

# Minutes

## NEW BERLIN PLAN COMMISSION

### NEW BERLIN CITY HALL COUNCIL CHAMBERS JANUARY 7, 2002

The Plan Commission meeting of January 7, 2002 was called to order by Mayor Wysocki at 6:01 P.M.

In attendance were Mayor Wysocki, Mr. Graber, Mr. Barnes, Mr. Gihring, Mr. Teclaw, Alderman Ament, Mr. Felda. Also present were Greg Kessler, Director of Community Development, Mark C. Lake, Director of Planning, Olofu Agbaji, Planning Administrator.

Motion by Mr. Gihring to approve the Plan Commission Minutes of December 3, 2001. Seconded by Mr. Barnes. Motion carried unanimously.

Plan Commission Secretary's Report - Reminder of special Plan Commission Meeting on January 14, 2001.

#### SPECIAL PRESENTATION

5. ( ) Towers - Mark C. Lake, Director of Planning

Deferred to 2/4/02.

#### CONTINUED ITEMS

6. (5) U-65-01 Vision Development LLC – 14650 & 14780 W. Wilbur – Two Four-Family Buildings w/Two-Car Garage for Each Unit – Condo Ownership. (Tabled 10/1/01, Deferred 11/5/01, 12/3/01)

Motion by Mr. Gihring to remove this item from the table. Seconded by Mr. Barnes. Motion carried unanimously.

Motion by Mr. Barnes to approve the request by Vision Development LLC for Building #1, a four-family building w/two car garage for each unit located at 14650 & 14780 West Wilbur Drive subject to:

1) Building foundation to be located a minimum of 50' from established ordinary high water mark of Deer Creek.

2) Shift building West approx. 6 feet. Sanitary sewer easement required to be identified on revised site plan and stake out survey. Lower top of proposed retaining wall from 877.0' to 875.5'/876'.

3) Lower first floor of building from 880.27' to 878.8' to match the Master Grading Plan. The garage slab shall be 877.4', and the basement shall not be less than 869.9. Lowest yard grade shall be 873.0. Hold harmless agreement required.

4) Proposed driveway shall be a minimum of 45' from side lot line. Hold harmless agreement required.

5) Curb and sidewalk required to be extended west to the end of the proposed driveway. Temporary culvert under driveway required.

- 6) Sanitary sewer lateral required.
- 7) Stakeout survey will be required for buildings.
- 8) Architectural Review Committee review and approval of the exterior architecture and materials for construction shall be required prior to issuance of building permit.
- 9) Building plans must be stamped by a Wisconsin Registered Architect.
- 10) Building must meet all applicable building and fire codes. Future basement bedrooms are required to have two exits. Building must be fully sprinklered. Fire alarm system and a building Knox box are required. Hydrant to be located with 150' of building riser.
- 11) All necessary permits must be obtained from the Building Inspection and Zoning Department prior to commencement of any construction.
- 12) Payment of \$2137.60 per unit in Public Site, Open Space and Trail Fees is required prior to issuance of Building Permit.
- 13) Plans do not designate responsible party for maintenance of the pond. This shall be resolved prior to issuance of Zoning Permit. Affidavit of correction required for revised easement.
- 14) Unit dumpsters required to be stored within garage at all times unless during collection periods.
- 15) Payment of any, and/ or all outstanding fees, assessments, or personal property taxes required prior to issuance of Zoning Permit.

Seconded by Mr. Graber. Motion carried unanimously.

Motion by Alderman Ament to deny without prejudice the request by Vision Development LLC for Building #2, a four-family building w/two car garage for each unit located at 14650 & 14780 West Wilbur Drive subject to:

- 1) Adjust building size and location to meet all required setbacks.
- 2) Wetland re-staking required. Site review shows grading/filling within the established wetland. Mapping doesn't reflect field staking. No fill allowed in wetland/floodplain.
- 3) Applicant is required to submit alternative building footprint/ layouts that provides adequate setbacks from all identified environmental corridor which including wetlands. The alignment of the building fails to conform to wetland and rear yard setback requirements. Revised plans shall address also the size of the building shell.
- 4) Revised grading plan shall incorporate an alternative building footprint that fits within the building envelope. Master grading plan for the Preserve at Deer Creek shows a 90' building shell. Proposed shell is 108' x 112'.
- 5) Proposes Building #2 deck must be outside of 10' wetland setback. Building plans does not reflect this. Plans show Building #2 decks built within 10' setback of the wetlands.
- 6) Proposed building elevation of 880.27 shall be lowered to 879.2. Garage slab shall be 877.85. Basement floor shall not be less than 870.4

7) Stakeout survey will be required for buildings.

8) Architectural Review Committee review and approval of the exterior architecture and materials for construction shall be required prior to issuance of building permit.

9) Building plans must be stamped by a Wisconsin Registered Architect.

10) Building must meet all applicable building and fire codes. Future basement bedrooms are required to have two exits. Building must be fully sprinklered. Fire alarm system and a building Knox box is required. Hydrant to be located with 150' of building riser.

11) All necessary permits must be obtained from the Building Inspection and Zoning Department prior to commencement of any construction.

12) Payment of \$2137.60 per unit in Public Site, Open Space and Trail Fees is required prior to issuance of Building Permit.

13) Plans do not designate responsible party for maintenance of the pond. This shall be resolved prior to issuance of Zoning Permit. Affidavit of correction required for revised easement.

14) Unit dumpsters required to be stored within garage at all times unless during collection periods.

15) Payment of any, and/ or all outstanding fees, assessments, or personal property taxes required prior to issuance of Zoning Permit.

Seconded by Mr. Teclaw. Motion carried unanimously.

7. (5) U-83-01 Rick and Jane Yocum – 3925 S. Sunnyslope – Home Occupation - Beauty Salon.  
(Deferred 12/3/01)

Motion by Alderman Ament to remove this item from the table. Seconded by Mr. Teclaw. Motion carried unanimously.

