

Please note: Minutes are unofficial until approved by the Plan Commission at the next regularly scheduled meeting

PUBLIC HEARING

6:00 P.M. (4)JT RZ-10-08 Living Word Apostolic Church – Approx. 21400 W. National Ave. – Rezone from I-1 to I-1 and C-2 to Field Delineate the Wetlands.

**NEW BERLIN PLAN COMMISSION
OCTOBER 4, 2010
MINUTES**

The public hearing relative to the request by David Meyer c/o Living Word Apostolic Church to rezone the property located at approximately 21400 W. National Avenue from I-1 and I-1 and C-2 to Field Delineate the Wetlands was called to order by Mayor Chiovatero at 6:02 P.M.

In attendance were Mayor Chiovatero, Mr. Christel, Alderman Ament, Ms. Groeschel, and Ms. Broge. Also present were Nikki Jones, Planning Services Manager; Jessica Titel, Associate Planner; Amy Bennett, Associate Planner; Nicole Hewitt, Storm Water Engineer; and Mark Blum, City Attorney. Mr. Felda was excused.

Mayor Chiovatero explained the procedure for a public hearing saying that he would ask for questions for clarification and then ask three times for anyone wishing to speak in favor of the application and then three times for anyone wishing to speak in opposition of the application.

Ms. Jones read the public hearing notice and stated there was proof of publication.

Ms. Titel gave a brief presentation describing the request and indicated the location.

Mayor Chiovatero asked for questions or comments for the purpose of clarification.

Mary Hiebl, 20160 W. National Avenue – Is this I-1 Zoning effective upon issuance of a Building Permit for the church?

Ms. Titel – That is correct.

Ms. Hiebl – Based upon unforeseen circumstances should the applicant have to abandon the plan, does the site revert to current zoning?

City Attorney Blum – The site currently still is I-1 until that condition is satisfied so that change will not take place until such time as that event would occur. In the absence of a Building Permit for the church being pulled then it stays R-1/R-2 and Q-1.

Ms. Hiebl – What is the zoning for this parcel in the 2020 Plan?

Ms. Titel – The Future Land Use is Country Residential.

Ms. Hiebl – Is that five acres?

Ms. Titel – Yes, it is five acre density for Residential.

Ms. Hiebl – Have the Use, Site, and Architectural plans already been approved?

Ms. Titel – That is Agenda Item #8 this evening for a revised plan. They have approval for an original site plan for a church that was approved by the Plan Commission in 2006. Their plans have changed since that date, and they have come back with a brand new application with a revised site plan. You will see that later on this evening.

Ms. Hiebl – Considering the citing of this church in a County Residential area, is this proposal considered spot zoning?

City Attorney Blum – This is only a wetland delineation. This has nothing to do with the actual underlying use.

Ms. Hiebl – How much impervious surface will be on the property? For example, parking lot size, roof drainage, etc.

Ms. Jones – Jessica can get that information and have it for the presentation on the Use Approval. It is a lot less then they had before. It is a smaller footprint.

Ms. Hiebl – The amount of impervious surface will eventually be disclosed, right?

Ms. Titel – I'm sure the plans do show those numbers, but I don't know what it is off the top of my head. Again, this is just the wetland delineation. I will take a look for it and be sure to put it in my presentation later on this evening.

Ms. Hiebl – Are more Public Hearings required for this project?

Ms. Titel – This is it. They did have the Public Hearing in 2006 for the original rezoning to I-1. Tonight is just for the wetland delineation. There is no Public Hearing required for the Use, Site, and Architecture.

Ms. Hiebl – Will there be an on-site sanitary sewer provision for this?

Ms. Titel – Yes.

Ms. Hiebl – I read that the Pastor of the church is David Meyer and that the Independent Environmental Consultant is also David Meyer. Are they separate people?

Ms. Titel – Yes, they are two different people. That is just a coincidence.

