

# PLAN COMMISSION AGENDA March 16, 2021 – 6:00pm

Meeting Available on Zoom.us at the following meeting number: https://us02web.zoom.us/j/86017531927

In lieu of participating via the Zoom website, the alternative telephone only dial-in

Dial in: 312-626-6799 860 1753 1927

"Due to the COVID-19 Pandemic and in recognition of the declaration of states of emergency by the President, the Governor and the Village President, this meeting will not be open to the public in an inperson capacity. Those wishing to observe may do so by downloading the ZOOM app to your personal computer, tablet or smart phone and utilizing the above information to join via either computer or telephone. If you wish to communicate in written format with the Commission you may send written comments to the Village Clerk at 235 Hickory St. Pewaukee, WI 53072 or you may email the Clerk at csmith@villageofpewaukee.com."

# 1. Call to Order and Roll Call

## 2. Old Business.

- a. Review and possible action regarding the Conditional Use Grant application to utilize the second floor space as an "indoor entertainment facility" through "mixing of multiple principal uses" at the Chiropractic & Wellness on Pewaukee Lake building located at 221 W. Wisconsin Avenue. The applicant is Dr. Tad Diciaula and Sarah Diciaula d/b/a The Loft on the Lake. The property owner is Jade Reef Properties LLC. The property is Zoned B-2 Downtown Business District.
- b. Review and possible action regarding the Conditional Use Grant application to utilize the space at 1463 Capitol Drive-Suite A for a tropical smoothies and sandwich's type dine-in and fast food restaurant. The applicant is Danijela Milic d/b/a Tropical Smoothie Cafe. The property owner is REI Equity Partners 6 LLC. The property is Zoned B-1 Community Business District with Planned Unit Development (PUD) Overlay.

## 3. Adjournment

Note: It is possible that members and/or possibly a quorum of members of other governmental bodies of the municipality may be in attendance at the above-stated meeting to gather information; action will not be taken by any governmental body at the above-stated meeting other than the governmental body specifically referred to above in the notice. Upon reasonable notice, efforts will be made to accommodate the needs of disabled individuals through appropriate aids and services. To request such assistance, contact the Village Clerk at 262-691-5660.

Dated: March 12, 2021

20

# STAFF REPORT

To: Village of Pewaukee Plan Commission By: Mary Censky

Date Prepared: March 11, 2021

**General Information:** 

Agenda Item: 6.d.

Applicant and Property Owner: Dr. Tad Diciaula and Sarah Diciaula d/b/a The

Loft on the Lake

Property Owner: Jade Reef Properties LLC

Requested Action: Conditional Use Grant approval "indoor

entertainment facility" through "mixing of multiple principal uses" to use the second floor area of the recently approved chiropractic office building for private gatherings, up to 49 people maximum, with no food or beverage service

provided onsite.

Existing Zoning: B-2 Downtown Business District

Surrounding Zoning/Land Use: North: Railroad tracks/right-of-way

South: B-2 Downtown Business District East: Railroad tracks/right-of-way

West: Pewaukee Lake

Master Plan Classification: Community Commercial

Project area: Approximately .25 acres (10,881 sq.ft.)

Location: 221 West Wisconsin Avenue

# Discussion:

The Loft use is proposed to occur only when the chiropractic uses previously approved for this building are not in session. Hours of operation requested are daily until midnight with a goal of ending by 9 pm on weeknights and 10 pm on weekends.

There is no food or beverage service proposed to be included as a part of this use, but rather private gatherings may bring their own food and beverages or have it catered in.

There are 13 parking stalls on the approved site plan plus 3 on-street stalls directly in front of the business. Using the standard of 1/300 sq.ft. gross floor area, applied to the apparently useable area of the second floor 4+/- stalls should be provided. The applicant indicates that, at the time of booking they would encourage larger groups to carpool as much as possible.

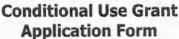
There are no other changes proposed to the building or site as a part of this request - such as signage, lighting, landscaping and similar.

# Recommendation:

The Planner does not raise any specific objections to this request as presented but recommends the following conditions be considered for attachment to any approval the Commission may inclined toward:

- The Loft use shall not overlap it's gatherings with any other use(s) in the building simultaneously;
- Any signage proposed in support of the Loft use shall require proper permits in advance of placement at the site;
- 3. Recording of the Conditional Use Grant prior to the start of occupancy for the Loft.







Address/Parcel No. of Property Involved: 221 W. WISCONSIN AVE
Zoning of Property: Commercial
Current Owner of Property: DR TAD DICIALLA + SARAH DICIALLA
Applicant - Name: OR TAD + SARAH DIEIGHLA
Address: 22/ W. WISCONSIN AVE
Phone: 262 675 co32-
Fax: 262 695 0011
Email: CHING @ DE-TAPINET
PLEASE SEE ATTACHED

Provide detailed information with your application that addresses the following:

 Development Plans of the proposed use in sufficient detail to enable the Commission to evaluate the suitability of architectural & landscape treatment, proper placement of the building(s) on the lot, traffic generation & circulation, provision for parking, drainage, exterior lighting, control devices (when necessary) to eliminate noise, dust, odor, smoke or other objectionable operating conditions & general compatibility of the proposed use with the area in which it is located.

project meets the Village's Land Development Code. It is also highly recommended that the applicant/owner review the Village's adopted Land Use	recom	mmended that the applican	the applicant/owner to ensure that the propose Development Code. It is also highly t/owner review the Village's adopted Land Use
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Signature of Property Owner as listed on this Application:

Application will not be processed without the Owner's Signature regardless of who is listed as the Applicant. This signature authorizes the Village of Pewaukee to process the Conditional Use Approval Application proposed for my property and further authorizes the Village or its representatives to conduct reasonable and routine inspections of my property for the purposes of evaluating this application.

Signature o	of Applicant	(if	different	than	Owner)	

Please return <u>Completed Application Forms</u> along with required attachments and the \$100 Application Fee to Pewaukee Village Hall, 235 Hickory Street, Pewaukee, WI 53072. If you have any questions, please call Village Hall at (262) 691-5660.

\*\*Please submit eleven sets of any applicable attachments as well as a digital copy of any attachments submitted.



# PROFESSIONAL SERVICES REIMBURSEMENT NOTICE

Pursuant to the Village of Pewaukee Code of Ordinances, the Village Board has determined that whenever the services of the Village Attorney, Village Engineer, Village Planner or any other of the Village's professional staff results in a charge to the Village for that professional's time and services and such service is not a service supplied to the Village as a whole, the Village Clerk shall charge that service for the fees incurred by the Village. Also, be advised that pursuant to the Village of Pewaukee Code of Ordinances, certain other fees, costs, and charges are the responsibility of the property owner or responsible party.

I, the undersigned, have been advised that, pursuant to the Village of Pewaukee Code of Ordinances, if the Village Attorney, Village Engineer, Village Planner or any other Village professional provides services to the Village because of my activities, whether at my request or at the request of the Village, I shall be responsible for the fees incurred by the Village. In addition, I have been advised that pursuant to the Village of Pewaukee Code of Ordinances, certain other fees, costs, and charges are my responsibility.

The Village will place fees from unpaid invoices on the real estate tax bill of the property that corresponds to the incurred services.

# **RESPONSIBLE PARTY & MAILING ADDRESS**

Name of Company and/or Individual			
221 W WISCONSIN AVE	PEWALER	WI	53012
Street	City	State	Zip
Phone: 26 2 695 co 2 Fax: 262 6950	E-Mail: CHIZE	C PRIAD, W	CT
Signature of Applicant & Date  2/15/21  Signature of Property Owner & Date  Village Official Accepting Form & Date	SERVIC	LL PROFESS CES INVOIC (Check One) Derty Owner	ES TO:



213 West Wisconsin Ave Pewaukee, WI 53072 Ph: (262) 695-0022

February 14, 2021

Dear Pewaukee Village Administrators and Planning Commission,

We are blessed to be a part of a beautiful and supportive community. It is our mission at Chiropractic & Wellness on Pewaukee Lake to improve the quality of life with chiropractic and holistic living for people of all ages. After almost 14 years of providing health and wellness, we were approved for our new building to create a lasting presence in the Village of Pewaukee. Construction is expected to be completed in March 2021. Our vision is to educate and enhance people's well-being while also providing a center for community growth.

Within our new location, we wanted to expand our vision at Chiropractic and Wellness by creating and providing a community room, and give this space an identity, The Loft on the Lake. We hope to have this available for non-profit groups, workshops, gatherings and rental space for special occasions. The community desires a multifunctional purpose area so all can enjoy the precious moments of family and friends within the Village of Pewaukee as there are not many options like this currently.