Motion by Mr. Graber to approve the request by Rick and Jane Yocum to expand the existing Beauty Salon Home Occupation located at 3925 S. Sunnyslope Road subject to:

1) Home Occupation shall be conducted in accordance with Section 17.05 (3) (G) (4) of the City of New Berlin Zoning Ordinance in its entirety, including:

a) Every Home occupation shall be subject to periodic, unannounced inspection by the Zoning Administrator in response to complaints or to ensure compliance with this ordinance.

b) Home Occupation shall meet all applicable building and fire code safety requirements.

c) An Occupancy Permit is required from Building Inspection and Zoning Department. All conditions must be met prior to issuance of an Occupancy Permit. Please display this Occupancy Permit in a visible location within your business premises.

d) No more than one nonresident employee shall be employed by a home occupation.

e) No sign shall be allowed for this business.

2) Parking lot shall be screened with landscaping planting from the public view per condition of approval by Plan Commission on 9-19-1994. A landscaping plan shall be submitted to the Department of Community Development (Planning) for review and approval prior to Occupancy. Landscaping shall be installed by June 30, 2001.

3) The total area devoted to this Home Occupation shall not exceed 20% of the building area.

4) No outside storage is permitted for this business. No home occupation nor any storage of goods, materials, or products connected with a home occupation shall be allowed in any accessory building or detached garage.

5) All vehicular parking for both the residence and the home occupation shall be located on the premises. Parking lot shall not be stripped.

6) Parcel deliveries shall be conducted between the hours of 8:00 AM and 8:00 PM.

7) Business hours are limited to:

Monday – Thursday: 8:00 AM to 8:00 PM

Friday & Saturdays: 8:00 AM to 4:00 PM

Seconded by Mr. Gihring. Motion carried unanimously.

8. (6) U-86-98 National Manor Phase II - 3360 S. Sunny Slope Rd. - Multi family use approval for senior housing and single family lots. - Request for extension.

Motion by Mr. Graber to grant a one year extension to Zoning Permit which expired 12/4/2001 subject to:

1) Site preparation was contingent on the final road and site layout of the single-family portion of this development, which received Plan Commission approval on 12/04/2000.

2) The site grading and drainage plans for this development are also tied to the single-family development as it relates to earth moving and on site topsoil storage.

3) Utility plans have yet to receive final approval from all regulating authorities (MMSD).

4) All fees paid as part of development process shall be those required by the City of New Berlin at time of application for each building permit.

Seconded by Mr. Gihring. Motion passes with Mayor Wysocki, Mr. Gihring, Mr. Graber, Mr. Felda, Mr. Teclaw, Mr. Barnes voting Yes and Alderman Ament voting No.

9. (3) U-50-99 Jacob's Ridge Condominiums – 17720 W. Lincoln Avenue – 88 Units of Condominiums. (Tabled 8/2/99, 5/7/01) - Revised Plans

Motion by Mr. Barnes to remove this item from the table. Seconded by Mr. Felda. Motion carried unanimously.

Motion by Mr. Barnes to approve the request by Jacob's Ridge Condominiums for an 88 unit multi-family development located at 17720 W. Lincoln Avenue subject to:

- 1) Access permit from the City of New Berlin – Engineering Department for access to Lincoln Av. required.
- 2) A revised detailed Landscaping Plan is required. Schedule of size and species of landscaping materials required for all areas of the development, including pond areas and along roadways both internal and external. Courtyard and mechanical screening needs to be addressed within the Landscape Plan.
- 3) All dumpsters required to be stored internally unless out for collection.
- 4) All utilities both on-site and off-site to be fed underground.
- 5) Each building to be fully sprinklered. Alarm system required. Fire Hydrants required within 150' of all Fire Department connections. Knox box required.
- 6) A lift station is required to be constructed as part of this development.
- 7) Recreational trail connection required as part of the recreational loop plan. An 8' asphalt trail connecting the planned trails to the north and south will be required. Location of the trail to be coordinated with the Planning, Engineering, and Park & Rec. Departments.
- 8) Building permits required from Building, Inspection and Zoning Department for each building.
- 9) Payment of \$17,100.80 (2,137.60/unit) in Public Site, Open Space and Trail Fees required prior to issuance of each 8-unit Building Permit and \$8550.40 (2,137.60/unit) in Public Site, Open Space and Trail Fees required prior to issuance of each 4-unit Building Permit.
- 10) Developer's Agreement required for public infrastructure.

Seconded by Mr. Felda. Motion passes with Mayor Wysocki, Mr. Gihring, Mr. Graber, Mr. Felda, Mr. Teclaw, Mr. Barnes voting Yes and Alderman Ament voting No.

10. (3) CU-10-01 Nextel West, Inc. – 2185 S. Danny Rd. – Construct a 120' Monopole Telecommunications Tower and Ancillary Equipment Building. (Tabled 10/1/01)

Motion by Mr. Barnes to withdraw application per applicants request. Seconded by Mr. Graber. Motion carried unanimously.

## **NEW BUSINESS**

11. ( ) Approx. 4701 S. Hunter Lane - Vacation.

Motion by Mr. Graber to forward to Board of Public Works to prepare the necessary documents for the vacation of approximately 4701 S. Hunter Lane. Seconded by Mr. Felda. Motion carried unanimously.

12. (2) CU-12-01 U. S. Cellular – 13620 W. Fieldpointe Dr. – 180' Wireless Communication Facility and a New Equipment Shelter.

Motion by Mr. Graber to defer to February 4, 2002 the request by U.S.Cellular for a 180' wireless communication facility and a new equipment shelter located at 13620 W. Fieldpointe Drive per the applicants request pending a siting review by the City of New Berlin Park & Rec. Commission.

Seconded by Mr. Teclaw. Motion carried unanimously.

13. (1) CU-11-01 – U.S. Cellular - 12800 W. National Ave. – 70' Stealth Flagpole Tower and a 12' x 20' Equipment Shelter.

Motion by Mr. Graber to defer to February 4, 2002 the request by U.S. Cellular for a 70' stealth flagpole tower and a 12' x 20' equipment shelter located at 12800 W. National Avenue per the applicants request.

Seconded by Mr. Teclaw. Motion carried unanimously.

14. (4) U-86-01 New Berlin Business Center – 15525 W. Grange – Multi-Tenant Office and Office/Warehouse.