Bill Mathews, Anderson/Ashton - We are the Developers of the project. The small area that we are talking about, as Jessica had mentioned before, was not on the wetland map

two years ago when we presented this project. It was on the wetland map as a possible wetland area. It is an extremely small area in the corner of the property. Waukesha County created that wetland by creating a culvert and is dumping onto that property. They didn't have an easement. There was a verbal agreement at one point in time that the County could dump the water on there. I've talked to the Head of the Department, Gary Evans and Gary essentially said that they didn't have an easement, they weren't going to get an easement, and it was pretty much our issue. All the costs of delineating and everything else have been up to the church, and it wouldn't be there if the County hadn't decided they were going to put water onto that property. We have spent the money to delineate it and all the issues that needed to be done, and there has to be rezoning because it is there.

Mayor Chiovero asked three times for further questions or comments for the purpose of clarification, seeing none.

Mayor Chiovero asked three times if there was anyone wishing to speak in favor of this application, seeing none.

Mayor Chiovero asked three times if there was anyone wishing to speak in opposition of this application, seeing none.

Mayor Chiovero asked for questions from the Plan Commissioners.

Ms. Groeschel – I was curious about the green hatched area on the map. It looks like a typical C-1.

Ms. Titel – (Ms. Titel referred to the map) That is the mapping legend for SCA Special Conditions.

Ms. Groeschel – (Ms. Groeschel referred to the map) What about the green the opposite way in the dog leg?

Ms. Titel – That is environmental corridor. That is not going to be impacted with this development.

Ms. Broge - Has this lot size always been the same?

Ms. Titel – When they originally came in, they did a land division in 2006 that split off some properties. When they were approved for Living Word Church in 2006 it was a 29 acre parcel and it is now a 29 acre parcel. Since the last approval for the church, it has not changed.

Mayor Chiovero asked for further questions from the Plan Commissioners, seeing none.

Mayor Chiovero closed the public hearing at 6:14 P.M.

**NEW BERLIN PLAN COMMISSION
OCTOBER 4, 2010
MINUTES**

PRIVILEGE OF THE FLOOR

The Plan Commission Meeting was called to order by Mayor Chiovaturo at 6:17 P.M.

In attendance were Mayor Chiovaturo, Mr. Christel, Alderman Ament, Ms. Groeschel, and Ms. Broge. Also present were Nikki Jones, Planning Services Manager; Jessica Titel, Associate Planner; Amy Bennett, Associate Planner; Nicole Hewitt, Storm Water Engineer; and Mark Blum, City Attorney. Mr. Felda was excused.

Motion by Ms. Broge to approve the Plan Commission minutes of August 30, 2010. Seconded by Mr. Christel. Motion passes with Ms. Groeschel voting present.

PLAN COMMISSION SECRETARY'S REPORT - Ms. Jones gave an update on the City Center developments. Eight Focus Group Meetings have been completed and one more Focus Group Meeting is planned on Monday, October 18, 2010 from 6:00 – 8:00 P.M. in the Council Chambers with the Chamber of Commerce. All meetings have been well attended. Staff and the Consultant will continue to review all the information gathered from the meetings and will have information for Plan Commission to review very soon.

CONTINUED BUSINESS

1. (4)NJ LD-10-06 BuySeasons North – 16385 W. Small Rd. – Ne ¼ Sec. 34 - One-Lot Land. (Tabled 8/30/10)

Motion by Mr. Christel to recommend to Common Council approval of the one (1) lot Certified Survey Map for the properties located at 5915 S. Moorland Road and 16385 W. Small Road subject to the application, plans on file and the following:

- 1) Plan Commission and Common Council will need to act on the Rezoning (File #: RZ-10-07) prior to the City signing the CSM.
- 2) Applicant shall correct all drafting errors and requested changes identified by Staff on the final CSM prior to the City signing. Please see attached packet outlining each issue. Please refer to other staff comments on the Utility Plans. All easements shall be corrected and part of the final CSM package.
- 3) A final copy of the CSM shall be submitted and reviewed prior to City signing. All owners and surveyor must sign prior to City signing the CSM. Surveyor Stamp is required.

Seconded by Ms. Broge. Motion carries unanimously.

2. (4)NJ PG-946 Sewer Service Area Amendments (MMSD) – BuySeasons North – 16385 W. Small Rd. (Tabled 8/30/10)

Motion by Ms. Broge to remove this item from the table. Seconded by Mr. Christel. Motion carried unanimously.