The Loft space would be utilized when providers are not taking appointments and when our office portion is not in use. Hours of operation would be available to use Monday-Sunday (Available till midnight however, we would aim for most to end by 9pm on weekdays and by 10pm on the weekends). We have adequate on-site parking available for use with 18 spots. However, we will encourage larger groups to carpool during the summer months. Per our conditional approval from the State of Wisconsin listed in the Key Item(s) category- IBC 303.1.2 states that Room 208 shall not have an occupancy load greater than 49. The building is ADA compliant with emergency exits clearly marked and provides a safe place to gather with 24/7 video monitoring both inside and outside the building.

Our goal is to help support our local community and businesses within the Village. We want to utilize and cross promote catering options along with increase local shopping. When renting The Loft guests are allowed to bring in food and beverages with rental agreement but are not permitted to sell alcohol. Alcohol consumption will fall within local guidelines.

The Loft will provide the community with additional employment opportunities, as per our agreement with the Village TIF and WEDC grant to increase employment in the area. At this time, no outside signage is being asked for as this would be supported by marketing within Chiropractic and Wellness. The Loft will be managed by both Dr. Tad and Sarah Diciaula.

Approval of our conditional use amendment is our next step in completing our vision for our new building for our community that we love so dearly. Thank you for your consideration.

Yours in health,

Dr. Tad Diciaula & Sarah Diciaula

Conditional approval from the State of Wisconsin listed in Key Item(s) category- IBC 303.1.2 and IBC 1004.3. Document attached for reference.

DIVISION OF INDUSTRY SERVICES
10541 N RANCH RD
HAYWARD WI 54843-6462
Contact Through Relay
http://dsps.wi.gov/programs/Default.aspx
www.wisconsin.gov

Tony Evers, Governor Dawn B. Crim, Secretary

December 21, 2020

CUST ID No. 935098

DANIEL P GLAZEWSKI THE CUSTOM HOUSE 1506 S 58TH ST WEST ALLIS WI 53214 ATTN: Buildings & Structures Building Inspector

MUNICIPAL CLERK VILLAGE OF PEWAUKEE 235 HICKORY ST PEWAUKEE WI 53072

(Please forward a copy of this letter to the fire department conducting inspections of this project.)

# Identification Numbers

Transaction ID No. 3342633

Site ID No. 857982

Please refer to both identification numbers, above, in all correspondence with the agency.

# CONDITIONAL APPROVAL

PLAN APPROVAL EXPIRES: 12/21/2022

SITE:

Chiropractic & Wellness Center 221 W Wisconsin Ave Village of Pewaukee, 53072 Waukesha County

FOR:

Object Type: Building ICC Regulated Object ID No.: 1863588 Code Applies Date: 11/18/20

Revision; Major Occupancy: Business; Type VB Combustible Unprotected class of construction; New plan; 4,640 project sq ft;

Occupancy: B Business

Facility: 799207 CHIROPRACTIC & WELLNESS CENTER

221 W WISCONSIN AVE PEWAUKEE 53072

Object Type: Truss, Floor Regulated Object ID No.: 1863589 Code Applies Date: 11/18/20

Revision

Object Type: Truss, Roof Regulated Object ID No.: 1863590 Code Applies Date: 11/18/20

Revision

# SITE REQUIREMENTS

- Contact both the State Inspector and the local municipality PRIOR to the start of construction.
- A full size copy of the approved plans, specifications and this letter shall be on-site during construction and open to inspection by authorized representatives of the Department, which may include local inspectors. If plan index sheets were submitted in lieu of additional full plan sets, a copy of this approval letter and index sheet shall be attached to plans that correspond with the copy on file with the Department. If these plans were submitted in an electronic form, the designer is responsible to download, print, and bind the full size set of plans along with our approval letter. A department electronic stamp and signature shall be on the plans which are used at the job site for construction.

The following conditions shall be met during construction or installation and prior to occupancy or use:

# KEY ITEM(S)

• IBC 303.1.2 - A room or space used for assembly purposes with an occupant load of less than 50 persons or less than 750 square feet in area and accessory to another occupancy shall be classified as a group B occupancy. Room 208 shall not have an occupancy load greater than 49 unless the building is submitted for change of use to assembly and required sprinkler system is provided as the room is located on a floor other than a level of exit discharge serving its occupants. Owner to be made aware of requirements.



- IBC 1004.3 Every room or space that is an assembly occupancy shall have the occupant load of the room or space posted in
  a conspicuous place, near the main exit or exit access doorway from the room or space. Posted signs shall be of an approved
  legible permanent design and shall be maintained by the owner or owner's authorized agent. Post maximum occupant load of
  49 in Room 208.
- IBC 707.5 Fire barriers shall extend from the top of the floor/ceiling assembly below to the underside of the floor or roof
  slab or deck above and shall be securely attached thereto. Such fire barriers shall be continuous through concealed spaces,
  such as the space above a suspended ceiling. Shaft enclosures shall be permitted to terminate at a top enclosure complying
  with Section 713.12

SUBMIT - The following systems require submittal for review and approval prior to construction.

• SPS 361.30(3) - This approval does not include heating, ventilating or air conditioning. The owner should be reminded that HVAC plans, calculations, and appropriate fees are required to be submitted for review and approval prior to installation in the field. The HVAC plans shall be directed to the office where building plans were originally submitted and conditionally approved (as appropriate). Building Designer should coordinate with HVAC design to avoid problems with clearance to combustibles, dampers etc. The submitted HVAC plans and calculations shall match the approved building plans. Building Designer is requested to provide a complete set of plans, Energy Calculations and the Building plan review Transaction I.D. number to the HVAC Designer to help coordinate review. Note as per SPS 302.10 installation of HVAC without approved plans could result in double plan review fees.

### ADDRESS

 ICC/ANSI A117.1 Sec. 404.2.3 - Maneuvering clearances at doors shall be provided per the requirements of this code section and Table 404.2.3.2 and Table 404.2.3.3.

### REMINDERS

- SPS 361.36(1)(a) & (b) The building shell shall be closed within two years of the initial approval date of this project. Also, this approval will expire three years after the date of initial approval of this project if the work covered by this approval is not completed and the building ready for occupancy within those three years.
- IBC 2304.12 Protection from decay and termites shall be provided by the use of naturally durable or preservative-treated wood at all locations required by this section.
- IBC 718.2 Fireblocking shall be securely installed to cut off both vertical and horizontal concealed draft openings.
- ICC/ANSI A117.1 Sec. 904.3 Sales and service counters required to be accessible shall be located adjacent to a walking surface and shall have a counter 36 inches maximum above the floor, with a 36 inch minimum length for a parallel approach, or 30 inch minimum length for a forward approach.
- IBC 1015.1/IBC 1607.8/IMC 304.11/IFGC 306.6 Guards shall be located along open-sided walking surfaces, mezzanines, industrial equipment platforms, stairways, amps and landings that are located more than 30 inches above the floor or grade below at any point within 36" horizontally to the edge of the open side. Guards shall be adequate in strength and attachment in accordance with Section 1607.8.
- IBC 906.1/IBC 906.2 Provide fire extinguishers per this code section. Fire extinguishers shall be selected, installed and maintained in accordance with IFC 906 and NFPA 10.
- ICC/ANSI A117.1 Sec. 309 Operable parts and controls shall be operable with the use of one hand and not require tight
  grasping, pinching or twisting of the wrist. These parts or controls shall be operable with no more than 5 pounds required to
  activate them. Clear floor space and reach ranges shall comply with Sections 305 and 308.
- The submittal described above has been reviewed for conformance with applicable Wisconsin Administrative Codes and
  Wisconsin Statutes. The submittal has been CONDITIONALLY APPROVED. The owner, as defined in chapter 101.01(10),
  Wisconsin Statutes, is responsible for compliance with all code requirements. Only those object types listed above have been
  approved; other submittals such as plumbing and those listed above under REQUIRED SUBMITTAL(S), may also be required.
- All permits required by the state or the local municipality shall be obtained prior to commencement of
  construction/installation/operation. You are responsible for complying with state and federal laws concerning construction near
  or on wetlands, lakes, and streams.
- This plan has not been reviewed for compliance with fire code requirements, including those for fire lanes and fire protection water supply, so contact the local fire department for further information.
- In granting this approval, the Division of Industry Services reserves the right to require changes or additions, should conditions
  arise making them necessary for code compliance. As per state stats 101.12(2), nothing in this review shall relieve the designer of
  the responsibility for designing a safe building, structure, or component. The Division does not take responsibility for the design
  or construction of the reviewed items.

Per s. SPS 361.40(4), projects for buildings of over 50,000 cubic feet total volume shall have supervising professionals who file
compliance statements with this agency and the local code officials prior to occupancy of the project. The compliance statement
is available on our website. <a href="http://verification.dsps.wi.gov/IndustryServices/Commercial-Buildings-Compliance/DSPSMainForm.aspx">http://verification.dsps.wi.gov/IndustryServices/Commercial-Buildings-Compliance/DSPSMainForm.aspx</a>

Inquiries concerning this correspondence may be made to me at the telephone number listed below, or at the address on this letterhead.