Motion by Alderman Ament to adopt staffs recommendation and report:

D. R. C. RECOMMENDATION: Can not recommend approval of the request to construct seven multi-tenant office and warehouse spec buildings at 15525 West Grange Avenue, subject to the application, plans on file, and the following:

1) A land division will be required to establish a developable parcel of land and separate the existing residential uses from the proposed industrial and office development.

2) Submittal of a detailed revised grading plan that shows finish contours and grades would be required for this project. A 500-foot long building across a 30-foot grade change fails to meet the City of New Berlin Zoning and Development Code requirements. Excessive retaining walls are proposed. Building must be stepped down if in proposed configuration.

3) An executed Developer's Agreement is required prior to clearing, grubbing, grading and/or utility/infrastructure work commencing. Public utility easements for sanitary sewer and water will be required.

4) Applicant will be required to meet the City of New Berlin Storm Water Management Plan in its entirety. Detention ponds meeting Westridge Stormwater Management Plan will be required. As the pond may significantly impact the layout of this project, the pond needs approval prior to the final approval of this project.

5) Urban cross-section required within development.

6) Adherence to §17.08(3) Natural Resource Protection required. Tree inventory of existing trees greater than 4" DBH (diameter at breast height) required.

7) Access permits required from the Waukesha County Department of Transportation for the connection to Moorland Road.

Seconded by Mr. Gihring. Motion carried unanimously.

15. (5) U-88-01 Sun Com Wireless – 12660 Beloit Rd. – Tower Co-Location.

Motion by Alderman Ament to approve the request by Sun Com Wireless to co-locate antenna arrays on the existing 498 feet guyed tower at the 160' elevation (1016.1 MSL) and install a 10' x 20' equipment cabinet at 12660 W. Beloit Road subject to:

1) There is no Zoning Permit on file for the Cellular One equipment cabinet located at this site. If the applicant is in possession of a valid Zoning Permit, a copy should be made available to the Department of Community Development. Operation or expansion of any business without a Zoning Permit is violation of Section 17.01 of the City of New Berlin Zoning Ordinance. The property owner and Cellular One shall be required to file for an after-the-fact Zoning Permit prior to issuance of this Zoning Permit.

2) Proposed fence shall be constructed without barbed wire on top. Vinyl slats shall not be used on the fence as a screening mechanism.

3) Entire site clean up is required prior to issuance of Zoning Permit. Site clean up shall include the removal of the semi-trailer in the rear of the building, removal of all the discarded tower parts and the abandoned cable reels.

4) There is no approval on file for the existing fence in front of the building, East of the driveway. This shall be removed or applied for along with the application for Cellular One co-location.

5) Submitted landscaping plan must be approved by the Department of Community Development (Planning) prior to installation. A signed copy must be in your possession prior to commencement of any landscaping work.

Seconded by Mr. Barnes. Motion carried unanimously.

16. (3) U-90-01 Harmonics Ltd. – 17300 W. Cleveland Ave. – Small Computer Parts Office.

Motion by Mr. Graber to approve the request by Harmonics Ltd. for a small computer parts office located at 17300 W. Cleveland Avenue subject to:

1) Any new sign for this site shall require a separate application and approval from the Department of Community Development (Planning) prior to installation. Harmonics, Ltd. has installed a sign without a valid Zoning Permit or a Sign Permit as required by the City of New Berlin Zoning Ordinance. This is a violation of Section 17.08 (10) of the City of New Berlin Zoning Ordinance. Please see that a sign permit application is filed for by January 18, 2002 or the sign removed.

2) Building must be maintained per Section 14.25 of the Non-residential Property Maintenance Code.

3) Building must meet all applicable building and fire codes. Fire Extinguishers are required.

4) Permits are required from the Building, Inspection, and Zoning Departments for all interior and exterior alterations or modifications.

5) Dumpsters must be properly screened from the street and public view in accordance with the City of New Berlin Municipal Code Section 17.1304 (14).

6) No outside storage will be permitted on the property unless identified prior to Plan Commission approval.

7) Double fees required for sign and use approval.

Seconded by Mr. Barnes. Motion carried unanimously.

17. (4) U-91-01 Dan Maring – 13770 W. Edgewood Ct. – Retaining Wall.

Motion by Alderman Ament to approve the request by Dan Maring for a retaining wall located at 13770 W. Edgewood Avenue subject to:

- 1) The proposed wall shall be constructed 2 feet off the side property line.
- 2) The height of the retaining wall shall not exceed 2 feet at any point.
- 3) Building, Inspection, and Zoning Departments require proof of engineering or calculations on file to ensure that the wall will not lean when the ground settles.

Seconded by Mr. Teclaw. Motion carried unanimously.

18. (7) U-94-01 Southwest Metal Finishing – 2795 S. 166<sup>th</sup> St. – Building Addition.

Motion by Mr. Barnes to approve the request by Southwest Metal Finishing to construct a 22,522 sq. ft. building addition to the existing Southwest Metal Finishing facility located at 2795 S. 166<sup>th</sup> Street subject to:

- 1) Applicant shall be required to address the on-site employee parking to meet code requirements. Section 17.08 (6) (A) (3) requires One space per 300 square feet of office space, plus one space per 200 square feet of indoor sales area, plus one space per 1,000 square feet of outdoor storage or sales, plus one space per 500 square feet. Applicant shall be required to submit an optional plan which includes the number of employees per shift to enable staff calculate the minimum parking requirement for this building addition.
- 2) Architectural Review Committee has recommended the use of exterior materials that will enhance the façade of the existing building while tying the existing and proposed buildings together. Exterior architecture must be approved by Architectural Review Committee prior to issuance of Building Permit.
- 3) All mechanicals including air-conditioning units and other roof top mechanical units must be properly labeled and screened on a revised site plan and approved by Planning prior to issuance of Building Permit. Units must be incorporated into the design of the building elevation or if on the ground, appropriately screened with landscaping from public view.
- 4) All lots are required to be combined under one tax key.
- 5) Permits are required from Building Inspection and Zoning Department to raze the existing buildings prior to issuance of Building Permit.
- 6) All unused water services must be abandoned at the main. All unused sanitary sewer laterals and sampling manholes must be abandoned prior to issuance of Occupancy Permit.
- 7) Applicant will be required to meet the City of New Berlin Storm Water Management Plan in its entirety. Applicant shall submit downspout and storm sewer plan for proposed building. Plans must show which way the drainage is proposed to flow. Site grading and drainage must be worked out with the Engineering Department.
- 8) No on street truck maneuvering shall be allowed on 167<sup>th</sup> Street. All truck staging and maneuvering shall be contained on site.
- 9) Existing culverts shall be removed. Permits are required for new culverts at the time of Building Permit.