Motion by Mr. Christel to recommend that the Common Council direct the Department of Community Development, City Attorney and Mayor to initiate the sewer service boundary amendment process to include the BuySeasons North expansion property located at 16385 W. Small Road and hold a joint public hearing on November 10, 2010 with SEWRPC before the Plan Commission.

Seconded by Ms. Broge. Motion carried unanimously.

3. (3)AB CU-2-03 Geipel’s Certified Sod – 19000 W. Lincoln Avenue – Fiscal Assurance.

Motion by Alderman Ament to approve the request for a mortgage lien to satisfy the financial assurance requirements for the reclamation plan previously approved by the City provided that the total aggregate indebtedness for all superior mortgage holders does not exceed 50% of the fair market value of the site or \$380,000.00 and that there is no further indebtedness secured by the property. This approval is based upon the appraisal tendered by the applicant for the property at 19000 W. Lincoln Avenue as well as the following:

Background:

- 1) Conditional Use Permit for Reclamation Plan approved September 15, 2008.
- 2) Section 275-65.2A(4) of the Zoning Code states that financial assurance arrangements may include, at the discretion of the City, a blend of different options for financial assurance, including a lien on the property on which the nonmetallic mining site occurs or a combination of financial assurance methods.
- 3) Because of the difficulty in obtaining a letter of credit the Plan Commission approved allowing the applicant to provide a mortgage to secure their surety obligation.
- 4) This matter is before the Plan Commission to review the debt to equity ratio of the applicant and to approve the form of security.

Seconded by Ms. Groeschel. Motion carried unanimously.

NEW BUSINESS

4. (4)JT RZ-10-08 Living Word Apostolic Church – Approx. 21400 W. National Ave. – Rezone from I-1 to I-1 and C-2 to Field Delineate

the Wetlands.

Motion by Alderman Ament to recommend to Common Council adoption of an ordinance that approves the rezoning of the property located at approximately 21400 W. National Avenue from I-1 to I-1 and C-2 to field delineate the wetlands.

Seconded by Mr. Christel. Motion carried unanimously

5. (4)NJ RZ-10-07 BuySeasons North – 16385 W. Small Rd. – Rezone from R-1/R-2 to M-1. (Public Hearing 8/30/10)

Motion by Mr. Christel to recommend to Common Council adoption of an ordinance that approves the rezoning of the property located at 16385 W. Small Road from R-1/R-2 to M-1.

Seconded by Ms. Broge. Motion carried unanimously

6. (4)NJ CU-10-06 BuySeasons North – 5915 S. Moorland Rd. – Building Addition. (Public Hearing 8/30/10)

Motion by Ms. Groeschel to approve the Conditional Use Permit, along with Waiver Request #1, for the construction of a warehouse, distribution and office building addition located at 16385 W. Small Road and 5915 S. Moorland Road subject to the application, plans on file and the following conditions:

Waiver Request #1: Applicant has requested a waiver to deviate from Section 275-60 I, Lighting of the Zoning Code. Parking lot lighting shall be turned down in designated areas after hours to reduce the impact on surrounding residential properties. Applicant shall submit plan showing designated areas where lighting will be reduced after hours prior to issuance of Zoning Permit. Applicant has requested a waiver to allow site lighting to be operated via “dusk-on and timer off” and that pole mounted area lighting will be turned off after 10:00 PM during off season and after 2nd shift change during peak season. Please see waiver request. Staff supports this waiver.

- 1) Planning
 - a) Plan of Operation
 - i. This business will operate 8 hour work shifts daily (Monday through Sunday) and seasonally (August through October) will add a third work shift for a 24-hour operation of its call center and warehouse.
 - ii. It is anticipated that the company will have between 500 to 700 employees at the time of occupancy.
 1. There are 400 non-peak, non-seasonal employees.
 2. Seasonal workforce from August to November is as follows:
 - a. 900 employees on first shift;

