

## **Minutes**

### **PUBLIC HEARING**

7:00 P.M. (4) CU-5-01 Pete and Laurie Lindner - 4235 S. Racine Ave. - Garage and Pool Changing Area.

### **NEW BERLIN PLAN COMMISSION**

### **NEW BERLIN CITY HALL COUNCIL CHAMBERS**

**JUNE 4, 2001**

The public hearing relative to the request by Pete & Laurie Lindner for a Conditional Use Permit to remove and replace a garage that would include a pool changing area at 4235 Racine Avenue was called to order by Mayor Wysocki at 7:10 P.M.

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

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, seeing none.

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

Pete Lindner, 4235 S. Racine Avenue - I am in favor of this request as it was presented.

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

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

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

Mayor Wysocki called the public hearing closed at 7:20 P.M.

### **NEW BERLIN PLAN COMMISSION MINUTES**

### **NEW BERLIN CITY HALL COUNCIL CHAMBERS**

**JUNE 4, 2001**

The Plan Commission meeting of June 4, 2001 was called to order by Mayor Wysocki at 7:20 P.M.

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

Motion by Mr. Barnes to approve the Plan Commission Minutes of April 2, 2001. Seconded by Mr. Chase. Motion carried with Alderman Ament and Mr. Gihring voting present.

Motion by Mr. Barnes to approve the Plan Commission Minutes of May 7, 2001. Seconded by Mr. Felda. Motion carried with Alderman Ament and Mr. Gihring voting present.

Plan Commission Secretary's Report -

Thank you to Mr. Christel and Mr. Chase for their time as Plan Commissioners.

Pending list will be purged of items over six months and placed on July Plan Commission agenda for denial unless applicant states otherwise.

### **CONTINUED ITEMS**

6. (6) U-22-01 Schlueter's Trucking - 3825 S. 124<sup>th</sup> St. - Trucking Business. (Tabled 5/7/01)

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

Motion by Mr. Chase to approve the request by Schlueter's Trucking for a trucking business located at 3825 S. 124<sup>th</sup> Street subject to:

1) Approval shall be for a one-year probationary period ending May 31, 2002, subject to a review of the Home Occupation at this location. Applicant shall be required to reapply to the Plan Commission for additional years beyond the probationary period.

2) Home Occupation shall be subject to periodic, unannounced inspections by the Zoning Administrator in response to complaints or to ensure compliance with this ordinance. Required equipment list (see no.7) shall be used to verify compliance.

3) The total area devoted to the bookkeeping/business side of the home occupation shall not exceed 20 percent of the building area of the principal dwelling unit.

4) A home occupation shall produce no offensive noise, vibration, dust, odors, smoke, heat, pollution, glare, or radio, electrical, or television interference or otherwise produce a nuisance as determined by the Plan Commission.

5) Offsite materials (to include, but not limited to; wood chips, top-soil, grass clippings, leaves, flower/plant waste, and excess over burden) shall not be brought onto property for storage and/or recycling or removal.

6) All equipment used in the operation of this Home Occupation shall be stored within the principle residence and its attached garage. No storage of goods, materials, or products connected with a home occupation shall be allowed in any accessory building or detached garage or barn.

7) A complete equipment list shall be on file. List shall also include a map or diagram to identify proper internal storage location. Pieces of equipment used in the home occupation (lawn mowers, other heavy

equipment, trucks, or trailers) not included with the initial approval shall be prohibited from being brought to 3825 S. 124th Street prior to Plan Commission review and approval.

8) Flashing or strobing vehicular/trailer/equipment mounted lighting used in the operation of this Home Occupation shall be prohibited within 1000 ft. of 3825 S. 124th Street.

9) Backup alarms used in the operation of this Home Occupation shall be prohibited within 1000 ft. of 3825 S. 124<sup>th</sup> Street. All other noise shall meet the requirements established by 17.08(9)(E) of the City of New Berlin Municipal Code.