10) City of New Berlin Fire Department requires Fire Department connection be upgraded to a 5" Storz. Sprinkler system shall have only one Fire Department connection.

Seconded by Mr. Graber. Motion carried unanimously.

19. (2) LD-13-01 Eugene J. Krahn – 15340 W. Cleveland Ave. – Two-Lot Preliminary Land Division.

Motion by Alderman Ament to recommend to Council approval of the request by Eugene J. Krahn for a two lot preliminary land division located at 15340 W. Cleveland Avenue subject to:

1) Both lots shall meet the minimum requirements of §17.04(2)(4) R-4 Low-Density Single-Family Residential District in its entirety.

2) East-West lot line shall match existing lot line to the west (160.14' from Glendale Drive and/or 273.47' from Cleveland Avenue).

3) If a new residence has not commenced construction within one calendar year of the approval of the Final CSM, existing accessory building shall be removed. If accessory building is moved to lot with existing principle residence it shall be relocated to meet accessory building setback requirements of new lot. If accessory building is to remain (on new lot) it shall be (re)located to meet minimum accessory building setback requirements of the new lot.

4) Cleveland Avenue ultimate right-of-way is 65'. Only 50' has been dedicated to date. An additional 15' shall be "dedicated to Waukesha County for public road purposes" and labeled as such on the final CSM.

5) Cross-access easement from Blessed Savior Lutheran Church required. Easement required to be on file prior to signing the final CSM

6) Access permits from Glendale Drive required from the City of New Berlin Engineering Department prior to signing the final CSM.

7) Building permits required from Building, Inspection and Zoning Department for any future home.

8) Payment of \$2137.60 in Public Site, Open Space and Trail Fees required prior to the City signing the final CSM.

Seconded by Mr. Graber. Motion carried unanimously.

20. (5) LD-14-01 Honeyager – 3949 S. Sunnyslope Rd. – Se ¼ Sec. 14 – Three-Lot Preliminary Land Division.

Motion by Mr. Gihring to recommend to Council approval of the request by Honeyager for a three lot preliminary land division located at 3949 S. Sunnyslope Road subject to:

1) Lot 3 (a land-locked parcel) shall be labeled an Outlot. Lot shall be considered unbuildable unless combined with a lot or lots, which have public road access.

2) Payment of \$4,275.2 in Public Site, Open Space and Trail Fees required prior to signing the Final CSM.

Seconded by Mr. Felda. Motion passes with Mayor Wysocki, Mr. Gihring, Mr. Graber, Mr. Felda, Mr. Barnes voting Yes and Alderman Ament and Mr. Teclaw voting No.

21. (2) LD-15-01 Harold Zastrow – 2513 S. Brookland Rd. – Ne ¼ Sec. 11 – One-Lot Final Land Division.

Motion by Mr. Barnes to recommend to Council approval of the request by Harold Zastrow for a one lot final land division located at 2513 S. Brookland Road subject to:

- 1) Both lots shall meet the minimum requirements of §17.04(2)(4) R-4 Low-Density Single-Family Residential District in its entirety.
- 2) Change dates to 2002 and Plan Commission Secretary to Mark C. Lake.
- 3) Property will require substantial amounts of fill to bring up the pad height of the new home. Drainage swales will be required on each side of the home, and swales shall be constructed a minimum of five feet from each lot line.
- 4) Access permits required from the City of New Berlin Engineering Department prior to signing the final CSM.
- 5) Building permits required from Building, Inspection and Zoning Department for any future home.
- 6) Payment of \$2137.60 in Public Site, Open Space and Trail Fees required prior to the City signing the final CSM.

Seconded by Mr. Gihring. Motion carried unanimously.

22. (5) S-161-01 Diamond Estates – 13251 W. Coldspring – 8-Lot Subdivision.

Motion by Mr. Gihring to defer until January 6, 2003 the request for Diamond Estates 8 lot subdivision located at 13251 W. Coldspring for the following reasons:

- 1) Open-ended letter of extension shall be on file.
- 2) Basin NB3 sanitary sewer capacity allocation required. Allocation shall be based on the projects own merits and shall not restrict development in other areas of the City of New Berlin. Approval of sewer service by MMSD must be in a form satisfactory to the City of New Berlin.
- 3) Sanitary Sewer extension plans to be approved by all regulating authorities including SEWRPC, MMSD, and WDNR.
- 4) Water plans to be approved by all regulating authorities
- 5) Preliminary road/infrastructure/stormwater/grading plans to be reviewed and approved by the Engineering Department prior to application being placed on a future agenda. Compliance may require additional extensions.
- 6) Satisfaction of the conditions of the Letter of No Objection by Waukesha County Park and Land Use Department required.
- 7) Satisfaction of the conditions of Letter of No Objection by State of Wisconsin – Department of Administration required.
- 8) Access to Outlot 1 restricted to Diamond Avenue. Access restriction shall be placed on the face of the plat.

9) Outlot A to be combined with ROW and Lot 8.

10) Detailed road/infrastructure/stormwater/grading plans to be reviewed and approved by the Engineering Department prior to writing of the developer's agreement.

11) Developer's Agreement for all public improvements required. Agreement to be approved by the Board of Public Works and Common Council. Approval of all surety instruments required prior to the City signing the final Plat.

12) An executed Developer's Agreement is required prior to clearing, grubbing, grading and/or utility/infrastructure work commencing.

13) Urban cross-section required within development.

14) Adherence to §17.08(3) Natural Resource Protection required. Tree inventory of existing trees greater than 4" DBH (diameter at breast height) required.

