

PUBLIC HEARINGS

6:00 P.M. (3) R-5-02 Robert Raineck and Jeanne Welsch – 21040 W. Lincoln Ave. – Rezone from B-2 to A-2, C-1, and C-2.

NEW BERLIN PLAN COMMISSION

NEW BERLIN CITY HALL COUNCIL CHAMBERS

JUNE 3, 2002

MINUTES

The public hearing relative to the request by Jeanne Welsch to rezone the property known as 21040 W. Lincoln Avenue from B-2 (General Retail Sales and Service District) to A-2 (Agricultural and Rural Holding District), C-1 (Upland Resource Conservancy District, C-2 (Shoreland Wetland District) was called to order by Mayor Wysocki at 6:07 P.M.

In attendance were Mayor Wysocki, Mr. Barnes, Mr. Teclaw, Alderman Ament, Mr. Felda, Mr. Graber. Also present were Mark C. Lake, Director of Planning, Olofu Agbaji, Associate Planner, Nikki Jones, Associate Planner. Mr. Gihring was excused.

Mr. Lake read the public hearing notice and stated there was proof of publication.

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

Mr. Lake gave a brief presentation describing the request and showing maps indicating the location.

Mayor Wysocki asked three times for questions for clarification, seeing none.

Mayor Wysocki asked if there was anyone wishing to speak in favor.

David Greenwald, 21115 W. Lincoln Avenue - I welcome this to the western end of the City of New Berlin.

Mayor Wysocki asked three times if there was anyone else wishing to speak in favor, seeing none.

Mayor Wysocki asked if there was anyone wishing to speak in opposition.

Mary Hiebl, 20160 W. National Avenue - The concern that I have about changing this from a B-2 to agricultural is looking down the road and wondering whether this agricultural zoning will allow for modification of the property such as fill, possible trenching, grading on this property which then in the future would potentially allow this property to be sold. The property would then be ready for residential zoning without the city having to approve the alterations.

Mayor Wysocki asked three times if anyone else wished to speak in opposition, seeing none.

Mayor Wysocki asked Plan Commissioners for questions for the purpose of clarification.

Mr. Graber - Do they have the legal description of the conservancy area on file? Mr. Lake said that it is being field verified by SEWRPC and should be coming soon. Any action will be postponed until this ordinance is ready.

Mr. Teclaw - I think that it is important that the City institute appropriate action to revise the zoning map in accordance with the rezoning along with any legal descriptions.

Mayor Wysocki asked Plan Commissioners for any further questions for the purpose of clarification, seeing none.

Mayor Wysocki closed the public hearing at 6:12 P.M.

PUBLIC HEARINGS

6:01 P.M. (6) CU-3-02 AAT Communications – 13825 W. National Ave. – 170'
Telecommunications Monopole.

NEW BERLIN PLAN COMMISSION

NEW BERLIN CITY HALL COUNCIL CHAMBERS

JUNE 3, 2002

MINUTES

The public hearing relative to the request by Gordon Nichols (AAT Communications) for a Conditional Use Permit to install a 170' communications monopole located at 13825 W. National Avenue was called to order by Mayor Wysocki at 6:12 P.M.

In attendance were Mayor Wysocki, Mr. Barnes, Mr. Teclaw, Alderman Ament, Mr. Felda, Mr. Graber. Also present were Mark C. Lake, Director of Planning, Olofu Agbaji, Associate Planner, Nikki Jones, Associate Planner. Mr. Gihring was excused.

Mr. Lake read the public hearing notice and stated there was proof of publication.

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

Mr. Lake gave a brief presentation describing the request and showing maps indicating the location.

Mayor Wysocki asked three times for questions for clarification, seeing none.

Mayor Wysocki asked three times if there was anyone wishing to speak in favor, seeing none.

Mayor Wysocki asked if there was anyone wishing to speak in opposition?

Lawrence Schwabe - Representing residents at National Highland Senior Apartments at 13705 W. National Avenue. I have letters expressing our concerns for each of the commissioners and I would like to read the letter to you and I have a petition signed by 67 residents that are concerned about the 170 ft. monopole. (Letter and petition on file)

Mayor Wysocki asked three times if there was anyone else wishing to speak in opposition, seeing none.

Mayor Wysocki asked Plan Commissioners for questions for the purpose of clarification.

Mayor Wysocki asked about the fall zone space on the property? Mr. Lake said yes, the tower requires a 43 ft. fall zone and the setback in that area is 45 ft. It is directly centered on the property where there is 45 - 50 ft. on either side so that it wouldn't fall on a neighbors property.

Mr. Teclaw questioned the relation to the Citywide rezoning effort. Mr. Lake said there a number of initiatives which could potentially come forward in the future dealing with towers. One of these things would be a possible telecommunications district.

Mayor Wysocki asked Plan Commissioners for further questions for the purpose of clarification, seeing none.

Mayor Wysocki closed the public hearing at 6:19 P.M.

PUBLIC HEARINGS

6:02 P.M. (4) CU-4-02 Larry Meyer – 20665 Barton Rd. – Current Code requires C-1 Residential Use as a Conditional Use.

NEW BERLIN PLAN COMMISSION

NEW BERLIN CITY HALL COUNCIL CHAMBERS

JUNE 3, 2002

MINUTES

The public hearing relative to the request by Larry Meyer for a Conditional Use Permit to build a residential home in a C-1 zone on the property known as 20665 Barton Road was called to order by Mayor Wysocki at 6:19 P.M.

In attendance were Mayor Wysocki, Mr. Barnes, Mr. Teclaw, Alderman Ament, Mr. Felda, Mr. Graber. Also present were Mark C. Lake, Director of Planning, Olofu Agbaji, Associate Planner, Nikki Jones, Associate Planner. Mr. Gihring was excused.

Mr. Lake read the public hearing notice and stated there was proof of publication.

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

Mr. Lake gave a brief presentation describing the request and showing maps indicating the location.

Mayor Wysocki asked for questions for clarification.

Herb Eggie, 21430 W. Bagpipe Ct. - For years I have used Barton Road to and from my home. I have noticed recently that in regard to this particular piece of property, that a large wide swath of woods has already been cut through and apparently is a proposed driveway. I have not observed, but others have, that to the rear of the property this party has apparently cleared some of the woods and the land and staked out a place for the proposed dwelling. By what authority, prior to the granting of a conditional use permit, has he undertaken these actions? Chapter 275.24 of the Zoning Code has said very clearly that no site or premise shall be altered, used, changed, modified, or occupied and no grading undertaken until after the owner has applied for from the Community Development staff and the Plan Commission has reviewed and approved an application for a Zoning Permit. It is very clear that nothing is to be done on this land until a permit is granted. That has not been granted as far as I know. I understand there may be other projects in the city from time to time where the owners have assumed that they can go ahead with the clearing of land without first getting the proper permits. If that is the case here, this matter might need to be referred to the City Attorney for proper action.

Larry Meyer, 4950 Heritage Drive - I did jump the gun, that was my mistake. I had originally planned my driveway some other place. The City said I couldn't put my driveway there so I was under the impression that what we ended up deciding on was the only place I could put the driveway. I did jump the gun because I had someone to clear the trees and had I not had him do it when he had the opportunity, it probably would have cost me twice what it did. I was not aware that I needed permission to clear the trees otherwise I would have done that.

Mayor Wysocki asked for further questions for clarifications, seeing none.

Mayor Wysocki asked three times if there was anyone wishing to speak in favor, seeing none.

Mayor Wysocki asked if there was anyone wishing to speak in opposition.

