20E 21.877 AC. VOL 777 P86

A Certified Survey Map (CSM) has been submitted and will be attached as an Appendix to this PUD once recorded. It is a 4-Lot Certified Survey Map that will lay out the three Zoning Districts in this PUD, B-1/PUD, Rm-1/PUD and I-1/PUD. It also outlines that Outlot 4 will remain I-1, Institutional with no PUD overlay.

SECTION III

Legal Description of Parcel to be rezoned to B-1/PUD:

LANDS TO BE REZONED FROM B-1/PUD TO B-1/PUD (LOT 1 ON PROPOSED CSM Appendix G):

Part of the Northwest 1/4 of the Northwest 1/4 of Section 2, Township 6 North, Range 20 East, in the City of New Berlin, Waukesha County, Wisconsin, described as follows; commencing at the Southwest corner of said Northwest

1/4 of Section; thence North 01°19'12" East, 100.14 feet along the west line of said Northwest 1/4 Section; thence North 88°20'12" East, 120.16 feet to a point on the East line of South Moorland Road; thence North 01°19'12" East along said East line 1608.47 feet to the Point of Beginning of the lands described herein: continue thence North 01°19'12" East along said East line 272.92 feet to a point; thence North 88°04'12" East along said East line 10.02 feet to a point; thence North 01°19'12" East along said East line 321.44 feet to a point; thence North 31°03'54" East along said East line 60.47 feet to a point on the South line of West Greenfield Avenue; thence North 74°37'20" East along said South line 44.24 feet to a point; thence North 89°15'13" East along said South line 358.44 feet to a point on the East line of Lot 1, Certified Survey Map No. 11117; thence South 01°19'04" West along said East line 657.18 feet to a point; thence South 89°15'13" West 440.88 feet to the point of beginning. Said lands described containing 284,363 square feet or 6.5281 acres.

B-1/PUD: Mandel Neighborhood Development Plan / Planned Unit Development District

The overall purpose of this PUD is to begin to establish a set parameters and requirements for the creation of a cohesive mixed-use neighborhood development that can serve as neighborhood center rather than a continuous, repetitive, bland, homogenous and isolated set of land uses by parking lots, drive aisles and very little to no connectivity. The PUD is being used to organize and connect several developments; fully interconnect streets, drive aisles, walk-ways, & bikeways within the development and to the surrounding neighborhoods; support retail shops & services; create active & secure pedestrian-friendly settings; and to make "parking" ultimately a shared resource available in support of "all" users within the PUD rather than just on a parcel-by-parcel basis. Appendix "A" dated March 10, 2023 Conceptual Master Plan reflects the City's desired neighborhood plan design principles. The plan is meant to be flexible and not rigid, and to provide guidance for future development over the years. The design is based on principals in The City's Comprehensive Plan Chapter 11, Neighborhood A Greenfield Avenue.

The B-1/PUD: Mandel Neighborhood Development / Planned Unit Development District is intended to provide for commercial uses consistent with the B-1 Shopping Center District.

Unless specified otherwise by this section, all new development shall be in accordance with the B-1 Zoning District, per Section 275-34B(1) Shopping Center District.

1. Principal Uses (See also Chapters 275-34C, 275-41C and Table 275-34-1)
 - a. Carwash – This land use is considered a principal use within the basic underlying zoning district but pursuant to this PUD and the applicant's letter dated April 21, 2023 this land use will be considered prohibited on the hard corner of Moorland Road and Greenfield Avenue or as a building pad directly along Moorland Road.
 - The following Zoning Code Section shall not apply to this request – 275-41 C(20)(c) "A property containing a car wash establishment shall not be located closer than 100' from the border of lands designated as residential in the City's Comprehensive Plan."
 - 275-41C(2)(c), "A property containing a car wash establishment shall not be located closer than 100 feet from the border of a residentially zoned or residentially used property due to the intensity of the use of such facilities and the impact which they are likely to have with regard to noise, light pollution and traffic in surrounding neighborhoods and streets. The distance shall be calculated as the shortest measurable distance between the property lines of the property in which the car wash facility is desired to the edge of the residential zoning district, in a straight line without regard to intervening structures. Right-of-way is not included and shall be subtracted from this measurement. A GIS map will be created by the City for any such requests."
2. Accessory Uses (See also Chapters 275-34C, 275-42, and Table 275-34-1)
3. Conditional Uses (See also Chapters 275-34C, 275-27 and Table 275-34-1)
4. Prohibited Uses (See also Chapters 275-34C and Table 275-34-1)
 - a. Fast food restaurants.

- i. Focus at this property shall be on restaurants new to New Berlin and/or the region. Fast food restaurants shall be prohibited. Fast casual restaurants are suitable and would be allowable. By definition, pursuant to the American Planning Association's "A Glossary of Zoning, Development and Planning Terms," a fast food restaurant is considered to be "restaurants where most customers order and are served their food at a counter or in a motor vehicle in packages prepared to leave the premises, or able to be taken to a table or counter to be consumed."
 - ii. Not included as being prohibited would be a fast casual type restaurant. By definition, a fast casual restaurant, found primarily in the United States and Canada, does not offer full table service, but advertises higher quality food than fast food restaurants, with fewer frozen or processed ingredients. It is an intermediate concept between fast food and casual dining.
- 5. Lot Area and Width (See also Chapters 275-44, 275-45, and 275-46)
 - a. Parcels of land subject to this PUD Ordinance may be configured in any manner by Subdivision, CSM or meets and bounds transfer subject to City review and approval under WI Statutes CH. 236 and New Berlin Municipal Code Chapter 275 and 235. (See, Appendix A, Conceptual Master Plan).
 - b. In order to maintain maximum flexibility with the Conceptual Master plan, there shall be a zero lot line setback from property lines if developed as part of a unified project. To the maximum extent practicable the developers shall endeavor to push the buildings as close to Moorland Road to establish a well-defined street edge. These setback requirements shall be subject to the requirements of other governmental regulatory bodies with jurisdiction. These setbacks assume adequate vision triangles, parking and circulation. The Plan Commission shall have the authority to require larger setbacks on a case-by-case basis in order to accommodate for safety and/or to further the redevelopment vision for this area.
- 6. Setback and yards (See also Chapter 275-34D and Table 275-34-2)
 - a. Table 275-34-2 shall apply unless modified below.
 - i. All buildings along major arterials (Moorland Road and Greenfield Avenue), shall have, where practicable, a zero lot line setback from the roadway's ultimate right-of-way. The Plan Commission may approve a greater setback due to site constraints and/or any other site development related circumstances.
 - ii. No building shall be closer than 25' to another building except as provided for below.
 - iii. In all cases building locations and setbacks must provide adequate spacing so land, buildings, and structures are readily accessible to emergency vehicles and the handicapped. These setback requirements shall be subject to the requirements of other governmental regulatory bodies with jurisdiction.
 - iv. Respecting the creative design process, the Plan Commission reserves the right to require greater setbacks owing to health, safety and welfare concerns to ensure, the proposed onsite buildings, structures, and entry ways are situated and designed to minimized adverse effects upon owners and occupants of adjacent and surrounding properties by providing for adequate design of ingress/egress, interior/exterior traffic flow, storm water drainage, erosion, grading, lighting, and parking, as specified by this Ordinance or any other codes or laws.
 - v. Wetland Setback. All impervious surfaces shall be setback a minimum of zero (0) feet.
- 7. Lot Coverage (See also Chapter 275-34D and Table 275-34-3)