Sincerely,

Fee Required \$ 450.00

Tee Required 5

This Amount Will Be Invoiced. When You Receive That Invoice, Please Include a Copy With Your Payment Submittal.

Philip S Behling Engineering Consultant Bldgs, Division of Industry Services (715)634-5035, Mon-Fri, 7:45 a.m. - 4:30 p.m. philips.behling@wi.gov

cc: John Gibbs, State Building Inspector, (414) 852-3694, Mon-fri, 7:30 A.M. - 4:30 P.M. Tad & Sarah Dicaula, Chiropractic & Wellness Assoc

Select below added by the party orders

GUNDERSEN

SZ1 W. Wisco NEW CONSTRUCTION CHIROPRACTIC & WELLNESS

A-0 SHEET

VILLAGE OF PEWAUKEE PLANNING REVIEW ONLY DATE: 6/21/2018

# CHIROPRACTIC WELLNESS

on Pewaukee Lake

TAD & SARAH DICIAULA, OWNER (262) 617-5082

WI Architectural License No. 10716-5 E-MAIL : roaldgundersen1@gmail.com Cell : 608-317-2427

# GUNDERSEN ARCHITECTURE & STRUCTURES

Office: 608-317-2427 OFFICE & WORKSHOP: E2890 LORENZ RD. STODDARD, WI 54658

Prairie Building LLC frichter@wi.rr.com Phone/text (262) 691-7500 DEVELOPER/BUILDER

4872 SF New commercial type chiropractic clinic and V construction of a DESCRIPTION:

wellness center.

# To be determined

# CONSTRUCTION BUDGET:

SNOW LOAD: 40 P.S.F. (TDC)
WIND LOAD: 90 P.S.F. LATERAL, UPLIFT 50 P.S.F.
SIESMIC: DESIGN CATEGORY A FROST DEPTH: 42"

CODE: Wisconsin Commercial Building Code (WCBC) & The 2015 International Building Code (IBC) OCCUPANCY: A2,

BUILDING LOCATION: 221 west wisconsin avenue, pewaukee, wi

BUILDING SQUARE FEET: FIRST FLOOR: 48×58=2,784 SF; SECOND FLOOR: 36×58=2,088 SF. BUILDING TOTAL=4,872 SF.

PARKING REQUIREMENTS: OFFICES: ONE STALL PER 300 SF: 4,872/300SF/STALL= 16.24 STALLS. ACTUAL= 16 STALLS.

LANDSCAPING REQUIREMENTS: LOT AREA = 10,881 SF x 5% Green space= 545 SF MIN. REQUIRE; ACTUAL GREEN SPACE = +1- 2000 SF

PLANNING SETBACK: 15", ACTUAL: 4" VARRIANCE REQUESTED REQUESTED SEQUESTED 10", ACTUAL: 5" VARRIANCE REQUESTED

0669MS

Brick: Riviera (white wash champion brick) Trim: Alabaster white SW7008

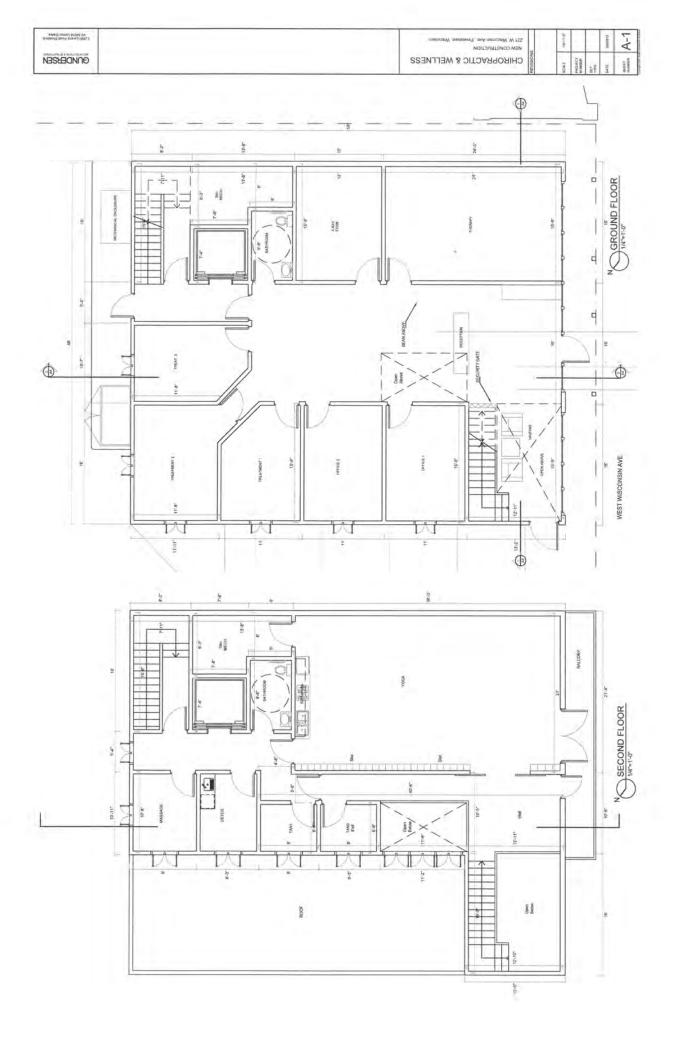
Frieze: Light french gray colored metal Mortar: Aspen cream

DRAWING INDEX:

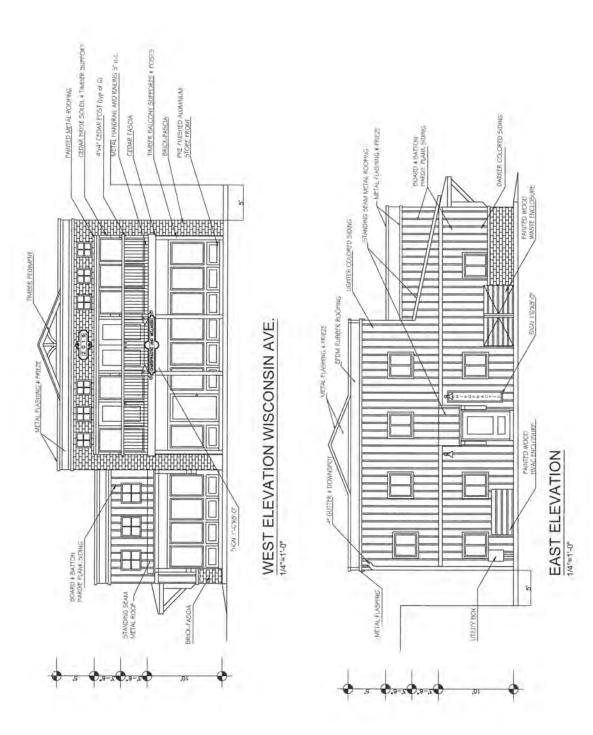
A0 PROJECT INFO., VICINITY MAP, DRAWING INDEX
A1 FLOOR PLAN
A2 WEST / EAST ELEVATIONS
A3 NORTH / SOUTH ELEVATIONS
A4 EAST / WEST / NORTH / SOUTH SECTIONS
A5 DETAIL SECTIONS
A6 GRADING PLAN
A7 EXTERIOR LIGHTNING PLAN
A8 LANDSCAPING

PO PLAT OF SURVEY (BY CSE)

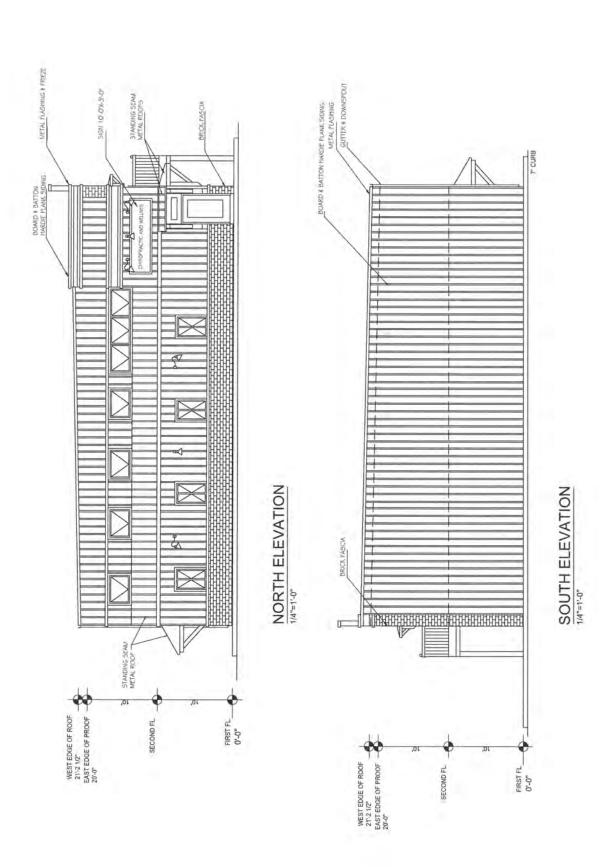
EXTERIOR COLORS:
Metal roofing: Gallery (Blue), 26ga steel, 1,60mil Thickness, Prime typk Siding: Light french gray SW0055 "hardy plank" Balcony guardrails window & door frames windows: Caviar Black



