

## NEW BERLIN PLAN COMMISSION

February 7, 2000

### Minutes

The Plan Commission meeting of February 7, 2000 was called to order by Mayor Gatzke at 7:04 P.M.

In attendance were Mayor Gatzke, Mr. Chase, Mr. Barnes Mr. Christel, Mr. Felda, Alderman Kaminsi. Also present were Steven K. Hoese, Director of Planning and Community Development, Mark C. Lake, Assistant Director of Planning, Olofu Agbaji, Planning Administrator, Jeff Fortin, Planning Tech. Mr. O'Neil was absent.

Motion by Mr. Christel to approve the Plan Commission Minutes of January 10, 2000. Seconded by Mr. Felda. Motion carried unanimously.

#### 4. Plan Commission Secretary's Report –

Mr. Hoese brought to the attention of the Commissioners that a building located in New Berlin is presented on the cover of the Wisconsin Architect Magazine. An elevation shown in the article is one that the Plan Commission had outlined changes for enhancements that led to fine results. The Plan Commission can be proud of this accomplishment and The City of New Berlin can be proud of this building.

Jeff Fortin and Nikki Jones, our two Planning Interns have switched positions. Jeff Fortin is now the current planner intern and Nikki Jones is now the comprehensive planner intern. This change is brought about because it is necessary for them to work in all areas of planning for their internship to earn their masters degrees.

Mayor Gatzke was named and the City was cited for New Berlin's progressive land use policies and our Commercial Center at the Institute for Real Estate Management forecast breakfast.

#### REFERRAL FROM COUNCIL

#### 5. Zoning Code Amendment – Rural Accessory Buildings

Motion by Mr. Felda to table the Zoning Code Amendment for the addition of a third accessory structure for R-1 and R-2 zoning districts for the following reasons:

New ordinance to be written to include the following, but not limited to:

1) The square footage may be increased by the following schedule: residentially zoned lots over 1 acre allow one 120 square foot accessory building, and one additional 720 square foot accessory building which can be increased by 120 square feet for each additional acre of land (i.e. 2 acres = 840 s.f., 3 acres = 960 s.f., 4 acres = 1,080 s.f., and 5 acres = 1,200 s.f.) Height for the accessory structure will be a maximum of 15'. Waiver by Zoning Administrator if higher pitch is required to match exterior of principle residence. Second accessory building can be greater in rural areas.

2) Accessory building can only be used for storage and agricultural purposes, and not home occupation, commercial storage, or business occupation.

3) Accessory buildings may be made from either masonry or wood frame materials, subject to the following: a) accessory buildings built from masonry must be at least 10 feet from a principal residence and b) accessory buildings over 720 square feet built from wood frame construction must be at least 30 feet from principal residence.

4) Pole structures will not allowed.

5) All accessory buildings shall meet all the front, side, and rear yard setback requirements for the district.

6) Under 17.0305 (6) (b) of the Zoning Ordinance shall read "No accessory building or structure shall exceed 15 feet in height.

7) Under 17.0306 (6) (b) of the Zoning Ordinance shall read "No accessory building or structure shall exceed 15 feet in height.

8) Section 17.0503(1)©1 of the Zoning Ordinance shall read "Accessory buildings more than 120 square feet in area may be made from masonry construction with a 10 feet setback from the principal residence or from wood frame construction with a minimum of a 30 feet setback from the principal residence".

The Building Inspector may grant a waiver from the requirement that an accessory building be located at least 10 feet (masonry construction only) from a principal building and permit such accessory building within five (5) feet of the principal structure. Such waiver shall only be granted when the accessory building is not designed or intended to store or contain any flammable liquid or vehicles or equipment containing flammable liquids; or where the accessory building is constructed with a fire wall as if it were attached to the principal building. The Building Inspector shall consider the health, safety, general welfare, and aesthetics of the proposed construction before granting such a waiver.

9) Section 17.0503(1)(h) of the Zoning Ordinance shall read "Properties zoned R-1 and R-2 zoned over one acre in size are allowed to have one 120 square foot accessory structure, one 720 accessory structure, and one accessory greater than 720 square subject to the following sliding scale: The square footage may be increased by the following schedule: for lots over 1 acre allow one 720 square foot accessory building, one 120 square foot accessory building, and one additional 720 square foot accessory building which can increase by 120 square feet for each additional acre of land (i.e. 2 acres = 840 s.f., 3 acres = 960 s.f., 4 acres = 1,080 s.f., and 5 acres = 1,200 s.f.) Waiver by Zoning Administrator if higher pitch is required to match exterior of principal residence.

