

Minutes

NEW BERLIN PLAN COMMISSION

NEW BERLIN CITY HALL COUNCIL CHAMBERS

APRIL 1, 2002

The Plan Commission Meeting of April 1, 2002 was called to order by Mayor Wysocki at 6:00 P. M.

In attendance was Mayor Wysocki, Mr. Felda, Mr. Gihring, Mr. Barnes, Aldermen Ament, Mr. Graber, and Mr. Teclaw. Also present was Greg Kessler, Director of Community Development, Mark Lake, Director of Planning, Nikki Jones, Associate Planner, and Diana Kanter, Planning Tech.

Motion by Mr. Gihring to approve the March 4, 2002, Plan Commission Minutes. Seconded by Alderman Ament. Motion carried unanimously.

4. Plan Commission Secretary's Report

- a. Start time for April 22, 2002 meeting.

The meeting will begin at 5:00 P. M.

- b. Chapter 236 Wisconsin Statutes Update

Mr. Lake stated the State of Wisconsin changed the Subdivision Platting Code Wis. Stat 236.34(1)(f). Mr. Lake referred to the change that has to do with taking action to approve or reject a Certified Survey Map within 90 days of its submittal. Failure to act within 90 days or not obtaining an extension constitutes approval of the Certified Survey Map. Discussion followed.

CONTINUED ITEMS

5. (3) 21490 W. Lincoln Avenue - Driveway in Floodfringe - Referral from Bob Sigrist, Director of Buildings, Inspections and Zoning. (Tabled 3-4-02.)

Motion by Mr. Graber to remove the request to Locate A Driveway in Floodfringe at 21490 W. Lincoln Ave., from the table. Seconded by Alderman Ament. Motion carried unanimously.

Motion by Mr. Barnes to recommend denial (Recommendation A) of the request to Locate Driveway #1 (the driveway to the west) within the 100-Year Floodplain of Poplar Creek, at 21490 W. Lincoln Ave., subject to the application, the plans on file, and the following:

1. There is no dry land access to principal structure. Letter on file from Fire
& Police Department requiring dry land access at an elevation of at least 1 foot above 100 year recurring interval floodplain elevation of 843.1ft. MSL.
2. Existing access provided to the east.
3. No City of New Berlin Access permit or Culver permit on file. Applicant provided a gravel drive prior to receiving Plan Commission approval. Driveway to be removed and restored prior to Occupancy Permit being issued. Roadside ditch meeting the City of New Berlin

Design guidelines required.

Seconded by Alderman Ament. Motion carried unanimously.

6. (5) LD-9-00 New Berlin City Center Development – 15051 W. National Ave.– Sw ¼ Sec. 14 – Final One-Lot Land Division.

Motion by Mr. Graber to remove the New Berlin City Center Development Final One-Lot Land Division located at 15051 W. National Ave. from the table. Seconded by Alderman Ament. Motion carried unanimously.

Motion by Mr. Barnes to drop the New Berlin City Center Development request for a Final One-Lot Land Division, located at 15051 W. National Ave., from the Agenda per the applicant's request. Seconded by Mr. Ament. Motion carried unanimously.

NEW BUSINESS

7. (5) R-3-02 Holiday Inn Express Hotel & Suites – City of New Berlin Department of Community Development – 15451 W. Beloit Rd. – Rezone from B-4/R-4 to O-2.

Motion by Mr. Barnes to recommend to Council approval of the request by Holiday Inn Express Hotel & Suites – City of New Berlin Department of Community Development to Rezone the property at 15451 W. Beloit Rd. from B-4/R-4 to O-2, subject to the following:

1. Ordinance to be written by staff and reviewed, and approved by the City Attorney prior to signature

Seconded by Alderman Ament. Motion carried unanimously.

8 (3) R-2-02 St. Constantine & Helen Greek Orthodox Church – 17955 W. Cleveland Ave. – Rezone from R-2 to I-1.

Mr. Lake explained the location of the proposed rezoning to the

Commissioners and explained the applicant wishes to locate a new church within the southeastern quadrant of Stigler and Cleveland Ave. Their church is currently located in Wauwatosa. Mr. Lake stated that a letter was received from Waukesha County DOT indicating they would prefer we use Stigler Rd. The City is requesting they use Cleveland Ave. and shows no access off of Stigler Rd. The previous request showed an access to Stigler and an access to Cleveland. The revised site plan shows everything being shifted over by 150' to allow for a 150' buffer to Stigler Rd. so the western part of the property would remain R-2 and the rest of the property be rezoned to Institutional. The property that is proposed to be rezoned to I-1 would include the campus with a recreational hall, several chapels, parking, a parish hall, and classrooms for Sunday School. There would be a landscaped berm along Stigler Rd. with several rows of trees. The proposed use would show a brick church and related buildings with copper domes and spires on top of the facility. The overall building plans are for 50,000 plus square feet of campus.

Mr. Lake referred the findings from the Staff Report to the Commissioners for review. One of the concerns of Staff was what would happen if the church decided not to build; what other uses could be considered? It was explained by Mr. Lake that the property could contain two single-family lots at 14 acres each. The Master Plan in the '80's stated that church uses should be institutional, but no areas were provided within the City to include churches. The current Master Plan does include the locations where an Institutional Use could be used for a school, or Fire Department, etc. The City of New Berlin currently has 21 churches. A concern from the Public Hearing was the traffic. Mr. Lake referred to a letter from the County requesting that Stigler

Rd. be used unless an access can be provided that was further than 500' away from Stigler Rd.; the County may then grant an access out to Cleveland Ave., but would not guarantee that an access would be there in the future. A revised Traffic Impact Statement was received reflecting Cleveland Ave. as the only entrance.

Another concern from the Public Hearing was storm water. Mr. Lake stated this property is downhill and would flow into a detention pond first and then into Poplar Creek to the east. The report from GZA indicated, in terms of water quality and usage, the proposed church would have no impact on the neighboring property owners. The water usage would be approximately 500-700 gallons per day, which would be equivalent to one household of five individuals. The water study was done at the existing church.

Mayor Wysocki referred to a document addressed to the Plan Commission dated March 20, 2002 relating to a petition that was signed September 10, 1997, a petition in favor. He further stated the Plan Commissioners should have received a packet around March 4, 2002, of a formal petition against the rezoning with a number of signatures.