- a. Table 275-34-3 shall not apply, however, through redevelopment efforts, the City and this applicant would not be able to achieve this amount of open space on the newly created parcels, given the urban setting and the existing cross access easements for shared parking and utilities. The applicant and the City will work together to achieve additional green space around the building / future building(s) with planters and other urban design measures, and adding additional plantings. Future development shall coordinate with the City on any storm water management requirements.
8. Time Limits (See also Chapter 275-23(F))
 - a. If the development has not commenced, as evidenced by the securing of the initial Zoning Permits for Mandel Neighborhood Development and Highland Memorial Park Cemetery PUD and building permits for construction of any project defined in this PUD, and construction has not started within one calendar year from the approval of this ordinance, the Mandel Neighborhood Development and Highland Memorial Park Cemetery Planned Unit Development Overlay District ordinance shall expire and become null and void. The underlying basic use district shall remain in force.
 - b. If the developer requires an extension of the time limits, any extension shall be requested by the developer in writing explaining the hardship and sent via Certified Mail to the Department of Community Development not less than 60 days prior to the expiration of this PUD. The Common Council may allow multiple extensions in the sole exercise of its discretion.
 9. Use and Site Plan Review (See also Chapters 275-24 and 275-53)
 - a. No principal or accessory use, development or structure shall hereafter be located, erected, moved, reconstructed, extended, enlarged, structurally altered, occupied, or reoccupied, no site or premise shall be altered, used, changed, modified, occupied, or building permit approved until after the owner has applied for and received approval of the application for the zoning permit/use approval. An approved PUD Ordinance shall not be construed as a Zoning Permit or any other approval until the Plan Commission has granted an approval and staff has determined that all conditions of that approval have been satisfied.
 10. Parking & Circulation (See also Chapter 275-57)
 - a. Parking lots may be located at the property line as long as circulation, vision triangles, and/or drainage are taken into consideration.
 - b. There is shared parking amongst the parcels within the B-1/PUD.
 - c. Any additional buildings and/or loss of parking for greenspace(s) will require thorough review by DCD to determine whether or not the loss of parking will have a detrimental impact on the uses on site.
 - d. Bicycle parking. All parking lot areas containing 50 spaces or more shall provide bicycle parking facilities (bike racks) that accommodate a minimum of 10 bikes.
 11. Architecture (See also Chapter 275-59)
 - a. No principal or accessory use, development, structure or sign shall hereafter be located, erected, moved, reconstructed, extended, enlarged, structurally altered, occupied, or reoccupied and no site or premise shall be altered, used, changed, modified, building permit approved, or occupied until after the owner has applied for and the Architectural Review Committee of the Plan Commission has reviewed and approved the architecture for the zoning permit/use approval.
 - b. Architecture shall be 5-sided and each building shall have a distinct architectural feature. All rooftop mechanicals shall be screened from all public right-of-ways and shall be subject to

architecture review. Applicant shall review images in Appendix B. Several key development policies are laid out in Appendix B including the following that apply to this intersection:

- *Create development standards for site layout, building character, and landscaping that are suitable for new development along the corridor.*
- *Recognize the Greenfield Avenue and Moorland Road primary intersection as a major gateway into the city from the north. Encourage signature well-designed buildings that are compatible with surrounding areas including recent development across the street in the City of Brookfield.*
- *Site development should include prominent signage, increased landscaping, sustainable strategies for stormwater management, and methods to minimize the parking field, such as structured parking.*
- *Encourage land combinations that accommodate future development options.*
- *Recognize the Greenfield Avenue/Moorland Road intersection as a major gateway into the city from the north. Encourage signature, well designed buildings that are compatible with surrounding areas including recent development across the street in the City of Brookfield. Buildings should incorporate architecture features such as towers, unique features, clocks, and elevated architectural details.*
- *Unique to the intersection located at the southeast corner of Moorland Road and Greenfield Avenue, the City has established parameters for the planning of this area in order to ensure that it develops uniformly. This section lays out specific policies to help ensure the cohesive development. This area is intended for retail, commercial and office uses located on the corner (tax key #: 1158-990) then transitioning to the south to allow for some additional commercial or retail (tax key #: 1158-991-001 & 1158-993). The far southern parcel (tax key #: 1158-991) could be developed as low-density multi-family residential as defined above in this section or senior living. Parcel lines are not intended to be rigid; however, the City intends to establish the transition of uses to better describe the intended use of this land*

Sample images of desired development –





Figure 11.17. Second Highest-Rated Image for Commercial



Figure 11.20. Second Highest-Rated Image for Parking.



Figure 11.23. Second Highest-Rated Image for Commercial Signage.

Fig. 11.9 Sample development pictures.



12. Signage (See also Chapter 275-61J(3))

- a. Per Zoning Code Section 275-61J(3) Special Commercial Areas – Moorland Road Business Corridor. This area is identified within the Moorland Road Business Corridor North See also figure VIII-11.
 - i. Off premise signage along Moorland Road may be permitted under this PUD to provide additional signage for a cohesive development. This statement modifies Zoning Code Section 275-61J(3)(c)[3].
 - ii. Zoning Code Section 275-61J(3)(c)[5] is modified to allow for an overall sign height of 15 ft. due to the site constraints along Moorland Road, which include, a deep parcels with buildings located behind other buildings, retaining walls/fences, heavy landscaping, sidepaths, and large county right-of-way.

- iii. Additional City wayfinding signage is allowed.
- iv. See the appendix section of a sample monument sign.
- v. Per the City's Comprehensive Plan Chapter 11, Neighborhood A Greenfield Avenue, Applicant shall include prominent gateway signage, increased landscaping and plantings beds to be planted throughout the year as part of each development.
 - 1. This retail corner development shall incorporate "Welcome to the City of New Berlin" signage as part of a separate agreement with the City to sell a parcel of land at Tax Key #: 1158-989 in exchange for the applicant to design, building, coordinate and pay for installation of a City sign. Mandel shall coordinate with the City of New Berlin on the exact size and location for this particular sign. Square feet and overall height are flexible for this sign design and will be determined by the City at the time of design process. Said agreement shall be approved by the City prior to the approval of this Ordinance.

13. Landscaping (See also Chapter 275-54 and Chapter 275-56).

- a. Per the City's Comprehensive Plan Chapter 11, Neighborhood A Greenfield Avenue, Applicant shall include prominent gateway signage, increased landscaping and plantings beds to be planted throughout the year as part of each development.
 - i. Each development application within this area will be required to provide an enhanced landscaping plan. Refer to images in Chapter 11.
- b. Financial security (See also Chapter 275-56C(2))
 - i. At the time of final execution of a certified survey map, subdivision plat or landscape plan with the city, the owner is required to make a fiscal arrangement, either by escrowed funds, certificate of deposit or letter of credit, with the City to ensure that the owner is in full compliance with the landscape installation and maintenance requirements.
 - ii. A maintenance portion of the surety is required to ensure that the landscape installation is maintained during its critical establishment (five-year) period following installation. The amount of the maintenance portion of the surety shall be 20% of the original surety. Currently the code calls for, "three-year for maintenance."

14. Site Amenities

- a. Each development shall incorporate public outdoor amenity space(s) and amenities, including but not limited to gathering / seating spaces, benches, picnic tables, bike racks, garbage cans, etc. Public art should also be considered.

15. Integration

The City of New Berlin is an applicant to this PUD as a current owner of a portion of the lands within this PUD. Mandel has agreed to extend an Offer to Purchase to the City to obtain the city-owned land. In return Mandel will cause to agree, via a separate agreement between the City and Mandel, to design and construct a City entryway sign at the corner of Moorland Road and Greenfield Avenue. Nothing within this ordinance shall be deemed to alter the agreements between Mandel and the City in this regard.

SECTION IV

Legal Description of parcels to be rezoned to Rm-1/PUD:

LANDS TO BE REZONED FROM RM-1/PUD TO Rm-1/PUD (LOT 2 ON PROPOSED CSM Appendix G):

Part of the Northwest 1/4 and Southwest 1/4 of the Northwest 1/4 of Section 2, Township 6 North, Range 20 East, in the City of New Berlin, Waukesha County, Wisconsin, described as follows; Commencing at the Southwest corner of the Northwest 1/4 of Section; thence North 01°19'12" East, 100.14 feet along the West line of said Northwest 1/4 Section; thence North 88°20'12" East, 120.16 feet to a point on the East line of South Moorland Road; thence North 01°19'12" East along said East line 325.44 feet to the Point of Beginning of the lands described herein: continue thence North 01°19'12" East along said East line 1283.03 feet to a point; thence North 89°15'13"

East 440.88 feet to a point along the West line of lot 1, Certified Survey Map No. 11117; thence South 01°19'04" West along said West line 328.56 feet to a point along the South line of Lot 1, Certified Survey Map No. 11117; thence North 89°16'15" East along aforesaid South line 374.93 feet to a point; thence South 01°04'42" West, 941.08 feet to a point; thence South 88°20'12" West 820.37 feet to the Point of Beginning. Said lands described containing 91,944 square feet or 21.1075 acres.

Rm-1/PUD: Mandel Neighborhood Development Plan / Planned Unit Development District

The overall purpose of this PUD is to begin to establish a set parameters and requirements for the creation of a cohesive mixed-use neighborhood development that can serve as neighborhood center rather than a continuous, repetitive, bland, homogenous and isolated set of land uses by parking lots, drive aisles and very little to no connectivity. The PUD is being used to organize connect several developments; fully interconnect streets, drive aisles, walk-ways, & bikeways within the development and to the surrounding neighborhoods; support retail shops & services; create active & secure pedestrian-friendly settings; and to make "parking" ultimately a shared resource available in support of "all" users within the PUD rather than just on a parcel-by-parcel basis. Appendix "A" dated March 10, 2023 represents a conceptual master plan that reflects the City's desired neighborhood plan design principles. The plan is meant to be flexible and not ridged, and to provide guidance for future development over the years. The design is based on principals in The City's Comprehensive Plan Chapter 11, Neighborhood A Greenfield Avenue.