Mary Hiebl, 20160 W. National Avenue - I am here to address major concerns over the proposed conditional use approval for the property at 20665 Barton Road. I have many concerns over this proposal, all of which rank equally. This parcel known as Lot 17 in Stormy Acres was approved by the Common Council as C-1 Upland Resource Conservancy District which delineation was based upon the primary environmental corridor or a secondary environmental corridor and as an isolated natural area. When the preliminary lot subdivision came forward to the city, it was already then noted by Assistant Planner Schuler that the northern portion of the site is zoned C-1 Conservancy. Additionally, the City's future land use map has this area designated as both C-1 and as an environmental corridor. The staff report which was prepared for tonight's meeting calls this a heavily wooded property within the C-1 Conservation District. How then can there even be consideration of siting a building on this parcel. SEWRPC in its study of this area recommended that this isolated natural resource area be preserved in a natural open space to be used for wildlife habitat, growth of special plant communities, and development of quality upland woods. This SEWRPC recommendation is further supported by New Berlin's very own code which covers woodland, trees, and vegetation protection. I quote Chapter 278, Article 8 Protection of existing woodland, trees, and vegetation cover is intended to preserve the visual and aesthetic qualities of New Berlin, to encourage site design techniques that preserve the natural environment and enhance the developed environment to control the erosion slippage and runoff into streams and waterways and to protect wildlife habitat and migration corridors.

The designation of this parcel from the beginning was C-1 District. C-1 is Conservancy. Why then would the City consider a conditional use permit on this parcel when the intent of this land and the intent of the zoning district designation are for conservation. Once again I question, is the Master Plan being tampered with? Is someone second guessing the wisdom of its design or is someone taking liberties with the application of the code? This is a C-1 District, not a R-1 or R-2. In order to even consider building within a C-1 District, part of that parcel must be within the R-1 or R-2 District. This parcel is exclusively C-1. The staff report that I read for this development quotes the site development standards in the C-1 District as saying, where new platted areas are proposed, building lot area should be located entirely outside of the C-1 District and as a separate lot.

Another concern that I have, is the concern that Herb Eggie mentioned, and that is the amount of site preparation that has already been completed on this parcel. As I daily walk on Barton, it is clearly evident that a driveway is staked, that an area is cleared for the footprint of the home, that many trees have been cut and stacked in piles and that there is obvious disturbance to the site. Once again, the City code clearly states that no clearing, alterations, or modification is to be done to the site until a permit has been granted. How then is this allowable? Has the City not only checked out this clearing but also the dangerous placement of the driveway. Now I find out the City wanted the driveway where it is presently staked out. Where is the traffic study, the visual study of the hill or ingress and egress to determine the appropriateness of this drive. If this extensive site preparation has already gone on undetected, what assurance do I have that other infractions into a sensitive valuable area like this won't become advanced. If there is an infraction of the city code, what recompense is there. Whatever the recompense, how can that equate to the damage to a sensitive, valuable conservancy. I ask you Commissioners to abide by the carefully crafted Master Plan and uphold its code in preserving conservancy intact without disturbance.

Joyce Schaefer, 20700 W. Barton Road - For about the past two years I have been fighting for ditches on that side of Barton Road. By putting another driveway in where they are I can guarantee there will be more water running. The gentlemen obviously didn't look where he was putting his driveway because in the wintertime when the driveway proceeds to have at least 3-4 inches of ice in the early spring because of his runoff. We already have an ice patch on the top of this road. Now you're going to put another driveway in right at this ice patch and what you are going to have is numerous accidents because this is also the top of the hill and you have 45-50 mph speed zone. Another blind driveway there is going to create some major problems in traffic. My understanding is that the driveway was actually put there by

the city, how stupid of an area could you pick? It is just not a good place, because you are at the top of the road. Right now if you go out there and look you do not see that driveway when you are at the bottom of the hill. You cannot see the top of the hill and the two driveways that will now be there. So, we would ask you to reconsider and think about placing that driveway somewhere else if you are going to use that land for a residence.

James Gatzke, 18590 W. Cleveland Avenue - It is my understanding, based on the comments that Mr. Lake made, that this was a platted lot, not always contemplated for a construction of a home. That being the case, I would wonder what kind of twisted law do we have here where a gentlemen buys a lot with the idea that he can build a home and then is told he can't put in a driveway, he can't cut down trees to clear for his home, he can't stake out the lot. I understand that some of this might be a timing issue, but if his entire lot has been uncharacterized by the City as C-1, what is this man to do? Why is there so much more concern about the trees that he will have to remove to put in a driveway and put up a home, then there is about the fact that this man has apparently made a significant investment in the City of New Berlin, is prepared to make a more significant investment in the City of New Berlin and is now being told that he can't. I guess that is something that I don't understand and I don't anticipate getting the answer to that question this evening. If, in fact this gentlemen thought he had a buildable lot at the time he purchased it in good faith and then the City uncharacterized that lot to make it unbuildable, I would hope the City looks at this closely and is willing to work with this gentlemen and make sure that he does have an opportunity to develop his property as he reasonably contemplated at time he made his purchase. I am in opposition that this gentlemen has had his property rezoned C-1 and is being made to pay the price.

Mayor Wysocki - I don't think that action has been taken place yet and I would suggest that this is not the appropriate time for you to speak on the opposition unless it is in opposition of the proposal so I assume you are speaking against the conditional use approval.

Mr. Gatzke - I am in opposition of the proposal to create a C-1 burden for this gentlemen. I am not in opposition of this proposal.

Mayor Wysocki - But opposition of the proposal is what this particular time in the hearing is about.

Mayor Wysocki asked three times if there was anyone else wishing to speak in opposition, seeing none.

Mayor Wysocki asked Plan Commissioners for questions for the purpose of clarification.

Mayor Wysocki - This whole Stormy Acres had a preliminary plat approval in 1995 and the Plan Commission in January of 2001 did approve the final Stormy Acre Subdivision, is that correct? Mr. Lake said that over a span of 7 or 8 years it has been approved through several different CSMs. This particular CSM did receive approval January 23, 2001. Mayor Wysocki asked if our code at that time allowed for construction of single family residence as a principal use in C-1. Mark Lake said that is did and actually it still does under 17.0325(1)(l). Mayor Wysocki said suppose for the moment that when the purchase was made, the person was told it was allowed for a home site. Would there still be requirements for that purchaser to come to the city to find out any other details? Mr. Lake said, generally yes.

Alderman Ament - Did this gentlemen own the property before January of last year? Mr. Meyer indicated he purchased the property about this time last summer, probably a little over a year ago, maybe April. Your rezoning was March 21. Alderman Ament said you indicated that you decided to clear the land on your own. Mr. Meyer said I did not realize I needed approval to clear, that was ignorance on my part but I had been to the City two or three times for a proposed driveway and site for the home. They were against where I wanted to put the driveway at the bottom of the hill because they said I would have a longer driveway. The City thought the best spot for the driveway was at the top of the hill. I had to survey five times to address all the cities concerns. I am still well under the amount of trees allowed to be cut. Alderman Ament asked if he was sure since he never got approval to clear. Mr. Meyer said he did not get written approval. Alderman Ament said part of the problem that I am having is that Mr. Meyer purchased the property after the zoning change and apparently has been in contact with the City and still went ahead

and cleared land in a C-1. Mayor Wysocki said just for clarification we never changed the zoning. Mr. Lake said the same conditions apply under the old and new code except now it is a conditional use process. Mr. Meyer said something was changed a month before I came to apply to build the house there, I don't understand it but these gentlemen do. I was never told about it and we were going on with everything and I wasn't aware that I had to go to Plan Commission. Mr. Lake said about a month or two before Mr. Meyer came in we knew the process for developing in the C-1 District. A note from the City Attorney said that the conditional use process would apply.

Alderman Ament said I have a problem with the fact that Mr. Meyer was in contact with the staff and he was aware of the apparent problem with the driveway, yet went ahead and assumed. Mr. Meyer said it wasn't a problem anymore when I made the mistake of clearing but I was sure that is was where the driveway would be because everything else was voted out. Alderman Ament said I will wait to argue about this until later at Plan Commission but I'll tell you right now I'm going to have a problem with this having been done before having permission and permits to do it.

Mr. Felda - Looking at the plan for the house, I take it the slope is East to West so the West side is the low end on the property? Mr. Lake said it does slope down toward Martin Road and showed a picture showing the centerline of the driveway. Mr. Felda said so the driveway comes out on the East which is the high side.