10) Section 17.0503(1)(i) of the Zoning Ordinance shall read "Properties zoned R-1, R-2, A-1, and A-2 zoned over one acre in size and up to five acres in size are allowed to have three (3) accessory structures, one 120 square foot accessory structure, one 720 accessory structure, and one accessory greater than 720 square subject to the following sliding scale: The square footage may be increased by the following schedule: for lots over 1 acre allow one 720 square foot accessory building, one 120 square foot accessory building, and one additional 720 square foot accessory building which can increase by 120 square feet for each additional acre of land (i.e. 2 acres = 840 s.f., 3 acres = 960 s.f., 4 acres = 1,080 s.f., and 5 acres = 1,200 s.f.) Maximum height for the third accessory structure will be a maximum of 35'. The maximum allowable square footage for the third accessory structure is 1,200 square feet". Properties with no accessory structures currently built, are allowed to initially construct one (1) accessory structure that will be subject to the sliding scale, then will only be allowed to build an additional 720 square foot maximum accessory structure, and one (1) 120 square foot maximum accessory structure". Waiver by Zoning Administrator if higher pitch is required to match exterior to match principle residence.

Discussion followed. The Commissioners questioned why add a third building, only two should be allowed.

Seconded by Mr. Christel. Motion carried unanimously.

## CONTINUED ITEMS

6. (3) R-4-99 Deer Creek Inn & Conf. Center – 1401 S. Moorland Road – Rezone from RM-1 to B-1/PUD. (Tabled 8/2/99)

Motion by Mr. Christel to recommend to Council approval of the request by TDI Associates/Deer Creek Inn & Conf. Center to rezone the property located at 1401 S. Moorland Road from RM-1 to B-1/PUD subject to:

- 1) Draft PUD Ordinance to be reviewed and approved by the City Attorney.
- 2) For future use, site and architectural approval the following must be addressed:
  - a) Site and Architecture to be thoroughly reviewed during the use, site and architectural review process.
  - b) County Access Permit required for access to Moorland Rd.
  - c) State Access Permit required for access to Greenfield Av.
    - d) Adherence to 17.1308 (10) Woodland Preservation restrictions required.
    - e) A coordinated rehabilitation plan for the enhancement of this reach of the Deer Creek required. Any floodplain, wetland, and/or Deer Creek work requires City, DNR and/or Corps of Engineers permits/approvals.
  - f) View-shed analysis required for use approval.
    - g) Each tenant will require a separate use approval from the Plan Commission. Use will be based, in part, on available parking as each tenant applies for occupation.
    - h) Building must meet all applicable State and local building and fire codes.
  - i) A minimum of 25% openspace required within development.
    - j) Building to be setback from adjacent structures a minimum of one foot for each foot of height.
    - k) Coordinated traffic study of the potential impact to Moorland Rd. and Greenfield Av. post reconstruction required.
  - l) All aboveground utilities, both on-site and off-site, to be buried.
    - m) Conformance to the Commercial Center roadside edge plan required. Plan includes but is not limited to the following: sidewalks, sidewalk lighting, and street trees.
    - n) Sanitary sewer, storm sewer, and water plans to be approved by all regulating authorities.

Seconded by Mr. Barnes. Motion carried unanimously.

7. (4) LD-8-99 Phillip Janoska – Grange/Nicolet/Edgewood – Nw ¼ Sec. 36 – Final Land Division.