15) Access permits required from the City of New Berlin Engineering Department for the connection to Cold Spring Road.

16) All buildings not proposed to be relocated are to be razed, razing permits are required.

17) Length bearing and tie to all easements (public and private) required.

18) Based on the estimate prepared by the City Assessor in accordance with Section 18.04(15), the required fee for your requested residential development is as follows:

Public Site Fee: \$ 1,807.60 per lot x 8 lots = \$14,460.80

Open Space Fee: \$ 130.00 per lot x 8 lots = \$ 1,040.00

Trail Fee: \$ 200.00 per lot x 8 lots = \$ 1,600.00

Total: \$17,100.80

19) Schedule:

October 31, 2001 – Plat Received

January 29, 2002 – 90-day time limit expires

January 7, 2002 – Plan Commission date for final action

January 8, 2002 – Common Council date for final action

Seconded by Mr. Teclaw. Motion passes with Mayor Wysocki, Mr. Gihring, Mr. Graber, Mr. Felda, Mr. Teclaw, Mr. Barnes voting Yes and Alderman Ament voting No.

23. (4) SG-85-01 GMR Marketing – 5000 S. Towne Dr. – Monument Sign.

Motion by Alderman Ament to table the request by GMR Marketing for one internally illuminated monument sign and one non-illuminated channel letter wall sign located at 5000 S. Towne Drive for the following reasons:

1) Applicant will be required to meet all the outstanding conditions of approval of Zoning Permits #U-19-00 approved by Plan Commission on 4/3/00, as it relates to the site prior to the issuance of a sign permit:

A) Condition #10 states, "All aboveground utilities, both onsite and offsite required to be buried per the requirement of the TIF District." Letter of credit to be approved and on file by the City Engineer.

B) Condition #12 states, "Submittal and approval of a revised landscaping plan prepared by a registered landscape architect. Plan to include plant keys, number and sizes. Parking lots require more screening. Eastern property line requires screening. Detailed landscaping plan of building planting beds required. Coniferous trees to a minimum of 6' in height. Deciduous trees to a minimum of 3-1/2" in caliper. Ornamental trees to be a minimum of 2-1/2" in caliper."

C) Condition #16 states, "Dumpsters must be properly screened from the street and public view in accordance with the City of New Berlin Municipal Code Section 17.1304(14). Enclosure must match exterior of building and must be built to accommodate both solid as well as recyclable waste dumpsters."

2) Applicant must have a sign permit and a signed copy of the sign plan prior to construction of the monument sign.

Seconded by Mr. Teclaw. Motion to table fails with Mayor Wysocki, Mr. Gihring, Mr. Graber, Mr. Felda, Mr. Barnes voting No and Alderman Ament and Mr. Teclaw voting Yes.

Motion by Mr. Barnes to approve the request by GMR Marketing for one internally illuminated monument sign and one non-illuminated channel letter wall sign located at 5000 S. Towne Drive subject to:

1) Applicant will be required to meet all the outstanding conditions of approval of Zoning Permits #U-19-00 approved by Plan Commission on 4/3/00 as it relates to the site prior to the issuance of a sign permit:

A) Condition #10 states, "All aboveground utilities, both onsite and offsite required to be buried per the requirement of the TIF District." Letter of credit to be approved and on file by the City Engineer.

B) Condition #12 states, "Submittal and approval of a revised landscaping plan prepared by a registered landscape architect. Plan to include plant keys, number and sizes. Parking lots require more screening. Eastern property line requires screening. Detailed landscaping plan of building planting beds required. Coniferous trees to a minimum of 6' in height. Deciduous trees to a minimum of 3-1/2" in caliper. Ornamental trees to be a minimum of 2-1/2" in caliper."

C) Condition #16 states, "Dumpsters must be properly screened from the street and public view in accordance with the City of New Berlin Municipal Code Section 17.1304(14). Enclosure must match exterior of building and must be built to accommodate both solid as well as recyclable waste dumpsters."

2) Applicant must have a sign permit and a signed copy of the sign plan prior to construction of the monument sign.

Seconded by Mr. Felda. Motion passes with with Mayor Wysocki, Mr. Gihring, Mr. Graber, Mr. Felda, Mr. Barnes voting Yes and Alderman Ament and Mr. Teclaw voting No.

24. (3) SG-93-01 Greenfield Avenue Professional Building – 16869 W. Greenfield Ave. – Monument Sign.

Motion by Alderman Ament to approve the request by Greenfield Avenue Professional Building for a monument sign located at 16869 W. Greenfield Avenue subject to:

1) Per Section 17.08 Sec.(10)(E)(4)(c) "No sign shall be located in the vision clearance triangle" Sign base has been constructed in the vision triangle of Greenfield Avenue and South 168<sup>th</sup> Street in violation of Condition #4 of Zoning Permit #U-43-00 approved 03/05/01 by Plan Commission which states, "A monument sign will be required for this development. Monument base for the sign must be constructed of the same material as the principle building. A separate sign application and permit must be obtained from the Planning Department prior to construction." Approval is subject to relocation of the sign outside the vision clearance triangle. No Occupancy Permit shall be issued for the building until the sign has been removed from the vision triangle.

2) The three illegal signs that read "Kotze Construction Co. Inc. – 645-7520 – Construction Traffic Only – All Visitors Must Report to Office – Hard Hats Required," "Plumbing by JR Plumbing Inc," and "Financed by TriCity National Bank – 453-7410" shall be removed or an application shall be filed by January 11, 2002.

3) This letter shall act as notice of said violations, and shall be forwarded to the Director of Buildings, Inspections, and Zoning for further action.

Seconded by Mr. Teclaw. Motion carried unanimously.

**CONSENT AGENDA** (One motion and second will approve all of the following items listed. Any item may be pulled from the list and handled separately.)

Motion by Mr. Barnes to approve Items 25-28. Seconded by Mr. Teclaw. Motion carried unanimously.

### **ZONING PERMITS**

25. (4) RO-54-01 United Healthcare Recoveries – 5445 S. Westridge Dr. – Insurance Audits.