- b. 700 employees on second shift;
 - c. 250 employees on third shift;
 - d. 125 employees on the weekend crews
 - iii. Overall seasonal employment will range between 2,200 to 2,600 total persons. This number includes the base employee count above in 1(a)(ii).
 - iv. Applicant plans to accommodate parking on site. Overflow parking is accommodated through transportation solutions that the company employs during peak seasons such as park-sharing that occurs on the lots of three neighboring companies and private bus and van lines the company operates with non-profit groups and from area park and rides.
 - 1. The private busing includes 150-200 employees and 75 in the van lines.
 - v. BuySeasons currently purchases product in bulk and warehouses the same product which is primarily marketed and sold via an internet website. The expansion area allows for growth for warehousing and fulfillment as well as its paper goods light manufacturing line which produces printed products on paper and vinyl.
 - vi. Receiving product via truck / trailer is generally during the daytime hours of 7:00 AM to 5:00 PM Monday through Friday. Shipping of product via truck/trailers and smaller box vehicles is generally daily during the same hours.
 - vii. The Applicant anticipates construction to begin during the third quarter of 2010 with occupancy anticipated June 1, 2011.
- b) Confirmation of the Wetland mitigation permit from the WDNR, for the Wetlands running through the site, shall be required prior to the issuance of any City of New Berlin permits.
 - c) Plan Commission shall act on the Rezoning (File #: RZ-10-07) first, followed by the Land Division (File#: LD-10-06), and then the Conditional Use (File #: CU-10-06) application.
 - d) Applicant submitted a letter identifying the possible LEED criteria they will be able to incorporate into their project.
 - e) Dumpsters and mechanical equipment shall be properly screened from the street and public view in accordance with Section 275-56.G of the Zoning Code. Applicant shall provide details on the dumpster enclosure materials and show any mechanicals and how they will be screened.
 - f) Approval of the Landscaping Plan and payment of all installation and maintenance sureties are required prior to issuance of the Zoning Permit.
 - i. Landscape plans shall meet all the requirements of Article VIII Section 275-53 through 275-56 of the City's Zoning Code.

- ii. A Registered Landscape Architect shall stamp plans. Landscape plan shall be approved and signed by the Department of Community Development prior to installation of any materials.
- iii. A Letter of Credit for landscaping installation and maintenance is required prior to the issuance of the Zoning Permit; and
- iv. Transplanted trees shall be monitored for a period of three years and shall be replaced if any die or experience significant decline immediately (weather dependent).
- v. Property owner shall maintain any and all trees and/or vegetation within the public ROW.
- vi. Applicant may want to consider replacing the Autumn Blaze Pear trees only in the parking lot islands that have light poles in them with Amur Maple.
- vii. Applicant shall submit a revised landscaping plan for both the stormwater pond and expansion area that identifies seed mix, erosion matting, and also to be included in the plan, natural landscaping for the revised area of the existing stormwater pond.
- viii. The revised landscaping plan shall also identify the seed mix for the western slope to make this a “no-mow” area.
- ix. Any trees that are dead or dying now throughout the entire development, in particular the area along the access drive off of Small Rd. shall be replanted at the same time.
- g) Applicant shall apply for and receive individual Sign Permits for any signage prior to installation or modification, even if signage is temporary.
- h) Parking lot lighting shall be turned down in designated areas after hours to reduce the impact on surrounding residential properties. Applicant shall submit plan showing designated areas where lighting will be reduced after hours prior to issuance of Zoning Permit. Applicant has requested a waiver to allow site lighting to be operated via “dusk-on and timer off” and that pole mounted area lighting will be turned off after 10:00 PM during off season and after 2nd shift change during peak season. Please see wavier request.
- i) Applicant has indicated in their response letter that they do not plan on any roof top mounted equipment with the proposed addition. However, if this changes as they move through the building permit process, they shall verify the location of any roof-top or ground mounted units (such as HVAC) that might be planned for this building to ensure they are screened from the right-of-way. They shall not be clustered in large banks of units. A line of site drawing would be required from multiple locations on the site if at some point they need to add any roof-top units.