Mr. Teclaw - I want to expand on some of the concern expressed. I guess when I look at this my first question is how did a lot get platted without there being a residential district within it. It indicates in the old code not more than 25% of the lot area requirement may be met by use of C-1 district lands which then, theoretically a lot that contains conservancy should have 75% of a residential district. This is C-1 and environmental corridor, these are the lands that our new code states clearly that platting of new lots entirely within a district should not be allowed. I have never seen a situation where there was not a portion of a lot that was identified as residential, I think this is where the confusion is coming in. The way that things read now is at least 50% of the minimum lot area requirements needs to be provided outside of the C-1 district where public sanitary sewer facilities are available and sufficient land area for Waukesha County requirements is provided outside the C-1 district where public facilities are not available. The question here becomes, how did this lot get platted without there being a residential component to it because that is where it seems not to conform. I did look back and this was approved in October of 1996 and in that report the findings identified this as being zoned R-2 at the time that this was approved as a Certified Survey Map lot. The question is where is the R-2? I am not aware that we are platting five acre lots within conservancy districts and calling them buildable lots.

Mr. Lake said Stormy Acres as a subdivision has been developed over the last 10 years. As a result, in order to guarantee the City of New Berlin a 23 acre park in exchange the developer of the property was allowed to develop a certain number of lots and some of those lots had C-1 on them, some of them had R-1 on them, some of them had A-1 on them or a combination. The key issue is that if you have a lot greater than five acres, they are going to allow you to develop one half acre out of those five acres. That is what the code says set back in 1993 and that is what the new code says today.

Mr. Teclaw - The way the text is written says where a property is proposed to be further subdivided, and a lot is located partially within a C-1 and partially within an adjoining zoning district which would need to be residential. The decision made in 1994 was that we will allow the development of these three or four parcels that have C-1 as long they are over 5 acres and guarantee the city that they will not disturb more than 20,000 sq. ft. and in exchange we will give the city a park.

Mr. Teclaw - I think we are thinking differently. My focus is on something different than yours. I understand that there is verbage allowing disturbance of 20,000 sq. ft., etc. In the old code as well as the new code it discourages new platted areas not being located entirely outside of the C-1 district. Mr. Lake said this is not a new lot, this is a lot that was developed in 1994. Mr. Teclaw said I understand that and that is why I am asking the question about the report that existed at the time it was approved it indicated that the zoning for this lot was R-2 and also under the conservancy districts in the old code it said not more than 25% of the lot area requirement may be met by the use of C-1. My question is how this lot got

platted when it wasn't consistent with how we then, in which the lot was platted you would assume that 75% would be residential and 25% could have conservancy and now the way that we have indicated it that any new platted areas, the building lot and septic site shall be entirely outside the C-1.

Mr. Lake - That is not what is says. There was no 75%/25%, its density of the whole development, not individual lots. There is not one item in our code that says every lot specifically cannot be more than 75% C-1 or R-2.

Mr. Graber - It was an overlay district at the time the lot was created and I think that there has to be some weight given to that. The developer when they initially came in here, had come in to develop a fairly large piece of land and that was at the time when the City was struggling with density on the western side.

Some of the submittals had proposed a lot of these parcels as 1-1/2 acre. Through the many revisions, the Council and Plan Commission said the area was identified with a C-1 overlay therefore this lot must be at least 5 acres. They had proposed lots that were significantly smaller than that. Wherever these C-1 areas occurred, they are now 5 acre minimums. The preliminary plat was approved in 1995 according to the staff report and at that point in time it gave the developer a right by an indication on the part of the City that we would allow a final plat to be created with these general lot dimensions. As time went by individual offers to purchase came along, and individual certified survey maps were created either having one, two, or three lots to create each lot. He did not do it as a subdivision, creating the whole thing. It was on an as needed basis. I don't know the exact timing, but it is theoretically possible that the parcel to the South was created before this one and would have left this just as a single parcel with no other real usable space. I would have to go back and look to see when each of these lots in that area were created and it may have been that is was one of the last ones created and there wasn't much else to do with it. The developer relied on the city's action to say that this could be a lot and we approved it because again, at the time it was approved, it was R-2 with a C-1 overlay which would allow residential development on 20,000 sq. ft. or less. All that is happening now, a year and a half later is the subsequent owner is trying to build a home on it.

Mr. Teclaw - Has a proof of perc been provided? Mr. Lake said it is required prior to the building permit. Mr. Meyer said a perc test has been done and a copy is in his building permit file.

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

Mayor Wysocki closed the public hearing at 7:01 P.M.

PUBLIC HEARINGS

6:03 P.M. (3) R-6-02 Caroline Rosenbaum – 21220 W. Lincoln Ave. – Rezone from R-2 Rural Estate Single-Family Residential to B-5 Rural Commercial District.

NEW BERLIN PLAN COMMISSION

NEW BERLIN CITY HALL COUNCIL CHAMBERS

JUNE 3, 2002

MINUTES

The public hearing relative to the request by Caroline Rosenbaum to rezone the property known as 21220 W. Lincoln Avenue from R-2 Rural Estate Single-Family Residential to B-5 Rural Commercial District was called to order by Mayor Wysocki at 7:01 P.M.

In attendance were Mayor Wysocki, Mr. Barnes, Mr. Teclaw, Alderman Ament, Mr. Felda, Mr. Graber. Also present were Mark C. Lake, Director of Planning, Olofu Agbaji, Associate Planner, Nikki Jones, Associate Planner. Mr. Gihring was excused.

Mr. Lake read the public hearing notice and stated there was proof of publication.

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

Mr. Lake gave a brief presentation describing the request and showing maps indicating the location.

Ms. Rosenbaum presented her proposal.

Mayor Wysocki asked for questions for clarification.

Vicki Petrovich, 2330 S. Johnson Road - I am in one-half mile of this property. Is B-5 commercial? Mr. Lake said Yes. Ms. Petrovich asked if this were rezoned and she decides in a year from now to move, whoever would buy this property could use it for commercial use? Mr. Lake said Correct.

Mayor Wysocki asked three more times for any further questions for clarification, seeing none.

Mayor Wysocki asked if there was anyone wishing to speak in favor.
Fred Mennecke, N94 W16100 Cherokee Drive, Menomonee Falls - I am a volunteer with the Rescue. With this rezoning it gives us an excellent opportunity to use this as our own kennel as opposed to use a commercially owned kennel which is for us, being a non profit organization, is very expensive. This would give us the opportunity to do it all there. This is the best opportunity we have to work with these dogs.

Renee Riedrowski, 1200 Willow Rd , Waukesha - I am a volunteer with Western Great Lakes Rescue. We are fortunate to have Caroline purchase the property. It has a lot of acreage with a lot of farmland around it so we won't bother anybody. We thought that it would work out very well. We are not talking about 20 kennels, we are talking about three or five at the most and basically we take in unwanted dogs and find them good homes. It is a good opportunity for us and I am completely in favor of this rezoning.

Mayor Wysocki asked three times for anyone else wishing to speak in favor, seeing none.

Mayor Wysocki asked for anyone wishing to speak in opposition.

Roxanne Henkel, 21540 W. Lincoln Avenue - I am not opposed to the Rescue, however I am against the rezoning. I have no problem with three or four dogs, but I do not want the property zoned as commercial.

Vicki Petrovich, 2330 S. Johnson Road - I agree also that these dogs need to be rescued and they need a home. She says they bought this home with the sole reason of using it so they wouldn't bother anyone. I'm sorry, but there are homes there that listen to the dogs. Right now I hear her dogs barking. There are a couple of vicious ones. We walk by and they come right to the fence. I am a little concerned about that. I am also concerned about what will happen to this property if you rezone it now and 3-5 kennels turn into 10 kennels and 20 kennels or if the property is sold and it is still zoned commercial, and we all own homes in the area that are residential. It is my understanding that the Master Plan calls for the rural part of New Berlin being kept as residential with large acreage. Commercial zoning would be going against the Master Plan so I would ask you to vote No.

Dave Greenwall, 21015 W. Lincoln Avenue - I am totally against rezoning this property to commercial.