10) No more than one nonresident (not living in principal residence) employee shall be employed by the home occupation. A list of all resident employees employed by the Home Occupation shall be on file.

11) All vehicular parking for both the residence and the home occupation shall be located on the premises.

12) Home occupation uses shall meet all applicable fire and building code safety requirements.

Plan Commissioners discussed the letters of opposition submitted by neighbors.

Dennis Eichers, 12410 W. Howard Avenue, Bill Rodewald, 12440 W. Howard Avenue, and Susan Krause, 12470 W. Howard spoke briefly representing some of the neighbors in opposition to the proposal.

Mr. Schlueter responded to the neighbors comments.

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

## **NEW BUSINESS**

7. ( ) PG-741 Zoning Code Revisions - Section 17.04(3) Commercial Districts

Motion by Mr. Teclaw to defer the Zoning Code Revisions for Section 17.04(3) Commercial Districts to the June 18, 2001 Plan Commission Meeting.

Seconded by Mr. Gihring. Motion carried unanimously.

8. (4) U-25-01 Nextel Communications - 16310 W. Small Rd. - Wireless Telecommunication Antenna to be on Existing Monopole Tower.

Motion by Mr. Felda to approve the request by Nextel Communications for a wireless telecommunication antenna to be on an existing monopole tower located at 16310 W. Small Road subject to:

1) Equipment cabinet exterior brick, roof pitch and shingles shall match the existing PrimeCo and Cellular One shelters. Applicant shall submit material samples to the Architectural Review Committee for review and approval prior to issuance of Building Permit.

2) Applicant shall be required to coordinate the fence around the monopole to create a common area that encloses all the equipment cabinets on the site. No barbed wire shall be allowed on the fence.

3) 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.

4) Site grading and drainage plan must be approved by the Department of Community Development (Engineering) prior to issuance of Building Permit.

Seconded by Mr. Barnes. Motion carried unanimously.

9. (2) U-27-01 W. A. Roosevelt Co. - 2415 S. 170 St. - Wholesaler of Residential Plumbing, Heating, Lighting.

Motion by Mr. Chase to approve the request by W.A. Roosevelt Co. for a wholesaler of residential plumbing, heating, and lighting located at 2415 S. 170 Street subject to:

1) Applicant will be required to remove the existing Central State Casters cabinet sign mounted on the wall. Sign shall be replaced with a monument sign to accommodate both tenants and a possible wall sign. All signs for this site shall require a separate application and approval from the Department of Community Development (Planning) prior to installation.

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

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

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

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

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

Seconded by Mr. Felda. Motion carried unanimously.

10. (4) U-29-01 Laura Grenier - 5595 S. Martin Rd. - Live in Existing Home Until New Home is Ready to Take Occupancy.

Motion by Alderman Ament to approve the request by Laura Grenier to live in the existing home until new home is ready to take occupancy at 5595 S. Martin Road subject to:

1) A Razing Permit must be obtained from Building Inspections and Zoning Department for the existing building upon the issuance of a Certificate of Occupancy. The existing principle structure must be razed not later than 60 days from the date a Certificate of Occupancy is issued.

2) Waukesha County Department of Health approved septic system required shall be required for existing and proposed structures prior to issuance of Building Permit.

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

11. (4) U-30-01 Elmwood Elementary School - 5900 S. Sunnyslope - Elementary School.

Motion by Mr. Barnes to approve the request by New Berlin Public Schools for Elmwood Elementary School located at 5900 S. Sunnyslope Road subject to:

- 1) Development Review Committee review and approval of the revised exterior Architecture and Landscaping Plan showing mechanical equipment (building, wall, and ground mounted) and materials for construction of screening shall be required prior to issuance of building permit. Mechanical equipment (building, wall and ground mounted) must be properly screened from the public right-of-way and public view in accordance with the City of New Berlin Municipal Code Sec. 17.08(5)(G)(1).
- 2) Approval of the site drainage and grading plan by the Department of Community Development (Engineering) prior to issuance of building permit.
- 3) Stake out survey shall be required with building permit application.
- 4) Building plans must be stamped by a Wisconsin Registered Architect.
- 5) All necessary permits must be obtained from the Building Inspection and Zoning Department prior to commencement of any construction. Building must meet all applicable building and fire codes. Building must be maintained per Section 14.25 of the Non-residential Property Maintenance Code.
- 6) A monument sign will be required for this development. Monument base for the sign must be constructed of the same material as the principle building. A separate sign application and permit must be obtained from the Planning Department prior to construction.