- j) Applicant shall adhere to the setbacks and green space requirements identified for the M-1 Zoning District Per Section 275-35 of the Zoning Code and specifically table 375-35-2. Show all building and parking setbacks on revised plans. Provide green space calculation for overall build out of Phase I and II on base site plan.
 - k) If at some point in time this building should become vacant, the property owner shall adhere to any Adaptive Reuse Plan that is on file with the City at that time and do their best to, at a minimum, do the following:
 - i. Share a marketing plan with the City so that the City could confirm that they were actively working to find new tenants;
 - ii. The owner shall maintain the property in compliance with all provisions of the City of New Berlin Municipal Code.
 - iii. Applicant shall consider keeping some lights illuminated in the parking lot and some lights illuminated in the interior of the building to offer a positive appearance and safe condition in the property.
 - iv. Remove all tenant-specific signs from the property.
- 2) Utility Engineer
- a) On Plan Sheet C3.0, there are two references that easements will be adjusted. How and when does the Applicant plan to do this?
 - b) If the applicant needs to utilize the bathroom and locker room in the expansion area prior to the appropriate approvals of the amendments to the sewer service area, the applicant will need to coordinate with Waukesha County Environmental Health regarding the acquisition of a sanitary permit. The applicant has not requested this at this time. Applicant is pursuing a sewer service area amendment. Applicant does not plan to use the bathroom/locker room facilities until sewer service amendments are received.
- 3) Utility Department
- a) Applicant shall identify how the manhole, sewer line, and the lateral stub will be abandoned.
 - b) Applicant shall identify who will inspect the abandonment. Applicant shall adhere to any conditions placed on this item by the
 - c) Utility Committee and/or by the Common Council.
- 4) Engineering

- a) Concerning the proposed retaining wall along Small Road and along the westerly property line. If the wall is constructed of a keystone type retaining wall then geo-textile fabric will be required for wall support. Applicant shall show that the geo-textiles will not extend into the Small Road right-of-way. There are, or will be, private utilities placed in the right-of-way that would interfere with the fabric. Any proposed retaining wall five feet (5.0') or higher will require Planning Commission approval and a Civil Engineer's stamp placed on any plan sets for approval of the wall design.
 - b) Per the Developer's Handbook, Retaining walls that are not tiered and exceed 5 feet in height shall require a professional structural engineer to be on-site overseeing the construction of the retaining wall.
 - c) As the above proposed retaining wall bends away from the right-of-way of Small Road, running along the west property line, the wall reaches an elevation of twenty-feet high (20.0'). Applicant shall explore terracing the wall in this area since there is room to do so in this area.
- 5) Transportation
- a) Drive aisle widths are to be a minimum of 24-feet wide from edge of pavement to edge of pavement (i.e. do not include curb & gutter in required width) as required by the NBDH Section 3 IV X. This comment was also made for the original construction of the BuySeasons project.
 - b) Show detail of curb being used in north lot.
 - c) No tie-back or geogrid reinforcement for private retaining walls will be allowed within the public right of way. Provide detail for retaining wall labeling maximum and minimum heights. Design needs to be analyzed and possibly revised to keep the geogrid reinforcement out of the right-of-way.
 - d) Any retaining wall over 3-feet in height shall have a fence installed on top of the wall, or be split into multiple tiers of less than 3-feet in height. If a fence is to be used, provide a detail.
 - e) Due to the close proximity of the parking to the expansion of the pond, a guard rail, fencing or landscaping shall be installed behind the curb. If landscaping is to be used, it must be of sufficient size and quantity to cover all parking stalls.
 - f) Applicant shall verify area where curb is 18" wide and label. Plan sheet depicts 6" curb head with no pan in parking lot area.
 - g) Applicant shall show where lights are being located on final plan.
- 6) Storm Water
- a) An amendment to the SWMP Maintenance Agreement is required.
 - b) Pond planting information is required.
 - c) Provide quantities for existing flow to wetlands and proposed flow to wetlands, to analyze impacts.
 - d) MMSD Chapter 13 submittal is required. Provide the MMSD checklist and funding letter.