Mayor Wysocki asked three times for anyone else wishing to speak in opposition, seeing none.

Mayor Wysocki asked Plan Commissioners for questions for the purpose of clarifications.

Mr. Teclaw - The proposed rezoning does not provide for dog kennels. That puzzles me. I have a couple questions for the applicant. How long have you been operating? What were you told in your discussions with the City prior to your purchasing the property?

Ms. Rosenbaum - During the process of purchasing the property, I spoke with Mark and several other people at the City numerous times telling them that I would use the property for temporary housing for dogs until they were adopted. At that time they said we did not fall under fanciers license, we did not fall under a kennel license because we are non profit, we are not breeding, we are not selling. There is really no ordinance for rescue dogs. During the process of purchasing my home, what was given to me as an option was to rezone to commercial use so in the future I would be able to have kennels.

Mayor Wysocki - At any time when you came to these sessions, did anyone tell you that there is no allowed zoning for that activity. Ms. Rosenbaum said no, they told me that the route I would have to go would be to purchase a kennel license and the only way I could do that would be to rezone. Why would I waste my money to rezone if it wasn't going to happen.

Alderman Ament - I would assume that when you purchased this property, you were aware that there is no allowance for this in any of our zonings? Ms. Rosenbaum said No, what do you mean, no allowance. Alderman Ament says here that we will not provide for a dog kennel for rescue dogs. It is not allowed in our code. Ms. Rosenbaum said the two allowances listed are for fanciers license or kennel license and rescue dogs do not fall into either of these areas. Alderman Ament asked were you told that you fit no where. Ms. Rosenbaum said yes, we were told that but as an option I could apply for rezoning for a kennel license.

Mr. Teclaw - It indicates that if we deny this, a violation letter will be sent to the applicant. Where you aware that if it is not approved, you will be put in a violation status? Ms. Rosenbaum said No, violation of what? Mr. Lake said that the applicant is operating illegally and violating a number of ordinances.

Mr. Teclaw - What type of permits did you receive to remodel the garage into kennels?

Mr. Rosenbaum said the permit was for remodeling of the garage, I don't know if they knew there would be kennels. Mayor Wysocki said we would need to check on the permits with Inspection Dept.

Mr. Teclaw- If it is not listed anywhere in the Code, and you're thinking of converting it to commercial and it still is not allowed in that district, it doesn't seem to be the solution to the problem. As well, I can share the neighbors concerns as we have seen in other situations in the City, when property gets zoned to business, then anything that is allowed in that zoning is allowed. I think what might be worth considering is to allow this sort of thing as a conditional use within this type of zoning district and perhaps in certain

situations, it could be allowed if it were compatible with the area, with the lot size, if the neighbors were not in opposition, etc. It would seem like the best solution, it seems like the best category to use. It may involve changing our code to offer that provision.

Ms. Rosenbaum - That was my initial idea and that is what I submitted and was turned down.

Mayor Wysocki asked for Plan Commissioners for further questions for the purpose of clarification, seeing none.

Mayor Wysocki called the public hearing closed at 7:16 P.M.

NEW BERLIN PLAN COMMISSION
NEW BERLIN CITY HALL COUNCIL CHAMBERS

JUNE 3, 2002

MINUTES

The Plan Commission meeting of June 3, 2002 was called to order by Mayor Wysocki at 7:20 P.M.

In attendance were Mayor Wysocki, Mr. Barnes, Mr. Teclaw, Alderman Ament, Mr. Felda, Mr. Graber. Also present were Mark C. Lake, Director of Planning, Olofu Agbaji, Associate Planner, Nikki Jones, Associate Planner. Mr. Gihring was excused.

Motion by Alderman Ament to approve the Plan Commission minutes of April 1, 2002. Seconded by Mr. Graber. Motion carried unanimously.

Motion by Mr. Alderman Ament to approve the Plan Commission minutes of May 6, 2002. Seconded by Mr. Teclaw. Motion carried with Mr. Graber and Mr. Felda abstaining.

Plan Commission Secretary's Report - Reminder of Plan Commission meeting on June 10, 2002 covering two public hearings and discussion of staff report format beginning at 5:00 P.M.

Thank you and farewell to Diana Kanter who has served the City of New Berlin for six years as our Planning Intern.

REFERRALS FROM COUNCIL

5. (5) R-9-99 Farrell Meadows - 14201 W. Farrell - PUD - Up to 17 Duplex homes.

Motion by Mr. Teclaw to recommend to Council approval of Ordinance 2167 to rezone the property located at 14201 West Farrell Drive from R-4.5/C-1/C-2 to Rd-1/C-2/PUD including C-1 District and Exhibit B.

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

Motion by Mr. Graber to amend Ordinance #2167 to allow "up to" 17 units. Seconded by Alderman Ament. Motion carried unanimously.

Motion by Mr. Graber to amend Ordinance #2167 to require payment of current per unit public sites and open space fees at the time of permit. Seconded by Mr. Barnes. Motion carried unanimously.

Motion by Mr. Teclaw to modify Rd-1/PUD Single Family Residential District (5)(e) to indicate a 30' wetland setback. Seconded by Alderman Ament. Motion fails with Mayor Wysocki, Mr. Graber, Mr. Felda, Mr. Barnes voting No and Mr. Teclaw, Alderman Ament voting Yes.

Motion by Mr. Graber to recommend to Council approval of Ordinance #2167 as amended (excluding C-1 District) regarding the request to rezone the property located at 14201 West Farrell Drive from R-4.5/C-1/C-2 to Rd-1/C-2/PUD District and, subject to the application, plans on file and the following:

- 1) A City Attorney review and approval of PUD Ordinance #2167 (as amended) required prior to signature.

- 2) Adherence to NBMC Chapter 275-54(B) Woodland, tree, and vegetation protection required. Tree inventory required (in order to determine compliance) during USA review and approval process.

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

6. (5) R-10-99 Honeyager Lane - 14101 W. Howard - PUD - Up to 11 Duplex homes.

Motion by Mr. Graber to amend Ordinance #2166 to allow up to 11 units and to require payment of current per unit public sites and open space fees at the time of permit. Seconded by Mr. Felda. Motion carried unanimously.

Motion by Mr. Graber to recommend to Council approval of Ordinance #2166 as amended regarding the request to rezone the property located at 14101 West Howard Avenue from R-4.5/C-2 to Rd-1/C-2/PUD District and, subject to the application, plans on file and the following:

- 1) A City Attorney review and approval of PUD Ordinance #2166 as amended required prior to signature.
- 2) Adherence to NBMC Chapter 275-54(B) Woodland, tree, and vegetation protection required. Tree inventory required (in order to determine compliance) during USA review and approval process.

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

CONTINUED ITEMS

7. (5) S-162-01 Honeyager Fields – 3949 S. Sunnyslope Rd. – 8-Lot Subdivision. (2/4/02 Deferred to June 3, 2002)

Motion by Mr. Barnes to recommend to Common Council to grant Preliminary Plat Approval of the request to create an 8-lot single-family detached “Honeyager Fields” Subdivision pursuant to the provisions of Section 236 Wisconsin Statutes, and Chapters 275 and 235 of the City of New Berlin Municipal Code, subject to the application, plans on file and the following:

- 1) All lots shall meet the minimum development requirements of NBMC 275-33(D) R-4.5 Medium-Density Single-Family Residential District in its entirety.
- 2) Satisfaction of the Conditional Letter of No Objection by Waukesha County Park and Land Use Department required.
- 3) State of Wisconsin Department of Administration Letter of No Objection required.
- 4) Detailed Stormwater Management Plan required. Plan should include the Honeyager/Farrell PUD.
- 5) Length bearing and tie to all easements (public and private) required.
- 6) Urban cross-section required along the south side of Howard Avenue.
- 7) Alignment of lots along the north side of Howard Avenue are incorrect. Lots also 135' wide, not 150' as measured.
- 8) Rear lot line drainage easement limited to area required for stormwater management only, not along entire rear lot line.
- 9) Second note, “All required building setbacks are to be measured from the near edge of any easement,” shall be removed.
- 10) Road grades need adjustment, preliminary plat as submitted show road grades that are too flat.
- 11) Proposed grading plan of individual lots too flat, a minimum of a 1.5% slope required along lot lines.
- 12) Sewer and water plans to be approved by all regulating authorities. Sanitary Sewer shall be extended, within Howard Avenue, from the Preserve at Deer Creek terminus to the eastern extent of the “Honeyager Fields” Subdivision.