Motion by Mr. Christel to recommend to Council approval of the request by Phillip Janoska for a final three lot land division located at Grange/Nicolet/Edgewood subject to:

- 1) All access to lot 1 will be from Nicolet Drive (outside of the 60' vision corner easement) or Edgewood Avenue, no access to Grange Avenue from lot 1 will be granted. Access restriction to be placed on the face of the CSM.
- 2) Only 23.03 feet (not 30.00 feet) along Edgewood Avenue required to be dedicated to the City for Public road purposes.
- 3) A 60' x 60' Vision Corner Easement to be labeled on the corner of Nicolet Drive and W. Grange Av.
- 4) Change Clerk's name to Judy A. Weter, City Clerk.
- 5) Verify Monuments in Sec. 36-6-20, Northing and Easting used doesn't allow for a proper registration of the CSM.
- 6) 15' Drainage easement required along eastern lotline of lot 3. Easement to be labeled on the face of the CSM.
- 7) Lots fronting Edgewood Ave and Nicolet Drive required to adhere to Deed Restrictions of Highgrove Subdivision Addition #1.
- 8) Per Developer's Agreement for Highgrove Addition #1, all connection charges for Edgewood Avenue and Nicolet Drive lots to be collected by the City of New Berlin and turned over to the Developer prior to the City signing the final CSM.
- 9) Payment of \$3000.00 in Public Site, Open Space and Trail fees required before the City will sign the Final CSM.

Seconded by Mr. Barnes. Motion carried unanimously.

8. (4) LD-1-98 Michael Sajdak – 14489 W. Beloit Rd. – Ne ¼ Sec. 26 – Two-Lot Final Land Division.

Motion by Mr. Barnes to recommend approval to Council of the request by Michael Sajdak for a two lot final land division located at 14489 W. Beloit Road subject to:

- 1) Waukesha County Department of Transportation Access Permit required for the shared driveway between the two new lots.
- 2) \$2000.00 in Public Site, Open Space and Trail Fees required before City will sign the final CSM.
- 3) Owner and surveyor to sign before city will sign final **CSM**.
- 4) Fix drafting errors/changes, dates to reflect 2000 approvals, City Clerk Judy A. Weter, prior to city signing the final CSM.
- 5) Shed on common lotline between lots 1 and 2 to be removed or moved so that it meets the minimum 5' setback requirement for accessory buildings.
- 6) All assessments for the utilities along Beloit Road to be paid in full prior to the City signing the final CSM. Recording of this Final CSM would cancel any deferred assessments.

Seconded by Mr. Christel. Motion carried unanimously.

9. (5) LD-12-99 Dennis Kasian – KASCO Partners – NE ¼ SEC. 14, approx. 3501 S. 147th Street – Final 3-lot land division.

Motion by Mr. Felda to recommend to Council approval of the request by Dennis Kasian-KASCO Partners for a final 3-lot land division located at 2501 S. 147<sup>th</sup> Street subject to:

- 1) All existing buildings to be razed. Razing permit required.
- 2) 1" iron pipes along Deer Creek at the end of Wilbur Drive extended to be offset to a meander point.
- 3) All easements requested/granted to the City are to be at no cost to the City, including Deer Creek sanitary sewer interceptor easements.
- 4) Payment of \$1000.00/new lot (\$3,000) in Public Site, Open Space and Trail fees required before the City will sign the Final CSM.
- 5) All owners as of the date of signing, to sign prior to City signing the final CSM.
- 6) Surveyor's signature and seal, required on all pages of the CSM.
- 7) Execute Developers Agreement prior to City signing final CSM.
- 8) DNR Permits for wetland crossing for Wilbur Drive required prior to City signing final CSM.
- 9) Approval of all surity instruments prior to signing the final CSM.

Seconded by Alderman Kaminski. Motion carried unanimously.

10. (3) R-7-99 Star Line Trucking Corp. – 18480 W. Lincoln Avenue – Rezone from C-1 to B-3. (Tabled 12/6/99, 1/10/00)

Motion by Mr. Barnes to recommend to Council denial of the request by Star Line Trucking Corp. to rezone the property at 18480 W. Lincoln Avenue from C-1 to B-3 based on the following reasons:

- 1) Expansion of the current use of the property for storage, staging and parking of semi trucks and trailers is prohibited in a B-3 district. Regarding the non-conforming status, Section 17.0601 (1) of the Zoning Ordinance states that, "only that portion of land or water in actual use may be so continued and the use may not be extended, enlarged, substituted or moved; and the structure may not be extended, enlarged, reconstructed, substituted, moved, or structurally altered except when required to do so by law or order or so as to comply with the provisions of this ordinance."
- 2) All applications for the expansion of use must include a plan for the rehabilitation or upgrade of Lincoln Avenue.
- 3) The geotechnical subsurface exploration and site feasibility evaluation prepared by Midwest Engineering Services, Inc. in their recommendation identified that "the existing fill are variable in strength and composition, and are not recommended for the support of continuous wall and conventional spread footings".