- e) A grading recert is required per NBDH Section VI.D.7. If stormwater management devices are to be used as sediment control devices for erosion control during construction, a certification is required prior to Building Permit and a recertification is required prior to Occupancy.
 - f) Applicant shall address all technical storm water comments outlined in a letter dated September 27, 2010.
- 7) Fire Comments
- a) Show relocates of fire hydrants with clarity on separate drawing.
 - b) Fire Department connection shall be located for paved access.
 - c) Fire alarm system maintained throughout.
- 8) Inspections
- a) Building plans shall be signed and stamped by a licensed architect or professional engineer per the Wisconsin Enrolled Commercial Building Code (Comm.61.31).
 - b) Building plans shall be approved by the State of Wisconsin Dept. of Commerce Safety and Buildings Division (Comm. 61.70).
 - c) Apply and obtain appropriate building, electric and plumbing permits.
 - d) The building shall be fully accessible from the parking lot to the interior elements (Comm. 63.1101 and ICC/ANSI A117.1).
 - e) Erosion control shall be approved, permitted, installed and inspected prior to any commencement of any site work or issuance of building permits.

Seconded by Ms. Christel. Motion carried unanimously.

7. (7)AB LD-10-07 Heath & Kristen Ward – 18300 Observatory Rd. – Ne ¼ Section 20 – One-Lot Land Division.

Motion by Alderman Ament to recommend to the Common Council approval of a one-lot Certified Survey Map (CSM) for the property located at 18300 W. Observatory Road subject to the application, plans on file and the following conditions:

- 1) Applicant shall correct all drafting errors and requested changes identified by Staff on the final CSM prior to the City signing.
- 2) A final copy of the CSM shall be submitted and reviewed prior to City signing. All owners and surveyor must sign prior to City signing the CSM. Surveyor Stamp is required.
- 3) Applicant and/or property owners shall apply and obtain appropriate building, plumbing and electrical permits prior to any construction on any parcel.
- 4) Applicant shall coordinate with Waukesha County and WDNR for septic and well permits.

- 5) Applicant has previously executed and recorded a conservation easement (Waukesha County Register of Deeds Document #3673459) over the entire C-1 area to encompass the Isolated Natural Resource Area (INRA) and the wetland area within the INRA. This will further strengthen the development requirement guidelines outlined in Section 275-37.B(3). No buildings are allowed in the conservation easement area.
- 6) All easements shall be shown on the face of the CSM.

Seconded by Ms. Broge. Motion carried unanimously.

8. (4)JT UA-10-42 Living Word Apostolic Church – Approx. 21400 W. National Ave. – New Church.

Motion by Mr. Christel to approve the Use, Site & Architectural, along with Waiver Request #1, for the construction of Living Word Apostolic Church on the property located at approximately 21400 W. National Avenue subject to the application, plans on file and the following conditions:

WAIVER REQUEST #1: Applicant has requested a lighting waiver from Section 275-60.I of the Zoning Code. The applicant is proposing reduced lighting levels to minimize the impacts on surrounding properties. See attached letter.

- 1) Planning:
 - a) Plan of Operation:
 - i. Applicant shall adhere to the submitted plan of operation.
 - ii. Hours of Operation for Phase I: Building will be used on a weekly basis. Office wing will be used every day for church business during normal business hours. Special classes will be held during the day and evenings. Main service will be held Wednesday from 6:00 PM to 9:00 PM and Sunday from 8:00 AM to 1:00 PM and 5:00 PM to 9:00 PM.
 - iii. Number of employees: 5
 - iv. Applicant is proposing a to construct a new church that will include a sanctuary with capacity for approximately 300, office wing, fellowship hall, classrooms and appropriate bathroom facilities.
 - b) Approval of the Landscaping Plan and payment of all installation and maintenance sureties are required prior to issuance of the Zoning Permit. Landscape plans shall meet all the requirements of Article VIII Section 275-53 through 275-56 of the City's Zoning Code. A Registered Landscape Architect shall stamp plans. Landscape plan shall be approved and signed by the Department of Community Development prior to installation of any materials.
 - c) Applicant shall apply for and receive individual Sign Permits for any signage prior to installation or modification, even if signage is temporary.

