

Minutes

NEW BERLIN PLAN COMMISSION

NEW BERLIN CITY HALL COUNCIL CHAMBERS

AUGUST 6, 2001

MINUTES

The Plan Commission Meeting of August 6, 2001 was called to order by Mayor Wysocki at 5:10 P.M.

In attendance were Mayor Wysocki, Mr. Graber, Mr. Teclaw, Mr. Barnes, Alderman Ament, Mr. Felda. Also in attendance were Greg Kessler, Director of Community Development, Mark Lake, Director of Planning, Nikki Jones, Associate Planner, Olofu Agbaji, Associate Planner, David Haines, Associate Planner, Paul Reilly, City Attorney, and several members of the GDMP. Mr. Gihring was excused.

Motion by Mr. Felda to approve the Plan Commission Minutes of July 20, 2001. Seconded by Mr. Barnes. Motion carried unanimously.

4. Plan Commission Secretary's Report - none
5. 5:00 - 7:00 P.M. - GDMP Plan, Chapter 17, Chapter 18, and Related Map Revisions (Review and Discussion (PG-741 & 833)

Motion by Mr. Barnes to approve the recommended consent items for Chapter 18 except for items #14, 15, 26, 27, 29, 30, and change "seer" to "sewer" in item #24.

Seconded by Mr. Felda. Motion carried unanimously.

Discussion continued with Chapter 18 changes:

Page 8 - (5)(A) Plan Commission. omit "hold public meetings, add " The Common Council shall hold a public meeting or direct Plan Commission to hold a public meeting"

Page 16 - (G)(1) omit word "may"

Page 18 - (e)(i)(b) change "Step 5" to "Step 11"

Page 26 - (2)(O) omit "all"

(3)(A) eliminate "1", move 2 to 1, and 3 to 2.

Page 28 - (5) (b) "14.025" change to "80-3"

Page 29 - (1) remove the word "individual"

Page 29 - (1) remove 2nd sentence

Page 29 - (2) omit D, E, H, I, J.

Page 30 - (5)(A)(1) - change to read "shall conform to official map for the city plans and regulations set forth in the ordinance."

Page 30 - (5)(A)(2) - change official plan to official map

Page 31 - (B)(5) change "shall" to "may"

Page 31 - (B)(6) change "shall" to "may"

Page 31 - (B)(7) omit #7

Motion by Mr. Graber to approve the above changes to Chapter 18. Seconded by Alderman Ament. Motion carried unanimously.

Consensus of Plan Commissioners to hold the next comprehensive Plan Commission Meeting on August 16, 2001 at 5:00 P.M.

6. 7:00 P.M. PUBLIC HEARING (3) CU-6-01 Verizon Wireless - 20840 W. Lincoln Ave. - Monopole Tower & Wireless Communications Facility.

The public hearing relative to the request by Tim Klingman, c/o Verizon Wireless for a Conditional Use Permit for an Upgrade to an Existing Wepco Transmission Tower to allow for a Wireless Communications Facility located at 20840 W. Lincoln Avenue was called to order by Mayor Wysocki at 7:07 P.M.

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

Dave Schmidt - 21011 W. Greenfield Avenue - I am familiar with these upgrades because there is a tower adjoining my property that was upgraded last year. At the time I was told by Wisconsin Electric that the structure would not be any more visible than the other structures in the substation facility. Now I look out my two and half story high windows at this extended tower where there was once a treeline. Now knowing the location of this proposed upgrade, I know it will be within view from my lot.

Lisa Bera , Verizon Wireless - Tim Klingman who is handling this proposal is unable to attend tonight and has asked me to act in his place. For clarification, this is not an upgrade, it is classified as an addition. I am not familiar with New Berlin so I do not know where this individuals home is and I do not know what this individuals view will be. As far as looking at a tower, what you are actually going to be seeing is 8 feet of antenna. I can't say how wide it is but I would guess maybe three feet wide.

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

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

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

Dave Schmidt - 21011 W. Greenfield Avenue - I have no doubt that this will be seen from my windows that overlook the wooded land. This is West from the first additional elevation on the other tower I mentioned and I know that this upgrade or addition will detract from our view also. The purpose of living where we do is to enjoy the view we have and from my experience from the other tower, I definitely am opposed to this detraction of the value of my property.

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

Mayor Wysocki asked for questions from the Plan Commissioners.

Mr. Teclaw - How tall is the existing tower. Mr. Lake said 100 feet. So this would add 8 more feet? Yes, what you see will be the WEPCO pylon at 101'-4" and it will be 109" to the top of the mounting bracket. The request is for a change in the use to the structure. Right now it is a Wisconsin Electric transmission tower and the change in use brings it up to a telecommunication support structure and they are adding the array on top. This is the same as done up the WEPCO line in order to avoid building new towers. We encourage this because the tower is already there.

Mr. Felda - Does Voice Stream just to the East of this location use an existing tower also? Mr. Lake said Yes, there are four of them, Voice Stream and Ameritech have one on Sunnyslope, PrimeCo has one to the West of this and also one to the East. We encourage this because otherwise they come back with the request to build another tower. If there is a need identified and there is no place that the City will allow them to co-locate on, then they will need to build a new tower.

Mr. Felda - Their array is not going to be any more obtrusive than the other ones? Mr. Lake said that what you see on the very top is what is being added. They are taking the lattice tower and installing a little pole through the middle of it for support and then they have this array on the top of it. We have several of these already down the New Berlin Recreation Trail and they are the exact same things that are used all over Southeastern Wisconsin.