The Rm-1/PUD: Mandel Neighborhood Development / Planned Unit Development District is intended to provide for additional density than what is allowed in the Rm-1 Multiple-Family Residential District. The District will allow up to 212 units (9.9 units per acre).

Unless specified otherwise by this section, all new development shall be in accordance with the Rm-1 Zoning District, per Section 275-33B(10) Multiple-Family District.

1. Principal Uses (See also Chapters 275-33B(10), 275-41B and Table 275-33-1)
2. Accessory Uses (See also Chapters 275-33C, 275-42, and Table 275-33-1)
 - a. Club house, pools, dog walking area and other typical uses that will serve the residents of the development.
3. Conditional Uses (See also Chapters 275-33C, 275-27 and Table 275-33-1)
4. Lot Area and Width (See also Chapters 275-44, 275-45, and 275-46)
 - a. Parcels of land subject to this PUD Ordinance may be configured in any manner by Subdivision, CSM or meets and bounds transfer subject to City review and approval under WI Statutes CH. 236 and New Berlin Municipal Code Chapter 275 and 235. (See Appendix A, Conceptual Master Plan).
 - b. In order to maintain maximum flexibility with the redevelopment plans, there shall be a zero lot line setback from property lines if developed as part of a unified project. These setback requirements shall be subject to the requirements of other governmental regulatory bodies with jurisdiction. These setbacks assume adequate vision triangles, parking and circulation. The Plan Commission shall have the authority to require larger setbacks on a case-by-case basis in order to accommodate for safety and/or to further the redevelopment vision for this area.
5. Setback and yards (See also Chapter 275-33D and Table 275-33-2)
 - a. Table 275-33-2 shall apply unless modified below.
 - i. All buildings along major arterials (Moorland Road and Greenfield Avenue), shall have, where practicable, a zero lot line setback from the roadway's ultimate right-of-way. The Plan Commission may approve a greater setback due to site constraints and/or any other site development related circumstances.
 - ii. Section 275-44E(1) and (2) shall not apply for purposes of building separation.

Respecting the creative design process regarding building separation, the Plan Commission reserves the right to require greater setbacks owing to health, safety and welfare concerns to ensure, the proposed onsite buildings, structures, and entry ways are situated and designed to minimized adverse effects upon owners and occupants of adjacent and surrounding properties by providing for adequate design of ingress/egress, interior/exterior traffic flow, storm water drainage, erosion, grading, lighting, and parking, as specified by this Ordinance or any other codes or laws.

- iii. In all cases building locations and setbacks must provide adequate spacing so land, buildings, and structures are readily accessible to emergency vehicles and the handicapped. These setback requirements shall be subject to the requirements of other governmental regulatory bodies with jurisdiction.
- iv. Respecting the creative design process, the Plan Commission reserves the right to require greater setbacks owing to health, safety and welfare concerns to ensure, the proposed onsite buildings, structures, and entry ways are situated and designed to minimized adverse effects upon owners and occupants of adjacent and surrounding properties by providing for adequate design of ingress/egress, interior/exterior traffic flow, storm water drainage, erosion, grading, lighting, and parking, as specified by this Ordinance or any other codes or laws.
- v. Wetland Setback. All impervious surfaces shall be setback a minimum of 15 feet to sidewalks and 30 feet to buildings. Current code reads, "All impervious surfaces shall be setback a minimum of 30 feet." Applicant shall be required to meet all DNR runoff regulations and treat runoff before it enters the wetlands.

6. Coverage (See also Chapter 275-33D and Table 275-33-6)

- a. Table 275-33-6 shall not apply, however, through redevelopment efforts, the City and this applicant would not be able to achieve this amount of open space on the newly created parcels, given the urban setting and the existing cross access easements for shared parking and utilities. The applicant and the City will work together to achieve additional green space around the building / future building(s) with planters and other urban design measures, and adding additional plantings. Future development shall coordinate with the City on any storm water management requirements.

7. Time Limits (See also Chapter 275-23(F))

- a. If the development has not commenced, as evidenced by the securing of the initial Zoning Permits for Mandel Neighborhood Development and Highland Memorial Park Cemetery PUD and building permits for construction of any project defined in this PUD, and construction has not started within one calendar year from the approval of this ordinance, the Mandel Neighborhood Development and Highland Memorial Park Cemetery Planned Unit Development Overlay District ordinance shall expire and become null and void. The underlying basic use district shall remain in force.
- b. If the developer requires an extension of the time limits, any extension shall be requested by the developer in writing explaining the hardship and sent via Certified Mail to the Department of Community Development not less than 60 days prior to the expiration of this PUD. The Common Council may allow multiple extensions in the sole exercise of its discretion.

8. Use and Site Plan Review (See also Chapters 275-24 and 275-53)

- a. No principal or accessory use, development or structure shall hereafter be located, erected, moved, reconstructed, extended, enlarged, structurally altered, occupied, or reoccupied, no site or premise shall be altered, used, changed, modified, occupied, or building permit approved until after the owner has applied for and received approval of the application for the zoning permit/use approval. An approved PUD Ordinance shall not be construed as a Zoning

Permit or any other approval until the Plan Commission has granted an approval and staff has determined that all conditions of that approval have been satisfied.

9. Parking & Circulation (See also Chapter 275-57)

- a. Parking lots may be located at the property line as long as circulation, vision triangles, and/or drainage are taken into consideration.
- b. 1.6 spaces per dwelling. A minimum of 1 space per dwelling unit shall be covered parking. A minimum of 0.4 space per dwelling unit shall be provided in attached garages. The balance of covered parking to achieve 1 stall per unit shall be provided in detached garages. One space per 10 units for guest parking. Through the leasing process, Mandel agrees to maintain 19 stalls for guest parking, limiting / eliminating their ability to lease those spaces to residents.

10. Architecture (See also Chapter 275-59)

- a. No principal or accessory use, development, structure or sign shall hereafter be located, erected, moved, reconstructed, extended, enlarged, structurally altered, occupied, or reoccupied and no site or premise shall be altered, used, changed, modified, building permit approved, or occupied until after the owner has applied for and the Architectural Review Committee of the Plan Commission has reviewed and approved the architecture for the zoning permit/use approval.
- b. Additional requirements for this zoning district listed in Chapter 275-59D(3)(d).
- c. Specific designs will be based on conceptual images shared during the Conceptual Development Review Phase (See Application File #: UA-2300419 as presented at the April 13, 2023 Plan Commission meeting) and concepts included in this PUD. See Appendix D, Multiple-Family Residential Concepts.

11. Signage (See also Chapter 275-61J(3))

- a. Per Zoning Code Section 275-61J(3) Special Commercial Areas –Moorland Road Business Corridor. This area is identified within the Moorland Road Business Corridor North See also figure VIII-11.
 - i. Off premise signage along Moorland Road may be permitted under this PUD to provide additional signage for a cohesive development. This statement modifies Zoning Code Section 275-61J(3)(c)[3].
 - ii. Zoning Code Section 275-61J(3)(c)[5] is modified to allow for an overall sign height of 15 ft. due to the site constraints along Moorland Road, which include, a deep parcels with buildings located behind other buildings, retaining walls/fences, heavy landscaping, sidepaths, and large county right-of-way. Additional City wayfinding signage is allowed.
 - iii. See the appendix section of a sample monument sign.
 - iv. Per the City's Comprehensive Plan Chapter 11, Neighborhood A Greenfield Avenue, Applicant shall include prominent gateway signage, increased landscaping and plantings beds to be planted throughout the year as part of each development.
 1. This retail corner development shall incorporate "Welcome to City of New Berlin" signage as part of a separate agreement with the City to sell a parcel of land at Tax Key #: in exchange for the applicant to design, building, coordinate and pay for installation of a City sign. Mandel shall coordinate with the City of New Berlin on the exact size and location for this particular sign.

12. Landscaping (See also Chapter 275-54 and Chapter 275-56).

- a. Per the City's Comprehensive Plan Chapter 11, Neighborhood A Greenfield Avenue,

Applicant shall include prominent gateway signage, increased landscaping and plantings beds to be planted throughout the year as part of each development.