J. & A. Pohl Concrete Contractors will be required to vacate the northerly portion of the property as a result of this denial.

Applicant disagreed with the conclusion reached saying his understanding was that this property no longer meets the standards of conservancy zoning and if that were true, then conservancy zoning should not be used as a device to stop expansion of areas. Conservancy zoning should be used in areas where it honestly fits and if it doesn't fit then the applicant should be entitled to have that conservancy zoning lifted from the property. The applicant said they may be willing to commit to no further expansion or additional use of the property for a five year time period to give the City the opportunity to find a solution to the shortcomings in that area including the improvement of Lincoln Avenue and municipal utilities. In the meantime if a use came along which did not put an initial load on the road or utilities, the applicant expressed the desire for the opportunity to come in short of that time period.

Staff referenced the code which states in part "The district is intended to be used in those areas of the City identified as having significant combinations of natural features or features not conducive to development . . ." The requirements for reclamation of this site have not been completed. Mr. Chase added reasons for denial which included incompatibility of the zoning with the streets, lack of utilities, no direct route to I-94, unstable soils and the infrastructure is not sufficient to support rezoning at this time. Discussion about the rezoning not being in compliance with the Growth Development and Management Plan plus Comprehensive Plan, and the zoning request being part of a larger area that needed to be taken into account. The plans on file at this time do not meet all the criteria.

Discussion continued with Mayor Gatzke saying that based on the reports submitted and the analyzed failure of the soils to support structures in that area provides the capacity for our code to continue with the conservancy zoning. There is no plan to repair or to develop the infrastructure in or along that Lincoln Avenue corridor to a point necessary to support the type of operation the applicant would want. Mayor Gatzke agreed that he did not believe the proper use of conservancy zoning is to hold back development.

Seconded by Alderman Kaminski. Motion carried unanimously.

11. (6) LD-10-99 Thomas P. Hammersley – Sw ¼ Sec. 13 – 3461 S. Long Acre Dr. – Two-Lot Preliminary Land Division.(Deferred 12/6/99, 1/10/00)

Motion by Alderman Kaminski to eliminate condition #1 on staff report. Motion dies for lack of second.

Motion by Alderman Kaminski that Long Acre will remain a cul de sac and there will be no through connection to the National Manor Subdivision Development. Motion seconded by Mr. Barnes. Motion passes with Mayor Gatzke, Mr. Felda, Mr. Barnes, and Alderman Kaminski voting Yes and Mr. Christel and Mr. Chase voting No.

Motion by Alderman Kaminski to table the request by Thomas P. Hammersley for a two-lot preliminary land division located at 3461 S. Long Acre Drive for the following reasons:

- 1) Stubbed watermain is to be looped into the National Manor Subdivision Development.
- 2) A 50' wide utility easement for combined public storm sewer, sanitary sewer, and watermain is required. A 40' wide utility easement for combined public sanitary sewer and watermain is required. Easement to connect to systems proposed as part of the National Manor Subdivision Development.
- 3) Analysis of availability of sanitary sewer capacity within the basin is required as a sewer extension is necessary for the two additional lots.

4) Utility plans and a Developer's Agreement to install improvements, or to relocate existing facilities, to be approved by the Board of Public Works and Common Council prior to City signing final CSM.

5) Owners must sign prior to City signing the Final CSM.

6) Revised plans showing extension of cul-de-sac as part of National Manor required.

Seconded by Mr. Christel. Motion carried unanimously.

12. (5) U-80-99 Moorland Development – 3830 Moorland Road-Construct Office and Multi Tenant Retail Building. (Tabled 1/10/00)

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

Motion by Mr. Barnes to approve the request by Moorland Development to construct an office and multi-tenant retail building located at 3830 Moorland Road subject to:

1) The proposed exit drive onto Howard Avenue via the existing curb cut will not be allowed due to queuing problems. The access should be relocated to a suitable point along the East lot line.

2) The 13 feet grade difference between the first and second floor must be reduced. Either lower grade level between floors by 1' and lower site by 1', or reduce separation between floors by two feet or reduce site by two feet.