City Attorney Reilly referred to his March 12, 2002 correspondence stating there is Federal legislation to take into account on this matter. It is called the Religious Land Use Institutionalized Persons Act (RLUIPA) which is the only Federal legislation that has ever addressed zoning and is very favorable to religious institutions. The Commissioners would have to be very explicit as to the reasons for denial; and the least restrictive means should be taken in order to make accommodations for them. Mr. Reilly referred to a piece of correspondence that came through indicating one of the concerns could be addressed through a PUD overlay. If the Commission would entertain that idea, Mr. Reilly suggested this would be a rezoning that should be recommended to Council, so a new public hearing would have to occur. This should occur with the actual draft PUD Ordinance before the Commission, so the limitations could be referred to under the current zoning ordinance that would be acted upon.

City Attorney Reilly stated one of the concerns was that if the property was rezoned to Institutional, a different use other than a church could be proposed. the PUD overlay would only allow a church.

Mr. Ament questioned that if a PUD would be considered, if for some reason it was not build under the PUD, would the use revert back to the I-1. City Attorney Reilly responded, the use would go back to the existing zoning which is R-2. Mr. Ament referred to the March 4, 2002 Staff Report indicating the building size was stated as being 50,589 sq. ft. At the Public Hearing it was said, with the parking lot added, it would be approximately or up to 120,000 sq. ft. of impervious surface. Would the proposed retention pond be able to handle that much run-off? Mr. Lake responded the pond would accommodate the run-off by the depth of the pond, per their Engineers. This would be reviewed further during the Use Approval process. The DCD staff would recommend denial during the Use Approval process if they would not have the appropriate storm water management. Our ordinances do not allow for Staff to recommend approval of facilities that fail to meet the Storm Water Management Plan.

Alderman Ament had a question about the water calculations. He referred to the Executive Staff Report stating it was based on faulty information by using the existing church. He stated there was no comparison to the church on the Staff Report. He stated the water usage was based on five full-time employees, none of which takes into account the additional parishioners, visitors, other activities, weddings, or an activity area where there would be showers. Mr. Lake stated a copy of the GAZ report was received and it stated, based on the City of Wauwatosa water bill from 2001, at their current location, usage ranged from 440 gallons per day to 750 gallons per day during the spring, with an average of 620 gallons per day throughout the year. St. Constantine's & Helen Church at this location anticipates the water usage will be equal or less than the water required at the present location in Wauwatosa. Copies of the report were given to the Commissioners. Mr. Lake indicated how he came up with 1,200 gallons per day on the report indicating it was high according to the GAZ report that was submitted. Mr. Lake stated what the water reports were based on were done by MMSD. Mr. Ament was not comfortable with the amount of people and the fact that they plan on expanding in the future on the proposed site, and stated he has a hard time with the water usage calculation. Mr. Ament stated, according the J. P. Walker, and Mike Schober, if for some reason there would not be enough water, the City could be required by the State to bring municipal water to them. Mr. Lake stated this could

happen today to the high school.

Mr. Ament also stated he had concerns with the sprinkling system and how a well would be able to handle that. He did talk to the Fire Chief who recommended a water tower or tank could be installed to handle the volume. If that area would require water, either now or in the future, would it come from the municipal water supply east of Poplar Creek? Mr. Lake responded it would come about 1,000 feet east of the proposed rezoning site. There is no other water in the area. Mr. Graber stated the only wells would be east of the site. If some extensive development would take place on extending water to the west that would require some additional wells to be drilled, which is not part of the plan now or in the future. The water would all come from the existing system.

Mr. Ament questioned if the church came back with a feasibility plan, details of an adequate perc, or a letter showing neighborhood support? Mr. Lake stated these requirements are not in place at this time. Mr. Lake responded because they are an Institutional Use, they could use a mound system, or septic, so that requirement would no longer be necessary. Mr. Lake felt there would be adequate water supply for the proposed church, per the GZA report.

Mr. Lake stated the revised traffic study eliminates the use of Stigler Rd. It does still talk about the other uses. Mr. Lake referred to a letter stating a traffic delay occurs at the private driveways, not at Stigler Rd. Mr. Lake further stated the church would have no impact on the level of service at Stigler Rd. The County has reviewed the previous traffic study, but not the revised one. Waukesha County requires the properties with access to the City and Town, Village and Street gain access from this street, but no access from the County Highway. The County would prefer the church use Stigler, and the City would prefer the church use Cleveland. Mr. Lake stated the study was done on weekdays before 6:00, Sunday morning from 8:30 A.M. to 10:30 A.M. and 11:00 A.M. to 12:30 P.M. It talks mainly about Sunday morning traffic and weekday evening traffic. Alderman Ament questioned if the County would allow a drive on Cleveland, how would that relate to the drive to the other church across the street? Mr. Lake explained where the access would be for Bethel in comparison to the access location for St. Constantine's & Helen Church and how they would be coordinated. Mr. Lake stated there are some ideas for a dedicated left-turn bay in either direction, plus a bypass lane, plus a left-turn bypass lane. This is included in a report that was submitted to the Commissioners and would have to be reviewed by Waukesha County.

Mr. Ament questioned why the church didn't come forward with a Conditional Use? Mr. Lake responded that it would be more restrictive than rezoning.

Mr. Ament stated the reason why the Master Plan and Codes and future Land Use Map are consistent, is so that when people buy land, they know what they are in for. Mr. Ament is opposed to this rezoning because this proposed location is not good for a church or an institution in general, and that is why it is zoned R-2. Discussion occurred on how the RLUIPA law should be followed when denying a proposal. Churches and institutions should be treated the same way as anyone else and should not get any special treatment. More discussion occurred on the RLUIPA law and how parts of it is being challenged.

Mr. Graber commented on the traffic flows near the proposed rezoning. It is very difficult to get out from Stigler Ave. from 7:00 and 8:00 A.M. to Cleveland Ave. The average time a person would wait is between 10 and 12 seconds. The longest left-turn wait was 36 seconds and the longest right-turn was 34 seconds. 9 people made left turns with a 9 second average and 27 people made right turns with an 11 second average.

Mr. Barnes referred to the possibility of there being a water tower or well for the proposed church. He stated there could possibly be a water tower or a well at West High School as well as a sprinkler system once they start having improvements made. The State of Wisconsin, starting July 1, 2002, is adopting the International Building Code and is dropping the current State of Wisconsin Administrative Code. The International Building Code requires sprinkling just about everything in the commercial/institutional. Mr. Barnes stated there were four individual showers proposed for this facility and felt their use would be minimal. Mr. Barnes also stated the Commission should have some faith in the results of the reports that are submitted, such as

the traffic reports and water reports, for this particular request. As far as the Master Plan goes, Mr. Barnes stated a church is a Conditional Use in a residential neighborhood. Part of what makes neighborhoods are churches, and he felt that it may be the size that is being objected to, but it is what makes a neighborhood and a City strong.