Seconded by Alderman Ament. Motion carried unanimously.

12. (5) U-31-01 Timbers at Deer Creek - 3600 S. 147 St. - 9 Duplex Condo Buildings - 18 Units.

Motion by Mr. Barnes to approve the request by Timbers at Deer Creek for 9 duplex condo buildings, 18 units located at 3600 S. 147<sup>th</sup> Street subject to:

- 1) Architectural Review Committee review and approval of the exterior architecture and materials for construction shall be required prior to issuance of building permit.
- 2) Stake out survey of each building shall be required with building permit application.
- 3) Building plans must be stamped by a Wisconsin Registered Architect.
- 4) Building must meet all applicable building and fire codes.
- 5) All necessary permits must be obtained from the Building Inspection and Zoning Department prior to commencement of any construction.

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

13. (4) CU-5-01 Pete and Laurie Lindner - 4235 S. Racine Ave. - Garage and Pool Changing Area.

Motion by Mr. Barnes to approve the request by Pete and Laurie Lindner for a garage and pool changing area located at 4235 S. Racine Avenue subject to:

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

Seconded by Alderman Ament. Motion carried unanimously.

14. (2) SIGN - Industrial Towel & Uniform - 2885 S. James Dr. - Four Wall Signs.

No action per applicants request.

15. (2) SIGN - Falk Renew - 1903 S. Moorland Rd. - Wall Sign.

Motion by Mr. Chase to deny the request by Falk Renew for a wall sign located at 1903 S. Moorland Road based on the following:

1) Section 17.08 Sec.(10)(B) of the New Berlin Zoning Ordinance states that "No sign shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted or structurally altered, nor shall the face of a sign be changed without a Sign Permit and conforming with the provisions of this Ordinance." Directional signs and a banner located on this site were installed without a permit and must be removed or applied for by Friday, May 25, 2001.

2) Section 17.08 Sec.(10)(1)(2)(f) of the New Berlin Zoning Ordinance states that "directional signs less than 6 square feet in area which contains no logo, or product display shall not be subject to the limitations on number of signs, but shall require Plan Commission Approval." Currently, directional signs on the site have logos on them. All directional signs applied for in the future shall not have logos on their face.

3) Section 17.08 Sec.(10)(1)(2)(a) of the New Berlin Zoning Ordinance states that "only 2 signs may be permitted per business. Owners may elect for them to be any combination of wall signs, ground signs, or monument signs, not exceeding a total of 2, and approved by the Plan Commission." There are currently two wall signs on this site. Prior to the installation of the new wall sign the current wall sign must be removed.

Seconded by Mr. Felda.

Motion by Mr. Barnes to table the request by Falk Renew for a wall sign located at 1903 S. Moorland Road to allow the applicant to submit revised plans. Seconded by Mr. Teclaw. Motion carried unanimously.

16. (6) U-32-01 National Avenue Center - 12555-12645 W. National Ave. - Two Multi-Tenant Commercial Buildings.

Motion by Alderman Ament to approve the request by National Avenue Center for two multi-tenant commercial buildings located at 12555-12645 W. National Avenue subject to:

1) Incorporate the National Avenue Corridor Alternative Transportation Plan Design Standards and Guidelines and the National Avenue and Moorland Road Commercial Center Development design and guidelines. These requirements include street trees, light poles (type and size to match Blue Cross Building), pedestrian pathways, signage and updated landscaping.