3) Traffic flow, parking and access conflict along easterly lot line must be addressed. The area should be reconfigured and curbed and dedicated as a circulation drive. The existing angle parking shall be eliminated and a landscaping island constructed meeting the Commercial Center standards and guidelines.

4) Incorporate the National Avenue and Moorland Road Commercial Center (City Center) Development design and guidelines for street edge, lighting, pedestrian pathways and landscaping requirements including;

a) Street trees at 30 feet intervals will be required along Moorland Road, Howard Avenue and the easterly access drive.

b) A 6' concrete sidewalk will be required along Moorland Road and National Avenue. Maintenance of sidewalk will be the responsibility of the property owner. Maintenance includes, but is not limited to the following: snow removal, ice removal, keeping clean of debris, etc.

5) Submittal of grading plan that shows finish contours and grades at the northwest corner retaining wall area. Plan should be shown in greater detail.

6) Submittal of a revised stormwater plan that address the entire site. Southern parking lot absent an inlet to the storm sewer.

7) Submittal of a revised landscaping plan that addresses all the site improvements and the reconfiguration of the easterly lot line. Plans must meet the 25% green space requirement.

8) Submittal of an overall site lighting plan with location and height of fixtures and intensity of illumination that meets the Zoning Code requirements. This should include the cut sheet and photometric data. Lighting fixtures as identified in the Commercial Center design and guidelines are required.

9) Dumpster must be properly screened from the street and public view in accordance with New Berlin Municipal Code Section 17.1304(14). Enclosure must match exterior of building, and must be built to accommodate both solid as well as recyclable waste dumpsters.

10) Building must be fully sprinklered. Class I standpipes are required. 5" Storz are required on Fire Department connections. Fire hydrant is required within a 150' of Fire Department connection.

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

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

Seconded by Mr. Christel. Motion carried unanimously.

13. (5) SIGN – Layton State Bank – 4850 S. Moorland Rd. – One Four-Sided Ground Sign. (Tabled 1/10/00)

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

Motion by Mr. Barnes to approve the request by Layton State Bank for one four sided ground sign located at 4850 S. Moorland Road subject to:

1) Approval is for signage to be on three sides of the internally illuminated monument sign only. The sign should be on the three sides facing Southwest, Northwest, and Southeast. The fourth side should be bricked with lighter colored bricks to match the upper exterior of the principle building (this should not be the same color as the monument base).

2) The height of the sign cabinet should be reduced by about 1' to minimize the overall profile and remove the dead space the sign.

3) The pitch of the proposed roof on the sign must match the pitch of the Copula on the principle building.

4) A Westridge Business Park address plaque is required to be ground onto the monument base on all the three faces of the sign. Please contact Bob Pape of AAA Sing Co. @ (414) 672-7446 to obtain the address plaque.

5) The sign is intended to be illuminated, please remove the exterior floodlighting or explain reason for external lighting.

6) Payment of \$238.00 outstanding fee per following calculation.

a) Wall Sign –  $30' \times 2'5" = 72 \text{ sq. ft.} \times \$2 \text{ per sq. ft.} = \$144.00$  less \$50.00 application fee = \$94.00

b) Monument Sign –  $8' \times 3' = 24 \text{ sq. ft.} \times \$2 \text{ per sq. ft.} = \$48.00 \times 3 \text{ sides} = \$144.00$

7) Each face of the monument sign shall not exceed  $8' \times 3'$  (24 sq. ft.).

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

9) Signs must be turned off outside of normal business hours.

Seconded by Mr. Christel. Motion carried unanimously.

14. (4) S-130-93 Stormy Acres – 20900 W. Glengarry – final land division – Lot 11 & 12.

Motion by Alderman Kaminski to recommend to Council approval of the Stormy Acres final land division Lot 11 & 12 located at 20900 W. Glengarry subject to:

1) Public Site and Trail Fees have been waived due to the 21.35-acre park dedication.

2) Owners and Surveyor required to sign the Final CSM before the City will sign the Final CSM.

3) Property address and preliminary plat lot number to be labeled on each parcel.

4) Re-certification of roadway, ditches, and monumentation required.

5) Clean up drafting errors; part of curve-table missing (curve 9-10) ; scale and north arrow missing tie; owner's name and address missing; label CSM # for park parcel; bearing missing from common lot-line.

6) Lot designated as 21155 Windsor Dr. (remnant Lot 10 of the Stormy Acres Preliminary Plat) requires a CSM prior to building permits being issued.