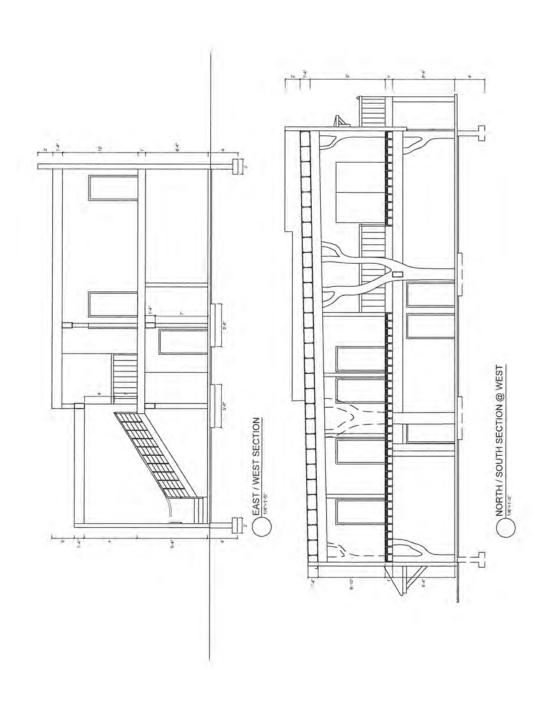
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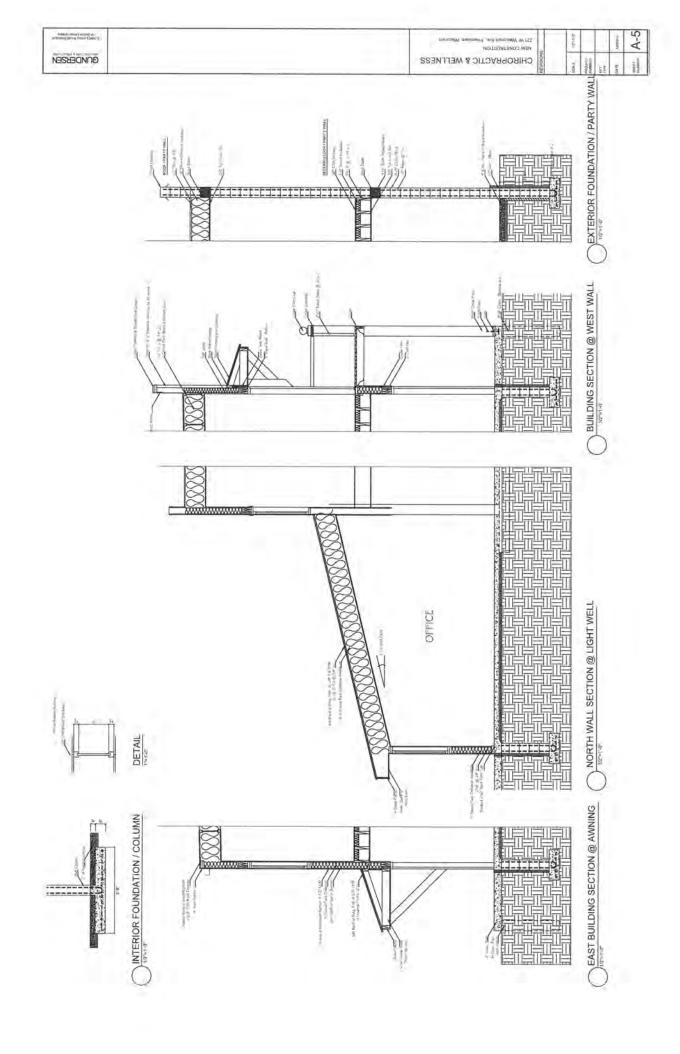


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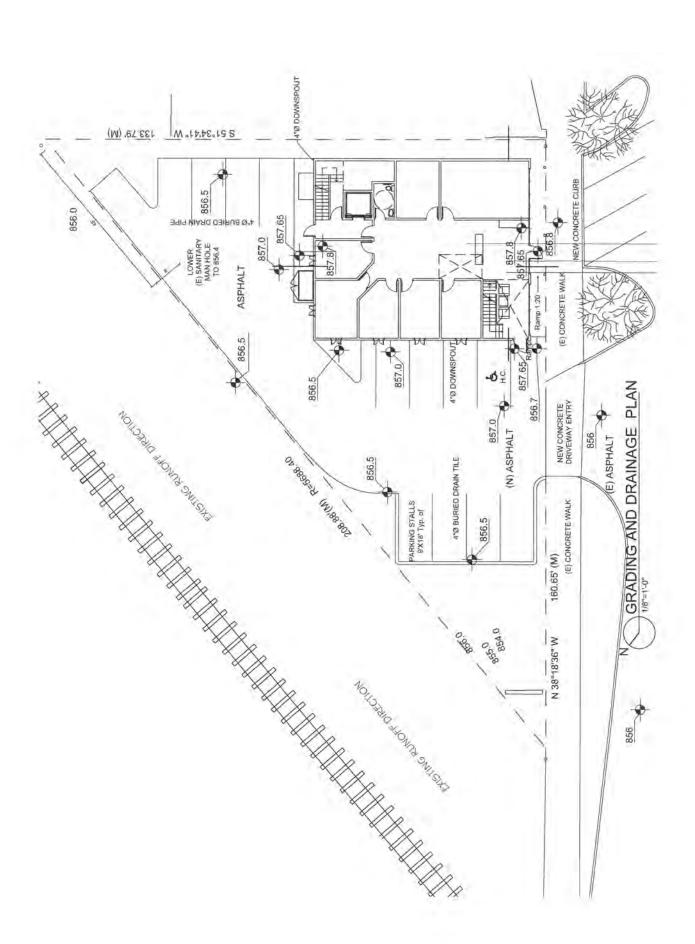


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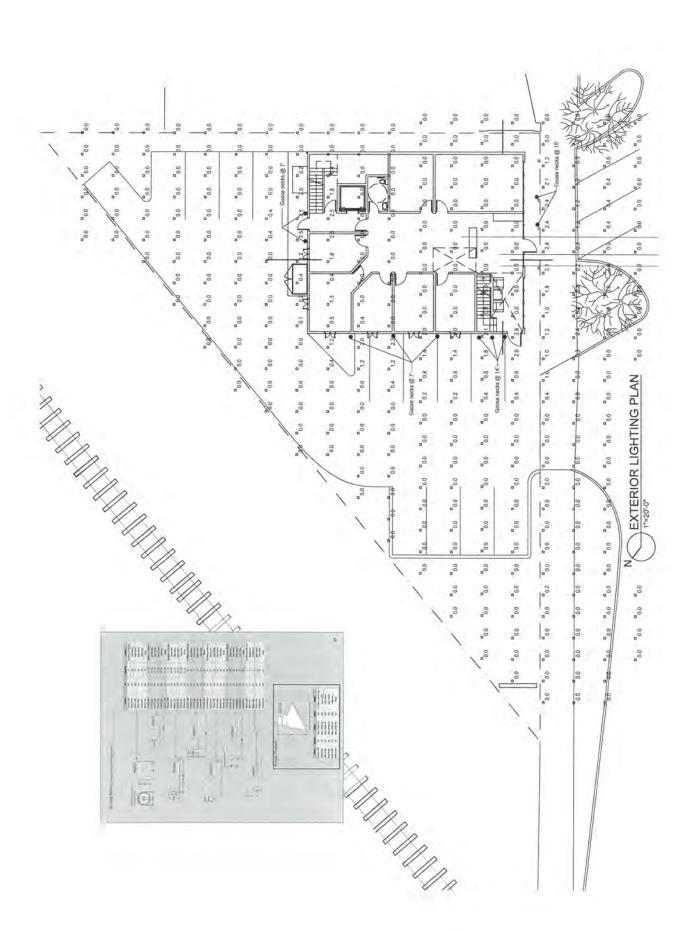