Mr. Felda questioned the lighting. Would the lights be monitored during the night? Mr. Lake responded, the plan that was submitted shows the lights would be no taller than 20'. The normal requirements would be the lights would be shut off except if there would be usage during a meeting, but would be shut off over night. Lighting would be used for architectural lighting. There could be certain areas that could be lit up, such as at a security entrance for staff. The applicant is showing an expanse of trees west of the 5' berm with plantings on top. The lights that would be required would not have any side cast, but would face down. Mr. Felda also questioned if the church would have weddings, etc., would they require a liquor license, and if it would be renewable year by year? Mr. Lake stated a liquor license was applied for by Holy Apostles which was discussed at the Council level. Mr. Felda referred to steep banks on Cleveland Ave., and to put in a right-turn lane along with a center lane for left turns, along with a deceleration lane on each side, would it be possible to do this on Cleveland Ave.? Mr. Graber referred to the lanes on National Ave. and Moorland Rd. There may be some challenges on Cleveland Ave., but primarily for Waukesha County, and felt it would take a wider right-of-way and retaining walls. Mr. Felda stated a neighborhood does have churches in it, and stated there were a lot of topics to be looked into whether either approving or denying and wanted to make it clear to the public that coming up with a decision would not be taken lightly.

Mayor Wysocki stated he is voting on a rezoning that would allow those uses within the rezoned category to be effective on that parcel of land. In this instance, looking at what is being proposed for an institutional district, all of the uses, with the exception of the religious use, are inconsistent with the Master Plan. The Master Plan does not support an industrial use for this parcel. If the intended use for this land is religious, it is allowed under the current zoning as a Conditional Use. Mayor Wysocki felt this is the way this should be addressed because then we would be voting on a use, not the potential for multiple uses that may occur in terms of the Institutional District rezoning. If the issue is a decision as to the religious use of the property, it can be and should be approached with the current zoning that is there. It does not require an Institutional District in which all the other types of uses that would be allowed are incompatible with the Master Plan.

Mr. Teclaw referred to rezonings in the current Code. It states that in acting on a rezoning petition shall consider the stated purpose of the zoning district and approve the petition only if it finds that the proposed rezoning is consistent with the Master Plan. The most relevant statement is the proposed rezoning is the minimum action necessary to accomplish the intent of the petition and an administrative modification variance or conditional use permit could not be used to achieve the same result. Mr. Teclaw feels that rezoning the proposed parcel would place some risks which would allow additional uses that are not compatible with the Master Plan, the neighborhood, or the west side. Mr. Teclaw stated he felt the neighborhood people were looking for a residential use, which is what it is zoned for at this time. He also stated this issue should be dealt with as a Conditional Use. Mr. Teclaw felt the map was not in agreement with the Master Plan when it comes to a church being considered a principal use on the proposed parcel. Mr. Teclaw stated he does not feel a church is a good use for the proposed property, but if they would get the support from the neighbors, he would feel more comfortable. Mr. Teclaw stated he felt he would denying this request, due to what is stated in the Mater Plan and the Zoning Code and the feelings of the neighbors. Mr. Teclaw wondered if the church could be moved to the east to create additional buffering, to get back in contact with the people who are opposed, and to see if there would be any other way to bring back this development so the Codes and Master Plan are adhered to more objectively.

Mr. Gihring stated the things that are of concern can be taken care of later on in the Use Approval process. We should be looking at what is appropriate for rezoning at this time. There may be a gap in the Master Plan and Zoning Code with regard to churches. We could go back to find a way to improve the wording for Institutional Zoning. Typically a church organization today is not just the building by itself, but a complete facility with a lot of other things than the church building itself and we should treat it that way. Mr. Gihring agreed a church should be in a residential neighborhood and not in an industrial park or some other kind of

zoning, and felt this should be looked at.

Mr. Ament stated what we have in the Code now for Institutional is perfect and would not have to be discussed in the future.

Motion by Mr. Gihring to recommend to Council approval of the St. Constantine & Helen Greek Orthodox Church request to Rezone from R-2 to I-1, located at 17955 W. Cleveland Ave., subject to the application, and the plans. Seconded by Mr. Barnes, with Mr. Gihring, Mr. Felda, and Mr. Barnes voting "yes", and Mayor Wysocki, Alderman Ament, Mr. Graber, and Mr. Teclaw voting "no". Motion to approve failed.

9. (3) R-5-02 Robert Rainek and Jeanne Welsch – 21040 W. Lincoln Ave. – Rezone from B-2 to A-2, C-1, C-2.

Motion by Alderman Ament to recommend to Council the request to Rezone from B-2 to A-2, C-1, C-2 for Robert Rainek and Jeanne Welsch, located at 21040 W. Lincoln Ave., to set the public hearing date. Seconded by Mr. Teclaw. Motion carried unanimously.

10. (3) U-13-02 Robert Rainek and Jeanne Welsch – 21040 W. Lincoln Ave. – Commercial Pole Barn.

Motion by Mr. Barnes to table the request by Robert Rainek and Jeanne Welsch for a Commercial Pole Barn, to be located at 21040 W. Lincoln Ave., for revised plans. Seconded by Alderman Ament. Motion carried unanimously.

11. (2) LD-13-01 Eugene J. Krahn – 15340 W. Cleveland Ave. – Nw ¼ Sec. 11 – Final Two-Lot Land Division.

Motion by Alderman Ament to recommend to Council approval of the Eugene J. Krahn request for a Final Two-Lot Land Division, located at 15340 W. Cleveland Ave., subject to the following:

1. Fix any and all drafting errors identified by staff prior to City signing final CSM; CSM does not close.
2. 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 relocated to meet minimum accessory building setback requirements of the new lot.
3. Access permits from Glendale Drive required from the City of New Berlin Engineering Department prior to issuance of building permit.
4. 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.

12. (2) U-65-01 Vision Development LLC - 14650 & 14780 W. Wilbur Drive - Four Family Condo With two car garage.

Motion by Mr. Felda to table the Vision Development LLC request for Two Four-Family Condominium Buildings With Two-Car Garage, to be located at 14650 & 14780 W. Wilbur Dr., subject to the following:

1. Correct address for building number 2 shall be 14651-14657 West Wilbur Drive.
2. Building is 40' from west ROW line and shall be pushed 15' further west to the 25' setback

line. Retaining wall east of building shall also move 15' west. A guardrail and/or dense vegetation shall be required for safety at top of wall.