- i. Each development application within this area will be required to provide an enhanced landscaping plan. Refer to images in Chapter 11.
- b. Financial security (See also Chapter 275-56C(2))
 - i. At the time of final execution of a certified survey map, subdivision plat or landscape plan with the city, the owner is required to make a fiscal arrangement, either by escrowed funds, certificate of deposit or letter of credit, with the City to ensure that the owner is in full compliance with the landscape installation and maintenance requirements.
 - ii. A maintenance portion of the surety is required to ensure that the landscape installation is maintained during its critical establishment (five-year) period following installation. The amount of the maintenance portion of the surety shall be 20% of the original surety. Currently the code calls for, "three-year for maintenance."

Section V

Legal Description of parcels to be rezoned to I-1/PUD:

LANDS TO BE REZONED FROM I-1/PUD TO I-1/PUD (LOT 3 ON PROPOSED CSM Appendix G):

Part of the Southwest 1/4 of the Northwest 1/4 of Section 2, Township 6 North, Range 20 East, in the City of New Berlin, Waukesha County, Wisconsin, described as follows; Commencing at the Southwest corner of the Northwest 1/4 Section; thence North 01°19'12" East, 100.14 feet along the West line of said Northwest 1/4 Section; thence North 88°20'12" East, 120.16 feet to the Point of Beginning of the lands described herein: thence North 01°19'12" East along the East line of South Moorland Road, 325.44 feet to a point; thence North 88°20'12" East, 820.37 feet to a point; thence South 01°04'42" West, 325.37 feet to a point 100.00 feet North of the South line of said 1/4 Section; thence South 88°20'12" West parallel with said South line 821.74 feet to the Point of Beginning. Said lands described containing 266,842 square feet or 6.1258 acres.

I-1/PUD: Mandel Neighborhood Development Plan / Planned Unit Development District

The overall purpose of this PUD is to begin to establish a set parameters and requirements for the creation of a cohesive mixed-use neighborhood development that can serve as neighborhood center rather than a continuous, repetitive, bland, homogenous and isolated set of land uses by parking lots, drive aisles and very little to no connectivity. The PUD is being used to organize connect several developments; fully interconnect streets, drive aisles, walk-ways, & bikeways within the development and to the surrounding neighborhoods; support retail shops & services; create active & secure pedestrian-friendly settings; and to make "parking" ultimately a shared resource available in support of "all" users within the PUD rather than just on a parcel-by-parcel basis. Appendix "A" dated March 10, 2023 represents a conceptual master plan that reflects the City's desired neighborhood plan design principles. The plan is meant to be flexible and not ridged, and to provide guidance for future development over the years. The design is based on principals in The City's Comprehensive Plan Chapter 11, Neighborhood A Greenfield Avenue.

The I-1/PUD: Mandel Neighborhood Development / Planned Unit Development District is intended to provide for additional density than what is allowed in the I-1 Institutional District. The District will allowed up to 150 units.

Unless specified otherwise by this section, all new development shall be in accordance with the B-1 Zoning District, per Section 275-34B(1) Shopping Center District.

1. Principal Uses (See also Chapters 275-36B(1), 275-41B and Table 275-36-1)
2. Accessory Uses (See also Chapters 275-36B, 275-42, and Table 275-36-1)
3. Conditional Uses (See also Chapters 275-34C, 275-27 and Table 275-36-1)

4. Lot Area and Width (See also Chapters 275-44, 275-45, and 275-46)
 - a. Parcels of land subject to this PUD Ordinance may be configured in any manner by Subdivision, CSM or meets and bounds transfer subject to City review and approval under WI Statutes CH. 236 and New Berlin Municipal Code Chapter 275 and 235. (See Appendix A, Conceptual Master Plan).
 - b. In order to maintain maximum flexibility with the redevelopment plans, there shall be a zero lot line setback from property lines if developed as part of a unified project. These setback requirements shall be subject to the requirements of other governmental regulatory bodies with jurisdiction. These setbacks assume adequate vision triangles, parking and circulation. The Plan Commission shall have the authority to require larger setbacks on a case-by-case basis in order to accommodate for safety and/or to further the redevelopment vision for this area.
5. Setback and yards (See also Chapter 275-36D and Table 275-36-2)
 - a. Table 275-36-2 shall not apply.
 - i. All buildings along major arterials (Moorland Road and Greenfield Avenue), shall have, where practicable, a zero lot line setback from the roadway's ultimate right-of-way. The Plan Commission may approve a greater setback due to site constraints and/or any other site development related circumstances.
 - ii. The setback from the south property line (rear) shall not be closer than 12', the setback from the east property line (side) shall be 50' and the setback from the north property line (front) shall be 25'.
 - iii. In all cases building locations and setbacks must provide adequate spacing so land, buildings, and structures are readily accessible to emergency vehicles and the handicapped. These setback requirements shall be subject to the requirements of other governmental regulatory bodies with jurisdiction.
 - iv. Respecting the creative design process, the Plan Commission reserves the right to require greater setbacks owing to health, safety and welfare concerns to ensure, the proposed onsite buildings, structures, and entry ways are situated and designed to minimized adverse effects upon owners and occupants of adjacent and surrounding properties by providing for adequate design of ingress/egress, interior/exterior traffic flow, storm water drainage, erosion, grading, lighting, and parking, as specified by this Ordinance or any other codes or laws.
 - v. Wetland Setback. All impervious surfaces shall be setback a minim of 15 feet to sidewalks and 30 feet to buildings.
6. Lot Coverage (See also Chapter 275-36D and Table 275-36-3)
 - a. Table 275-36-3 shall not apply, however, through redevelopment efforts, the City and this applicant would not be able to achieve this amount of open space on the newly created parcels, given the urban setting and the existing cross access easements for shared parking and utilities. The applicant and the City will work together to achieve additional green space around the building / future building(s) with planters and other urban design measures, and adding additional plantings. Future development shall coordinate with the City on any storm water management requirements.
7. Time Limits (See also Chapter 275-23(F))
 - a. If the development has not commenced, as evidenced by the securing of the initial Zoning Permits for Mandel Neighborhood Development and Highland Memorial Park Cemetery PUD and building permits for construction of any project defined in this PUD, and construction has not started within one calendar year from the approval of this ordinance, the Mandel Neighborhood Development and Highland Memorial Park Cemetery Planned Unit

Development Overlay District ordinance shall expire and become null and void. The underlying basic use district shall remain in force.

- b. If the developer requires an extension of the time limits, any extension shall be requested by the developer in writing explaining the hardship and sent via Certified Mail to the Department of Community Development not less than 60 days prior to the expiration of this PUD. The Common Council may allow multiple extensions in the sole exercise of its discretion.
8. Use and Site Plan Review (See also Chapters 275-24 and 275-53)
 - a. No principal or accessory use, development or structure shall hereafter be located, erected, moved, reconstructed, extended, enlarged, structurally altered, occupied, or reoccupied, no site or premise shall be altered, used, changed, modified, occupied, or building permit approved until after the owner has applied for and received approval of the application for the zoning permit/use approval. An approved PUD Ordinance shall not be construed as a Zoning Permit or any other approval until the Plan Commission has granted an approval and staff has determined that all conditions of that approval have been satisfied.
 9. Parking & Circulation (See also Chapter 275-57)
 - a. Parking lots may be located at the property line as long as circulation, vision triangles, and/or drainage are taken into consideration.
 - b. Community and Senior Living, 0.75 spaces per dwelling unit. One space per maximum employee count. Currently the code reads, *“One spaces per dwelling unit plus. The Plan Commission may reduce the parking requirement when assisted care is provided. The Plan Commission may require an additional 10% of the parking requirement for guest parking.”*
 10. Architecture (See also Chapter 275-59)
 - a. No principal or accessory use, development, structure or sign shall hereafter be located, erected, moved, reconstructed, extended, enlarged, structurally altered, occupied, or reoccupied and no site or premise shall be altered, used, changed, modified, building permit approved, or occupied until after the owner has applied for and the Architectural Review Committee of the Plan Commission has reviewed and approved the architecture for the zoning permit/use approval.
 - b. Additional requirements for this zoning district listed in Chapter 275-59D(3)(d).
 - c. Specific designs will be based on conceptual images shared during the Conceptual Development Review Phase (See Application File #: UA-2300419 as presented at the April 13, 2023 Plan Commission meeting) and concepts included in this PUD. See Appendix E , Senior Living Residential Concepts
 11. Signage (See also Chapter 275-61J(3))
 - a. Per Zoning Code Section 275-61J(3) Special Commercial Areas – Moorland Road Business Corridor. This area is identified within the Moorland Road Business Corridor North See also figure VIII-11.
 - i. Off premise signage along Moorland Road may be permitted under this PUD to provide additional signage for a cohesive development. This statement modifies Zoning Code Section 275-61J(3)(c)[3].
 - ii. Zoning Code Section 275-61J(3)(c)[5] is modified to allow for an overall sign height of 15 ft. due to the site constraints along Moorland Road, which include, a deep parcels with buildings located behind other buildings, retaining walls/fences, heavy landscaping, sidepaths, and large county right-of-way.