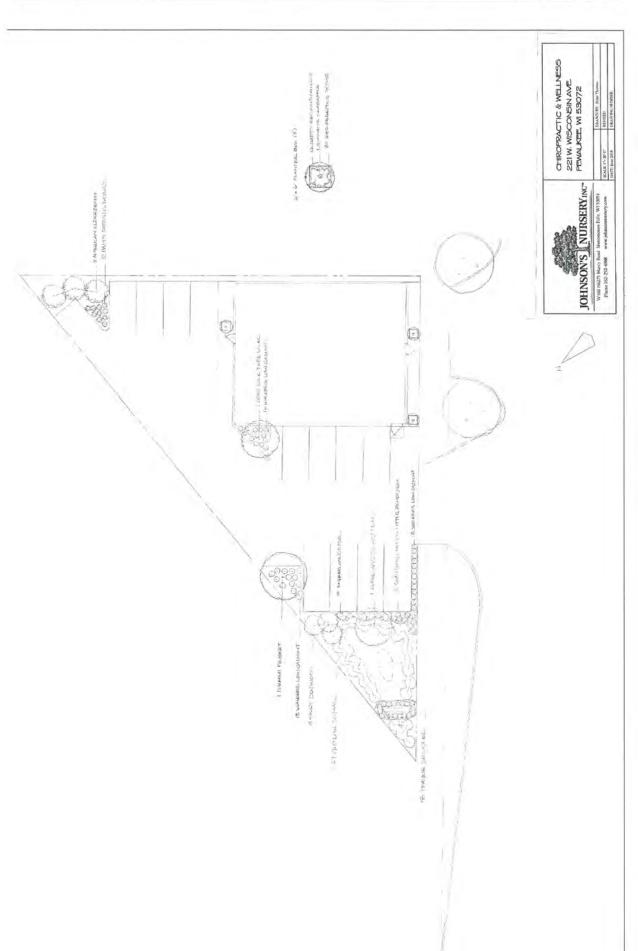
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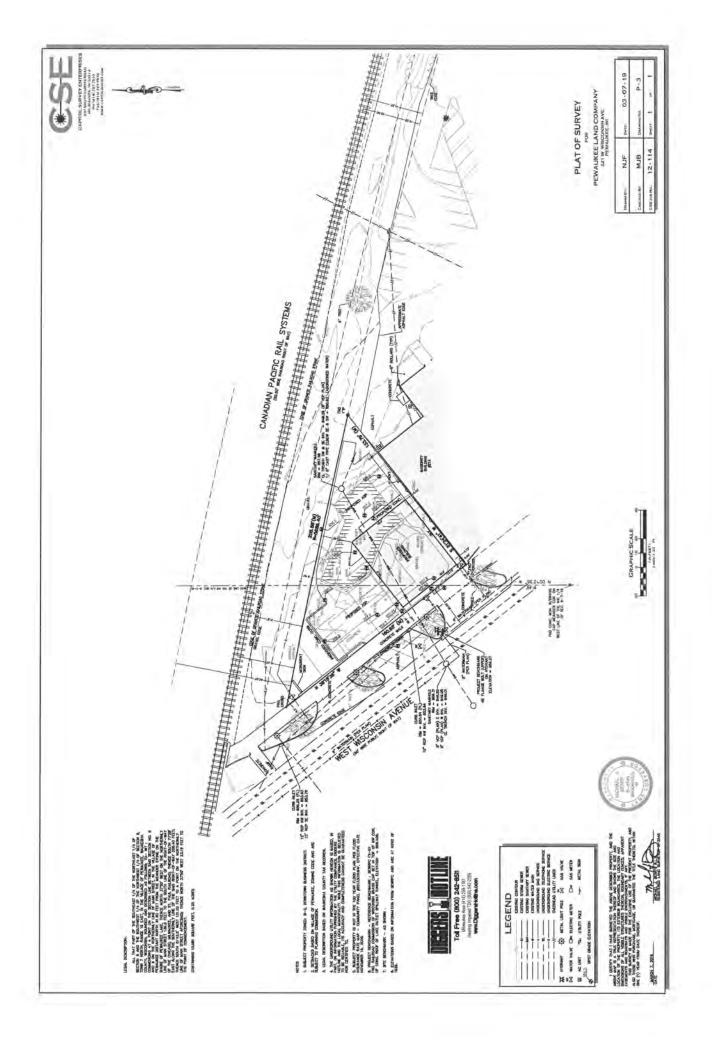


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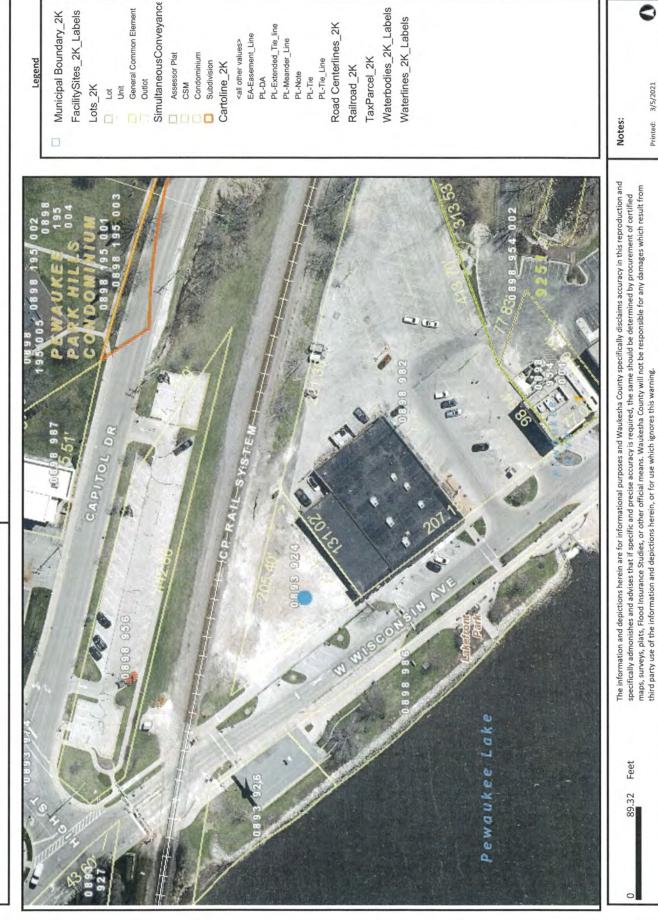


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NESSEGNO	CHIROPRACTIC & WELLNESS	287	PROJECT	THE NAME OF	414	SHEET SHEET





Chiropratic & Wellness/The Loft site



Printed: 3/5/2021

2b

# STAFF REPORT

To: Village of Pewaukee Plan Commission By: Mary Censky

Date Prepared: March 11, 2021

General Information:

Agenda Item: 6.h.

Applicant: Danijela Milic d/b/a Tropical Smoothie Café w/

written consent of property owner

Property Owner: REI Equity Partners 6 LLC

Requested Action: Conditional Use Grant approval for a tropical

smoothies and sandwich's type dine-in and fast

food restaurant.

Existing Zoning: B-1 Community Business District

Surrounding Zoning/Land Use: North: B-1 Community Business

South: B-1 Community Business District East: B-1 Community Business District West: B-1 Community Business District

Master Plan Classification: Community Commercial

Project area: N/A

Location: 1463 Capitol Drive – Suite A

# Discussion:

The proposed use is permitted in this B-1 District and under the terms of the Planned Unit Development which no longer has a cap on the number of fast food restaurants that can be permitted.

The use is very similar to how the space has been utilized in the past and no issues are known to have come up with respect to parking availability. The parking lot is shared among the various tenants in this multi-tenant building.

No outdoor seating is proposed as a part of this use.

Proposed hours of operation are 8 a.m. to 8 p.m. daily.

No new signage is proposed at this time.

# Recommendation:

The Planner does not raise any specific objections to this request as presented but recommends the following conditions be considered for attachment to any approval the Commission may inclined toward:

- Provision in the Conditional Use Grant document that any substantiated adverse impacts upon
  the surrounding neighbors or the Village as a whole which arise as a result of this use shall be the
  responsibility of the owner to correct timely upon notice from the Village and the owner
  acknowledges that failure to do so may result in action toward modification and/or termination of
  the Conditional Use approval;
- 2. Any signage proposed in support of this use shall require proper permits in advance of placement at the site;
- 3. Recording of the Conditional Use Grant prior to the start of occupancy for Tropical Smoothie Cafe.