Mr. Teclaw - Mr. Schmidt, how much of that tower can you see now? Mr. Schmidt said there was substantially more added to it. They added to the metal part of the tower portion and then added on the other thing. It was probably at least a 20 foot addition. You might say 8' isn't going to matter, but right now it is to the top of the trees so I will see any addition. I didn't come to the meeting for the first one because I was reassured it wouldn't be any taller than any other structure in the substation. The one they installed isn't in Arcadian. It is installed on a tower West of Arcadian. They probably have a right to do these additions but I am just asking that they put them where we don't have to look at them. The public has a need for them, I am not disputing that, but they are an eyesore and we have to find ways to minimize the impact. All the people on Craftsman Drive will be surprised when they look outside their windows after this one is installed, even if it is 8'.

Mr. Barnes - On the antenna drawing, is the 7'8" dimension to the middle of the antenna? What is the additional height? Ms. Bera said there are 5' panels.

Mr. Teclaw - What is the actual total additional height from what it originally was. Mr. Lake said the original height is 101'4". The measuring height is to the centerline of the panel which is at 109' so adding 2.5 feet would give you 111.5 feet. Ms. Bera said we are adding 10'.

Mr. Teclaw - Is there an opportunity to locate this on any other nearby tower that would not interfere with the view for anyone? Mr. Lake said there is a WEPCO tower 500' to the East and 500' to the West and a guyed tower on Schwartz Road. Mr. Teclaw said I am wondering if in the selection process if that was fully considered and if it would be simple enough to locate it a little bit down the way. Mr. Lake said locating it in a different way means they build a new tower. In this case, they are not building a new tower, they are using an existing facility which is what our code requires them to do. If there is an existing facility, they are required to go on it prior to asking to creating an additional facility.

Alderman Ament - I want to make sure I have this right. Did I hear you say it will actually go up 10'? Ms. Bera said the monopole will thread through the WEPCO structure, there will be an estimated 3-5 feet of separation between the top of the WEPCO tower and the tripod that the antennas will be attached to. Yes, you are right in saying it is estimated at 10', give or take a few feet.

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

Mayor Wysocki called the public hearing closed at 7:23 P.M.

CONTINUED ITEMS

7. (3) CU-9-95 Robert Dugan – 2355 S. Johnson Rd. – Construct driveway across wetlands and floodplain, construct home. (Tabled 12/1/97, 7/9/01)

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

Motion by Mr. Barnes to deny the request by Robert Dugan to construct a driveway across wetlands and floodplain and construct a home located at 2355 S. Johnson Road based on the following reasons:

- 1) Wisconsin Department of Natural Resources "Dismissed without prejudice" the application due to inactivity in their request for more information.
- 2) U.S. Army Corps of Engineers has not issued a nationwide #26 permit because a WDNR 401 Water Quality Permit was required and has not been issued awaiting resolution by the applicant.

Seconded by Mr. Felda. Motion carried unanimously.

8. (7) U-21-01 Kendall Breunig – 4335-4337 S. Rose Ct. – Revised Plans.(Tabled 5/7/01)

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

Motion by Mr. Graber to approve the request by Kendall Breunig for a two family residence located at 4335-4337 S. Rose Court subject to:

- 1) Submittal of a revised site grading and drainage plan for approval by the Department of Community Development (Engineering) prior to issuance of Zoning Permit is required. Plan shall address the rear drainage and how it should be conveyed to Rose Court.
- 2) The Department of Community Development (Engineering) will require a 12" pipe to replace the existing 6" pipe storm sewer pipe to drain the rear rooftop to the front. Work on this shall be completed by September 1, 2001 when a final lift is anticipated. All downspouts shall be connected to storm sewer. Curb or inverted crown in driveways to ensure draining to front. The drainage plan shall also address the proposed berm in the front yard and drainage towards Rose Court.
- 3) Submittal of a survey done by a certified land surveyor or engineer will be required prior to issuance of a Building Permit.
- 4) Applicant will be required to abide by all subdivision deed restrictions, covenants and developers agreements.
- 5) Applicant shall be required to meet all the requirements of the State of Wisconsin 1 & 2 family Building Code.
- 6) Permits are required from the Building, Inspections and Zoning Department. Cabinet enclosure must meet all applicable building and fire codes. Site must be maintained per § 14.25 of the Non-residential Property Maintenance Code.

Seconded by Mr. Barnes. Motion carried unanimously.

9. (3) U-44-00 J R Plumbing - 16817 W. Greenfield Ave. - First Floor Addition to Existing Building. - Revised Plans (Tabled 7/10/00, 7/9/01)

Motion by Mr. Felda for item to remain on table for review of additional plans and submittal of grading, utility and drainage plans.

Seconded by Mr. Barnes. Motion carried unanimously.

10. (4) U-35-01 U.S. Cellular/Terry Michaels - 20015 W National Ave. - Mount antennas to existing tower. (Tabled 7/9/01) - revised plans.