- 13) Approval of drainage, grading, utility and overall site plans by the Engineering Department is required. Separate "Plan Review" application required; contact the City Engineer for details.
- 14) Detailed road/infrastructure/stormwater/grading plans to be reviewed and approved by the Engineering Department prior to writing of the developer's agreement.
- 15) Developer's Agreement for all public improvements required. Separate application 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.
- 16) An executed Developer's Agreement is required prior to clearing, grubbing, grading and/or utility/infrastructure work commencing.
- 17) All non-city owned utilities, to include but not limited to; cable, telecommunication, electric, gas, etc., required to be provided underground.
- 18) Any and all existing structures are to be razed. Razing permits are required.
- 19) Payment of per lot fee at time of plat approval for Public Site, Open Space and Trail Fees required prior to the City of New Berlin signing the Final Plat.

Seconded by Mr. Felda. Motion carried unanimously.

8. (2) U-64-01 Larsen Brothers Funeral Home – 15250 W. National Ave. – Connect Parking Lot and Construct a Shed. (Tabled 10-1-01)

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

Motion by Alderman Ament to approve the request by Larsen Brothers Funeral Home to erect an accessory building and develop coordinated parking between Classic Cuts, Mrs. Sippy's and Larsen Brothers Funeral Home located at 15250 W. National Avenue subject to:

- 1) Construction of a monument sign for Larson Brothers Funeral Home as required by condition of approval contained within Zoning Permit # U-55-99 that was granted by Plan Commission on September 13, 1999. Applicant shall be required to apply for and erect a monument sign for the above address by end of construction season. No Zoning Permit shall be issued until the Sign Permit approval has been granted by the Department of Community Development (Planning). Applicant shall be required to update all the signage on this property to meet the requirements of Article VIII, §275-61 of the City of New Berlin Municipal Ordinance in its entirety.
- 2) Construction of a monument sign for Mrs. Sippy's Coffee and Classic Cuts as required by condition of approval contained within Sign Permit # S-9-00 granted by Plan Commission on February 7, 2000. Applicant shall be required to apply for and erect a monument sign for the above address by end of 2002 construction season. Applicant shall be required to update all the signage on this property to meet the requirements of Article VIII, §275-61 of the City of New Berlin Municipal Ordinance in its entirety.
- 3) Larsen Brothers never obtained a Building Permit or received Plan Commission approval for existing shed in front of funeral home on Coffee Road within the 40' front setback. The trees that used to hide the shed have been removed which makes it visible from Coffee Road. Applicant shall be required to remove the shed or appropriately screen it from public view.
- 4) Submittal of a revised parking/ site plan that meets the off-street parking, loading and access requirements stipulated in Article VIII, §275-57 of the City of New Berlin Municipal Ordinance. No Zoning Permit shall be issued until the revised plans have been reviewed and approved by the Department of Community Development (Planning). Revised plans must meet all the requirements in its entirety and address the following:
 - a) Plans must also incorporate the sidewalk along National Avenue. No snow storage where sidewalk is proposed to be located.
 - b) Revised plan shall also meet the maneuvering aisle minimum width requirements.

- c) Existing parking in National Ave ROW will be corrected by removing 10' wide strip of asphalt. Revised parking will be setback a minimum of 5' from National Avenue.
 - d) City will require curb and gutter along National Avenue and 2 storm sewer inlets on either side of National Avenue entrance.
 - e) All ADA accessible parking stalls shall be properly labeled on revised plans.
 - f) Proposed storage shed is only 5' from building and only 12' from side lot line (15' needed). Attached addition would be preferable, fit better, and blend in better in a visible business area.
 - g) Per Article VIII, §275-57 of the City of New Berlin Municipal Ordinance parking lot shall be properly landscaped. Please see that the revised plan meets all the requirements of this section in its entirety.
- 5) Submittal of a detailed landscaping plan for the entire site that meets the requirement of Article VIII, §275-57 of the City of New Berlin Municipal Ordinance in its entirety is required. Plan must include plant key/ legend showing number of plants, species, botanical nomenclature and dbh sizes. Landscaping plan must be approved by the Department of Community Development (Planning) prior to issuance of Building Permit or installation. All surety instruments shall be in place prior to final approval of landscaping plan.

Seconded by Mr. Felda. Motion carried unanimously.

NEW BUSINESS

9. (4) CU-4-02 Larry Meyer – 20665 Barton Rd. – (Stormy Acres Lot #17)
Conditional Use Approval for a Single-Family Residential Home within the C-1, Upland Conservancy District.

Motion by Mr. Graber to defer to June 10, 2002 the request by Larry Meyer to construct a single family residence within the C-1, Upland Resource Conservancy District at 20665 West Barton Road to allow applicant to discuss conditions with staff.

Seconded by Mr. Teclaw. Motion carried unanimously.

10. (3) CU-1-02 Wisconsin Electric Power Co. – 1900 S. Springdale Rd. – Gas Regulator Station.

Motion by Mr. Graber to recommend to Council approval of the request by Wisconsin Electric Power Co. for a gas regulator station located at 1900 S. Springdale Road subject to:

- 1) Review and approval of equipment enclosure by the Architectural Control Committee required.
- 2) All structural plans used for the building permit to be stamped by a Wisconsin architect and/or engineer.
- 3) Approval of drainage, grading, and overall site plans by the Engineering Department required prior to issuance of Building Permit.
- 4) Barbed wire capped enclosures may be allowed for security purposes if required by the applicant.
- 5) Structure to be screened from the public, landscape plan with plant key and plant specifications to be reviewed and approved by the Planning Department prior to installation.
- 6) Permits are required from the Building, Inspections and Zoning Department. Building must meet all applicable building and fire codes. Site must be maintained per Chapter 201 of the City of New Berlin Municipal Code.
- 7) All utilities both on-site and off-site to be fed underground.

Seconded by Alderman Ament. Motion passes with Mr. Barnes abstaining.

11. (3) CU-2-02 U. S. Cellular – 1820 S. Johnson Rd. – Install a New 120'- 180' Communications Monopole.

Motion by Mr. Graber to table the request by U.S. Cellular to install a new 120'-180' communications monopole located at 1820 S. Johnson Road to allow the City to review options in lieu of the new letter from American Transmission Corp.

Seconded by Alderman Ament. Motion carried unanimously.

12. (1) U-25-02 J D Investment Holdings – 15616 Ridge Rd. – Office – Buy, Refurbish, and Sell Real Estate.

Motion by Mr. Graber to approve the request by J D Investment Holdings for a home occupation office located at 15616 Ridge Road to buy, refurbish, and sell real estate subject to:

- 1) Home Occupation shall be conducted in accordance with Chapter 275-42(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.
- 2) Business shall be strictly sole proprietorship. Only one non-resident employee shall be permitted to work at this location.
- 3) No outside storage shall be 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.
- 4) Customer visits to the residence and deliveries related to this business shall not be allowed.
- 5) No Sign Permits shall be issued as such no sign is allowed for this business.

Seconded by Mr. Felda. Motion carried unanimously.

13. (7) U-26-02 Doran Enterprises, Inc. – 16804 W. Victor Dr. – New Entrance for Tenant Space, Adding 13 New Parking Spaces, and Adding Landscaping.

Motion by Mr. Graber to approve the request by Doran Enterprises, Inc. for exterior architectural alteration and parking lot addition to the existing office/warehouse facility located at 16840 W. Victor Road subject to:

- 1) 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.
- 2) Applicant shall be required to apply for and receive a Use Approval (Reoccupancy) for any new tenant to occupy the new office/ warehouse space. Future tenants will be reviewed on a case-by-case basis on the availability of adequate parking and may be denied for lack of parking.
- 3) Per Article VIII, § 275-61 (l) (1) of the City of New Berlin Municipal Ordinance, applicant will be required to provide a monument sign and an overall coordinated sign standard for this building if any signage or change is requested.