# Tropical Smoothie Cafe

1463 Capitol Drive Suite A Pewaukee, WI 53072

Ph # 414-617-8573

# PACKAGE INCLUDES:

\* Business Plan of operations application Village of Pewaukee - Page 1-3

\* Applications process for conditional use grant requests - Page 4-7

\* Conditional use applications- Restaurant/ Night Club - Page 8-10

\* Zoning Set / 13 Copies / 1 Digital Copy - Page 11-16

\* Check \$100.00

Village Hell Pennit No. **BUSINESS PLAN OF OPERATION** 235 Hickory Straet Fewaukee, W153072 APPLICATION Parcel/Tax Key No. Village Hall - 262-691-5660 VILLAGE OF PEWAUKEE Fax - 262-691-5664 NAME OF PROPOSED BUSINESS: SUITE#: Tropical Smoothie Cafe SITE ADDRESS: City State Zip 1463 Capitol Drive - Suite A Pewaukee WI 53072 Business / Operator's Name (Please Print) Mailing Address Phone# 414 235.9730 City State Zip FEIN# 9445 S. 92nd Street Franklin WI 53132 Danijela Milic Email Address d.milic8384@gmail.com Tenant's Name: (Please Print) Mailing Address State Zip 53132 City Phones 414 235.9730 9445 S. 92nd Street Franklin WI Email Address d.milic8384@gmail.com Danijela Milic FEINE DESCRIPTION OF BUSINESS OPERATION: TYPE of BUSINESS: Please Check the appropriate Box for type: Description of Business: Retail Wholesale D Office Fruit Smoothie store Institutional Warehouse/Storage Other? Industrial NEW USE? (Yes) or No? EXPANSION OF EXISTING USE? Yes or No? or OTHER? HOURS of OPERATION: From: DAYS of OPERATION: 8 am 8 pm Sunday - Saturday MAXIMUM NUMBER OF EMPLOYEES: How many Full Time? CURRENT ZONING: Commercial How many Part Time? Number of Trucks per day: 1 delivery each 3 day (early) Expected Customers per day: 200 (estimated) Number of Autos per day: 150-most at drive thru PARKING STORAGE Available Parking/Parking Lot Spaces # 58 Any Outside Storage? Yes or (No) Luading Spaces # 1 Please list type of Storage? Is there Overnight Parking? Yes or (No) Where? SEWAGE DISPOSAL BY: WATER SUPPLY BY: SOLID WASTE (trash) DISPOSAL BY: Contract: Per Landlord Public Sewer Public Water Main Septic/Holding Tank Any flammable substances! Yes or fire Private Well Storm Water Retention/Detention: Other If Ves. where Stored? Any Special Equipment/Facilities/Requirements? Yes or (No ) What? DATE SIGNED 2 /0 /2/ APPLICANT'SSIGNATURE/ APPLICANT'S PRINTED NAME Danijela Milic

- (1	0/4/0/
PROPERTY OWNER'S SIGNATURE	PROPERTY OWNER'S PRINTED NAME RIGHT POINT MAN A DATE SIGNED 2/9/2/
APPROVAL CONDITIONS	Applicant is responsible to obtain any licences, permits, certificates or other documents from other agencies of Village Departments. For example, Cigarette and Alcoholic Beverage Licenses must be obtained from the Village Clerk and Building Permits from the Building Inspector. Also, Occupancy of the premises requires approval of this application.
For Staff ONLY Submitted for Review on:	Date:
Approval by Zoning Administrator:	Date:
Approval by Village Planner;	Date:
SPECIAL REQUIREMENTS/COMMENT	S: This use requires prior approval from the Planning Commission as a dine-in and fast food restaurant in
	theB-1 Commercial District w/PUD Overlay, MMC 2-12-21

# APPENDIX A-2

Page 2 of 3

VILLAGE OF PEWAUKEE SANITARY SEWER & WATER UTILITIES 235 HICKORY STREET PEWAUKEE, WISCONSIN 53072

> PHONE: 262-691-5660 FAX: 262-691-5664

# NOTICE OF INTENT TO DISCHARGE WASTEWATER

(Please print. Mail or fax to the address above.)

Note - The discharge shall comply with all conditions of the City of Brookfield Municipal Code Chapter 13.20 found in Title 13 Public Services at: <a href="https://www.cityofbrookfield.com">www.cityofbrookfield.com</a>.

# FORM I - To Be Completed By Commercial / Industrial User

1.	Company Name:Tropical Smoothie Cafe
2.	Facility Address: Street 1463 Capitol Drive - Suite A City, State, Zip Pewaukee, WI 53072
3.	Mailing Address: Street 9445 S. 92nd Street (If Different) City, State, Zip Franklin, WI 53132
4.	Company Representative:  Name Danijela Milic Title Owner  Phone 414-235-9730 Fax  E-Mail d.milic@gmail.com
5.	Brief description of business: Fruit smoothie store with supporting sandwich service  Drive thru and dining room service
6.	Existing number of employees: Full Time 3 Part Time 10
7.	Operating: Days/Week 7 Hours/Day 12 # Shifts 2
8.	Facility four-digit SIC code Or six-digit NAICS code
9.	Reason for filing survey:  a Change of occupancy b Construction of a new facility/new addition c Proposing to discharge from a facility where there is currently no discharge or adding a new sewer connection d Significantly altering the volume or characteristics of an existing discharge e Applying for reissuance of an existing discharge permit f Per request by municipality - discharge ongoing with no expected changes g Update previous information

# APPENDIX A-2

1-63	sanitary sewer discharge:			2	
Light	kisting	Gal/Day process wastewater	125	Proposed	
-		Gal/Day sanitary wastewater		250	
		Gal/Day cooling water			
Note:	A review of quarterly wa	ter usage bills may be helpful in	assigning flow	values. Total gal/c	day (for a
		0 gallons) x 1000/# operating da			
		ess, sanitary, and/or cooling.			
		y discharge other than sanitary,	non-contact co	oling or boiler blow	down
	water.				
	Sanitary flow may be est	imated as 20 gal/day/employee.			
		n the discharge of a commercial	/industrial proc	es8	
wastewater	" NO				
46					
. List any ch	emicals/pollutants expecte	ed to be present in your discharge	e: None		
		4.00			
. Is there any	y usage of toxic organic or flammable compounds, etc.	empounds at the facility?	No	√	
. How are to	oxic organic compounds di charge to sanitary sewer	sposed of?			
	iled to treatment / recyclin	g facility			
Disc	waste (used in process or s	paringly on rags)			
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# Conditional Use Grant Application Form

Address/Parcel No. of Property Involved: 1463 Capitol Drive, Suite A. Pewaukee, WI 53072

Address/Farcer No. of Property Involved.	
Zoning of Property: B-1 (Planned Unit Development)	
Current Owner of Property: REI Equity Partners 6 LLC	
Applicant - Name: Danijela Milic	

Address: 9445 S. 92nd Street, Franklin, WI 53132

Phone: 414-235-9730

Fax:

Email: d.milic8384@gmail.com

Nature of Request (If Requesting Approval for a New Business, Please Attach a Business Summary):

The request is for approval of a new Tropical Smoothie Cafe to be constructed at the previous Malabar Coast

Coffee shop location. The proposed will be similar to the previous business, with drive through service

and interior walk up counter service. There will be no exterior dining and and the drive through lane will

be in the same location; however with better located ordering equipment so as to reduce the previous

hazard of ordering on the building corner. No food equipment shall be on the exterior of the building.

Signage shall be obtained via separate approval by signage vendor.

Provide detailed information with your application that addresses the following:

 Development Plans of the proposed use in sufficient detail to enable the Commission to evaluate the suitability of architectural & landscape treatment, proper placement of the building(s) on the lot, traffic generation & circulation, provision for parking, drainage, exterior lighting, control devices (when necessary) to eliminate noise, dust, odor, smoke or other objectionable operating conditions & general compatibility of the proposed use with the area in which it is located.

# Village of Pewaukee Plan Commission Submittal

# CONDITIONAL USE APPLICATION - RESTAURANT/NIGHT CLUB

	BUSINESS LOCATION INFORMATION	
Restaurant/Night Club Name	Tropical Smoothie Cafe	
Restaurant/Night Club Address	1463 Capitol Drive, Suite A, Pewaukee, WI 53072	

	APPLICANT CONTACT INFORMATION	
Name	Danijela Milic	
Address	9445 S. 92 <sup>nd</sup> Street, Franklin, WI 53132	
Phone	414-235-9730	
Fax		
E-mail	d.milic8384@gmail.com	

Provide a general description of the restaurant/night club business plan of operations.

The proposed project is for a fruit smoothie café. The food service will be delivered at a drive thru window (existing) and via walk up counter service, similar to previous tenant. There will be interior refrigeration and all storage will occur inside the space.

The drive thru service lane occur in the same location as the previous tenant.

Business hours will occur from 8:00 am to 8:00 pm - depending on weather and holidays. Food service deliveries shall occur in the early am so as to not interfere with adjacent business operation. There are no proposed or desired alcohol sales.

All food products are "pre-rendered" with all fats and oils drained, so there will be no exterior grease container. All signage shall be permitted separately and shall be as allowed by Village ordinances.