7) Change signature page, Judy A. Weter – City Clerk, Steven K. Hoese, Secretary

Seconded by Mr. Chase. Motion carried unanimously.

15. (5) U-76-99 Therapeutic Massage & Bodyworks – 4500 S. Quimby – Massage Therapy. (Tabled 1/10/00)

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

Motion by Alderman Kaminski to deny the request by Therapeutic Massage & Bodyworks for massage therapy located at 4500 S. Quimby based on the following:

1) The area of the building to be used by customer must be ADA compliant and meet all Commercial Building Code requirements. Property must be made handicap accessible and a dedicated restroom must meet ADA and commercial standards.

2) Home Occupation shall be conducted in accordance with Section 17.0503 (5) of the City of New Berlin Zoning Ordinance in its entirety.

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

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

5) An Occupancy Permit is required from Building Inspection and Zoning Department. All conditions must be met prior to issuance of an Occupancy Permit.

6) Proof of professional certification or licensing required.

Seconded by Mr. Chase. Motion carried unanimously.

## **NEW BUSINESS**

16. (5) LD-16-99 Moorland Commons – 4770 Moorland Rd. – Two-Lot Preliminary/Final Land Division.

Motion by Mr. Barnes to recommend to Council approval of a preliminary two lot land division for Moorland Commons located at 4770 Moorland Road subject to:

- 1) Common lot line to be adjusted to reflect the revised parking lot configuration.
- 2) All easements requested/granted to the City are to be at no cost to the City.
- 3) All easements to reflect the after condition not just the existing condition.
- 4) Final access points are to be worked out with all jurisdictions prior to final CSM being signed.
- 5) Developer's agreement for the construction of all public improvements and utilities required to be approved by the Board of Public Works and Common Council.
- 6) Moorland Road ultimate right-of-way to be dedicated, an additional 10' is required in some areas.
- 7) All owners as of the date of signing, to sign prior to City signing the final CSM.
- 8) Surveyor's signature and seal required on all pages of the Final CSM.
- 9) Change Clerk's Name to Judy A. Weter.

Seconded by Mr. Christel. Motion carried unanimously.

17. (5) SIGN – Mrs. Sippy's Coffee – 15136 W. National Ave. – Replacement of existing Ground Sign.

Motion by Christel to approve the request by Mrs. Sippy's Coffee for a replacement of existing ground sign located at 15136 W. National Avenue subject to:

- 1) Submittal of a site plan showing the location of a monument sign and its placement outside the ultimate right-of-way of National Avenue.
- 2) Submittal of, and approval of an alternative monument sign that meets the requirements of the National Avenue Corridor Alternative Transportation Plan and the Commercial Center Design Standards and Guidelines. The revised sign plan must be drawn to scale to enable staff to calculate the exact dimension of the sign. Sign shall not exceed 32 square feet per code requirement.
- 3) Incorporate the National Avenue and Moorland Road Commercial Center (City Center) Development design and guidelines for street edge, lighting, pedestrian pathways and landscaping requirements including;
  - a) Street trees are required along National Avenue and Coffee Road.

b) A 6' concrete sidewalk will be required along Coffee Road and National Avenue. Maintenance of sidewalk will be the responsibility of the property owner. Maintenance includes, but is not limited to the following: snow removal, ice removal, keeping clean of debris, etc.

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

5) The ground sign shall not exceed 32 square feet (8'x4').

6) Payment of a \$78.00 outstanding sign fee per calculations below:

Sign Face: 8' x 4' = 32 sq. ft. x \$2.00 / sq. ft. = \$64.00 x 2 sides = \$128.00

Total: \$128.00 less \$50.00 application fee = \$78.00.

7) The ground sign must be installed outside the Ultimate Right-of-way of National Avenue.

8) Non-illuminated temporary sign allowed for 24 months.

Seconded by Mr. Barnes. Motion carried unanimously.

#### **STAFF APPROVED**

18. (2) SIGN – Hal's Harley Davidson – 1915 S. Moorland Road – Temporary Entry Sign.

The request by Hal's Harley Davidson for a temporary entry sign located at 1915 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) Installation and Maintenance per Section 17.0800 of the Municipal Zoning Ordinance.