The request by United Healthcare Recoveries for insurance auditing at 5445 S. Westridge Drive has been reviewed and conditionally staff approved by the New Berlin Plan Commission subject to the application, the plans on file and the following:

1) The two "T-3 Design Group, LTD." signs must be removed by November 30, 2001 or prior to the issuance of the Occupancy Permit.

2) A separate application is required from the Planning Department for any signs or banners for this business.

3) No outside storage will be permitted on the property.

4) Employee and customer parking must be contained on this site.

5) Dumpsters must be properly screened from the street and public view in accordance with Chapter 17.08 Sec. (5)(G)(2) of the City of New Berlin Zoning Ordinance.

6) Permits are required from the Building, Inspection, and Zoning Departments for all interior and exterior alterations or modifications.

7) Building must be maintained per Section 14.25 of the Non-residential Property Maintenance Code.

8) Building must meet all applicable building and fire codes. Fire Extinguishers are required.

26. (3) RO-55-01 The Statement Company – 16300 W. Glendale – Mailing Company

The request by The Statement Company for a mailing company located at 16300 W. Glendale has been reviewed and conditionally staff approved by the New Berlin Plan Commission subject to the application, the plans on file and the following:

1) A double fee shall be assessed as the building was occupied prior to the issuance of an Occupancy Permit.

2) No future sign permits will be issued for sign face changes as the existing ground signs have become legal non-conforming. Any further changes to the signs will be a violation of Section 17.08 Sec. (10) of the New Berlin Zoning Ordinance. A monument sign shall be required per Section 17.08 Sec. (10) of the New Berlin Zoning Ordinance.

3) Outside storage of one vehicle will be permitted on the property in the stall directly adjacent to the tenant's space.

4) Employee and customer parking must be contained on this site.

5) Dumpsters must be properly screened from the street and public view in accordance with Chapter 17.08 Sec. (5)(G)(2) of the City of New Berlin Zoning Ordinance.

6) Permits are required from the Building, Inspection, and Zoning Departments for all interior and exterior alterations or modifications.

7) Building must be maintained per Section 14.25 of the Non-residential Property Maintenance Code.

8) Building must meet all applicable building and fire codes. Fire Extinguishers are required.

27. (5) RO-56-01 Quizno Classic Sub – 15440 W. Beloit Rd. – Quick-Service Restaurant – Submarine Sandwiches.

The request by Quizno Classic Sub for a quick service restaurant located at 15440 W. Beloit Road has been reviewed and conditionally staff approved by the New Berlin Plan Commission subject to the application, the plans on file and the following:

1) Employee and customer parking must be in compliance with the Operation and Easement Agreement Between Target and EJP Moorland Commons, LLC and Westridge Development Properties, LLC.

2) A separate application is required from the Department of Community Development (Planning) for any signs or banners for this business.

3) Outside storage of equipment or materials will not be permitted on this site.

4) Dumpsters must be properly screened from the street and public view in accordance with Chapter 17.08 Sec. (5)(G)(2) of the City of New Berlin Zoning Ordinance.

5) Permits are required from the Building, Inspection, and Zoning Departments for all interior and exterior alterations or modifications.

6) Building must be maintained per Section 14.25 of the Non-residential Property Maintenance Code.

7) Building must meet all applicable building and fire codes. Fire Extinguishers are required.

28. (3) RO-57-01 Digirad Corporation – 2600 S. 162 St. – Base Hub for Mobile Cardiac Testing.

The request by Digirad Corporation for a base hub for mobile cardiac testing located at 2600 S. 162 Street has been reviewed and conditionally staff approved by the New Berlin Plan Commission subject to the application, the plans on file and the following:

1) The two existing ground signs shall be removed by June 1, 2002, by which time a submittal of an application for a monument sign shall be made to the Department of Community Development (Planning).

2) Employee and customer parking must be contained on site.

3) A separate application is required from the Department of Community Development (Planning) for any signs or banners for this business.

4) Storage of one vehicle in front of tenant space will be permitted on site. Outdoor storage of material and other equipment will not be permitted on this site.

5) Dumpsters must be properly screened from the street and public view in accordance with Chapter 17.08 Sec. (5)(G)(2) of the City of New Berlin Zoning Ordinance.

6) Permits are required from the Building, Inspection, and Zoning Departments for all interior and exterior alterations or modifications.

7) Building must be maintained per Section 14.25 of the Non-residential Property Maintenance Code.

8) Building must meet all applicable building and fire codes. Fire Extinguishers are required.

**CONSENT AGENDA** (One motion and second will approve all of the following items listed. Any item may be pulled from the list and handled separately.)

Motion by Alderman Ament to approve Items 29-35. Seconded by Mr. Barnes. Motion carried unanimously.

### **STAFF APPROVED**

29. (5) U-89-01 K-Mart – 15333 W. National Ave. – Extended Hours of Operation.

The request by K-Mart for extended hours of operation at 15333 W. National Avenue has been reviewed and conditionally staff approved by the New Berlin Plan Commission subject to the application, the plans on file and the following:

1) Applicant will be required to meet all the outstanding conditions of approval of the Sign Permit approved on 12/7/98, as it relates to the site:

2) In addition to this sign [Wall Sign Face Change, PC 12-7-98], the only other wall sign that will be permitted to remain is the "Pharmacy" sign, all other wall signs must be removed." The "Garden Shop" sign will be removed by January 31, 2002.

3) Police had no objection regarding probationary period of December 21<sup>st</sup> to December 24<sup>th</sup> of 2001.

4) No outside storage of equipment, vehicles, or materials will be permitted on the property.

5) Employee, customer, and visitor parking must be contained on the site.

6) All necessary licenses and certificates must be obtained from the City of New Berlin Clerk's office and other regulating authorities.

7) Building must be maintained per Section 14.25 of the Non-residential Property Maintenance Code.

8) All signs will require a separate application and Permit from the Planning Department prior to installation.

30. (4) SG-87-01 Healthcare Recoveries – 5445 S. Westridge Dr. – Two 4' x 8' Construction Signs.

The request by Healthcare Recoveries for two 4' x 8' construction signs located at 5445 S. Westridge Drive has been reviewed and conditionally staff approved by the New Berlin Plan Commission subject to the application, the plans on file and the following:

1) The "For Lease" real estate sign must come down by December 28, 2001 or prior to the issuance of the Sign Permit.