Conditions of petition: 1) Project will NOT endarger public- actually improves drive-thru

2) Project will NOT be adverse to adjoiners - matches center use

3) Project IS harmonius with overall planned development

4) Porject conforms to the overall master plan (similar to previous)

	REQUESTED INFORMATION
Proposed days/hours of operation:	Sunday thru Saturday - 8:00 am to 8:00 pm
Proposed entertainment1	⊠ none ☐ yes, describe;
Indoor seating area size/capacity	110 square feet, 6 tables, 21 seats
Bar area size/capacity	53 square feet, 1 counter tables, 9 (8 standard /1 ADA) seats
Outdoor seating area size/capacity2	NA square feet, tables, seats
Drive-up or walk-up window service3	none yes, describe: stack lane on South side/ Window East
Carry-out sales	80% of total sales
Alcohol sales	0% of total sales
Employment	13 total employees, 3 full-time, 10 part-time
Number of employees on largest shift	4 employees
Time of Largest Shift	☐ breakfast ☐ lunch ☐ dinner ☐ late (after 7 pm) ☐ other
General Menu Description	Fruit smoothies, flat bread snadwiches and wraps

# ATTACHMENTS

The application <u>must</u> include a plan (drawn to scale) indicating the locations of the kitchen and serving areas, indoor and outdoor dining areas, drive-up or walk-up service windows, and other features of the proposed restaurant.

1 Indicate whether the restaurant will feature any live or other entertainment, describe whether there will be a stage, dance floor, games, etc. Indicate location on the required plan.

3 Indicate the location and access provided to any walk-up or drive-up service areas on the required plan.

<sup>2</sup> Indicate the location and arrangement of the outdoor seating area on the required plan. Enough information should be provided to determine the relationship of the outdoor seating area to landscaping, parking, and other features, and to determine the distance to property lines.



Step 1: Please read through the attached sections of the Village's Development Code that explain conditional use grant regulations (Section 40.152 of Land Development Code or web link:

https://library.municode.com/wi/pewaukee/codes/code of ordinances?nodeId=PTIIMUCO CH40LADE ARTVCOUS).

Step 2: Submit a <u>fully completed</u> application form along with <u>13 copies</u> (and <u>one digital copy</u>) of all attachments you wish to have considered by the Plan Commission as part of your application. (Please fold all attachments so that they are  $8 \frac{1}{2}$ " x 11" size and with project name/identification visible.) Please note: Incomplete applications will not be accepted.

Please note: Applications must be submitted to Village Hall by the required submittal deadline (copy of deadlines attached) which is generally three weeks and two days prior to the Plan Commission meeting. Plan Commission meetings are held on the second Thursday of each month at 7:00 p.m. The submittal deadline requirement allows the Village time to review the application, obtain additional information from you if need be and set up/publish the required public hearing. All property owners within 300' of the subject property will be sent a notice of the public hearing.

Step 3: Along with the completed application, the application fee must be paid. The fee for a conditional use grant approval request is **\$100.00**. The fee is collected to offset the cost of required legal notices that must be published in the newspaper and the cost of mailings to neighboring property owners.

Step 4: The Village Planner and the Village's consulting Engineer will be reviewing your application and will prepare a report for the Plan Commission, which will include recommendations for action.

Step 5: If your conditional use request is approved, a document will be prepared that contains the approval conditions. That document will need to be signed by the applicant, property owner and the Village. The Waukesha County Register of Deeds will then record the signed document.

Please note: Multiple Plan Commission meetings are often required prior to final project approval.

(Revised 8/16/06; 01/2019; 6/2019)



# PROFESSIONAL SERVICES REIMBURSEMENT NOTICE

Pursuant to the Village of Pewaukee Code of Ordinances, the Village Board has determined that whenever the services of the Village Attorney, Village Engineer, Village Planner or any other of the Village's professional staff results in a charge to the Village for that professional's time and services and such service is not a service supplied to the Village as a whole, the Village Clerk shall charge that service for the fees incurred by the Village. Also, be advised that pursuant to the Village of Pewaukee Code of Ordinances, certain other fees, costs, and charges are the responsibility of the property owner or responsible party.

I, the undersigned, have been advised that, pursuant to the Village of Pewaukee Code of Ordinances, if the Village Attorney, Village Engineer, Village Planner or any other Village professional provides services to the Village because of my activities, whether at my request or at the request of the Village, I shall be responsible for the fees incurred by the Village. In addition, I have been advised that pursuant to the Village of Pewaukee Code of Ordinances, certain other fees, costs, and charges are my responsibility.

The Village will place fees from unpaid invoices on the real estate tax bill of the property that corresponds to the incurred services.

# RESPONSIBLE PARTY & MAILING ADDRESS

Tropical Smoothie Cafe - Danijela Milic

Name of Company and/or Individual 9445 S. 92nd Street	Franklin	WI	53132
Street			
	City	State	Zip
Phone: 414-235-9730 Fax:	E-Mail: d.milic	8384@gn	nail.com
	SERVICE	L PROFESS ES INVOICE Check One)	
Signature of Property Owner & Date	Prope	erty Owner	
Village Official Accepting Form & Date	Appli	cant	

 It is the responsibility of the applicant/owner to ensure that the proposed project meets the Village's Land Development Code. It is also highly recommended that the applicant/owner review the Village's adopted Land Use Plan.

Signature of Property Owner as listed on this Application:

CB of my unh

Application will not be processed without the Owner's Signature regardless of who is listed as the Applicant. This signature authorizes the Village of Pewaukee to process the Conditional Use Approval Application proposed for my property and further authorizes the Village or its representatives to conduct reasonable and routine inspections of my property for the purposes of evaluating this application.

Signature of Applicant (if-different than Owner):

Please return <u>Completed Application Forms</u> along with required attachments and the \$100 Application Fee to Pewaukee Village Hall, 235 Hickory Street, Pewaukee, WI 53072. If you have any questions, please call Village Hall at (262) 691-5660.

\*\*Please submit eleven sets of any applicable attachments as well as a digital copy of any attachments submitted.

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JACK P. MORGAN
AIA CSI - ARCHITECT
7002 N. TUREDO STREET
INDIANAPOLIS, N. 46220
PH 117-508-4016 FAX: 137429-3405
- mail: marwalseplad1@gmail.com