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 U.S. Cellular/Terry Michaels to mount antennas to the existing tower located at 20015 W. National Avenue subject to:

- 1) Applicant shall be required to meet the following outstanding conditions of approval of Zoning Permit numbers U-45-00 and U-66-00 prior to issuance of Zoning Permit:
 - a) Submittal of detailed grading plan for the proposed tower, which must be approved by Engineering Department prior to installation. All new slopes for this site must not exceed 3:1. Plans must be approved by Engineering Department prior to issuance of Building Permit.
 - b) Replacement of all mature trees removed per § 17.1308 (10) of the Zoning Ordinance, Woodland Preservation Schedule. Tree removal plan and schedule must be approved prior to issuance of Building Permit.
 - c) T-turn around will be required on site to enable vehicles maneuver off National Avenue.
- 2) Submittal of a revised site plan showing the location of the proposed fence is required. Applicant should utilize green coated cyclone fence to secure the perimeter. No barbed wire on fence.
- 3) Entire site clean up will be required. Site clean up shall include the removal of all brushes, dead trees and all steel parts and structure of the previous towers.
- 4) Per Section 17.08 (3) (A), Natural Resource Protection: Limit of Disturbance, applicant is required to designated and identify the "limits of disturbance" (LOD) for this development.

This shall be identified in the survey, revised site plan and revised landscaping plan. Revised plans must meet all the requirements of this section of the Zoning Ordinance in its entirety. Schedule must be on file in the prior to the issuance of Building Permit.

- 5) Erosion control/ containment as outlined in your submitted plans (sheet # SP- 1 & 2) is required on site prior to issuance of Building Permit.
- 6) Submittal of a detailed tree removal and replacement schedule to the Department of Community Development (Planning) prior to issuance of Zoning Permit. There are seven trees North of the Cingular Wireless shelter that have been filled and will be significantly impacted. This must be included in the number of trees that will have to be replaced on this site. Schedule must meet the requirements of section 17.08 (3) (B) (6) of the Zoning Ordinance in its entirety. Replacement trees shall be identified on the revised landscaping plan.
- 7) Applicant will also be required to create a paved T-turn around that meets all the Zoning Code requirements and takes this proposal into account.

Seconded by Mr. Felda. Motion carried unanimously.

NEW BUSINESS

11. (3) CU-6-01 Verizon Wireless - 20840 W. Lincoln Ave. - Monopole Tower & Wireless Communications Facility.

Motion by Mr. Barnes to approve the request by Verizon Wireless for a telecommunications array at 109.3' above ground and support structure roughly located at 20840 W. Lincoln Avenue along the WEPCO ROW subject to:

- 1) Site and array must meet the conditions of §17.0503(3) of the City of New Berlin Municipal Code.
- 2) All structural plans used for the building permit to be stamped by a Wisconsin architect and/or engineer.
- 3) Cabinet enclosure required to be screened from the public, landscape plan with plant key and plant specifications according to section §17.0503(3)(j) to be reviewed and stamped approved by the Planning Department prior to installation.
- 4) Barbed wire capped enclosures are not allowed. Fence to be installed without barbed wire on top.
- 5) Permits are required from the Building, Inspections and Zoning Department. Cabinet enclosure must meet all applicable building and fire codes. Site must be maintained per § 14.25 of the Non-residential Property Maintenance Code.
- 6) Coordinated access with WEPCO required. Easement for coordinated access to be on file.
- 7) Approval of drainage, grading and overall site plans by the Engineering Department required prior to issuance of Building Permit.
- 8) Total height of array shall not exceed 111.5'.

Seconded by Mr. Graber. Motion carried unanimously.

12. (2) U-40-01 Lakeside Oil – 13975 W. Cleveland Ave. – Replace Tri-Colored Band with Quad Band, Replace Corners with Radius Corners, and add New Cladding for Pumps.

Motion by Mr. Felda to approve the request by Lakeside Oil to replace tri-colored band with quad band, replace corners with radius corners and add new cladding for pumps located at 13975 W. Cleveland Avenue subject to:

- 1) Applicant shall be required to recess the canopy light fixtures and utilize cut-offs to significantly reduce the amount of glare cast outside the canopy to neighboring properties. Submittal of a revised lighting plan with fixture specification to the Department of Community Development (Planning) is required prior to issuance of Zoning Permit.
- 2) Removal of the illegal signs and flag poles erected on this property without the required permits by August 13, 2001 or prior to issuance of Zoning Permit.

- 3) Per § 17.0314 (2) (d), outside display of merchandise is a permitted accessory use, but must not exceed five (5) percent of the gross floor area of the store or 500 square feet, whichever is less. Please ensure that all outside display of merchandise is limited to the square footage allowed by code.
- 4) Canopy and building tri colored band shall not include any signage. Separate permit required for any sign changes.

Seconded by Mr. Graber. Motion carried unanimously.

13. (3) U-41-01 AAA Landscaping – 18901 W. Lincoln Ave. – Farm and Landscape Operation in Summer.

Motion by Mr. Barnes to approve the request by AAA Landscaping for farm and landscape operation in summer located at 18901 W. Lincoln Avenue subject to:

- 1) This operation shall be subject to periodic, unannounced inspection by the Zoning Administrator in response to complaints or to ensure compliance with this ordinance.
- 2) The total area devoted to the book keeping/business side of the home shall not exceed 20 percent of the building area of the principal dwelling unit.
- 3) 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.
- 4) All equipment used in the operation of this landscaping business shall be stored within the accessory building or detached garage or barn.
- 5) 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 18901 West Lincoln Avenue prior to Plan Commission review and approval.

Seconded by Mr. Felda. Motion carried unanimously.

14. (7) U-43-01 Midwest Service Equipment – 17800 W. National Ave. – Building Addition.