Seconded by Alderman Ament. Motion carried unanimously.

14. (3) U-27-02 Orchard Lane Elementary School - 2015 S. Sunny Slope Road - Addition and remodeling of an existing single story elementary school.

Motion by Mr. Barnes to approve the request by Orchard Lane Elementary School for an addition and remodeling of an existing single story elementary school located at 2015 S. Sunny Slope Road subject to:

- 1) The recycled asphalt/ shingles spread East of the parking lot installed without Plan Commission approval shall be removed and the lawn area restored as required by Plan Commission in Zoning Permit #U-80-01 of December 3, 2001.
- 2) The proposed addition must match the material and color of the existing building. Prior to issuance of the Zoning Permit, approval of the revised exterior architecture and materials for construction by the Architectural Review Committee is required.
- 3) Proposed swale along south side of school shall be minimum of 1.5% slope. Engineering shall approve the site-grading plan prior to issuance of Building Permit.
- 4) Building must be fully sprinklered and must meet all applicable building and fire code. The alarm systems within the new areas must be upgraded accordingly. Yard hydrant shall be provided for Fire Department sprinkler connection.
- 5) Submittal of a revised landscaping plan that addresses the entire site with particular attention to the front of the building. Planning must approve revised plans prior to issuance of Building Permit.

Seconded by Alderman Ament. Motion carried unanimously.

15. (4) U-28-02 City of New Berlin - 13200 W. Janesville Road - Well #11 Temporary OPS Building(s).

Motion by Mr. Barnes to approve the request by City of New Berlin for Well #11 temporary OPS Building(s) located at 13200 W. Janesville Road subject to:

- 1) Building plans must be reviewed and approved by the Architecture Control Committee and stamped by a Wisconsin Registered Architect/Engineer and Ruckert & Mielke prior to issuance of a Building Permit.
- 2) Stakeout survey required. Survey should tie wetlands and easements to building.
- 3) Applicant shall explore the possibility of utilizing the existing out door theater access off Janesville Road as opposed to creating a new access point off of Valley Ridge Court.
- 4) Copy of access/utility easement and record of property transfer should be on file.
- 5) A copy of the Wellhead Protection Plan shall be on file.
- 6) 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.
- 6) Building must meet all applicable building and fire codes.

Seconded by Mr. Felda. Motion carried unanimously.

16. (4) U-29-02 City of New Berlin - 13200 W. Janesville Road - Well #11 New Pumphouse.

Motion by Mr. Graber to approve the request by City of New Berlin for Well #11 new pumphouse located at 13200 W. Janesville Road subject to:

- 1) Building plans must be reviewed and approved by the Architecture Control Committee and stamped by a Wisconsin Registered Architect/Engineer and Ruckert & Mielke prior to issuance of a Building Permit.
- 2) Stakeout survey required. Survey should tie wetlands and easements to building.
- 3) Applicant shall explore the possibility of utilizing the existing out door theater access off Janesville Road as opposed to creating a new access point off of Valley Ridge Court.
- 4) If the access at Valley Ridge Court is used, applicant should consider a gate at the end of Valley Ridge in order to maintain the safety of the general public.
- 5) Copy of access/utility easement and record of property transfer should be on file.

- 6) Applicant shall obtain any and all applicable WDNR permits.
- 7) For safety concerns, the water main should be buried, not just laid on the surface. Minimal depth is required.
- 8) Site plans shall be reviewed and approved by Water Utility Staff prior to building permits.
- 9) A copy of the Well Head Protection Plan shall be on file.

Seconded by Mr. Barnes. Motion carried unanimously.

17. (4) U-30-02 R. J. Schinner Co., Inc.- 5355 S. Emmer Drive - New wholesale distributing business/building.

Moved to July 8 agenda per applicants request.

18. (4) LD-2-02 R. J. Schinner Co., Inc. - SE 1/4 SEC 27 - 5355 S. Emmer Drive - Two-Lot land division.

Withdrawn per applicants request.

19. (6) LD-7-01 Diamond Estates - 13251 W. Coldspring SW 1/4 SEC. 24.- Two-Lot Land Division.

Motion by Mr. Barnes to recommend to Council approval of the Diamond Estates two lot land division located at 13251 W. Coldspring, SW 1/4 Sec. 24 subject to:

- 1) Developer's Agreement for the extension of utilities from their Cold Spring Road location to the southern ROW of Cold Spring Road required prior to the City executing the final CSM.
- 2) Driveway serving existing residents on the property shall be relocated and placed centrally within the future Diamond Av. Access permit required for driveway relocation to future Diamond Av.
- 3) Payment of \$2137.60 in Public Site, Open Space & Trail Fees required prior to the City signing the Final CSM.
- 4) Subject to final review of CSM for correction of any drafting errors.

Seconded by Mr. Graber. Motion carried unanimously.

20. (2) R-7-02 Fountain Square Natural Area – 2951 S. 132 St. – Rezone from P-1 to C-3.

Motion by Mr. Graber to recommend to Council to set a public hearing before the Plan Commission on July 8, 2002.

Seconded by Alderman Ament. Motion carried unanimously.

21. (7) PG-919 - Corner of Observatory Road and National Avenue Future Land Use Discussion.

Mr. Lake went over the history of this area of land explaining different proposals made in the past. Discussion followed as to the applicants intent and the direction the Plan Commission wishes to take and their recommendation to the applicant.

The Plan Commission is favoring a maximum of 3 units per acre density with no more than 10 buildings on this property. The applicant and Plan Commission discussed building setbacks, building separation, stormwater management, etc. The Plan Commission also is requesting superior architecture and landscaping.

22. (7) U-36-02 Steven Szydlowski - 4820 South Trillium Drive - 24' diameter above ground swimming pool located in the architectural rear/side of principle residence.

Motion by Mr. Graber to approve the request by Steven Szydlowski for a 24' diameter above ground swimming pool located in the architectural rear/side of the principle residence located at 4820 South Trillium Drive subject to:

- 1) Front yard setbacks (50') shall be applied to National Avenue, Trillium Drive, and Crown Drive.
- 2) Applicant will be required to increase landscaping along National Avenue and Crown Drive to screen this side from view on the public street.
- 3) The completed pool base grade shall be no higher than 6" above the highest existing grade. Slopes should not exceed a 4:1 ratio.
- 4) All necessary permits must be obtained from the Buildings, Inspections, and Zoning Department prior to commencement of any construction at this site.

Seconded by Alderman Ament. Motion carried unanimously.

Plan Commission recommended that all future pool permits are to be staff reviewed and approved.

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.)

ZONING PERMITS

Motion by Mr. Barnes to approve Consent Agenda Items 23 - 31. Seconded by Mr. Graber. Motion carried unanimously.

23. (3) RO-22-02 Johnny Products LLC – 1790 S. Johnson Rd – Metal fabrication of lawn & garden tractor attachments.

The request by Johnny Products LLC for metal fabrication of lawn & garden tractor attachments located at 1790 S. Johnson 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 signs, sign face changes, and banners 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, material, or vehicles shall be permitted on the property.
- 3) 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.
- 4) Employee and customer parking must be contained on site.
- 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 Chapter 201 of the Non-residential Property Maintenance Code.
- 7) Building must meet all applicable building and fire codes. Fire Extinguishers are required.

24. (3) RO-23-02 Conrad Schmitt Studios – 2383 S. 162 St. – Storage of Scaffolding & Scaffolding Components.

The request by Conrad Schmitt Studios for storage of scaffolding and scaffolding components located at 2383 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) No Sign Permits for wall signs shall be granted at this location. A monument sign shall be required. All signs, sign face changes, and banners 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, material, or vehicles shall be permitted on the property.
 - 3) 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.
 - 4) Employee and customer parking must be contained on site.
 - 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 Chapter 201 of the Non-residential Property Maintenance Code.
 - 7) Building must meet all applicable building and fire codes. Fire Extinguishers are required.
25. (3) RO-24-02 A. S. Pindel Corp. – 2469 & 2471 S. 170 St. – Production Machining.