WJ 012 1463 Capitol Drive Suite A Pewaukee, WI 53072

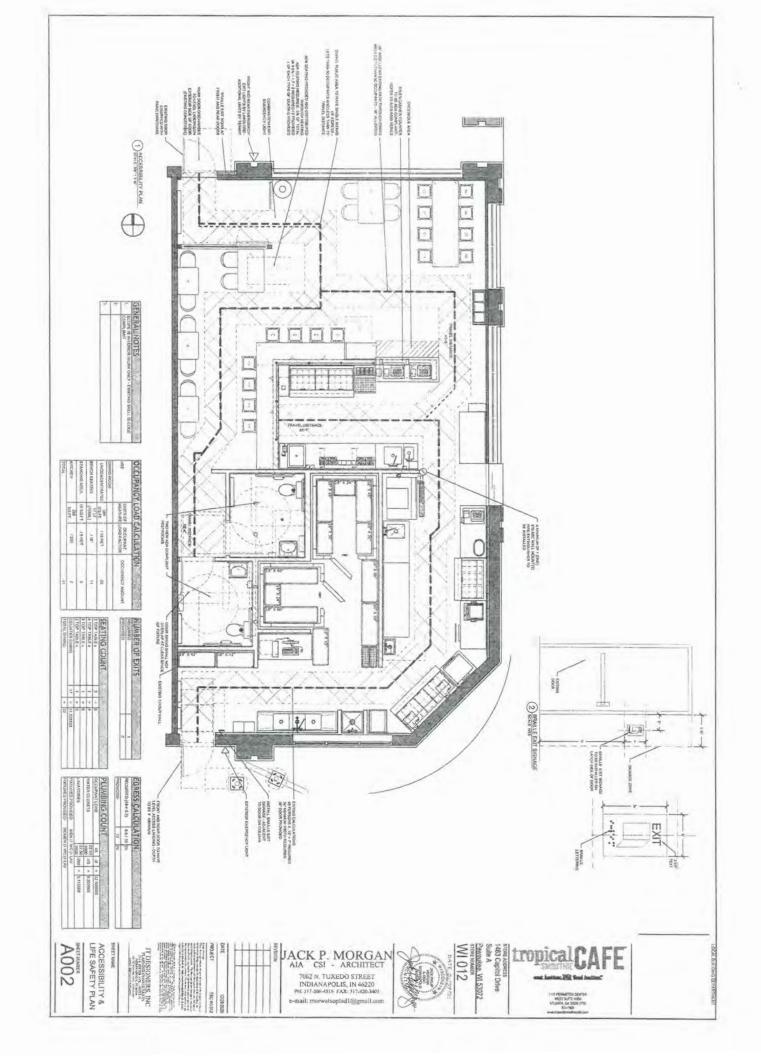
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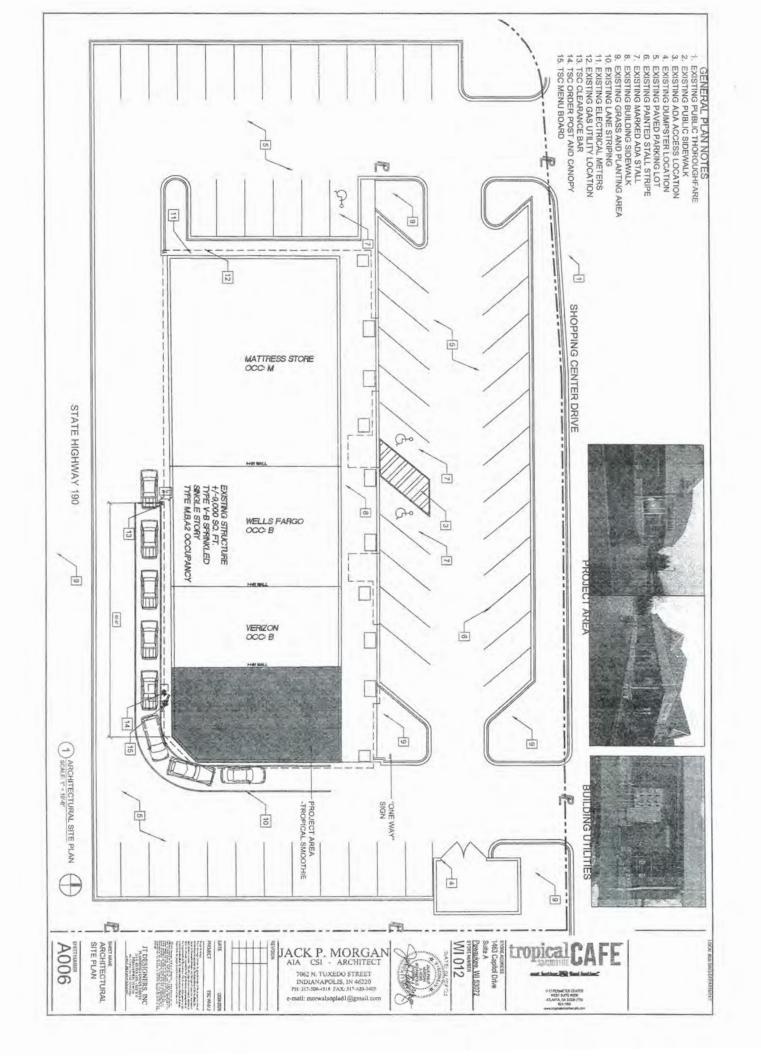
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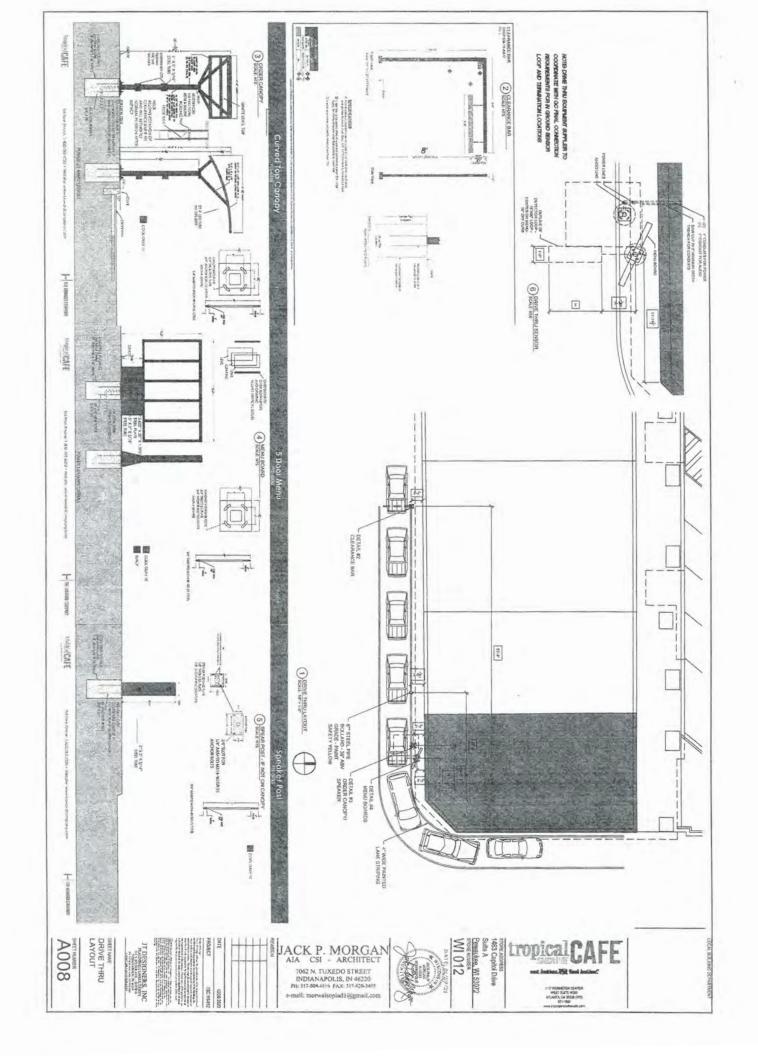
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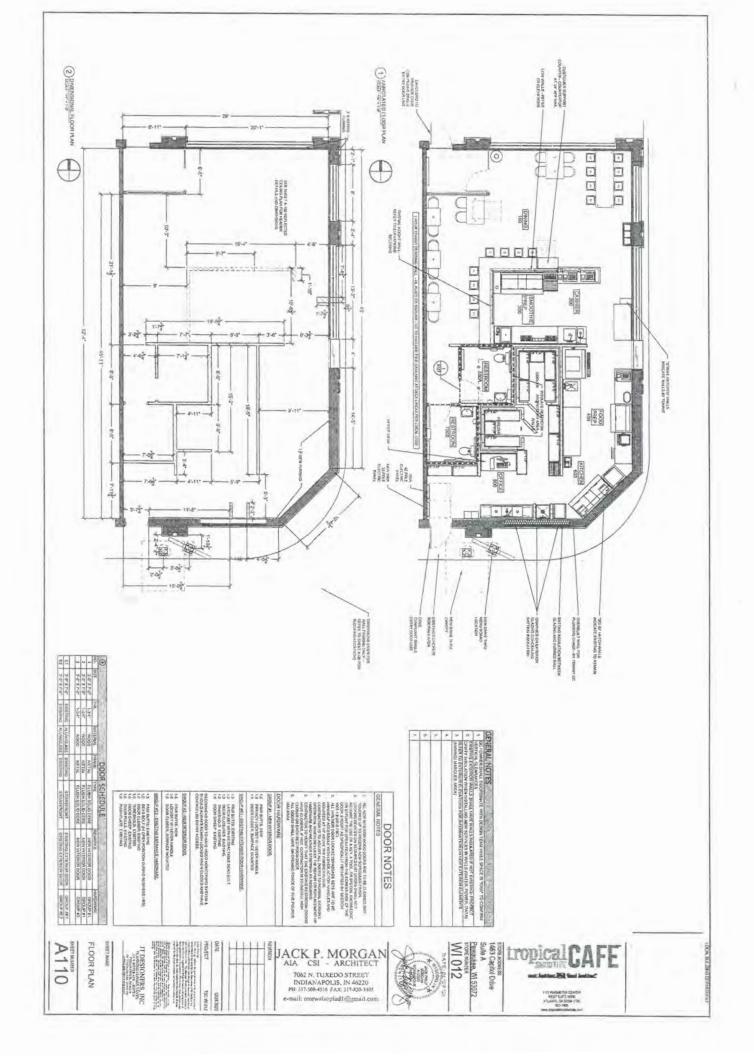
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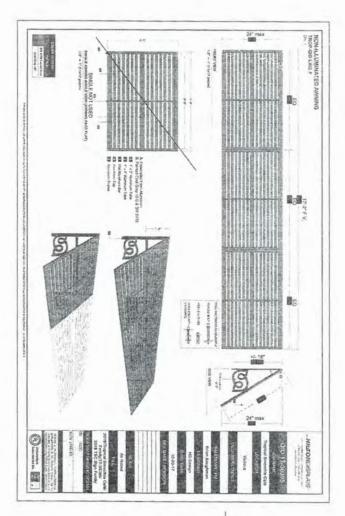
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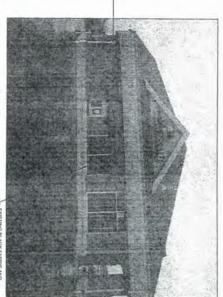


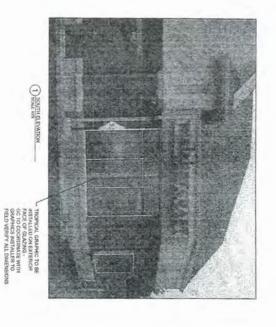












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The information and depictions herein are for informational purposes and Waukesha County specifically disclaims accuracy in this reproduction and specifically admonishes and advises that if specific and precise accuracy is required, the same should be determined by procurement of certified maps, surveys, plats, Flood Insurance Studies, or orther official means. Waukesha County will not be responsible for any damages which result from third party use of the information and depictions herein, or for use which ignores this warning

Notes:

Printed: 3/5/2021