- d) Dumpsters and mechanical equipment shall be properly screened from the street and public view in accordance with Section 275-56.G of the Zoning Code. Applicant shall provide details on the dumpster enclosure materials.
2. Stormwater:
 - a) MMSD Chapter 13 documents required (i.e. checklist, funding letter).
 - b) Provide Erosion Control protection for wetland areas in proximity to grading.
 - c) A new SWMP Maintenance Agreement is required; City of New Berlin boilerplate agreement is available online. The one that was registered in 2007 will need to be voided.
 - d) A grading recertification is required per DH Section VI.D.7. If stormwater management devices are to be used as sediment control devices for erosion control during construction, a certification is required prior to Building Permit and a recertification is required prior to Occupancy.
 3. Engineering:
 - a) Address for the application is listed as an even number, 21400 W. National Avenue. The corrected address should be 21401 W. National Ave.
 - b) Any area that is proposed as a septic area shall remain untouched until such time that the system is to be constructed.
 - c) All parking stalls, with the exception of the handicap stalls, shall be 9.0' x 19.0' minimum dimensions with two-way drive aisles with a minimum 24.0' separation between parking stall rows.
 - d) Apparent three feet (3.0') of fill under the proposed structure is approved. First Floor elevation of 985.0 is also approved.
 - e) Please review and apply the following as necessary. Developers Handbook, Section 3; IV Streets and Roadways: (X) Parking Lots, (7). General parking areas shall have at least a minimum of (6"-inches) of crushed aggregate base and (4"-inches) of E-3 Asphalt Concrete. Revise plans as needed.
 4. Transportation:
 - a) A letter/permit from Waukesha County approving the plan of proposed improvements within the County ROW shall be on file with the City of New Berlin prior to any permits being issued by the City.
 - b) Deceleration lanes with 100-feet of storage, acceleration lane, bypass lanes, and turn bays are required at the driveway. These shall be installed per Waukesha County standards.
 - c) Cross-sections and plan and profile sheets are required for all roadways construction areas prior to the issuance of the Zoning Permit.
 5. Inspection:

- a) Building plans shall be signed and stamped by a licensed architect or professional engineer per the Wisconsin Enrolled Commercial Building Code (Comm.61.31).
 - b) Apply and obtain appropriate building, plumbing and electric permits from the City of New Berlin Inspection Division.
 - c) The building shall be fully accessible from the parking lot to all interior elements per (Comm. 63.1101 and ICC/ANSI A117.1).
 - d) Building plans shall be approved by the State of Wisconsin Dept. of Commerce Safety and Buildings Division.
 - e) Water usage Calculations required at time of building permit application.
 - f) Sanitary permit required through Waukesha County Environmental Health prior to applying for the Building Permit.
6. Fire:
- a) Building shall be fully sprinklered with a manual fire alarm system throughout.
 - b) Monitor fire flow.
 - c) Fire pump with water holding tanks required.
 - d) Install Knox Box.

Seconded by Ms. Groeschel. Motion carried unanimously.

9. (7)AB UA-10-43 Capitol Pavers – 16980 W. National Ave. – Office, Storage, and Maintenance.

Motion by Ms. Broge to approve the Use and Site for a construction company, along with Waivers #1 & #2, located at 16980 W. National Avenue subject to the application, plans on file and the following conditions:

Waiver #1: Applicant is requesting a waiver from the City's parking requirements. Section 275-57-1 of the Zoning Code requires 150 parking spaces for this business. The applicant is proposing 30 spaces.

Waiver #2: Applicant is requesting a waiver from the City's lighting requirements. Section 275-60I of the Zoning Code requires that all areas designated on approved site plans for vehicular parking, loading or circulation and used for any such purpose after sunset shall provide artificial illumination.

- 1) Plan of operation shall be consistent with submitted plans on file.
- 2) Applicant shall be responsible for the cost of repairing any damage to the City sidewalk located within the right-of-way of National Avenue from truck traffic.
- 3) 25% open space shall be maintained on this site and shall be verified prior to issuance of the Zoning Permit.
- 4) Employee and customer parking shall be contained on site.

- 5) This application does not include any interior or exterior building modifications. Separate applications and permits are required for any modifications.
- 6) Apply and obtain appropriate building, electric, plumbing and fire department permits.
- 7) Dumpsters shall be properly screened from the street and public view in accordance with Article VIII Section 275-56 of the New Berlin Municipal Ordinance.
- 8) Signage shall require a separate application and issuance of a Sign Permit prior to fabrication and installation.
- 9) All temporary signs shall also require an application to be filed prior to installation.
- 10) Building shall meet all applicable building and fire codes. Fire Extinguishers are required.
- 11) A re-occupancy Inspection of the facility will be required by the City of New Berlin Inspection Division.