2) All future modifications, including face changes, structural alterations, conversions, extensions, relocations, and additional signs must be applied for and receive a Sign Permit, and must meet the provisions of the Section 275.03(10) New Berlin Municipal Ordinance.

3) The temporary construction signs shall be removed upon completion of the construction project or prior to the issuance of the Occupancy Permit, whichever comes sooner.

4) The temporary construction signs shall not exceed 8'0" in height and shall not exceed 8'0" in width and shall be located behind the ultimate right of way of Westridge Drive and the ultimate right of way of Westridge Court.

5) The temporary construction signs copy shall be 32 square feet in area, shall be blue, black, and red copy on an off-white background; and shall read "T-3 Group, Ltd. – Architects Design/Build – Construction Management – General Contractor – 414/272-4440 – 222 East Erie Street Milwaukee, WI 53202 – www.t3group.com."

6) The temporary construction signs shall not be externally or internally illuminated.

7) A payment of \$117.00 is required per calculations below:

Temporary Construction Sign Face: 8'0" x 4'0" = 32 sq.ft. x 2 sides = 64 sq.ft. x \$3.00/sq.ft. = \$192.00  
Less Application fee (\$75.00) = \$117.00

8) Building Permits are required per Section 275.03(6) of the City of New Berlin Municipal Code.

9) Electrical Permits are required per Section 275.03(6) of the City of New Berlin Municipal Code.

31. (4) SG-88-01 USAV – 5485 S. Westridge Dr. – Installation of Exterior Awning.

The request by USAV for installation of an exterior awning located at 5485 S. Westridge Drive has been reviewed and conditionally staff approved by the New Berlin Plan Commission subject to the application, the plans on file and the following:

1) Material sample for the canopy matching the blue of the principal building shall be submitted by January 18, 2002 or prior to the issuance of the Sign Permit.

2) A revised rendering indicating that the canopy shall match blue of the principal building and the text revision, shall read "Jim Fischer and Asc" shall be white in 6" font, and shall be submitted by January 18, 2002 or prior to the issuance of the Sign Permit.

3) Building Permits are required per Section 275.03 (6) of the City of New Berlin Municipal Code prior to the installation of the canopy. Wind and snow load calculations submitted to the Building, Inspections, and Zoning Department shall be stamped by a professional engineer or registered architect and shall provide a detail of the anchoring into the building.

4) All future modifications, including face changes, structural alterations, conversions, extensions, relocations, and additional signs must be applied for and receive a Sign Permit, and must meet the provisions of the Section 275.03(10) New Berlin Municipal Ordinance.

5) The canopy sign shall not extend further than 4'0" from the building, shall not exceed 12'0" in width and 3'6" feet in length, and shall be located outside the ultimate right of way of Westridge Drive.

6) The canopy sign copy shall read "Jim Fischer and Asc." shall be white in 6" font and shall not exceed 4 square feet.

7) The canopy sign shall not be internally or externally illuminated.

8) No payment is required per calculations below: Canopy Sign Face: 0'6" x 8'0" = 4 sq.ft. x 1 side = 4 sq.ft. x \$3.00/sq.ft. = \$12.00 Less Application fee (\$75.00) = \$0.00

9) Building Permits are required per Section 275.03(6) of the City of New Berlin Municipal Code.

10) Electrical Permits are required for the internal illumination per Section 275.03(6) of the City of New Berlin Municipal Code.

32. (5) SG-90-01 Timbers of Deer Creek – 3530-3638 S. 147<sup>th</sup> St. – Monument Sign.

The request by Timbers of Deer Creek for a monument sign located at 3530-3638 S. 147<sup>th</sup> Street has been reviewed and conditionally staff approved by the New Berlin Plan Commission subject to the application, the plans on file and the following:

1) All future modifications, including face changes, structural alterations, conversions, extensions, relocations, and additional signs must be applied for and receive a Sign Permit, and must meet the provisions of the Section 275.03(10) New Berlin Municipal Ordinance.

2) The permanent real estate development sign shall not exceed 4'3" in height and shall not exceed 8'0" in width and shall be located behind the ultimate right of way of South 147<sup>th</sup> Street.

3) The permanent real estate development sign copy shall be 7.5 square feet in area, shall be forest green copy on an off-white background, and shall read "Timbers Of Deer Creek - ...distinctive condominiums."

4) The permanent real estate development sign pillars shall be constructed of a manufactured stone veneer that matches the principal buildings.

5) The permanent real estate sign shall be externally illuminated. The fixtures shall be mounted on a permanent unmovable base and the neck soldered so as to prevent fixtures from being tampered with or redirected. Lighting shall not cause glare or impair driver visibility upon public ways or adjacent properties.

6) Ridgeline Development and the Timbers of Deer Creek Condominium Association are responsible for all maintenance and replacement of this sign and landscaping installed around the sign.

7) No payment is required per calculations below:

**Monument Sign Face: 1'3" x 5'0" = 7.5 sq.ft. x 1 side = 7.5 sq.ft. x \$3.00/sq.ft. = \$22.50 Less Application fee (\$75.00) = \$0.00**

**8) Building Permits are required per Section 275.03(6) of the City of New Berlin Municipal Code.**

**9) Electrical Permits are required per Section 275.03(6) of the City of New Berlin Municipal Code.**

**33. (5) SG-91-01 Timbers of Deer Creek – 3530-3638 S. 147<sup>th</sup> St. – Temporary Project Sign.**

**The request by Timbers of Deer Creek for a temporary project sign located at 3530-3638 S. 147<sup>th</sup> Street has been reviewed and conditionally staff approved by the New Berlin Plan Commission subject to the application, the plans on file and the following:**

**1) All future modifications, including face changes, structural alterations, conversions, extensions, relocations, and additional signs must be applied for and receive a Sign Permit, and must meet the provisions of the Section 275.03(10) New Berlin Municipal Ordinance.**

**2) The sign shall be located at 3530-3638 South 147<sup>th</sup> Street, off premise sign are prohibited in the City of New Berlin.**