3. Established grades shall be 870.4 for basement floor, 878.2 plus or minus top of block, 679.2 plus or minus first floor 877.85 maximum garage slab, 877.5 yard grade front, 873.0 minimum rear yard. Revise building plans are required prior to Building Permit. Extra steps in garage are not required as plans show.
4. Proposed retaining wall behind building shall stay 5' from wetlands (not 2' as shown). Top of wall needs to be 872.5-873 (not 871.5 as shown) revise grading plan.
5. Applicant shall be required to field stake the existing wetland on the property and have it surveyed prior to issuance of Zoning Permit. Stake out survey is required for proposed building. The survey shall show wetlands as previously mapped, show existing limits of disturbance and existing silt fence. If wetlands have been disturbed, they shall be returned to previous condition, including any trees, etc. Except for proposed retaining wall, all grading and earth moving shall be kept a minimum of 10' from the delineated wetland boundary. Erosion control silt fence shall be installed a minimum of 10' from the staked out wetland boundary. No fill allowed in wetland/floodplain. Applicant must demonstrate how wetlands and detention pond will be protected during construction process.
6. Hold Harmless Agreement is required by owner. East side and back of building is very close to floodplain; basement is below detention pond level during 100-year storm conditions. City recommends incorporating flood-proofing techniques as in building #1.
7. Sumps are to discharge to floodplain, wetlands, or storm sewer if available, but not onto ground at front of building or into Wilbur Drive pavement.
8. Architectural Review Committee review and approval of the exterior architecture and materials for construction shall be required prior to issuance of Zoning Permit. This shall address the meter room shown on the easterly entrance of the front.

Seconded by Mr. Barnes. Motion carried unanimously.

13. (4) U-10-02 Motion Fitness & Racquet Club – 14999 W. Beloit Rd. – Park a Temporary Sales Trailer on the Site.

Motion by Mr. Barnes to approve the Motion Fitness & Racquet Club request to Park a Temporary Sales Trailer on the Site, located at 14999 W. Beloit Rd., subject to the following:

1. Applicant shall meet all applicable ADA requirements.
2. Applicant shall provide restroom facilities on site.
3. All trailers stored on site shall be located within the designated area specified on the plans submitted March 21, 2002, or prior to the issuance of the Zoning Permit.
4. Construction employee and contractor parking shall be located within designated area specified on the plans submitted on March 21, 2001. Construction employee and contractor parking is prohibited on Beloit Road.
5. Gravel tracking pad is failing. The gravel tracking pad for access onto Beloit Road shall be reconfigured to prevent the further tracking of sediments onto Beloit Road. Weekly inspections shall be conducted to insure compliance. Failure to comply by April 1, 2002 and with weekly inspections thereafter shall be considered a violation and shall be forwarded to the Zoning Administrator for action.
6. Sales trailer shall only be used until completion of all construction or prior to occupancy, at which time the trailer and any other improvement related to the trailer shall be removed.

Seconded by Mr. Graber. Motion carried unanimously.

14. (4) U-11-02 Crystal Expressions – 18310 W. Michael's Rd. – Home Occupation – Hand-Crafted Crystal

Beaded Jewelry.

Motion by Mr. Gihring to approve the Crystal Expressions request for a

Home Occupation to Make Hand-Crafted Crystal Beaded Jewelry, to be located at 18310 W. Michael's Rd., subject to the following:

1. Home Occupation shall be conducted in accordance with Section 17.0503 (5) 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.
2. Basement shall not be used for customer visits. Applicant shall utilize family room for customer visits per phone discussion on March 14, 2002.
3. Business will be strictly sole ownership and shall be listed as a Limited Liability Company. Only one non-resident employee is permitted to work at this location.
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. Customer visits and parcel deliveries shall be conducted between the hours of 8:00 AM to 8:00 PM Sunday - Saturday.
6. Customer and visitor parking shall be contained on-site.

Seconded by Mr. Felda. Motion carried unanimously.

15. (3) U-14-02 City of New Berlin, Wastewater Utility, Jacobs Ridge Lift Station - 2345 S. 179th Street - Install new wet wall and lift station (both principally below grade) and above ground emergency power generator unit in Building (12' x 20').

Motion by Mr. Barnes to approve the City of New Berlin, Wastewater Utility, Jacobs Ridge Lift Station request to install new wet wall and lift station and above-ground emergency power generator unit in a 12' x 20' building, to be located at 2345 S. 179th St., subject to the following:

1. Building plans must be reviewed and approved by the Architecture Control Committee and stamped by a Wisconsin Registered Architect prior to issuance of a building permit.
2. All necessary permits must be obtained from the Building Inspection and Zoning Department prior to commencement of any construction at this site. Building must be maintained per Chapter 201 of the City of New Berlin Municipal Code.
3. Building must meet all applicable building and fire codes and the following requirements of the City of New Berlin Fire Department including a separate plan review if the back up generator is fueled by diesel fuel or other liquid fuel.

Seconded by Mr. Gihring. Motion carried unanimously.

16. (2) U-15-02 Cingular Wireless – 15345 W. Coffee Rd. – Expansion of an Existing Telephone Switching Office including a 2,464 Sq. Ft. addition to the West for additional equipment/office space and a 387 Sq. Ft. addition to the East for an emergency generator.

Motion by Alderman Ament to approve the Cingular Wireless request for

the Expansion of an Existing Telephone Switching Office Including a 2,464 Sq. Ft. addition to the West for Additional Equipment/Office Space and a 387 Sq. Ft. Addition to the East for an Emergency Generator, located at 15345 W. Coffee Rd., subject to the following:

1. Submittal of a detailed revised grading plan that shows spot grades around the property is required. Grading and drainage plans must be worked out and approved by the Department of Community Development (Engineering) prior to issuance of Building Permit.
2. Prior to issuance of the Zoning Permit, approval of the revised exterior architecture and materials for construction by the Architectural Review Committee is required. Applicant shall submit material samples for review and archiving. A revised East elevation showing the generator enclosure is required. Proposed addition must match the material, color and style of the existing building.
3. Submittal of a revised landscaping plan that meets the requirements of Chapter 275-56 of the City of New Berlin Municipal Code in its entirety and reflects staff's recommendation will be required prior to issuance of Zoning Permit. A minimum of 6' arborvitae shall be utilized.
4. The existing line of evergreen trees shall be relocated and planted a minimum of 10' from the proposed addition. If trees existing trees are removed, a tree inventory of the property shall be required and applicant shall be required to document the trees and provide a replacement schedule as outlined in Chapter 275-54 of the City of New Berlin Municipal Code.
5. No additional antenna arrays shall be installed on the tower as part of this project. Tower shall not be reconfigured or modified without approval of the Plan Commission.
6. Building plans must be stamped by a Wisconsin Registered Architect prior to issuance of a Building Permit. Energy and heat loss calculations required for Building Permits.
7. All barbed wire and slats on chain link fence shall be removed. Vinyl slats and barbed wires are not permitted. Screening shall be accomplished by a masonry fence of landscaping.
8. Submittal of a sound performance measurement conducted at the location of the generator is required. This must take the expected reverberation from the building into account. Noise level shall not exceed that allowed by Sec. 275-60(E) of the City of New Berlin Municipal Code at the northerly and easterly property lines. Sound deadening mechanism shall be required to muffle the sound of the generator. Staff must be present at the initial testing of the generator.
9. Applicant is required to notify all neighbors within 300 feet of the generation test schedule. Copy of such notice must be submitted to the Planning Department.
10. All necessary permits must be obtained from the Building Inspection and Zoning Department prior to commencement of any construction at this site. Building must be maintained per Section 14.25 of the Non-residential Property Maintenance Code.
11. Building must meet all applicable building and fire codes and the following requirements of the City of New Berlin Fire Department:
 - a. A separate application and permit is required for the removal and installation of the above ground fuel storage tank.
 - b. Applicant shall be required to extend the Halon system to cover the entire building.
 - c. Applicant shall be required to extend the alarm system to cover the entire building.

Seconded by Mr. Barnes. Motion carried unanimously.

17. (7) U-16-02 Steve's Service Center – 18580 W. National Ave. – Change Front Door, Add Parts Room, and Remove Office Door in Front of Office.

Motion by Mr. Felda to approve the Steve's Service Center request to Change Front Door, Add Parts Room, and Remove Office Door in Front of Office, located at 18580 W. National Ave., subject to the following:

1. Proposed addition must match the material, color and style of the existing building.
2. Building plans must be stamped by a Wisconsin Registered Architect prior to issuance of a Building

- Permit. Energy and heat loss calculations required for Building Permits.
3. Building must meet all applicable building and fire codes.
 4. All necessary permits must be obtained from the Building Inspection and Zoning Department prior to commencement of any construction at this site. Building must be maintained per Chapter 201 of the City of New Berlin Municipal Code. Applicant will be required to address the following issues identified by the Building Inspections & Zoning Department prior to issuance of Zoning Permit:
 - a. Submittal of a cross section detail of the parts room addition that shows depth of footings in relation to frost depth foundation.
 - b. Plans must show the size, spacing and pitch of the rafters.
 - c. If parts room is heated, applicant shall be required to submit the heat-loss calculations. If building is not heated, it will be required to be separated from the heated part of the building.

Seconded by Mr. Gihring.

18. (4) U-17-02 Hales Corners Lutheran Primary School – 12555 W. Janesville Rd. – Building Addition.

Motion by Alderman Ament to defer the request for a Building

Addition for Hales Corners Lutheran Primary School, located at 12555 W. Janesville Rd., subject to the following:

1. Applicant shall be required to submit revised grading plan for the entire site with the city's datum for review. Grading and drainage plans must be worked out and approved by the Department of Community Development (Engineering).
2. Access Permit shall be required from Waukesha County and the City of New Berlin for connection to Janesville Road and Lowell Place.
3. Per recommendation of the Architectural Review Committee, building addition shall match the material and color of the existing building.
4. Applicant shall address the minimum 5' side-yard setback requirements for driveway between the primary school and WCCCU.
5. Submittal of a detailed tree removal and replacement schedule to the Department of Community Development (Planning) prior to issuance of Zoning Permit. Schedule must meet the requirements of Chapter 257-54 (B) (6) of the City of New Berlin Municipal Code in its entirety. Replacement trees shall be identified on the revised landscaping plan.
6. Applicant shall be required to meet all applicable building and fire codes. Please contact the City of New Berlin Fire Department Chief to resolve the following:
7. Building and connecting tunnel shall be fully sprinklered.
8. Alarm and sprinkler systems require separate review and permitting process.

Seconded by Mr. Teclaw. Motion carried unanimously.

19. (5) U-18-02 Steepleview – 12455 W. Janesville Rd. – Senior Residence. Motion by Alderman Ament to defer the Steepleview Senior Residence, located at 12455 W. Janesville Rd., subject to the following:

1. Applicant shall be required to submit revised grading plan for the entire site with the city's datum for review. Grading and drainage plans must be worked out and approved by the Department of Community Development (Engineering).
2. A revised survey showing the underground high-pressure gas line along the easterly property line shall be required.
3. Applicant shall be required to meet all applicable building and fire codes. Please contact the City of New Berlin Fire Department Chief to resolve the following:

- a. Distances between Fire Hydrants shall not exceed 300' in length.
- b. Alarm and sprinkler systems require separate review and permitting process.
- c. Knox boxes required.
- d. Class I stand pipe require.
- e. The access around the building does not meet the requirement of Commercial Building Code Section 66.335 or New Berlin Fire Department.
- f. Access roadway off Lowell Place at 370' long will require a turn around per Commercial Building Code Section 66.335.
- g. Access road is set back more than 10' from the building.
- h. Access permit to Lowell Place is required. Applicant shall address the minimum 5' side-yard setback requirements for driveway between the primary school and WCCCU.
- i. Open Space requirement of 2500 sq. ft. per unit = 3.21 acres for the Rm-1/ PUD district.

Seconded by Mr. Teclaw. Motion carried unanimously.

20. (2) U-19-02 Mark Benson – 14700 W. National Ave. – Collect and Sell Antique Firearms.

Motion by Mr. Graber to defer the request to Collect and Sell Antique Firearms for Mark Benson, located at 14700 W. National Ave., applicant requests this item to be on the May 6, 2002, Plan Commission Meeting Agenda. Seconded by Mr. Barnes. 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 Consent Agenda Items 21-26.

Seconded by Mr. Graber. Motion carried unanimously.