2) Development Review Committee review and approval of the revised exterior Architecture and Landscaping Plan showing mechanical equipment (building, wall, and ground mounted) and materials for

construction of screening shall be required prior to issuance of building permit. Mechanical equipment (building, wall and ground mounted) must be properly screened from the public right-of-way and public view in accordance with the City of New Berlin Municipal Code Sec. 17.08(5)(G)(1).

3) Dumpsters must be properly screened from the street and public view in accordance with the City of New Berlin Municipal Code § 17.08(5)(G). Enclosure must match and enhance exterior of building, and must be built to accommodate both solid as well as recyclable waste dumpsters. No individual dumpsters will be allowed. Dumpsters must remain within enclosure at all times.

4) Approval of the site drainage and grading plan by the Department of Community Development (Engineering) prior to issuance of building permit. Site to be lowered 1.5 to 4 feet. Retail building shall be split-level to allow for proper grading along site. 1-foot exposure required along front of patio. Retaining wall along western edge may be increased while reducing wall along the eastern property line. A retaining wall along the southern property line may be required.

5) Site automobile movements shall be adjusted to allow for proper traffic flow. Inbound traffic through the middle of the site and outbound traffic along the exterior of the property shall be required. Pattern and flow must accommodate turning movements of delivery vehicles including WB-40 or WB-50 trucks.

6) All new tenants will be required to apply for a reoccupancy permit from the City of New Berlin Department of Community Development. Any restaurants will require a grease trap along the sewer lateral. As only 72 parking spaces are provided for the multi-tenant building (88 total including Tuffy's) reoccupancy will be based on adequacy of available parking and shall be limited to such.

7) Development shall comply with Sec. 17.08(5) Landscape and Buffering in its entirety. Compliance includes an Installation Compliance Security instrument as well as a Maintenance Compliance Security instrument based on the rate set forth in Sec. 17.08(5)(C)(2)(g).

8) Stake out survey shall be required with building permit application.

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

10) All necessary permits must be obtained from the Building Inspection and Zoning Department prior to commencement of any construction. Building must meet all applicable building and fire codes. Building must be maintained per Section 14.25 of the Non-residential Property Maintenance Code.

11) A monument sign will be required for this development. Monument base for the sign must be constructed of the same material as the principle building. A separate sign application and permit must be obtained from the Planning Department prior to construction.

Seconded by Mr. Felda. Motion fails upon voting with all Commissioners voting No.

Motion by Mr. Barnes to deny the request by National Avenue Center for two multi-tenant commercial buildings located at 12555-12645 W. National Avenue based on the following:

1) Engineering concepts dealing with lot grading and stormwater impacts.

2) Too intensive of a use, development should be scaled back.

Seconded by Mr. Chase. Motion carried unanimously.

The applicant came forward to ask for reconsideration of the decision to deny their proposal. If a Commissioner comes forward with a request for reconsideration addressed to the Chairman of the Plan Commission, it will be placed on the next Plan Commission agenda.

## **ZONING PERMITS**

17. (2) RO-17-01 Industrial Towel & Uniform - 2885 S. James Dr. - Warehouse/Office.

The request by Industrial Towel & Uniform for a warehouse/office located at 2885 S. James 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) Employee and customer parking must be contained on this site.
- 2) Dumpsters must be properly screened from the street and public view in accordance with the City of New Berlin Municipal Code Section 17.1304 (14).
- 3) No outside storage of vehicles or equipment will be permitted on the property.
- 4) A separate application is required from the Planning Department for any sign or banners for this business.
- 5) Permits are required from the Building, Inspection, and Zoning Departments for all interior and exterior alterations or modifications.
- 6) Building must be maintained per Section 14.25 of the Non-residential Property Maintenance Code.
- 7) Building must meet all applicable building and fire codes. Fire Extinguishers are required.

18. (2) RO-20-01 United States Beef Purveyors - 2602 S. 162 St. - Distributors of Frozen Meats.