Motion by Mr. Teclaw to approve the request by Midwest Service Equipment for a building addition located at 17800 W. National Avenue subject to:

- 1) Proposed addition must match the material, color and style of the existing building.
- 2) Building plans must be stamped by a Wisconsin Registered Architect prior to issuance of a Building Permit.
- 3) Building must meet all applicable building and fire codes. Fire Extinguishers are required.
- 4) All necessary permits must be obtained from the Building Inspection and Zoning Department prior to commencement of any construction at this site. Building must be maintained per Section 14.25 of the Non-residential Property Maintenance Code.
- 5) Dumpster must be properly screened from the street and public view in accordance with New Berlin Municipal Code Section 17.1304(14). Solid waste as well as recyclable waste dumpsters must stored within the designated enclosure.

Seconded by Alderman Ament. Motion carried unanimously.

15. (7) U-44-01 Country Cottage Christian Child Care – 4895 S. Calhoun – Child Care Facility.

Motion by Mr. Barnes to approve the request by Country Cottage Christian Child Care for a child care facility located at 4895 S. Calhoun Road subject to:

- 1) State code requires an inspection for code compliance prior to occupancy.
- 2) All necessary permits must be obtained from the Building Inspection and Zoning Department prior to commencement of any construction at this site. Building must be maintained per 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) Fire alarm system is required. Further expansion of use of this facility will require a Fire Department assisted sprinkler system.
- 5) Dumpster must be properly screened from the street and public view in accordance with New Berlin Municipal Code Section 17.1304(14). Solid waste as well as recyclable waste dumpsters must stored within the designated enclosure.

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

Seconded by Mr. Barnes. Motion carried unanimously.

16. (2) U-45-01 William Matthews, CPA, SC – 2601 S. Sunnyslope – Paint and Seal Existing Stone on Building.

Motion by Mr. Barnes to approve the request by William Matthews, CPA to paint and seal existing stone on building located at 2601 S. Sunnyslope subject to:

- 1) Per Section 17.010 (3) (b) (3), "A double fee shall be charged if work is started before a permit is applied for or issued, or a building is occupied prior to issuance of an occupancy permit." As this is an after the fact application, applicant is required to pay an outstanding \$300.00 by August 31, 2001.
- 2) Architectural Review Committee recommends that the paint be left on the building.
- 3) Dumpster must be properly screened from the street and public view in accordance with New Berlin Municipal Code. Enclosure must match exterior of building, and must be built to accommodate both solid as well as recyclable waste dumpsters.
- 4) Building must meet all applicable building and fire code. Fire extinguishers are required.
- 5) Building must be maintained per Section 14.25 of the Non-residential Property Maintenance Code. All necessary permits must be obtained from the Building Inspection and Zoning Department for any interior or exterior alterations.

Seconded by Mr. Felda. Motion carried unanimously.

17. (4) U-46-01 TeleCorp Realty LLC – 4150 S. Swartz – Co-Location on the Viking connection tower at the 160' and 250' levels.

Motion by Mr. Graber to approve the request by TeleCorp Realty LLC for co-location of a tower located at 4150 S. Swartz subject to:

- 1) All equipment for this co-location shall be located within the existing shelter. No additional shelter shall be placed on this site without a permit from the Plan Commission.
- 2) Submittal of a landscaping plan for this site as required by §17.05(2)(16) of the City of New Berlin Zoning Ordinance. Landscaping plan must meet the requirements of this section of the Ordinance in its entirety.
- 3) All structural plans used for the building permit must be stamped by a Wisconsin architect and/or engineer at time of Building Permit application.
- 4) All necessary permits must be obtained from the Building Inspection and Zoning Department prior to commencement of any construction at this site. Building must be maintained per Section 14.25 of the Non-residential Property Maintenance Code.
- 5) Site grading and drainage plan must be approved by the Department of Community Development (Engineering) prior to issuance of Building Permit.
- 6) Remove barbed wire from top of fence.

Seconded by Mr. Felda. Motion carried unanimously.

18. (7) R-4-01 Sports & Fitness Traders – 17400 W. National Ave. – Rezone from O-1 to B-2. - Set public hearing date.

Motion by Mr. Barnes to recommend to Council to direct the Plan Commission to hold a public hearing relative to the rezoning and make a recommendation for action to Council.

Seconded by Mr. Graber. Motion carried unanimously.

19. (4) LD-5-01 Richard & Judith Mercier – 16060 W. Beloit Rd. – Ne ¼ Sec. 27 – Two-Lot Preliminary Land Division.

Motion by Mr. Felda to recommend to Council approval of the request by Richard & Judith Mercier for a two lot preliminary land division located at 16060 W. Beloit Road, NE 1/4 Sec. 17 subject to:

- 1) Ultimate Development Plan required which addresses the future development/ ultimate extension of Sovereign Drive.
- 2) Remnant parcel, (Parcel 1) will be severely limited in its development potential for the following reasons:
 - a) Per the Wisconsin Wetland Inventory map of 1987, your property is currently encumbered by 3.09 acres of wetland. Prior to any land division, field delineation, surveying, and verification of the Wetlands, Primary, and Secondary Environmental Corridors shall be required.
 - b) The northern tributary of Calhoun Creek (outfall from Regal West Subdivision and drainageway from Moorland Road) requires a review by the Wisconsin DNR and/or

Army Corps of Engineers (ACOE) for its potential to be a navigable waterway. Determination of Navigability shall restrict development to within 50' of the ordinary high water mark, and limit grading (requires WDNR/ACOE permit) within 500' of the navigable waterway.