ZONING PERMITS

21. (4) RO-9-02 Continental Savings Bank – 5470 Westridge Dr. – Bank Administrative Offices

The request by Continental Savings Bank for bank administrative offices located at 5470 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 multi-tenant reader board ground sign shall be removed by March 1, 2002 as required by Article VIII Section 275-61 of the New Berlin Zoning Ordinance at which time a site inspection shall be made. Failure to comply could lead legal action outlined in Article X Section 275-68 of the New Berlin Municipal Ordinance.
- 2) Applicant shall not use site to operate banking teller operations.
- 3) All signs for this business require a Sign Permit prior to display and shall conform to Article VIII Section 275-61 of the New Berlin Municipal Ordinance. If a sign is displayed before a Sign Permit is issued, the applicant shall pay twice the normal amount for the Sign Permit.
- 4) Employee and customer parking shall be contained onsite.
- 5) No outside storage of items, merchandise, junk, material, or vehicles shall be permitted on the property.
- 6) Dumpsters must be properly screened from the street and public view in accordance with Article VIII

Section 275-56 of the New Berlin Municipal Ordinance.

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

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

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

22. (4) RO-10-02 LoDuca Bros. – 5665 S. Westridge Dr. – Office and Warehouse Distribution Facility.

The request by LoDuca Bros for an office and warehouse distribution facility located at 5665 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) All signs for this business require a Sign Permit prior to display and shall conform to Article VIII Section 275-61 of the New Berlin Municipal Ordinance. If a sign is displayed before a Sign Permit is issued, the applicant shall pay twice the normal amount for the Sign Permit.

2) No outside storage of items, merchandise, junk, or materials shall be permitted on the property. The parking of two company vans shall be allowed.

3) Employee and customer parking shall be contained onsite.

4) Dumpsters must be properly screened from the street and public view in accordance with Article VIII Section 275-56 of the New Berlin Municipal Ordinance.

5) Permits are required from the Building, Inspection, and Zoning Departments for any 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.

23. (7) RO-12-02 Engineered Exhaust Systems/BT Inc. - 2750 S. 163rd Street - Warehousing imported products.

The request by Engineered Exhaust Systems/BT Inc. for warehousing of imported products located at 2750 S. 163rd 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) A double fee shall be required as applicant is occupying property prior to the issuance of the Zoning Permit.

2) All signs and sign faces for this business require a Sign Permit prior to display and shall conform to Article VIII Section 275-61 of the New Berlin Municipal Ordinance. If a sign is displayed before a Sign Permit is issued, the applicant shall pay twice the normal amount for the Sign Permit. The cabinet sign on the building does not have a Sign Permit issued. The cabinet sign shall be removed or applied for by March 14, 2002 or prior to the issuance of the Occupancy Permit.

3) Parking lot shall be resealed, re-stripped, and repaired by June 1, 2002 at which time a site

inspection shall be made.

4) No outside storage of items, merchandise, junk, material, or vehicles shall be permitted on the property. The fill piles in the rear eastern portion of the site shall be removed by June 1, 2002 at which time a site inspection shall be made.

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

6) Dumpsters must be properly screened from the street and public view in accordance with Article VIII Section 275-56 of the New Berlin Municipal Ordinance.

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

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

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

24. (4) RO-13-02 Wild Promotions - 5010 S. Emmer Drive - Inventory of apparel goods.

The request by Wild Promotions for inventory of apparel goods located at 5010 S. Emmer 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) All signs and sign faces for this business require a Sign Permit prior to display and shall conform to Article VIII Section 275-61 of the New Berlin Municipal Ordinance. If a sign is displayed before a Sign Permit is issued, the applicant shall pay twice the normal amount for the Sign Permit.

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

3) No outside storage of items, merchandise, junk, material, or vehicles shall be permitted on the property.

4) Dumpsters must be properly screened from the street and public view in accordance with Article VIII Section 275-56 of the New Berlin Municipal Ordinance.

5) Permits are required from the Building, Inspection, and Zoning Departments for any 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.

25. (7) RO-14-02 Southwest Metals – 2770 S. 171 St. – Warehouse and Inspection of Motorcycle Parts.

The request by Southwest Metals for a warehouse and inspection of motorcycle parts located at 2770 S. 171st 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 signs and sign faces for this business require a Sign Permit prior to display and shall conform

to Article VIII Section 275-61 of the New Berlin Municipal Ordinance. If a sign is displayed before a Sign Permit is issued, the applicant shall pay twice the normal amount for the Sign Permit. No further wall Sign Permits will be issued, as existing wall signs are legal non-conforming. A monument sign will be required per Article VIII Section 275-61 of the New Berlin Municipal Ordinance.

2) No outside storage of items, merchandise, junk, material, or vehicles shall be permitted on the property. The Bobcat and trailer stored on the southern portion of the lot shall be removed by March 15, 2002 at which time a site inspection shall be conducted.

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

4) Dumpsters must be properly screened from the street and public view in accordance with Article VIII Section 275-56 of the New Berlin Municipal Ordinance.

5) Permits are required from the Building, Inspection, and Zoning Departments for any 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.

26. (3) RO-15-02 B & D Contractors, Inc. – 17020 W. Rogers Dr. – Office Space and Construction Material Storage.

The request by B & D Contractors, Inc. for office space and construction material storage located at 17020 W. Rogers 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) All signs and sign faces for this business require a Sign Permit prior to display and shall conform to Article VIII Section 275-61 of the New Berlin Municipal Ordinance. If a sign is displayed before a Sign Permit is issued, the applicant shall pay twice the normal amount for the Sign Permit. A monument sign will be required per Article VIII Section 275-61 of the New Berlin Municipal Ordinance. The "Earthlogo" wall sign shall be removed by March 22, 2002, or prior to the issuance of the Occupancy Permit.

2) A landscaping/parking plan indicating increased screening to the north and west property lines, 9'0" x 19'0" parking stalls, and the location of the vehicles, trailers and skid loaders shall be submitted to the Department of Community Development (Planning) by March 22, 2002, or prior to the issuance of the Occupancy Permit. Landscaping shall be installed per approved plan by July 31, 2002.

3) The truck maneuvering area on the North end of the building shall be paved and striped by July 31, 2002. All parking area shall be re-striped to meet the requirements of §17.043 of The New Berlin Zoning Ordinance. Prior to re-striping and re-paving a detailed site plan must be submitted showing the stall measurements and the layout of the lot and parking.

4) Dumpsters must be properly screened from the street and public view in accordance with Article VIII Section 275-56 of the New Berlin Municipal Ordinance. Location of dumpster enclosure must be clearly designated on the landscaping/parking plan and the materials for construction including thickness of the concrete slab must be indicated on the plan. Enclosure must match or enhance the exterior architecture of building, and must be built to

accommodate both solid as well as recyclable waste dumpsters.