- iii. Additional City wayfinding signage is allowed.
 - iv. See the appendix section of a sample monument sign.
 - v. Per the City's Comprehensive Plan Chapter 11, Neighborhood A Greenfield Avenue, Applicant shall include prominent gateway signage, increased landscaping and plantings beds to be planted throughout the year as part of each development.
 - 1. This retail corner development shall incorporate "Welcome to City of New Berlin" signage as part of a separate agreement with the City to sell a parcel of land at Tax Key #: in exchange for the applicant to design, building, coordinate and pay for installation of a City sign. Mandel shall coordinate with the City of New Berlin on the exact size and location for this particular sign.
12. Landscaping (See also Chapter 275-54 and Chapter 275-56).
- a. Per the City's Comprehensive Plan Chapter 11, Neighborhood A Greenfield Avenue, Applicant shall include prominent gateway signage, increased landscaping and plantings beds to be planted throughout the year as part of each development.
 - i. Each development application within this area will be required to provide an enhanced landscaping plan. Refer to images in Chapter 11.
 - b. Financial security (See also Chapter 275-56C(2))
 - i. At the time of final execution of a certified survey map, subdivision plat or landscape plan with the city, the owner is required to make a fiscal arrangement, either by escrowed funds, certificate of deposit or letter of credit, with the City to ensure that the owner is in full compliance with the landscape installation and maintenance requirements.
 - ii. A maintenance portion of the surety is required to ensure that the landscape installation is maintained during its critical establishment (five-year) period following installation. The amount of the maintenance portion of the surety shall be 20% of the original surety. Currently the code calls for, "three-year for maintenance."

Section VI

LANDS REMAINED ZONED I-1 (OUTLOT 1 ON PROPOSED CSM Appendix G):

Part of the Northwest 1/4 and Southwest 1/4 of the Northwest 1/4 of Section 2, Township 6 North, Range 20 East, in the City of New Berlin, Waukesha County, Wisconsin, described as follows; Commencing at the Southwest corner of the Northwest 1/4 of Section 2; thence North 01°19'12" East, 100.14 feet along the West line of said Northwest 1/4; thence North 88°20'12" East, 941.90 feet to the Point of Beginning of the lands described herein; thence North 01°04'42" East, 1266.45 feet to a point on the South line of Lot 1, Certified Survey Map No. 11117; thence North 89°16'07" East along said South line of Lot 1 aforesaid 370.57 feet to a point; thence South 00°50'07" West, 1260.16 feet to a point 100 feet North of the South line of said 1/4 Section; thence South 88°20'12" West parallel to said South line 376.16 feet to the Point of Beginning. Said lands described containing 471,320 square feet or 10.82 acres.

Section VII

AREAS ZONED C-2, SHORELAND WETLAND HOLDING DISTRICT ON THE CITY'S ZONING MAP WILL REMAIN UNCHANGED. NEW WETLANDS WILL BE REGISTERED ON THE CITY'S ZONING MAP.

Section VIII

WHEREFORE, The: Mandel Neighborhood Development Plan and Highland Memorial Park Cemetery Planned Unit Development Overlay District Ordinance having been approved as a Planned Unit Development on January 9, 2024, pursuant to Chapter 275-23 of the New Berlin Zoning Code, the Common Council hereby adopts this Ordinance and approves the rezoning of land described in Section III to B-1/PUD, Section IV to Rm-1/PUD, Section V to I-1/PUD & to be named the Mandel Neighborhood Development Plan and Highland Memorial Park

Cemetery Planned Unit Development Overlay District and Section VI to I-1/PUD (Highland Memorial Park Cemetery PUD), pursuant to the conditions set forth herein.

The Mayor and City Clerk are authorized to execute this Ordinance No. 2688 on behalf of the City of New Berlin.

This ordinance shall take effect upon the passage and publication as required by law, and upon the final approval of the Development Plans as recommended by the Plan Commission, and the City Clerk shall so amend the Code of Ordinances and zoning map of the City of New Berlin, and shall indicate the date and number of this amending ordinance therein.

The several sections of this ordinance are declared to be severable. If any section shall be declared by decision of a court of competent jurisdiction to be invalid, such decision shall not affect the validity of other portions of the ordinance.

All ordinances or parts of ordinances contravening the terms and conditions of this ordinance are hereby to that extent repealed.

PASSED AND ADOPTED by the Common Council this 9th day of January 2024.

APPROVED:



David A. Ament, Mayor

Countersigned:



Rubina Medina, City Clerk

APPENDIX A

Conceptual Master Plan

“CONCEPTUAL ONLY”

NOTE: ALL SITE INFORMATION CONTAINED IN THIS CONCEPTUAL SITE PLAN - INCLUDING PROPERTY BOUNDARIES, WETLANDS, FLOOD PLANES, EASEMENTS, ETC. - HAVE BEEN ACQUIRED THROUGH PUBLICLY AVAILABLE INFORMATION. JLA ARCHITECTS DOES NOT GUARANTEE THE ACCURACY OR COMPLETENESS OF THIS INFORMATION. AS THE PROJECT PROGRESSES, OWNER SHALL OBTAIN A CURRENT, COMPLETE, AND ACCURATE SITE SURVEY.



MOORLAND & GREENFIELD MIXED-USE DEVELOPMENT
CONCEPTUAL MASTERPLAN

MARCH 10, 2023
1"=160' @ 11x17



APPENDIX B

The City's Comprehensive Plan Chapter 11 Neighborhood "A" Greenfield Avenue.

Visit the City's website at www.newberlin.org for the most up to date plan.

APPENDIX C

Multiple-Family Concepts

“CONCEPTUAL ONLY”



01



03



02



04







APPENDIX E

Senior Living Concepts

“CONCEPTUAL ONLY”



MATTER
DEVELOPMENT

ICAP
DEVELOPMENT

SENIOR LIVING COMMUNITY

Village of Pewaukee | Matter Development & ICAP Development

PRESENTATION



Marsha, Resident

COMPANY BACKGROUND
SENIOR LIVING PHILOSOPHY
REPRESENTATIVE PROJECT
PROPOSED DEVELOPMENT

- **SITE CONCEPT**
- **BUILDING DESIGN**

PRESENTERS

Aaron Matter
Matter Development
Managing Director & Founder

Brian Adamson
ICAP Development
Managing Partner

Nick Carnahan
GCA Architects
Partner

Joe Galbraith
GCA Architects
Partner

CO-DEVELOPERS

Matter Development believes in the value of **collaboration**. Our experience shows that the best projects are those that are informed by reasonable and constructive conversation with all stakeholders in the project, which has been a hallmark of our developments.



mattersenior.com

ICAP Development takes an active role in the development of demand-driven, state-of-the-art facilities throughout the country. As a full-service real estate development firm, the Principals at ICAP have experience developing real estate over a wide spectrum of project types.



icap-dev.com



AARON R MATTER

Matter Development – Co-Developer

Aaron is the Founder & Managing Director of Wauwatosa, WI-based Matter Development. Aaron founded Matter Development in 2017, leveraging many years of developing and operating senior housing with regional senior housing groups Vi Living and Capri Senior Communities. Aaron has an architecture and real estate finance background, and in addition to developing and operating senior living, acts as an advisor to nonprofit housing services organizations.



BRIAN ADAMSON

ICAP Development – Co-Developer

ICAP's \$186M project list includes a mix of multi-tenant retail, medical-office, single-tenant retail, multi-family, industrial, student housing, and hotel developments. Through strong entrepreneurial vision and attention to detail, ICAP Development continues to provide quality, innovative real estate solutions for its tenants and clients. Since 2012, ICAP has delivered over 30 projects across 9 states and currently holds a portfolio of 26 properties with a combined value of \$165M.

OPERATOR

KMJV Operation LLC is a senior living operating company, formed as a joint venture between Koru Health founder Andrew Lange and Matter Development founder Aaron R Matter.

“KMJV” was established to strengthen the alignment of interest in senior living developments completed by Matter Development – to the benefit of all stakeholders. We believe senior living is most effectively operated when there is strong organizational alignment between the interests of the development team, ownership, and operator.