- c) The Flood Insurance Study for Calhoun Creek, November 6, 1996 shows that parcel 1 is significantly restricted to developable area.
 - d) Access to parcel 1 limited to Sovereign Drive and restricted to a medium-density single-family residential land use.
- 3) The extension of Sovereign Dr to accommodate the development of the R-4 lands, currently 3.97 acres would be limited based on the following:
- a) All utilities and infrastructure would be required to be extended to properly serve the development, including, but not limited to: Storm Sewer extension (60+ inch culvert), Sanitary Sewer extension, Water main extension, and the construction of a permanent cul-de-sac.
 - b) NRCS maps indicate that the R-4 property is a prior converted wetland.
 - c) If a wetland, or navigability determination were given to the Regal West Subdivision outfall (currently within a drainage easement) The WDNR and/or ACOE would require grading permit, water quality permits, and their issuance would be based on an alternatives analysis of the potential for development.
- 4) CSM does not include length, bearing and ties to all easements (public and private) and wetlands.
- 5) Detailed access road/infrastructure/stormwater/grading plans for the extension of Sovereign Drive to be reviewed and approved by the Engineering Department prior to building permits being issued.
- 6) Sewer and water plans for the extension of Sovereign Drive to be approved by all regulating authorities.
- 7) Access permits required from the Waukesha County Department of Public Works.
- 8) All owners to sign prior to City signing Final Plat/CSM.
- 9) Payment of \$2703.86 in Public Site, Open Space and Trail Fees required prior to the City signing the final CSM.
- 10) Relabel Parcel 1 to Outlot 1; Parcel 2 shall be relabeled Parcel 1; Existing Outlot 1 shall be relabeled to Outlot 2. Outlot shall be encumbered by #2 and #3 and shall be required to be satisfied prior to City releasing outlot for development. Restrictions shall be placed on the face of the CSM.

Attorney Dan Heiden, 405 N. Calhoun Road, representing Mr. & Mrs. Mercier, indicated understanding of the conditions of the land division.

Seconded by Mr. Graber. Motion carried with Mr. Barnes abstaining.

20. (3) SG-32-01 John Spitz – 18005-25 W. Lincoln Ave. – Monument Sign.
- Motion by Mr. Barnes to table the request by John Spitz for a monument sign located at 18005-25 W. Lincoln Avenue for the following reasons:
- 1) Section 17.08 (10)(B)(1) 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. No Sign Permit shall be issued to a business or property that does not have a Zoning Permit.” The businesses on the sign do not have Zoning Permits.
 - 2) Applicant is required to apply for and receive Use Approval to use the property as a Multi-tenant building prior to issuance of any reoccupancy or Sign Permit. Section 17.03(5)(A) of the City of New Berlin Zoning Ordinance states that “No principal or accessory use, development, structure, or sign shall hereafter be located, erected, moved, reconstructed, extended, enlarged, structurally altered, occupied, or reoccupied; no site or premise shall be altered, used, changed, modified, or occupied; and no grading undertaken, until after the owner has applied for and the Department of Community Development staff or the Plan Commission has reviewed and approved an application for a zoning permit,

based on compliance with the use, site plan, and architectural review standards set forth below.”

- 3) Submittal of an Application for Use Approval to use this building as a multi-tenant building for the September 10, 2001 Plan Commission meeting.
- 4) All outstanding violations including signage at this site shall be corrected prior to issuance of Zoning Permit

Seconded by Mr. Graber. Motion carried unanimously.

21. (3) RO-35-01 Capitol Pavers, Inc. – 18005 W. Lincoln Ave. – Office and Warehouse for Storage of Tools and Equipment Used in Concrete Paving and Road Building.

Motion by Mr. Graber to table the request by Capitol Pavers, Inc. for office and warehouse for storage of tools and equipment used in concrete paving and road building located at 18005 W. Lincoln Avenue for the following reasons:

- 1) Applicant is required to apply for and receive Use Approval to use the property as a Multi-tenant building prior to issuance of any reoccupancy or Sign Permit. Section 17.03(5)(A) of the City of New Berlin Zoning Ordinance states that “No principal or accessory use, development, structure, or sign shall hereafter be located, erected, moved, reconstructed, extended, enlarged, structurally altered, occupied, or reoccupied; no site or premise shall be altered, used, changed, modified, or occupied; and no grading undertaken, until after the owner has applied for and the Department of Community Development staff or the Plan Commission has reviewed and approved an application for a zoning permit, based on compliance with the use, site plan, and architectural review standards set forth below.”
- 2) Submittal of an Application for Use Approval to use this building as a multi-tenant building for the September 10, 2001 Plan Commission meeting.
- 3) All outstanding violations at this site shall be corrected prior to issuance of Zoning Permit.

Seconded by Felda. Motion carried unanimously.

ZONING PERMITS

22. (2) RO-33-01 Caring Angels LLC – 2665 S. Moorland Rd. – Non-Medical Home Health Care.

The request by Caring Angels LLC for non-medical home health care 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) All sign faces, excluding Sylvan Learning Center and Sentry Insurance, must be taken down or applied for by July 9, 2001.
- 2) Submittal of a monument sign plan to the Department of Community Development (Planning) is required by August 6, 2001, or prior to issuance of Occupancy Permit. The monument sign must be in accordance with Section 17.08 Sec.(10).
- 3) No outside storage of vehicles, equipment, or materials will be permitted on the property.
- 4) Employee and customer parking must be contained on this site.
- 5) Dumpsters must be properly screened from the street and public view in accordance with the City of New Berlin Zoning Ordinance Chapter 17.08 Sec.(5)(G)(2).
- 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.