Seconded by Alderman Ament. Motion carried unanimously.

10. (7)AB LD-10-08 John Loosen – 16980 W. National Ave. – One-Lot Land Division – Sw ¼ Sec. 22.

Motion by Ms. Groeschel to recommend to Common Council approval of a one-lot Certified Survey Map located at 16980 W. National Avenue subject to the application, plans on file and the following conditions:

- 1) Applicant shall correct all drafting errors and requested changes identified by Staff on the final CSM prior to the City signing.
- 2) A final copy of the CSM shall be submitted and reviewed prior to City signing. All owners and surveyor must sign prior to City signing the CSM. Surveyor Stamp is required.

Seconded by Mr. Christel. Motion carried unanimously.

11. (4)JT LD-10-09 J & K Enterprises South – 17400 W. Small Rd. – Two-Lot Land Division – Se ¼ Sec. 33.

Motion by Mr. Christel to table the request for a two (2) lot Certified Survey Map for the property located at approximately 17400 W. Small Road subject to the application, plans on file and the following reason for tabling:

- 1) The previous wetland delineation for this property has expired. The applicant is required to complete an updated wetland delineation and rezoning prior to any Plan Commission action. The applicant has filed the wetland rezoning application. A public hearing is planned for the November 10, 2010 Plan Commission meeting.

Seconded by Ms. Groeschel. Motion carried unanimously.

12. (4)JT LD-10-10 J & K Enterprises North – 17385 Beres Rd. – Three-Lot Land Division – Ne ¼ Sec. 33.

Motion by Ms. Broge to table the three (3) lot Certified Survey Map for the property located at approximately 17385 W. Beres Road subject to the application, plans on file and the following reason for tabling:

- 1) The previous wetland delineation for this property has expired. The applicant is required to complete an updated wetland delineation and rezoning prior to any Plan Commission action. The applicant has filed the wetland rezoning application. A public hearing is planned for the November 10, 2010 Plan Commission meeting.

Seconded by Mr. Christel. Motion carried unanimously.

13. (7)AB LD-10-11 Holy Apostles Church – 16000 W. National Ave. – One-Lot Land Division – Ne ¼ Sec. 22.

Motion by Ms. Broge to recommend to Common Council approval of a one-lot Certified Survey Map located at 16000 W. National Avenue subject to the application, plans on file and the following conditions:

- 1) Applicant shall correct all drafting errors and requested changes identified by Staff on the final CSM prior to the City signing.
- 2) A final copy of the CSM shall be submitted and reviewed prior to City signing. All owners and surveyor must sign prior to City signing the CSM. Surveyor Stamp is required.

Seconded by Ms. Groeschel. Motion carried unanimously.

14. (3)AB U-65-08 Poplar Creek Church – 17770 W. Cleveland Ave. – Revised Site Plan – Garage Relocation.

Motion by Alderman Ament approve the request for a detached garage relocation at 17770 West Cleveland Avenue subject to the application, plans on file and the following conditions:

- 1) Building Inspection:
 - a) Applicant shall request footing and final inspection for garage location. No additional permits shall be required.

Seconded by Mr. Christel. Motion carried unanimously.

15. (5)JT UA-10-44 Chris Radtke – 15711 W. Mayflower Dr. – Tool Shed in the Front Yard.

Motion by Alderman Ament to approve the Use and Site for the construction of a tool shed within the front yard on the property located at 15711 W. Mayflower Drive subject to the application, plans on file and the following conditions:

- 1) Deck, tool shed and pool shall be constructed in the respective locations depicted on the submitted plans.
- 2) Apply and obtain appropriate building permits through the City of New Berlin Community Development Department - Inspection Division.
- 3) The shed shall meet the requirements of the State of Wisconsin Uniform Dwelling Code Comm. 21 thru 23 and the South Eastern Building Code sections 30.20 and 30.40.

Seconded by Ms. Groeschel. Motion carried unanimously.

ADJOURN

Motion by Mr. Christel to adjourn the Plan Commission meeting at 7:40 P.M.
Seconded by Ms. Broge. Motion carried unanimously.