KORU HEALTH

koruliving.org

MATTER DEVELOPMENT

mattersenior.com



ANDY LANGE

Koru Health – Senior Living Operations

Andy is President and Founder of Wauwatosa, WI-based Koru Health, a senior living operations company. Andy's 20-year career in healthcare includes lease up and stabilization of many communities throughout SE Wisconsin, encompassing the full range of independent living, assisted living, and memory care. With locations under management in Wisconsin and Minnesota, Koru is a fast-growing leader in senior housing and care.



AARON R MATTER

Matter Development

Aaron is the Founder & Managing Director of Wauwatosa, WI-based Matter Development. Aaron founded Matter Development in 2017, leveraging many years of developing and operating senior housing with regional senior housing groups Vi Living and Capri Senior Communities. Aaron has an architecture and real estate finance background, and in addition to developing and operating senior living, acts as an advisor to nonprofit housing services organizations.

ARCHITECTS

Galbraith Carnahan Architects is an award-winning Milwaukee architectural firm and a team of creative minds who guide clients to the most authentic manifestation of their vision. GCA designs buildings and spaces that have a deep connection to human nature and the environment in which they are built, and where function and feeling are seamlessly integrated.



galbraithcarnahan.com



NICK CARNAHAN
Galbraith Carnahan Architects

Nick is a partner at Galbraith Carnahan Architects. Nick has worked at numerous high-profile firms over the past 10-years, and his varied experience is an asset in developing finely crafted projects for GCA clients. As director of design for GCA, Nick is critically involved in the creation and realization of compelling and extraordinary buildings.



JOE GALBRAITH
Galbraith Carnahan Architects

Joe is a partner at Galbraith Carnahan Architects. With over 15 years of experience on a multitude of project types, his approach and that of GCA is one that draws inspiration from the specificity of location, client, and project. GCA believes that every project should possess a sense of place; that it should tell a story. Drawing cues from client, environment, and materials, GCA crafts timeless, practical buildings.

SENIOR LIVING PHILOSOPHY

- Growing local companies, heavily invested in our communities
- Alignment of interest and high standards
- The Continuum of Care model
- Senior living is a resource for many years
 - Location
 - Elevated design and materials
 - Interiors and resident life
 - Thoughtful
 - Amenities inside and outside



REPRESENTATIVE DEVELOPMENT

The Story of Evin

We've been asked many times about the story of the name "Evin". It's a shortened version of "Evinrude", which refers to a piece of Oconomowoc (and American) history. "Ole Evinrude invented the first reliable outboard boat motor on Okauchee Lake, and as the story is told: Sometime around 1905, Ole's girlfriend Bess Carey expressed a desire for some ice cream. In the evident and vigorous flush of youthful affection, Ole rowed to shore and back to complete the quest. Though the ice cream had melted by the time of his return, the adventure inspired Ole to understandably forsake the paddle forever as a means of water propulsion."

At Evin at Oconomowoc, you can experience endless freedom and new opportunities - rooted in your history and your community!



1101 Silver Lake Street, Oconomowoc, Wisconsin
EvinSenior.com - 262.320.EVIN (3846) - hello@evinsenior.com

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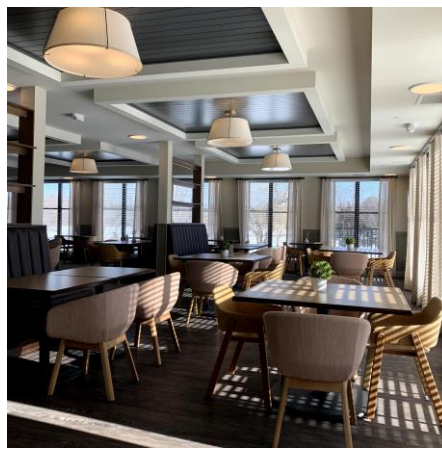


EVIN AT OCONOMOWOC



EVIN AT OCONOMOWOC







PROPOSED DEVELOPMENT

Matter Development and ICAP Development (“Developer”) present a continuum-of-care senior housing residential facility in the Village of Pewaukee (the “Project”). The Project consists of approximately 166,000 square feet of total above-grade building area and 76 underground parking stalls. A total of 141 living units are contemplated, with a unit breakdown of 71 Independent Living (IL), 55 Assisted Living (AL) and 16 Memory Care (MC). The AL is anticipated to include three (3) components: floating RCAC-licensed beds in the IL wing (all four floors), a dedicated RCAC wing (floors 2-4), and a first-floor high acuity CBRF. The MC will be licensed as a CBRF. Common Amenities in the building will include a dining area with a full commercial kitchen, bar area, fitness center, open lounges, exterior rooftop patio(s), exterior courtyard, and “special services” rooms for physical therapy, salon services and other specialties.

HWY 164 & CAPITOL DRIVE- PEWAUKEE, WI



COSTCO
WHOLESALE

Walmart

Pick n Save

SITE

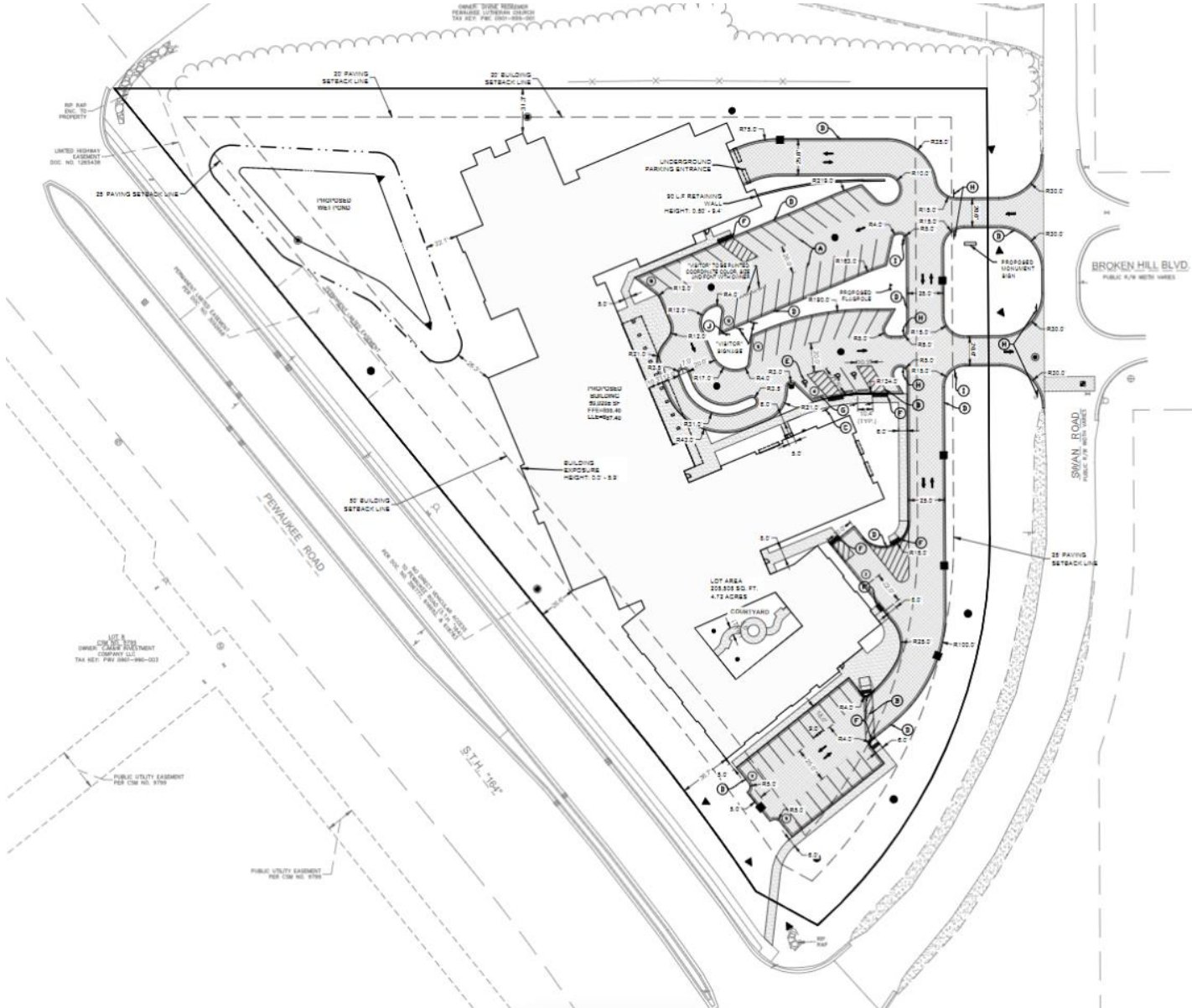
Walgreens

Froedtert

HWY 164/PEWAUKEE ROAD

CAPITOL DRIVE

PROPOSED SITE PLAN



Next page



PEWAUKEE SENIOR LIVING

02.17.22
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PEWAUKEE SENIOR LIVING