23. (7) RO-34-01 Pallupa Chair LLC – 17390 W. National Ave. – Manufacture and Sales of Cedar Lawn Furniture and Unfinished Indoor Furniture w/Outdoor Display During Business Hours.

The request by Pallupa Chair LLC for manufacturer and sales of cedar lawn furniture and unfinished indoor furniture with outdoor display during business hours located at 17390 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) A separate application is required from the Planning Department for any temporary or permanent sign for this business. Signs must adhere to the Rural Commercial Design Guide and the provisions of the City of New Berlin Zoning Ordinance Chapter 17.08 Sec.(10).
- 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) Outdoor display of merchandise will be allowed provided that the display does not exceed 140 square feet and does not obstruct traffic, sidewalk or fire lane areas. Outside storage of merchandise is not permitted. Merchandise must be placed inside the principal structure outside normal business hours.
- 4) No outside storage of vehicles, equipment, or materials will be permitted on the property.
- 5) Employee and customer parking must be contained on this 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. (2) RO-36-01 M & M Concrete – 16520 W. Rogers Dr. – Concrete Sealers, Concrete & Mortar Dyes, and Other Additives.

The request by M & M Concrete for concrete sealers, concrete & mortar dyes, and other additives located at 16520 W. Rogers Drive has been reviewed and conditionally staff approved by the New Berlin Plan Commission subject to the application, the plans on file, and the following:

- 1) All temporary or permanent sign or sign face changes must be applied for and receive a Sign Permit before installation.
- 2) Failing plants in the recently installed landscaping must be replaced by August 8, 2001.
- 3) No outside storage of vehicles, equipment, or materials will be permitted on the property outside the existing fenced in enclosure.
- 4) Employee and customer parking must be contained on this site.
- 5) Dumpsters must be properly screened from the street and public view in accordance with the City of New Berlin Zoning Ordinance Chapter 17.08 Sec.(5)(G)(2).
- 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-37-01 Clark, Malone, and Assoc., Inc. – 16530 W. Rogers Dr. – Office Space and Show Room for Institutional and Commercial Kitchen Equipment.

The request by Clark, Malone, and Assoc., Inc. for office space and show room for institutional and commercial kitchen equipment located at 16530 W. Rogers Drive has been reviewed and conditionally staff approved by the New Berlin Plan Commission subject to the application, the plans on file, and the following:

- 1) All temporary or permanent sign or sign face changes must be applied for and receive a Sign Permit before installation.
- 2) Failing plants in the recently installed landscaping must be replaced by August 8, 2001.
- 3) No outside storage of vehicles, equipment, or materials will be permitted on the property outside the existing fenced in enclosure.
- 4) Employee and customer parking must be contained on this site.
- 5) Dumpsters must be properly screened from the street and public view in accordance with the City of New Berlin Zoning Ordinance Chapter 17.08 Sec.(5)(G)(2).

- 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. (2) U-47-01 Wild Promotions -2875 S. 171st Street - Two tents on lawn.

The request by Wild Promotions for two tents on the lawn located at 2875 S. 171st Street has been reviewed and conditionally staff approved by the New Berlin Plan Commission subject to the application, the plans on file, and the following:

- 1) Removal of all the pallets and outdoor storage in the rear of the building by August 6, 2001. This site does not have approval from the Plan Commission for outside storage.
- 2) The tents shall be located in the designated area marked on the plan and shall not exceed 20' x 20'. They must be taken down by August 6, 2001.
- 3) 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). This should include recycling containers. A plan for the screening of the dumpsters must be received the Department of Community Development (Planning) by September 10, 2001.
- 4) Employee, customer, and visitor parking must be contained on this site.
- 5) No alcohol will be served on the premises.
- 6) No outside storage of equipment, vehicles, or materials will be permitted on the property.
- 7) Building must be maintained per Section 14.25 of the Non-residential Property Maintenance Code.

27. (1) SG-27-01 Timber Creek Restaurant - 15375 W. Greenfield Ave. - Temporary Sign.

The request by Timber Creek Restaurant for a temporary sign located at 15375 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) Applicant must meet the following outstanding conditions from Zoning Permit #U-10-00 approved on 3/15/99 as it relates to site landscaping:
- 2) Submittal of a revised landscaping plan prepared by a professional landscape designer/architect with plant keys and sizes as stipulated by Section 17 Sec.(5) will be required as a result of the access reconfiguration due to Greenfield Avenue construction. The plan is required by July 9, 2001.
- 3) 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 "New Menu Great Prices" banner shall be removed by July 9, 2001.
- 4) The sign shall not exceed 32 square feet.
- 5) The sign shall not be illuminated in any way.
- 6) No fee is required.
- 7) Installation and Maintenance per Section 17.08 Sec.(10) of the New Berlin Zoning Ordinance.

28. (5) SG-28-01 State Financial Bank - 15505 W. National Ave. - Face Change.

The request by State Financial Bank for a sign face change located at 15505 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 additional temporary and permanent signs or sign changes must be applied for and receive a Sign Permit before installation.