**3) This shall be the only temporary development permitted on this parcel frontage. All subcontractors and lending/financial partners shall be located on the same sign.**

**4) The temporary development Sign Permit shall become invalid and expired on January 7, 2004, or following the completion of the construction project, whichever is earlier.**

**5) The temporary development sign shall not exceed 5'4" in height and shall not exceed 4'0" in width and shall be located outside the ultimate right of way of South 147<sup>th</sup> Street.**

**6) The temporary development sign copy shall be 16 square feet in area and shall read "Timbers of Deer Creek - ..distinctive duplex condominiums – Available January 2002 – 262-241-2880 – www.timbersofdeercreek.com - Models Open Soon."**

**7) The sign shall not be illuminated internally or externally.**

**8) No payment is required per calculations below:**

**Monument Sign Face: 4'0" x 4'0" = 16 sq.ft. x 1 side = 16 sq.ft. x \$3.00/sq.ft. = \$48.00**

Less Application fee (\$75.00) = \$0.00

9) Building Permits are required per Section 275.03(6) of the City of New Berlin Municipal Code.

10) Electrical Permits are required per Section 275.03(6) of the City of New Berlin Municipal Code.

34. (3) SG-92-01 Skywalker Communications – 2355 S. Calhoun Rd. – Wall Sign.

The request by Skywalker Communications for a wall sign located at 2355 S. Calhoun Road has been reviewed and conditionally staff approved by the New Berlin Plan Commission subject to the application, the plans on file and the following:

1) As this an after the fact application a double fee shall be issued.

2) All future modifications, including face changes, structural alterations, conversions, extensions, relocations, and additional signs must be applied for and receive a Sign Permit, and must meet the provisions of the Section 275.03(10) New Berlin Municipal Ordinance.

3) Section 17.08 (10) states "All new signs and or replacement of existing signs located along arterials or major thoroughfares shall be placed on a monument base constructed of the same material and color or shall enhance the exterior architecture of the principal building. Arterials include Calhoun Road, Cleveland Avenue, Greenfield Avenue, Lincoln Avenue, Moorland Road and National Avenue. Monument Signs are also required within the New Berlin Industrial Parks." As a monument sign is an economic hardship for this property owner at this time, the monument sign will be required to be installed by January 7, 2007. The monument sign shall be applied for and receive a Sign Permit.

4) The wall sign shall not exceed 3'0" in height and shall not exceed 18'0" in width and shall be located outside the ultimate right of way of Calhoun Road.

5) The wall sign copy shall be 54 square feet in area and shall read "Skywalker Communications."

6) The wall sign will be internally illuminated and shall be turned off outside normal business hours.

7) A payment of \$174.00 is required per calculations below:

Wall Sign Face: 3'0" x 18'0" = 54 sq.ft. x \$3.00/sq.ft. = \$162.00

Less Application Fee (\$75.00) = \$87.00

Plus Double Fee (\$87.00) = \$174.00

8) Building Permits are required per Section 275.03(6) of the City of New Berlin Municipal Code.

9) Electrical Permits are required per Section 275.03(6) of the City of New Berlin Municipal Code.

35. (5) SG-94-01 The Crossings – 13700 W. Beloit Rd. – Permanent Entrance Sign.

The request by The Crossings for a permanent entrance sign located at 13700 W. Beloit Road has been reviewed and conditionally staff approved by the New Berlin Plan Commission subject to the application, the plans on file and the following:

1) All future modifications, including face changes, structural alterations, conversions, extensions, relocations, and additional signs must be applied for and receive a Sign Permit, and must meet the provisions of the Section 275.03(10) New Berlin Municipal Ordinance.

2) The permanent real estate development sign shall not exceed 3'7" in height and shall not exceed 8'0" in width and shall be located 9'0" behind the ultimate right of way of Beloit Road, so as not to impair driver visibility.

3) The permanent real estate development sign copy shall be 12.4 square feet in area and shall read "The Crossings."

4) The permanent real estate sign shall be externally illuminated. The fixtures shall be mounted on a permanent unmovable base and the neck soldered so as to prevent fixtures from being tampered with or redirected. Lighting shall not cause glare or impair driver visibility upon public ways or adjacent properties.

5) Thomson Corporation and the Crossings Homeowners Association indemnifies and holds the City of New Berlin harmless for the presence of this sign.

6) Thomson Corporation and the Crossings Homeowners Association is responsible for all maintenance of this sign.

7) If this sign requires reconstruction, relocation, or removal for public purpose this will be at the expense of Thomson Corporation and the Crossings Homeowners Association, not the City of New Berlin.

8) No payment is required per calculations below:

Monument Sign Face: 4'7-3/4" x 2'3-1/8" = 12.4 sq.ft. x 2 sides = 24.8 sq.ft. x \$3.00/sq.ft. = \$74.40

Less Application fee (\$75.00) = \$0.00

9) Building Permits are required per Section 275.03(6) of the City of New Berlin Municipal Code.

10) Electrical Permits are required per Section 275.03(6) of the City of New Berlin Municipal Code.

CONSENT AGENDA (One motion and second will deny all of the following inactive items listed. Any item may be pulled from the list and handled separately.)

Motion by Mr. Barnes to deny Items 36 and 37 because signs failed to meet standards of Zoning Code. Seconded by Mr. Graber. Motion carried unanimously.

36. (2) SIGN - Falk Renew - 1903 S. Moorland Rd. - Wall Sign. (Tabled 6/4/01)

37. (2) SIGN - Industrial Towel & Uniform - 2885 S. James Dr. - Four Wall Signs. (No Action 6/4/01)

COMMUNICATIONS:

38. Communication To: Plan Commission

Communication From: Greg Kessler, Director of Community Development

**RE: Zoning News, November 2001, "Beyond Euclid: Integrating Zoning and Physical Design".**

**Plan Commissioners acknowledged receipt of communication.**

**39. Plan Commissioners acknowledged receipt of communication for extentions and placed on file for: Diamond Estates, Rogers/Thomson/Polzin Lands, and Honeyager.**

**Motion by Mr. Graber to adjourn Plan Commission Meeting at 8:40 P.M. Seconded by Alderman Ament. Motion carried unanimously.**