The request by United States Beef Purveyors for distribution of frozen meats located at 2602 S. 162<sup>nd</sup> Street has been reviewed and conditionally staff approved by the New Berlin Plan Commission subject to the application, the plans on file, and the following:

- 1) Per §17.010 Sec. (3)(3) of the New Berlin Zoning Ordinance states that "a double fee shall be charged if work is started before a permit is applied for or issued, or if a building is occupied prior to issuance of an occupancy permit." As this is an after the fact application double the application fee penalty shall be assessed. Payment of \$350.00 must be received prior to issuance of the Zoning Permit.
- 2) Employee and customer parking must be contained on this site.
- 3) A separate application is required from the Planning Department for any sign or banners for this business.
- 4) Dumpsters must be properly screened from the street and public view in accordance with the City of New Berlin Municipal Code Section 17.1304 (14).
- 5) No outside storage of vehicles or equipment will be permitted on the property.
- 6) Permits are required from the Building, Inspection, and Zoning Departments for all interior and exterior alterations or modifications.

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

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

19. (2) RO-21-01 Ashby's, Inc. - 16200 W. Rogers - Office and Warehouse.

The request by Ashby's, Inc. for an office and warehouse located at 16200 W. Rogers 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) Section 17.08 (10)(I)(ci) of the New Berlin Zoning Ordinance states that "all new signs and replacement of existing signs located along arterials or major thoroughfares shall be placed on a monument base constructed of the same material and color or shall enhance the exterior architecture of the principal building. Monument signs are also required within the New Berlin Industrial Parks."

2) The parking lot shall be repaired, resealed and re-stripped by Monday July 9, 2001, at which time another inspection of the property will be conducted.

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

4) A separate application is required from the Planning Department for any sign face changes for this business.

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

6) No outside storage of vehicles (including RV's, trailers) or equipment will be permitted on the property.

7) Permits are required from the Building, Inspection, and Zoning Departments for all 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.

20. (2) RO-22-01 On-Trak LLC - 2448 S. Commerce - Sales, Assembly, and Testing of Small Mechanical Devices.

The request by On-Trak LLC for sales, assembly, and testing of small mechanical devices at 2448 S. Commerce 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 parking lot shall be re-sealed and re-stripped by Monday, July 9, 2001.

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

3) Our records show that no sign permits were issued for any of the businesses on this site. Immediate removal of the existing signs must occur or proof of sign permits must be verified at the Planning Department in City Hall.

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

- 5) No outside storage of vehicles or equipment will be permitted on the property.
  - 6) No parking of vehicles shall be allowed along the rear graveled area of the site.
  - 7) Permits are required from the Building, Inspection, and Zoning Departments for all 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.
21. (7) RO-23-01 Faith Free Will Baptist Church - 4800 S. Calhoun Rd. - Church-Related Activities.

The request by Faith Free Will Baptist Church for church-related activities located at 4800 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) Upon approval of the Sign Permit, the existing signs shall be immediately removed.
  - 2) Employee and customer parking must be contained on this site.
  - 3) A separate application is required from the Planning Department for any sign or banners for this business.
  - 4) Dumpsters must be properly screened from the street and public view in accordance with the City of New Berlin Municipal Code Section 17.1304 (14).
  - 5) No outside storage of vehicles or equipment will be permitted on the property.
  - 6) Permits are required from the Building, Inspection, and Zoning Departments for all interior and exterior alterations or modifications.
  - 7) Building must be maintained per Section 14.25 of the Non-residential Property Maintenance Code.
  - 8) Building must meet all applicable building and fire codes. Fire Extinguishers are required.
22. (1) RO-24-01 Richard Bystrek-14145 Kostner Ln.- Cabinet Shop.

The request by Richard Bystrek for a cabinet shop located at 14145 Kostner Lane 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) Approval shall be granted for a probationary one year period after which the Applicant shall be required to re-apply following an evaluation by the New Berlin Police Department and the Zoning Administrator.
- 2) The parking lot shall be repaired, re-paved and re-striped by Monday August 6, 2001.
- 3) The abandoned semi-trailer on the rear of the site shall be removed by Friday July 6, 2001.
- 4) The building shall be re-painted by Monday August 6, 2001 and a color, scaled elevation drawing showing the color scheme shall be submitted by Friday July 6, 2001.