2) The temporary Ground Sign facing east shall not exceed 24.5 square feet (7' x 3.5').

3) The temporary Ground Sign facing north shall not exceed 7 square feet (2' x 3.5').

4) Payment of a \$13.00 outstanding sign fee per calculations below:

East Wall: 7' x 3.5 = 24.5 sq. ft. x \$2.00 / sq. ft. = \$49.00

North Wall: 2' x 3.5 = 7 sq. ft. x \$2.00 / sq. ft. = \$14.00

Total: \$49.00 + \$14.00 = \$63.00 - \$50.00 application fee = \$13.00.

5) The ground sign must be installed outside the Ultimate Right-of-way of Moorland Road.

6) Section 17.0802 of the Zoning Ordinance states that, "any sign hereafter constructed, erected, relocated, moved, damaged, reconstructed, extended, enlarged, changed (including changing the sign face), altered, or modified requires review and approval of Plan Commission."

7) These Temporary Ground Signs shall come down upon completion of the project and installation of a permanent monument sign.

19. (7) SIGN – Guthrie, Inc. – 16060 W. National Avenue – Awning Sign.(Tabled 8/2/99)

The request by Guthrie, Inc. for an awning sign located at 16060 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) This building does not meet the setback requirement for National Avenue. The required set back for the B-2 Zoning District is 40 feet from the right-of-way. This building is only set back 14.4 feet, thereby making it non-conforming. Applicant must submit a "Setback Letter" as stipulated by the City of New Berlin Zoning Ordinance Section 17.0603 (4) which states:

Nonconforming Structures on a Conforming or Nonconforming Lot, additions to structures which became nonconforming structures after June 5, 1962, where the encroachment is into the rights-of-way of streets or highways, a written agreement between the City and the owner shall be executed that specifies that the owner shall remove all new construction, additions, and replacements, at his own expense, when such removal becomes necessary for street and highway improvements.

2) The awning shall not exceed 4 feet high and 3 feet wide and 30 feet long.

3) According to the City of New Berlin Zoning Code Section 17.0403 (7) "Parking areas and aisles in all other districts (including B-2) shall be paved with an asphalt or concrete surface.

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

5) Electrical Permit is required from the Building Inspection and Zoning Department.

6) Property owner should be aware of the West National Avenue Redevelopment Project and the new National Avenue Corridor Alternative Transportation design and guidelines as it relates to sidewalk/ sidepath construction, street trees and lighting, parking lot lighting, signage and overall street edge treatments

## **ZONING PERMITS**

20. (3) RO-79-99 Delta Environmental – 17500 W. Liberty Ln. – Create Tenant Entry, Remove Three Walls.

The request by Delta Environmental to create a tenant entry and remove three walls at 17500 W. Liberty 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) Applicant is required to apply for Use Approval to convert existing single tenant building to a two-tenant building.

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) The parking lot must be re-stripped by February 7, 2000

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

21. (7) RO-80-99 Alternative Communications – 15350 W. National Ave. – Business Office With Modifications.

The request by Alternative Communications for a business office with modifications 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) Building must be maintained per Section 14.25 of the Non-residential Property Maintenance Code.

2) Property owner should be aware of the new National Avenue Corridor Alternative Transportation design and guidelines as it relates to sidewalk/ sidepath construction, street trees and lighting, parking lot lighting, signage and overall street edge treatments.

3) Any new signage at this site must be updated to meet City of New Berlin Sign Code and National Avenue Commercial Center design and guidelines. The existing sign will have to be replaced with a monument base and sign that meets the height and size requirements, including an address plaque. A separate application is required from the Planning Department to obtain a Sign Permit prior to installation of any sign at this site.

4) No outside storage will be permitted on the property

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

6) Permits are required from the Building, Inspection, and Zoning Departments for all interior and exterior alterations or modifications. This includes any new lighting fixture modifications.

7) 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).

22. (6) RO-81-99 A-1 Alarms, Inc. – 13825 W. National Ave., #200 – Sales and Service of Security Systems.

The request by A-1 Alarms, Inc. for sales and service of security systems at 13825 W. National Avenue #200 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 obtain permit for door-to-door sales from the City of New Berlin Clerk's Office

2) Property owner should be aware of the new National Avenue Corridor Alternative Transportation design and guidelines as it relates to sidewalk/ sidepath construction, street trees and lighting, parking lot lighting, signage and overall street edge treatments.