5) No outside storage of items, merchandise, junk, or material shall be permitted on the property. One pickup, one van, three trailers, and two skid loaders shall be allowed in the rear parking lot.

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

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

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

9) 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 Mr. Felda to approve Consent Agenda Items 27-32. Seconded by Mr. Gihring. Motion carried unanimously.

STAFF APPROVED

27. (7) SG-9-02 Supra Color – 2800 S 166th Street – Temporary 30 day banner, monument sign installation.

The request by Supra Color for a temporary 30 day banner and monument sign located at 2800 S. 166th 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 Article VIII Section 275-61 of the New Berlin Municipal Ordinance.

2) Failure to obtain the Sign Permit shall be considered a continuation of the violation letter sent 01/29/02 and could lead to legal action per Article X Section 275-68 of the New Berlin Municipal Ordinance.

3) The monument sign face shall not exceed 3'9.5" in height and 7'9.5" in width and shall read "Great Lakes Color – A Burrell Color Company – The Stock House, Inc." on a white background in red, yellow, green, blue, and black copy.

4) Address numerals shall be installed on both sides of the monument base.

5) The monument sign shall be internally illuminated.

6) A payment of \$99.00 is required per calculations below:

Monument Sign Face: 3'9.5" x 4'9.5" = 29sq.ft. x 2 sides = 58sq.ft. x \$3.00/sq.ft. = \$174.00

Less Application Fee (\$75.00): \$99.00

7) Building Permits are required per Article III Section 275-25 of the City of New Berlin Municipal Code.

8) Electrical Permits are required per Article III Section 275-25 of the City of New Berlin Municipal Code.

28. (4) SG-10-02 The Highlands of New Berlin – 12445 MacAlister Way – 4' x 8' Identification Sign.

The request by The Highlands of New Berlin for a 4' x 8' identification sign located at 12445 MacAlister Way 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 Article VIII Section 275-61 of the New Berlin Municipal Ordinance.

2) The ground sign shall not exceed 8'0" in height, shall not exceed 8'0" in width, and shall be located behind the ultimate right of Janesville Road

3) The ground sign shall be placed on treated wood posts that are painted turquoise.

4) The ground sign face shall not exceed 4'0" in height and 8'0" in width and shall read "The Highlands of New Berlin – Apartment Homes – 414.529.5804" on a white background in black letters with turquoise accents.

5) The ground sign shall be externally illuminated and shall be turned off outside normal business hours.

6) A payment of \$21.00 is required per calculations below:

Ground Sign Face: 4'0" x 8'0" = 32sq.ft. x 1 side = 32sq.ft. x \$3.00/sq.ft. = \$96.00. Less Application Fee (\$75.00): \$21.00

7) Building Permits are required per Article III Section 275-25 of the City of New Berlin Municipal Code.

8) Electrical Permits are required per Article III Section 275-25 of the City of New Berlin Municipal Code.

29. (3) SG-11-02 Value America – 2400 S. Calhoun Rd. – Monument and Wall Sign.

The request by Value America for a monument and wall sign located at 2400 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) 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 Article VIII Section 275-61 of the New Berlin Municipal

Ordinance.

2) Failure to obtain the Sign Permit shall be considered a continuation of the violation letter sent 01/29/02 and could lead to legal action per Article X Section 275-68 of the New Berlin Municipal Ordinance.

3) The monument sign shall not exceed 5'8" in height, shall not exceed 10'8" in width, and shall be located behind the ultimate right of Calhoun Road and behind the right of way of the service drive.

4) The monument sign face shall not exceed 3'0" in height and 8'0" in width and shall read "Value America – 2400 S. Calhoun Rd." on an EIFS background in navy letters.

5) The monument base shall be faced in split face CMU, EIFS infill, and brick veneer that shall match the primary building and shall be capped with 0'3" limestone.

6) The wall sign shall not exceed 16'0" in width, shall not 1'6" in height, and shall read "Value America" in navy letters on a white background.

7) The monument sign and wall sign shall be externally illuminated.

8) A payment of \$141.00 is required per calculations below:

Monument Sign Face: 3'0" x 8'0" = 24sq.ft. x 1 side = 48sq.ft. x \$3.00/sq.ft. = \$144.00

Wall Sign Face: 1'6" x 16'0" = 24sq.ft. x \$3.00/sq.ft. = \$72.00

Less Application Fee (\$75.00): \$141.00

9) Building Permits are required per Article III Section 275-25 of the City of New Berlin Municipal Code.

10) Electrical Permits are required per Article III Section 275-25 of the City of New Berlin Municipal Code.

30. (3) SG-12-02 Bodycote – 16167 W. Rogers Dr. – Wall Sign.

The request by Bodycote for a wall sign located at 16167 W. Rogers 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) 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 Article VIII Section 275-61 of the New Berlin Municipal Ordinance.

2) The monument sign shall not exceed 4'0" in height, shall not exceed 4'0" in width, and shall be located behind the ultimate right of Roger Drive and behind the right of way of South 161st Street.

3) The monument sign face shall not exceed 2'0" in height and 4'0" in width and shall read "Bodycote – Thermal Processing." on an brush painted aluminum cabinet with black and

cardinal red letters.

4) The monument base shall be faced in white brick that shall match the office portion of the building, and shall have address numerals adhered to both sides of the base.

5) The monument shall not be illuminated.

No payment is required per calculations below:

Monument Sign Face: 2'0" x 4'0" = 8sq.ft. x 2 sides = 16sq.ft. x \$3.00/sq.ft. = \$48.00 Less Application Fee (\$75.00): \$0.00

6) Building Permits are required per Article III Section 275-25 of the City of New Berlin Municipal Code.

7) Electrical Permits are required per Article III Section 275-25 of the City of New Berlin Municipal Code.

31. (7) SG-13-02 Kat's Deli & Coffee Shop – 19680 W. National Ave. – Ground Sign Height Modification, Face Change, and Awning Sign.

The request by Kat's Deli & Coffee Shop for ground sign height modification, face change, and awning sign located at 19680 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) 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 Article VIII Section 275-61 of the New Berlin Municipal Ordinance.

2) Failure to obtain the Sign Permit shall be considered a continuation of the violation letter sent 02/01/02 and could lead to legal action per Article X Section 275-68 of the New Berlin Municipal Ordinance.