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

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

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

8) No outside storage of vehicles or equipment will be permitted on the property.

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

10) 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. Fire Extinguishers are required.

23. (2) RO-25-01 Bricklayers & Allied Craftworkers - 17125 W. Cleveland - Office for Bricklayer Union.

The request by Bricklayers & Allied Craftworkers for an office for Bricklayer Union located at 17125 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) Dumpsters must be properly screened from the street and public view in accordance with the City of New Berlin Municipal Code Section 17.1304 (14).

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

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

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

5) No parking of vehicles shall be allowed along the rear graveled area of the site.

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

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

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

24. (7) RO-28-01 Electric Power Research Institute - 15350 W National Ave. - Business office

The request by Electric Power Research Institute for a business office located at 15350 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) Parking shall be resealed, re-striped and repaired by Monday, August 6, 2001 at which time another site visit shall be made.

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

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

4) A separate application is required from the Planning Department for any sign or banners for this business including face changes.

5) No outside storage of vehicles or equipment will be permitted on the property.

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

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

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

25. (2) RO-29-01 Security Insurance - 2725 S Moorland Rd - Insurance sales office

The request by Security Insurance for an insurance sales office located at 2725 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) A separate application is required from the Planning Department for any sign or banners for this business.

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

3) No outside storage of vehicles or equipment will be permitted on the property.

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

5) Existing signs shall be removed by Friday, June 8, 2001 per Chapter 17 Sec.(10)(L)(1)(b) of the New Berlin Zoning Ordinance.

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

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

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

#### **STAFF APPROVED**

26. (7) SIGN - Cingular Wireless - 15401 W. National Ave. - 3' x 8' Temporary Banner.

The request by Cingular Wireless for a temporary banner located at 15401 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) Per §17.08(10)(J) of the New Berlin Zoning Ordinance temporary signs "shall not be granted for a period of more than 30 days in any 365-day period". The temporary banner sign shall be removed by Monday, May 21, 2001. On or before this date an application for a permanent wall sign that meets the Sign Standard Ordinance for Moorland Square shall be applied for.

2) Per §17.08(10)(L)(2a) of the New Berlin Zoning Ordinance "if a sign is displayed before a permit is issued, the violator shall pay twice the normal amount for the sign permit."

3) The sign shall not exceed 24 square feet.

4) The sign shall not be illuminated in any way.

5) Sign fee per calculations below:

Temporary Sign: 8' x 3' = 24 sq. ft. x \$3.00/sq.ft. = \$72.00 x 2 (penalty) = \$144.00  
Less Application fee (\$75.00) = \$69.00

6) Installation and Maintenance per Section 17.0800 of the Municipal Zoning Ordinance.

27. (2) U-24-01 Mr. & Mrs. Robert Geier - 14152 Waters Edge Trail - Unheated Sunroom on Existing Frost Footed Foundation Under Existing Roof.

The request by Mr. & Mrs. Robert Geier for an unheated sunroom on existing frost footed foundation under existing roof located at 14152 Waters Edge Trail 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) Per recommendation of the Architectural Review Committee, the materials used shall match the exterior of the existing building.

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

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

28. (7) U-26-01 Bartlett's - 15801 W. National Ave. - Paint Existing Block Siding.

The request by Bartlett's to paint existing block siding located at 15801 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) Per recommendation of the Architectural Review Committee, the materials and color scheme shall be approved prior to any changes to the building.

2) All necessary permits must be obtained from the Building Inspection and Zoning Department prior to commencement of any changes to the building at this site.

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

29. (4) U-28-01 Chain Reaction, Inc. - 5051 S. Sunnyslope - Sell Frisbees for Disc Golf from a Van at Valley View Park.