02.17.22

© 2022 GALBRAITH CARNAHAN ARCHITECTS LLC

APPENDIX F

Welcome to New Berlin Concepts

“CONCEPTUAL ONLY”

EXHIBIT B

Representative Signs



APPENDIX G

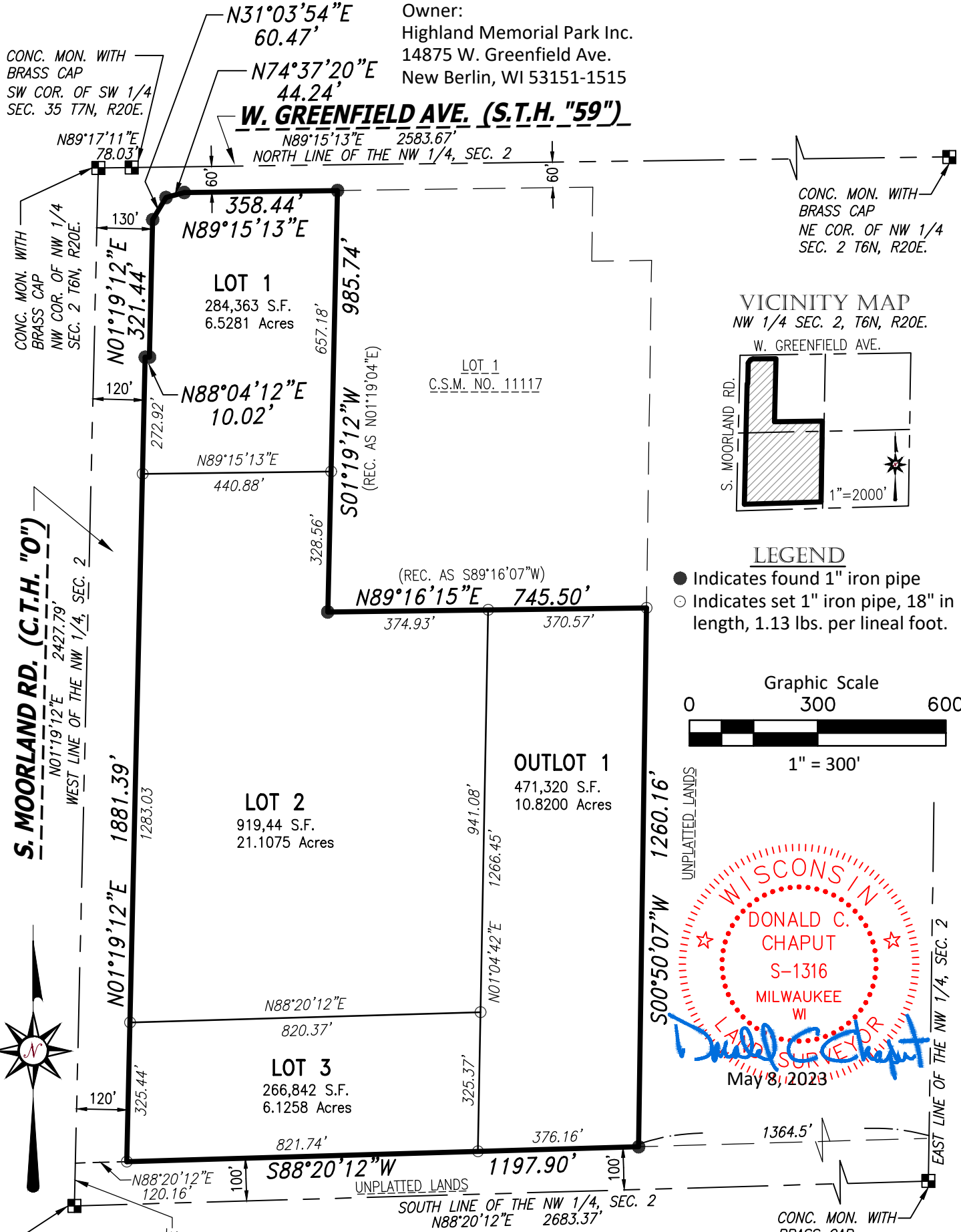
DRAFT CSM

CERTIFIED SURVEY MAP NO. _____

Part of the Northwest 1/4 and Southwest 1/4 of the Northwest 1/4 of Section 2,
Town 6 North, Range 20 East, in the City of New Berlin, Waukesha County, Wisconsin.

Owner:
Highland Memorial Park Inc.
14875 W. Greenfield Ave.
New Berlin, WI 53151-1515

W. GREENFIELD AVE. (S.T.H. "59")



See sheet 2 & 3 for access restriction, existing easements and wetlands.

Bearings are referenced to the Wisconsin State Plane Coordinate System, South Zone (NAD 83/2011) in which the West line of the Northwest 1/4 of Section 2 bears N01°19'12"E.

CHAPUT
LAND SURVEYS

234 W. Florida Street
Milwaukee, WI 53204

414-224-8068
www.chaputlandsurveys.com

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

Drawing No. 4163-grb
Sheet 1 of 6 Sheets

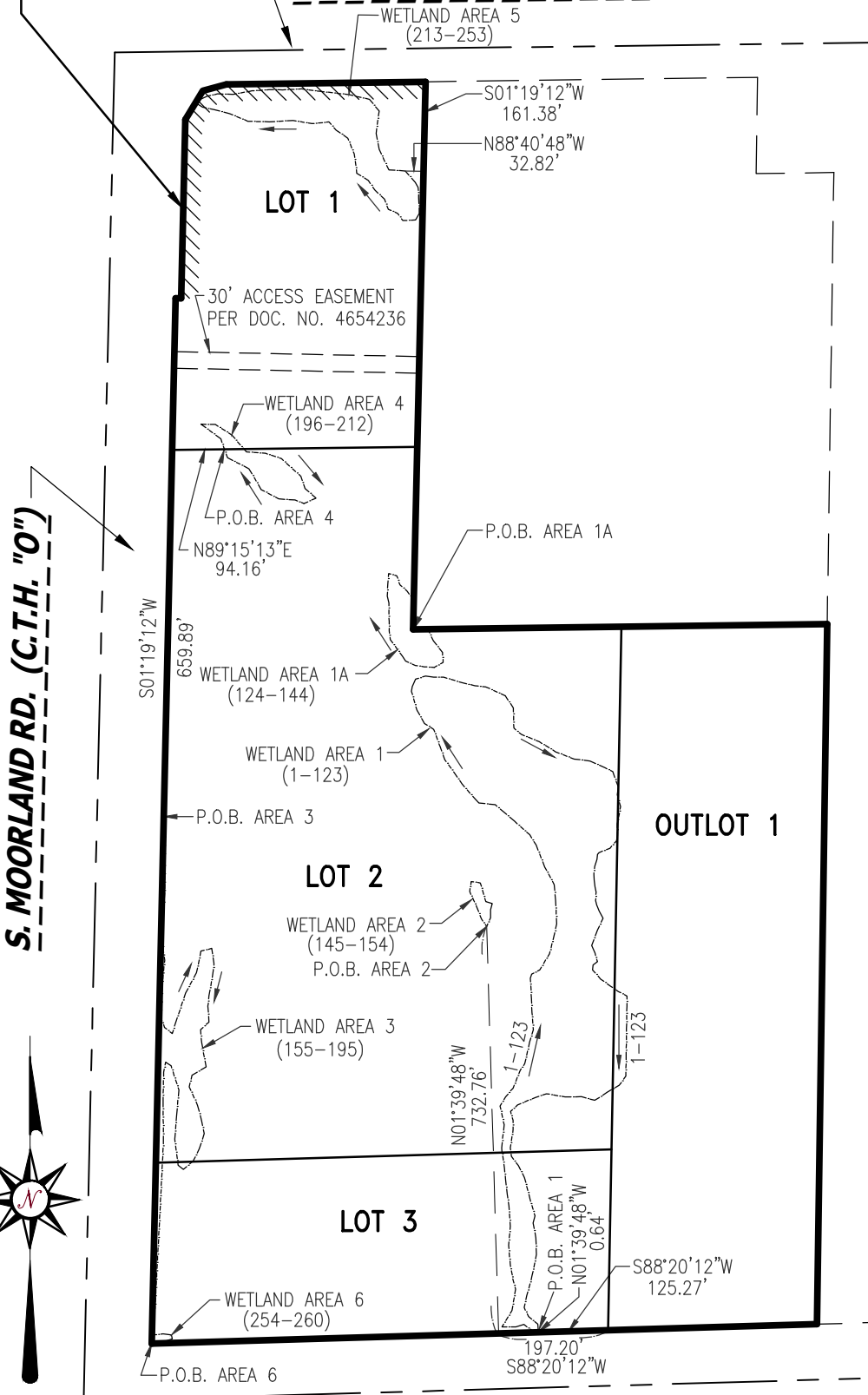
CERTIFIED SURVEY MAP NO. _____

Part of the Northwest 1/4 and Southwest 1/4 of the Northwest 1/4 of Section 2,
Town 6 North, Range 20 East, in the City of New Berlin, Waukesha County, Wisconsin.