- 2) Failing junipers in the northwest parking island and around the base of the monument sign will be replaced by September 10, 2001.
 - 3) Address numerals will be added to the monument base.
 - 4) The free wall mounted "TYME" sign will not be permitted, as it would constitute a third sign on the premise. It will be allowed as an incorporation into the monument sign face. Per Section 17.08 Sec.(10)(1)(2)(a): "Only two 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 two and approved by Plan Commission."
 - 5) The overall height of the monument sign shall not exceed 7'6".
 - 6) The monument sign base will remain the same. The LED will be removed upon installation of the sign cabinet. No reveal will be allowed under the sign cabinet.
 - 7) The monument sign face shall not be greater than 32 square feet and shall be internally illuminated. The monument sign copy, "State Financial Bank" and logo, shall be 8.8 square feet on a side. Logos and letters of the "State Financial Bank" copy shall be white lexan on a 2'1" x 9'0" burgundy background. The incorporated "TYME" logo shall be red film on a 1'5" x 9'0" white background and shall be 1.6 square feet on a side.
 - 8) The monument sign will be located outside the right of way for National Avenue.
 - 9) An Electrical Permit is required from the Building Inspection and Zoning Department for the internal lighting of the monument sign.
 - 10) The wall sign shall not exceed 34.85 square feet and shall be mounted flush to the fascia, non-illuminated, and shall have fabricated 2" letters that will be painted burgundy.
 - 11) Payment of \$97.95 outstanding sign fee.
 - 12) Installation and Maintenance per Section 17.08 Sec.(10) of the New Berlin Zoning Ordinance.
 - 13) An Electrical Permit is required from the Building Inspection and Zoning Department for the internal lighting.
 - 14) Signs must be turned off outside of normal business hours.
29. (5) SG-29-01 Moorland Point – 3830 S. Moorland Rd. – 3' x 9' Monument Sign.

The request by Moorland Point for a 3' x 9' monument sign located at 3830 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 additional temporary and permanent signs or sign changes must be applied for and receive a Sign Permit before installation.
 - 2) The monument sign face, base, and columns will match or enhance the material and architecture of the building. All signs must conform to the sign standards set forth by the Moorland Point Overall Coordinated Sign Plan and the sign standards set forth by Section 17.08 Sec.(10)(1)(c).
 - 3) The monument sign will be located outside the right of way and vision triangle for Howard Avenue and the ultimate right of way for Moorland Road.
 - 4) The base of said monument sign will have 18 inches of brick course work.
 - 5) The overall height of the monument sign will not exceed 4 feet 6 inches.
 - 6) The overall width of the monument sign base and columns will not exceed 9 feet due to site limitations.
 - 7) The face of the monument sign will not exceed 23.25 square feet.
 - 8) An Electrical Permit is required from the Building Inspection and Zoning Department for the internal lighting.
 - 9) Payment of \$75.00 outstanding sign fee.
 - 10) Installation and Maintenance per Section 17.08 Sec.(10) of the New Berlin Zoning Ordinance.
 - 11) An Electrical Permit is required from the Building Inspection and Zoning Department for the internal lighting.
 - 12) Signs must be turned off outside of normal business hours.
30. (7) SG-30-01 Atlanta Bread – 3830 S. Moorland Rd. – Temporary Banner.

The request by Atlanta Bread for a temporary banner located at 3830 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) 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 “Grand Opening - Sandwiches • Soups • Salads - www.atlantabread.com” banner must be removed by July 18, 2001.
- 2) The temporary sign shall be hung on the South elevation along Howard Avenue and shall not hang above or below the building façade.
- 3) The temporary sign shall not be illuminated in any way.
- 4) The temporary sign copy shall not exceed 24.85 square feet and the sign copy shall be black and white.
- 5) The overall dimensions of the temporary sign shall not exceed 3 feet by 15 feet.
- 6) No fee is required.
- 7) Installation and Maintenance per Section 17.08 Sec.(10) of the New Berlin Zoning Ordinance.

31. (1) SG-31-01 Timber Creek Grille – 15375 W. Greenfield Ave. – Face Change.

The request by Timber Creek Grille for a sign face change located at 15375 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) Applicant must meet the following outstanding conditions from Zoning Permit #U-10-00 approved on 3/15/99 as it relates to site landscaping:
- 2) Submittal of a revised landscaping plan prepared by a professional landscape designer/architect with plant keys and sizes as stipulated by Section 17 Sec.(5) will be required as a result of the access reconfiguration due to Greenfield Avenue construction. The plan is required by July 9, 2001.
- 3) The addition to the wall sign shall not exceed 6 square feet.
- 4) The face of the wall sign shall be red plexiglass and the returns will be bronze with 1” gold trim.
- 5) No fee is required.
- 6) Installation and Maintenance per Section 17.08 Sec.(10) of the New Berlin Zoning Ordinance.

32. (4) SG-33-01 Baymont Inns & Suites – 15300 W. Rock Ridge Rd. – Relocate Marcus Theater Entrance Sign and Addition of Baymont Entrance Sign.

The request by Baymont Inns & Suites to relocate the Marcus Theater Entrance Sign and add a Baymont Entrance Sign located at 15300 W. Rock Ridge 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 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).
- 2) Only one directional arrow will be permitted on the sign. All additional tenants will not be permitted to have an arrow.
- 3) The overall height of the monument sign shall not exceed 8’0”, and the width of the monument sign shall not exceed 8’2”.
- 4) The base of the monument sign shall not exceed 3’0” in height, and shall be constructed of masonry matching or enhancing materials used in the development and shall be revised and approved prior to issuance of sign permit.
- 5) The upper tenant panel shall be 7’1” by 2’4” and will contain the Baymont Inn and Suites logo and copy. The background shall be white acrylic with Bristol blue film; the copy shall be white; and the flags shall be blue, red and yellow Scotchprint.
- 6) The lower tenant panels will have inserts placed into the slots. They shall be 3’6” by 2’4” and will be masked and sprayed Tan “Castilian” M.A.P 38C-3D.
- 7) The monument sign will have the required Westridge address plaque as described in the Westridge TIF District Sign Standards.
- 8) No fee is required. per calculations below:
- 9) Building Permits are required per Section 275.03(6) of the City of New Berlin Municipal Code.