3) Applicant shall be required to lower the height of the sign to 8'0" and shall reduce the size of the changeable reader board to a maximum of 20 square feet by October 1, 2003 as the existing ground sign height and changeable copy reader board square footage are legal non-conforming. Until said date the ground sign shall be approved with the following conditions:

a) Failure to meet the above condition shall be considered a continuation of the violation letter sent 02/01/02 and shall lead to legal action per Article X Section 275-68 of the New Berlin Municipal Ordinance.

b) The ground sign shall not exceed 8'0" in width and shall be located behind the ultimate right of National Avenue.

c) The ground sign face shall not exceed 4'0" in height and 8'0" in width and shall read "Kat's Deli and Coffee Shop" on a plywood background in red, white, and blue vinyl graphics.

d) The changeable copy reader board shall not exceed 8'0" in width.

e) The ground sign shall be externally illuminated.

4) A payment of \$118.50 is required per calculations below:

Ground Sign Face: (6'6"x1'6") + (5'0"x0'6") = 12.4sq.ft. x 2 sides = 24.5sq.ft. x \$3.00/sq.ft. = \$73.50

Changeable Copy Reader Board Face: 20sq.ft. x 2 sides = 40sq.ft. x \$3.00/sq.ft. = \$120.00

Less Application Fee (\$75.00): \$118.50

5) Building Permits are required per Article III Section 275-25 of the City of New Berlin Municipal Code.

6) Electrical Permits are required per Article III Section 275-25 of the City of New Berlin Municipal Code.

32. (4) SG-14-02 Auto Kraft – 18730 W. College Ave. – Monument Sign.

The request by Auto Kraft for a monument sign located at 18730 W. College 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) 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 Article VIII Section 275-61 of the New Berlin Municipal Ordinance.

2) The monument sign shall not exceed 5'4" in height, shall not exceed 4'0" in width, and shall be located behind the ultimate right and vision triangle of College Avenue and Martin Road.

3) The monument sign face shall not exceed 2'1" in height and 2'3" in width and shall read "Auto Kraft – Automotive – American – European – Asian – 18730 W. College – 262-971-1678" on a white background in black and burgundy letters with green, russet, and beige accents.

4) The monument sign shall be externally illuminated and shall be turned off outside normal business hours.

5) A payment of \$0.00 is required per calculations below:

Monument Sign Face: 2'1" x 2'3" = 4.9 sq.ft. x 2 sides = 9.7 sq.ft. x \$3.00/sq.ft. = \$29.10

Less Application Fee (\$75.00): \$0.00

6) Building Permits are required per Article III Section 275-25 of the City of New Berlin Municipal Code.

7) Electrical Permits are required per Article III Section 275-25 of the City of New Berlin

Municipal Code.

ACTIONS TAKEN AT COUNCIL MEETING OF FEBRUARY 26, 2002

33. Honeyager - 3949 S. Sunny Slope Rd. - SE1/4 Sec. 14 - Three-Lot Preliminary Land Division - TABLED 2-12-02

Motion by Alderman Wilkens to remove this item from the table. Seconded by Alderman Chiovatero and carried with Alderman Ament voting "no".

Motion on the Floor: Motion by Alderman Ament to approve the required 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 \$4,275.20 in Public Site, Open Space and Trail Fees required prior to signing the Final CSM.**

Seconded by Alderman Wilkens.

Motion by Alderman Wilkens to refer this item back to the Plan Commission. Seconded by Alderman Ament and carried unanimously.

ACTIONS TAKEN AT COUNCIL MEETING OF MARCH 12, 2002

34. Rogers/Thomson/Polzin Lands - 5265 S. Racine Avenue - 60-Lot Subdivision

Motion by Alderman Ament to deny without prejudice the request by Rogers/Thomson/Polzin Lands for a 60 lot conservation subdivision located at 5265 S. Racine Avenue based on the following:

- 1. Application fails to meet the overall West side density requirements of the updated Master Plan agreed upon and approved by this Plan Commission as of August 24, 2001.**
- 2. Under Municipal Code 275-13(E)(1) the Plan Commission may exercise its judgement according to that plan, therefore, apply the code as it currently exists.**

Seconded by Alderman Gallagher.

Motion by Alderman Wilkens to defer this item. Seconded by Alderman Bullermann.

Motion by Alderman Wilkens to allow the applicant's Attorney to address the Council. Seconded by Alderman Bullermann and carried unanimously.

Upon voting to defer, the motion failed with Aldermen Bullermann, Wilkens, and Chiovatero voting "yes".

Motion by Alderman Bullermann to allow Dean Frederick to address the Council. Seconded by Alderman Thomas and carried unanimously.

Motion by Alderman Scheuble to amend the motion and add another reason for denial, based on the fact that they did not satisfy Municipal Code Section 18.05 (2) & (d). Seconded by Alderman

Gallagher. Upon voting, the motion failed with Alderman Scheuble voting "yes".

Upon voting on the original motion to deny, the motion carried with Alderman Wilkens voting "no".

COMMUNICATIONS:

35. Communication To: Plan Commission

Communication From: Mark C. Lake, Director of Planning

RE: Letter from Paul G. Sherburne dated March 5, 2002 regarding Diamond Estates - 13251 W. Coldspring Road - 8 - lot subdivision. (S-161-01)

The applicant is requesting this item be put back on the active Agenda so the application can be reviewed under Chapter 236 and get proper review by MMSD.

36. Communication To: Plan Commission

Communication From: Paul Gihring, Plan Commissioner

RE: Environmental Corridors fact sheet.

Plan Commission acknowledged receipt of this communication.

37. Communication To: Plan Commission

Communication From: Mark C. Lake, Director of Planning

RE: Religious Land Use and Institutionalized Persons Act – Zoning News January 2001.

Plan Commission acknowledged receipt of this communication.

38 Communication To: Plan Commission

Communication From: Paul Reilly, City Attorney

RE: RLUIPA and Sts. Constantine & Helen Church

Plan Commission acknowledged receipt of this communication.

39. Communication To: Plan Commission

Communication From: Paul Reilly, City Attorney

RE: Kasco land division (LD-11-01)

Plan Commission acknowledged receipt of this communication.

40. Communication To: Plan Commission

Communication From: Mark C. Lake, Director of Planning

RE: St. Constantine & Helen Greek Orthodox Church Protest Petition (R-2-02)

Plan Commission acknowledged receipt of this communication.

**Motion by Alderman Ament to adjourn the April 1, 2002 Plan Commission Meeting at 9:45 P.M.
Seconded by Mr. Teclaw. Motion carried unanimously.**