Note: Access to Outlot 1 shall be provided by separate document.
It is intended that, for the foreseeable future, Outlot 1 shall remain with the ownership of the adjoining cemetery property to the east, and shall continue to be (i) zoned Institutional, (ii) exempt from real estate taxes, and (iii) used for cemetery purposes.

Hatch indicates no vehicular access to West Greenfield Ave. & South Moorland Road.

W. GREENFIELD AVE. (S.T.H. "59")



S. MOORLAND RD. (C.T.H. "O")



Graphic Scale
0 300 600



1" = 300'

CHAPUT
LAND SURVEYS

234 W. Florida Street
Milwaukee, WI 53204

414-224-8068
www.chaputlandsurveys.com

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

Drawing No. 4163-grb
Sheet 2 of 6 Sheets



CERTIFIED SURVEY MAP NO. _____

Part of the Northwest 1/4 and Southwest 1/4 of the Northwest 1/4 of Section 2,
Town 6 North, Range 20 East, in the City of New Berlin, Waukesha County, Wisconsin.

SURVEYOR'S CERTIFICATE

STATE OF WISCONSIN}
 :SS
MILWAUKEE COUNTY}

I, DONALD C. CHAPUT, Professional Land Surveyor, do hereby certify:

THAT I have surveyed, divided and mapped part of the Northwest 1/4 and Southwest 1/4 of the Northwest 1/4 of Section 2, Town 6 North, Range 20 East, in the City of New Berlin, Waukesha County, Wisconsin, which is bounded and described as follows:

COMMENCING at the Southwest corner of said Northwest 1/4 Section; thence North 00°19'12" East along the West line of said Northwest 1/4 Section, 100.14 feet to a point; thence North 88°20'12" East 120.16 feet to a point on the East line of South Moorland Road and the point of beginning of lands hereinafter described; thence North 01°19'12" East along said East line 1881.39' to a point; thence North 88°04'12" East along said East line 10.02 feet to a point; thence North 01°19'12" East along said East line 321.44 feet to a point; thence North 31°03'54" East along said East line 60.47 feet to a point; thence North 74°37'20" East along said East line 44.24 feet to a point on the South line of West Greenfield Avenue; thence North 89°15'13" East along said South line 358.44 feet to a point on the West line of Lot 1 of Certified Survey Map No. 11117; thence South 01°19'12" West along said West line 985.74 feet to a point on the South line of said Lot 1; thence North 89°16'15" East along said South line 745.50 feet to a point; thence South 00°50'07" West 1260.16 feet to a point 100 feet North of the South line of said 1/4 Section; thence South 88°20'12" West along a line which is parallel to and 100 feet North of said South line 1197.90 feet to the point of beginning.

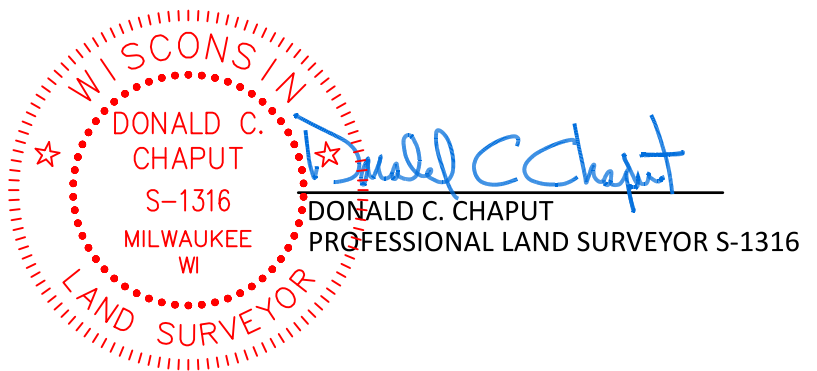
Said lands contains 1,941,970 square feet, or 44.5815 acres.

THAT I have made the survey, land division and map by the direction of HIGHLAND MEMORIAL PARK INC., owners.

THAT the 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 Chapter 236 of the Wisconsin Statutes and the Land Division Regulations of the City of New Berlin in surveying, dividing and mapping the same.

May 8, 2023
DATE



CERTIFIED SURVEY MAP NO. _____

Part of the Northwest 1/4 and Southwest 1/4 of the Northwest 1/4 of Section 2,
Town 6 North, Range 20 East, in the City of New Berlin, Waukesha County, Wisconsin.

CORPORATE OWNER'S CERTIFICATE

STATE OF WISCONSIN}
 :SS
WAUKESHA COUNTY}

HIGHLAND MEMORIAL PARK INC., a corporation duly organized and existing under and by virtue of the laws of the State of Wisconsin, certifies that said corporation caused the land described on this Certified Survey Map to be surveyed, divided and mapped as represented on this map or plat in accordance with the subdivision regulations of the City of New Berlin and Chapter 236 of the Wisconsin Statutes.

HIGHLAND MEMORIAL PARK INC., does further certify that this map is required by S.236.10 or 236.12 to be submitted to the following for approval or objection: City of New Berlin.

IN WITNESS WHEREOF, the HIGHLAND MEMORIAL PARK INC. has caused these presents to be signed by the hand of _____, on this _____, day of _____, 2023.

HIGHLAND MEMORIAL PARK INC.

By: _____

Its: _____

STATE OF WISCONSIN}
 :SS
 COUNTY}

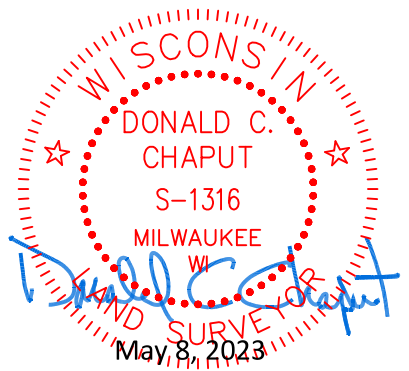
Personally came before me this ___ day of _____, 2023, _____, the _____ of the above named corporation, to me known as the person who executed the foregoing instrument and acknowledged that he/she executed the foregoing instrument as such officer on behalf of entity, by its authority.

Notary Signature: _____

Notary Name: _____

Notary Public, State of _____. My commission expires: _____

(Notary Seal)



CERTIFIED SURVEY MAP NO. _____

Part of the Northwest 1/4 and Southwest 1/4 of the Northwest 1/4 of Section 2,
Town 6 North, Range 20 East, in the City of New Berlin, Waukesha County, Wisconsin.

PLANNING COMMISSION CERTIFICATE OF APPROVAL

APPROVED by the Planning Commission of the City of New Berlin on this ____ day of _____,
2023.

DAVE AMENT, CHAIRPERSON / MAYOR

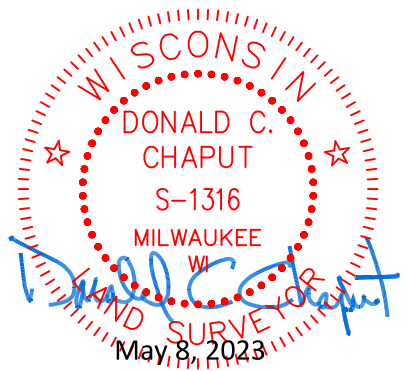
NIKKI JONES, SECRETARY

COMMON COUNCIL CERTIFICATE OF APPROVAL

APPROVED by the Common Council of the City of New Berlin in accordance with the Resolution adopted on
this ____ day of _____, 2023

DAVE AMENT, COUNCIL PRESIDENT

GEORGIA STANFORD , CITY CLERK



INSERT RECORDED CSM HERE