- 10) Electrical Permits are required for the internal illumination per Section 275.03(6) of the City of New Berlin Municipal Code.
33. (3) SG-34-01 Holiday Inn Express – 15451 W. Beloit Rd. – Temporary Job Site Sign.
The request by Holiday Inn Express for a temporary job site sign located at 15451 W. Beloit Road has been reviewed and conditionally staff approved by the New Berlin Plan Commission subject to the application, the plans on file, and the following:
- 1) The temporary development sign shall be removed following the completion of the construction project. At which time the installation of a permanent sign for the development will require a separate application to the Department of Community Development (Planning) and the issuance of a Sign Permit before installation of the approved permanent sign.
 - 2) The temporary development sign shall not exceed 40 square feet.
 - 3) The face of the temporary development sign shall incorporate the Holiday Inn Express logo and will state the name of the owner, architect, general contractor, and financial institution backing the project.
 - 4) The development sign shall not be illuminated in any way.
 - 5) A fee of \$45.00 is required.
 - 6) Building Permits are required per Section 275.03(6) of the City of New Berlin Municipal Code.
34. (3) SG-38-01 OHM Properties, Inc. - 1410-1422 S. Calhoun - Monument Sign.
The request by OHM Properties, Inc. for a monument sign located at 1410-1422 S. Calhoun Road has been reviewed and conditionally staff approved by the New Berlin Plan Commission subject to the application, the plans on file, and the following:
- 1) All future modifications, including face changes, structural alterations, conversions, extensions, relocations, and additional signs must be applied for and receive a Sign Permit, must meet the provisions of the Section 275.03(10), and the provisions of the O.H.M. Plaza Overall Coordinated Sign Plan.
 - 2) The monument sign shall not exceed 4'0" in height, and will not exceed 7'0" in width.
 - 3) The base of the monument sign shall be 1'0" in height and shall be white.
 - 4) The face of the sign shall read "OHM Plaza," and shall be white on a blue background.
 - 5) The overall face of the sign shall not exceed 21 square feet.
 - 6) The address range indicated on the plan received July 30, 2001 as "16602" shall be "1410-22."
 - 7) No fee is required per calculations below:
 - 8) Monument Sign: (21" x 3'0") + (4" x 2'0") = 5.50 sq. ft. x 1 side = 5.50 square feet x \$3.00/sq.ft. = \$16.50
Less Application fee (\$75.00) = \$0.00
 - 9) Building Permits are required per Section 275.03(6) of the City of New Berlin Municipal Code.
 - 10) Electrical Permits are required per Section 275.03(6) of the City of New Berlin Municipal Code.

COMMUNICATIONS

35. Communication To: Plan Commission

Communication From: Greg Kessler, Director of Community Development

RE: Planner Burnout: How to Recognize It, How to Conquer It - by Earl Finkler

Commissioners acknowledged receipt of communication.

36. Communication To: Plan Commission

Communication From: Greg Kessler, Director of Community Development

RE: The Three Most Exciting Trends in Planning - by Norman Krumholz

Commissioners acknowledged receipt of communication.

37. Communication To: Plan Commission

Communication From: Greg Kessler, Director of Community Development

RE: "Suburbs Rated", Milwaukee Magazine, July 2001

Commissioners acknowledged receipt of communication.

38. Communication To: Plan Commission

Communication From: Greg Kessler, Director of Community Development

RE: "Proposed Development - Analyzing Fiscal Impacts", by Vicki Hellenbrand, CPA, The Municipality, July 2001

Commissioners acknowledged receipt of communication.

39. Communication To: Plan Commission

Communication From: Greg Kessler, Director of Community Development

RE: "Ex-planners say stress, politics pushed them out" by Richard Stradling

Commissioners acknowledged receipt of communication.

40. Communication To: Plan Commission

Communication From: Greg Kessler, Director of Community Development

RE: "Living Lightly on the Land", by Courtney Leatherman, American Forests, Summer 2001.

Commissioners acknowledged receipt of communication.

41. Communication To: Plan Commission

Communication From: Greg Kessler, Director of Community Development

RE: "Development firm puts priority on preserving green space", by Kelly Quigley, The Business Journal, June 22, 2001.

Commissioners acknowledged receipt of communication.

42. Communication To: Plan Commission

Communication From: Greg Kessler, Director of Community Development

RE: G.O. Promissory Notes, Series 2001

Commissioners acknowledged receipt of communication.

43. Request by Olofu Agbaji to discuss #74 from the pending list:

U-104-00 Ameritech, 2810 S. Calhoun Road - Buried vault for telephone equipment. (new address 3095 S. Calhoun.)

Motion by Mr. Graber to remove this item from the table. Seconded by Mr. Felda. Motion passes unanimously.

Motion by Mr. Felda to refer this item to staff for approval. Seconded by Mr. Graber. Motion carried unanimously.

Motion by Mr. Teclaw to adjourn the Plan Commission meeting at 9:00 P.M. Seconded by Alderman Ament. Motion carried unanimously.