The request by A. S. Pindel Corp. for production machining located at 2469 & 2471 S. 170th 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 illegal sign that reads, “Data Control Supply – Discount Store – Public Welcome” shall be removed by April 21, 2002, or prior to the issuance of the Occupancy Permit. No Sign Permit is on file with the City of New Berlin Department of Community Development (Planning). No Sign Permits for wall signs for tenants within this building shall be granted. A monument sign shall be required. All signs, sign face changes, and banners 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, material, or vehicles shall be permitted on the property. The pallets and assorted materials to the north and west of the building shall be removed by April 21, 2002, or prior to the issuance of the Occupancy Permit.
 - 3) 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.
 - 4) Employee and customer parking must be contained on site.
 - 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 Chapter 201 of the Non-residential Property Maintenance Code.
 - 7) Building must meet all applicable building and fire codes. Fire Extinguishers are required.
26. (7) RO-25-02 Sharpe Fabrication, Inc. – 2550 S. 170th St. – Pipe and Tube Bending.

The request by Sharpe Fabrication, Inc. for pipe and tube bending located at 2550 S. 170th 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 illegal sign that reads, “New Home Of – Sharpe Products – Pipe & Tube Bending Specialist – www.sharpeproducts.com - 262.754.0369 – 2550 S. 170th St.” and the “Milwaukee Machine and Engineering” wall sign shall be removed or applied for by May 3, 2002, or prior to the issuance of the Occupancy Permit. No Sign Permits for wall signs shall be granted until such time a monument sign is applied for and approved. All signs, sign face changes, and banners 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, material, or vehicles shall be permitted on the property.

- 3) 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.
 - 4) Employee and customer parking must be contained on site.
 - 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 Chapter 201 of the Non-residential Property Maintenance Code.
 - 7) Building must meet all applicable building and fire codes. Fire Extinguishers are required.
27. (3) RO-26-02 Spectrum Resources – 16335 W. Lincoln Ave. – Remarketer of Custom Printed Products like Brochures, Business Forms, and Labels.

The request by Spectrum Resources for remarketer of custom printed products like brochures, business forms, and labels located at 16335 W. Lincoln 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) The multi-tenant reader board located at the northeast entrance to the site is legal non-conforming and the faces have been changed multiple times. This sign shall have an expiration date of June 1, 2003 at which time a master identification monument sign shall be applied for and submitted to the Department of Community Development (Planning). All modifications, including face changes, structural alterations, conversions, extensions, relocations, and additional signage must be applied for and receive a Sign Permit, and must meet the provisions of Article XI 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.
 - 3) 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.
 - 4) Employee and customer parking must be contained on site.
 - 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 Chapter 201 of the Non-residential Property Maintenance Code.
 - 7) Building must meet all applicable building and fire codes. Fire Extinguishers are required.
28. (4) RO-27-02 Little Lambs of Peace Preschool – 17651 W. Small Rd. – Preschool.

The request by Little Lambs of Peace Preschool for a preschool located at 17651 W. Small 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) The number of children enrolled in the second classroom shall not exceed twenty-four (24) children. Total enrollment in two approved classrooms for Little Lambs of Peace Preschool shall not exceed forty-four (44) children.
- 2) All signs, sign face changes, and banners 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.
- 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) Employee and customer parking must be contained on site.
- 6) Permits are required from the Building, Inspection, and Zoning Departments for any interior and exterior alterations or modifications.
- 7) Building must be maintained per Chapter 201 of the Non-residential Property Maintenance Code.

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

29. (3) RO-28-02 Great Lakes Sonography – 2665 S. Moorland Rd., Ste. 208 – Office.

The request by Great Lakes Sonography for an office located at 2665 S. Moorland Road, Ste. 208 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) No ground sign insert shall be approved for this business. All modifications, including face changes, structural alterations, conversions, extensions, relocations, and additional signage must be applied for and receive a Sign Permit, and must meet the provisions of Article XI Section 275-61 of the New Berlin Municipal Ordinance. The existing Park Crest Center ground sign shall have an expiration date of September 10, 2004 by which time the required monument sign will be installed per the approved plan on file. The monument sign must be applied for and receive a Sign Permit before installation.
- 2) No outside storage of items, merchandise, junk, material, or vehicles shall be permitted on the property.
- 3) 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.
- 4) Employee and customer parking must be contained on site.
- 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 Chapter 201 of the Non-residential Property Maintenance Code.

30. (3) RO-29-02 Aspen Systems Corp. – 2665 S. Moorland Rd. – Office.

The request by Aspen Systems Corp. for an office located at 2665 S. Moorland 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) No ground sign insert shall be approved for this business. All modifications, including face changes, structural alterations, conversions, extensions, relocations, and additional signage must be applied for and receive a Sign Permit, and must meet the provisions of Article XI Section 275-61 of the New Berlin Municipal Ordinance. The existing Park Crest Center ground sign shall have an expiration date of September 10, 2004 by which time the required monument sign will be installed per the approved plan on file. The monument sign must be applied for and receive a Sign Permit before installation.
- 2) No outside storage of items, merchandise, junk, material, or vehicles shall be permitted on the property.
- 3) 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.
- 4) Employee and customer parking must be contained on site.
- 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 Chapter 201 of the Non-residential Property Maintenance Code.
- 7) Building must meet all applicable building and fire codes. Fire Extinguishers are required.

31. (3) RO-30-02 Integrated Drive Systems, Inc. – 16331 W. Lincoln Ave. – Light Electrical Assembly.

The request by Integrated Drive Systems, Inc. for light electrical assembly located at 16331 W. Lincoln 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) The multi-tenant reader board located at the northeast entrance to the site is legal non-conforming and the faces have been changed multiple times. This sign shall have an expiration date of June 1, 2003 at which time a master identification monument sign shall

be applied for and submitted to the Department of Community Development (Planning). All modifications, including face changes, structural alterations, conversions, extensions, relocations, and additional signage must be applied for and receive a Sign Permit, and must meet the provisions of Article XI 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.
- 3) 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.
- 4) Employee and customer parking must be contained on site.
- 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 Chapter 201 of the Non-residential Property Maintenance Code.
- 7) 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 consent agenda items 32,33,34,37 and to remove items 35 and 36.

Seconded by Mr. Graber. Motion carried unanimously.

Motion by Alderman Ament that minutes reflect the actual information from permits issued for items 35 and 36.

Seconded by Mr. Graber. Motion carried unanimously.

STAFF APPROVED

32. (1) SG-23-02 The Salon Dior – 14023 W. Greenfield Ave. – Wall Sign.

The request by The Salon Dior for a wall sign located at 14023 W. Greenfield 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 tenants at this complex without walls signs, including State Farm Insurance, shall be required to apply for wall signs by May 14, 2002. Failure to comply shall be considered a violation of Zoning Permit #U-85-01 and #U-8-01 approved on 12-03-01 and 03-04-02 respectively. This shall act as notice of said violations.
- 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 275-61 New Berlin Municipal Ordinance and the Greenfield Plaza Uniform Sign Standards.
- 3) The wall sign shall be constructed of red Plexiglas acrylic faces, white vinyl #230-30, black vinyl #230-22, gold trim caps, and Matthews #35B-2T raceways.
- 4) The wall sign shall not exceed 1'6" in height and shall not exceed 6'6" in width.
- 5) The wall sign copy shall be 9.75 square feet in area and shall read "Salon."
- 6) The wall sign shall be internally illuminated with 13 mm 6500 Snow White 60 mA transformers and shall be turned off outside normal business hours.
- 7) No payment is required per calculations below:
Wall Sign Face: 1'6" x 6'6" = 9.75sq.ft. x 1 side = 9.75sq.ft. x \$3.00/sq.ft. = \$29.25
Less Application Fee (\$75.00) = \$0.00
- 8) Building Permits are required per Article III Section 275-25 of the City of New Berlin Municipal Code.
- 9) Electrical Permits are required per Article III Section 275-25 of the City of New Berlin Municipal Code.