The request by Chain Reaction, Inc. to Sell Frisbees for Disc Golf from a Van at Valley View Park 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) Approval shall be granted for a probationary one year period after which the Applicant shall be required to re-apply following an evaluation by the New Berlin Police Department and the Park & Rec Commission.
- 2) No signage shall be allowed for this operation besides what is painted or Mounted to the van.
- 3) There shall be no sales past the posted park hours.
- 4) Business van shall be properly registered.

## **COMMUNICATIONS**

30. Communication To: Plan Commission

Communication From: Greg Kessler, Director of Community Development

Re: Memo from Ecology Association of New Berlin regarding zoning changes and zoning and land use maps.

Mr. Herb Eggie spoke regarding the message from the Ecology Association. He explained their concerns as stated in the letter. Mr. Eggie emphasized the inconsistencies with the new code and on behalf of the Ecological Association asked that the Commission resolve the conflicts in the new code.

Mr. Lake explained the procedure for zoning change of C-1, C-2 overlay districts. Every change requires Plan Commission and Common Council approval. Zoning and Land Use Map are two completely different maps. Inconsistencies with the new code are presently being discussed. The zoning map is our image of today and contains all the changes and amendments by Council. The land use map is a picture of what the uses should look like in 2010.

31. Communication To: Plan Commission

Communication From: Nikki Jones, Associate Planner

Re: Consultant for the West National Avenue Redevelopment - Fiscal Analysis (PG-143,file3)

This communication will be moved to the June 18, 2001 Plan Commission Meeting as an action agenda item.

## **ADDENDUM ITEMS**

32. Resolution Repealing Certain Sections of Chapter 17 (2001) and Recreating Certain Sections of Chapter 17 (1993).

Motion by Mr. Chase to forward to Council a Resolution recommending changes to Chapter 17 including additional changes as required and to recommend scheduling a public hearing for Chapter 17 changes.

Seconded by Mr. Barnes. Motion carried unanimously.

33. (4) S-154-99 The Pines of Country Estates - 12900 Peachtree Ln. - Final Subdivision. (Tabled 2-5-01, 3-5-01).

Motion by Mr. Chase to remove this item from the table. Seconded by Mr. Teclaw. Motion carries unanimously.

Motion by Mr. Chase to recommend to Council approval of the request by The Pines of Country Estates for a final subdivision located at 12900 Peachtree Lane subject to:

1) Clean up of all drafting errors prior to City signing final Plat.

2) Full compliance with the executed Developer's Agreement shall be required prior to City signing the final Plat.

3) Based on the estimate prepared by the City Assessor in accordance with Section 18.10, the required fee for your requested residential development is as follows:

Public Site Fee:	\$ 670.00 per lot x 14 lots = \$9,380
Open Space Fee:	\$ 130.00 per lot x 14 lots = \$1,820
Trail Fee:	\$ 200.00 per lot x 14 lots = <u>\$2,800</u>
Total:	\$14,000

4) Schedule:

December 28, 2000 – Plat Received

February 26, 2001 – 60-day time limit expires

February 5, 2001 – Plan Commission date for final action

February 13, 2001 – Common Council date for final action

Extension March 13, 2001 – Common Council date for final action.

Extension June 12, 2001 – Common Council date for final action.

Extension June 26, 2001 – Common Council date for final action.

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

34. (4) R-1-01 Motion Health & Wellness Center - 14985 W. Beloit Rd. - Rezone A-2 to O-2 - Wellness Center - Revised Plans. (Tabled 5-7-01).

Motion by Mr. Barnes to recommend to Council approval of the request by Motion Health & Wellness Center to rezone the property located at 14985 W. Beloit Road from A-2 to O-2 subject to the following:

1) Legal description of lands to be rezoned to O-2, legal descriptions of field delineated wetlands and secondary environmental corridor required prior to writing of ordinance.

2) Use, Site and Architectural approval required for any modifications to the existing use or structures on the property.

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

Motion by Mr. Chase to adjourn the Plan Commission meeting at 10:00. Seconded by Mr. Teclaw. Motion carried unanimously.