33. (1) SG-24-02 Curves for Women – 14033 W. Greenfield Ave. – Wall Sign.

The request by Curves for Women for a wall sign located at 14033 W. Greenfield 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 tenants at this complex without walls signs, including State Farm Insurance, shall be required to apply for wall signs by May 14, 2002. Failure to comply shall be considered a violation of Zoning Permit #U-85-01 and #U-8-01 approved on 12-03-01 and 03-04-02 respectively. This shall act as notice of said violations.
- 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 275-61 New Berlin Municipal Ordinance and the Greenfield Plaza Uniform Sign Standards.
- 3) The wall sign shall be constructed of red Plexiglas acrylic faces, white vinyl #230-30, black vinyl #230-22, gold trim caps, and Matthews #35B-2T raceways.
- 4) The wall sign shall not exceed 1'6" in height and shall not exceed 6'2 1/2" in width.
- 5) The wall sign copy shall be 9.3 square feet in area and shall read "Curves."
- 6) The wall sign shall be internally illuminated with 13 mm 6500 Snow White 60 mA transformers and shall be turned off outside normal business hours.
- 7) No payment is required per calculations below:
Wall Sign Face: 1'6" x 6'2 1/2" = 9.3sq.ft. x 1 side = 9.3sq.ft. x \$3.00/sq.ft. = \$27.90
Less Application Fee (\$75.00) = \$0.00
- 8) Building Permits are required per Article III Section 275-25 of the City of New Berlin Municipal Code.
- 9) Electrical Permits are required per Article III Section 275-25 of the City of New Berlin Municipal Code.

34. (7) SG-25-02 Heritage Funeral Home – 16880 W. National Ave. – 8' x 4' Monument Sign.

The request by Heritage Funeral Home for a 8' x 4' monument sign located at 16880 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 Section 275-61 New Berlin Municipal Ordinance and the Greenfield Plaza Uniform Sign Standards.
- 2) The overall monument sign shall not exceed 7'0" in height, shall not exceed 8'0" in width, and shall be located behind the ultimate right of way of National Avenue.
- 3) The monument sign face shall not exceed 4'0" in height, shall not exceed 8'0" in width, shall not exceed 32 square feet in area, and shall read "Heritage – Funeral Home - & Cremation Services" in white on a burgundy background.
- 4) The monument base shall not exceed 3'0" in height and 8'0" in width, and address numerals shall be installed on both sides of the monument base.
- 5) The monument sign shall be internally illuminated and shall be turned off outside normal business hours.
- 6) A payment of \$117.00 is required per calculations below:
Monument Sign Face: (4'0" x 8'0") = 32 sq.ft. x 2 sides = 64.0sq.ft. x \$3.00/sq.ft. = \$192.00
Less Application Fee (\$75.00) = \$117.00
- 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.

35. (3) SG-26-02 Hal's Harley Davidson - 1925 S. Moorland Road - One 32"W x 51"H single face information case.

The request by Hal's Harley Davidson for one 32"W x 51"H single face information case sign located at 1925 S. Moorland 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 275-61 New Berlin Municipal Ordinance and the Greenfield Plaza Uniform Sign Standards.
- 2) The overall monument sign shall not exceed 7'0" in height, shall not exceed 8'0" in width, and shall be located behind the ultimate right of way of National Avenue.
- 3) The monument sign face shall not exceed 4'0" in height, shall not exceed 8'0" in width, shall not exceed 32 square feet in area, and shall read "Hal's Harley Davidson" in white on a burgundy background.
- 4) The monument base shall not exceed 3'0" in height and 8'0" in width, and address numerals shall be installed on both sides of the monument base.
- 5) The monument sign shall be internally illuminated and shall be turned off outside normal business hours.
- 6) A payment of \$117.00 is required per calculations below:
Monument Sign Face: (4'0" x 8'0") = 32 sq.ft. x 2 sides = 64.0sq.ft. x \$3.00/sq.ft. = \$192.00
Less Application Fee (\$75.00) = \$117.00
- 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.

36. (3) SG-27-02 Freeman Manufacturing – 16910 W. Cleveland – 30" x 35" x 1/4" Identification Sign.

The request by Freeman Manufacturing for a 30" x 35" x 1/4" identification sign located at 16910 W. Cleveland 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) A revised rendering shall be submitted June 7, 2002, or prior to the issuance of the Sign Permit. 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 275-61 New Berlin Municipal Ordinance.
- 2) The monument sign face shall not exceed 2'6" in height, shall not exceed 2'8" in width, shall not exceed 6.6 square feet in area, and shall read "Freeman" in black and red on a white background.
- 3) The monument base shall not exceed 4'2 5/8" in height and 8'0" in width, and address numerals shall be installed on the monument base.
- 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:
- 6) Monument Sign Face: (2'6" x 2'8") = 6.6 sq.ft. x 1 sides = 6.6sq.ft. x \$3.00/sq.ft. = \$19.90
- 7) 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 for any illumination per Section 275-03(6) of the City of New Berlin Municipal Code.

37. (4) SG-28-02 Moorland Road Golf Center – 5900 S. Moorland Rd. – Directional Canopy Over Entrance.

The request by Moorland Road Golf Center for a directional canopy over the entrance located at 5900 S. Moorland 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) Building Permits are required per Section 275.03 (6) of the City of New Berlin Municipal Code prior to the installation of the canopy.
- 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 canopy on the west portion of the north elevation shall not extend further than 3'0" from the building, shall not exceed 5'0" in width, shall not exceed 2'4" in height, shall be located outside the ultimate right of way of Moorland Road, and shall read "Entrance."
- 4) The canopy on the east portion of the north elevation shall not extend further than 3'0" from the building, shall not exceed 4'0" in width, shall not exceed 2'4" in height, shall be located outside the ultimate right of way of Moorland Road, and shall read "Studio Entrance."
- 5) The canopy on the south elevation shall not extend further than 4'0" from the building, shall not exceed 8'8" in width, shall not exceed 4'0" in height, shall be located outside the ultimate right of way of Moorland Road, and shall read "Entrance."
- 6) The canopy sign shall not be internally or externally illuminated.
- 7) No payment is required per calculations below:
Canopy Sign Face: (0'8" x 5'0") + (0'8" x 4'0") + (0'8" x 8'8") = 11.6sq.ft. x 1 side = 11.6 sq.ft. x \$3.00/sq.ft. = \$34.80
Less Application fee (\$75.00) = \$0.00
- 8) Building Permits are required per Article III Section 275-25 of the City of New Berlin Municipal Code.
- 9) Electrical Permits are required per Article III Section 275-25 of the City of New Berlin Municipal Code.

COMMUNICATIONS

48. Communication To: Plan Commission
Communication From: Greg Kessler, Director of Community Development
RE: Planning Commissioners Journal, Spring 2002

Plan Commission acknowledged receipt of this communication.

49. Communication To: Plan Commission
Communication From: Greg Kessler, Director of Community Development
RE: Memos from Brian Teclaw dated May 13, 2002 and May 14, 2002.

Plan Commission acknowledged receipt of this communication.

50. Communication To: Plan Commission
Communication From: Mark Lake, Director of Planning
RE: "Newer batch of cell phone towers could spring up in Mequon", Journal Sentinel, April 19, 2002.

Mr. Lake said this communication can be used to help us to prepare for what might be facing New Berlin.

ADDENDUM ITEM

- (3) U-4-01 Jeffrey Schielke - 2050 S. Springdale - Use approval to use agricultural building as a garage and storage for personal equipment. (Tabled 3/5/02, 2/4/02)

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

Motion by Mr. Barnes to approve the request by Jeffrey Schielke to use agricultural building as a garage and storage for personal equipment at 2050 S. Springdale Road.

Seconded by Mr. Graber. Motion carried unanimously.

Motion by Alderman Ament to adjourn the Plan Commission Meeting at 10:30 P.M. Seconded by Mr. Graber. Motion carried unanimously.