3) Any new signage at this site must be updated to meet City of New Berlin Sign Code and National Avenue Commercial Center design and guidelines. The existing sign will have to be replaced with a monument base and sign that meets the height and size requirements, including an address plaque. A separate application is required from the Planning Department to obtain a Sign Permit prior to installation of any sign at this site.

4) Building must be maintained per Section 14.25 of the Non-residential Property Maintenance Code. No outside storage will be permitted on the property.

5) Building must meet all applicable building and fire codes

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

7) 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).

8) Fire Extinguishers are required.

23. (7) RO-82-99 Schweitzer Engineering Laboratories, Inc. – 15350 W. National Ave. – Field Application Office for Electrical Engineering Firm.

The request by Schweitzer Engineering Laboratories, Inc. for a field application office for electrical engineering firm 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) Building must be maintained per Section 14.25 of the Non-residential Property Maintenance Code.

2) Property owner should be aware of the new National Avenue Corridor Alternative Transportation design and guidelines as it relates to sidewalk/ sidepath construction and lighting, street trees and lighting, parking lot lighting, signage and overall street edge treatments.

3) Any new signage at this site must be updated to meet City of New Berlin Sign Code and National Avenue Commercial Center design and guidelines. The existing sign will have to be replaced with a monument base and sign that meets the height and size requirements, including an address plaque. A separate application is required from the Planning Department to obtain a Sign Permit prior to installation of any sign at this site.

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

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

6) Permits are required from the Building, Inspection, and Zoning Departments for all interior and exterior alterations or modifications. This includes any new lighting fixture modifications.

7) 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).

## **COMMUNICATIONS**

32. Communication To: Plan Commission

Communication From: Steven K. Hoese, Director of Planning & Com. Dev.

RE: Brookfield Gas LLC Application to Rezone, R-11-99 – 16730 W. National Avenue

This communication is to inform the Plan Commissioners that processing has stopped for the above application.

33. Communication To: Plan Commission

Communication From: Steven K. Hoese, Director of Planning & Com. Dev.

RE: Your Hometown Newspaper Network, January 17, 2000, County Board Listens to Plan to Solve Border Disputes.

This communication talks about land use and the County and is distributed to the Plan Commission for informational purposes.

34. Communication To: Plan Commission

Communication From: Steven K. Hoese, Director of Planning & Com. Dev.

RE: Memo from Paul F. Reilly, dated January 14, 2000 regarding Budget Act.

The composition of the Plan Commission is now changed by State Statutes and will be under discussion by the Mayor, City Attorney and Mr. Hoese.

35. Communication To: Plan Commission

Communication From: Mel Laycock

RE: ADA requirements for home occupation, Therapeutic Massage & Bodyworks, 4500 S. Quimby Massage Therapy. (U-76-99)

See Agenda Item # 15.

36. Communication To: Plan Commission

Communication From: Steven K. Hoese, Director of Planning & Com. Dev.

Re: Growing Smarter with Apartments

This communication is distributed to the Plan Commission for informational purposes.

37. Communication To: Plan Commission

Communication From: Olofu Agbaji, Planning Administrator

RE: Zoning Code Violation at 15600 W. National Avenue

This is a communication directing the City Attorney to issue a citation to Hardees Restaurant at 15600 W. National Avenue. The Plan Commission is on record as disapproving the current appearance of the building.

38. Communication To: Plan Commission

Communication From: Doug Davis, Engineer Tech

RE: Retaining Walls

Motion by Mr. Barnes to refer the standards for retaining walls to the Architectural Control Committee and GDMP Sub-Committee.

Seconded by Mr. Christel. Motion carried unanimously.

39. Communication To: Plan Commission

Communication From: Steven K. Hoese, Director of Planning & Com. Dev.

RE: Comprehensive & Planning "Smart Growth" A summary & Guide

Mr. Hoese explained that this information is in addition to what was presented at the GDMP Subcommittee Meeting regarding "Smart Growth". This communication defines the nine elements of the planning process and the fourteen local comprehensive planning goals.

The results of New Berlin Citywide Land Use Survey was distributed.

Motion by Mr. Chase to adjourn the Plan Commission meeting. Seconded by Alderman Kaminski. Motion carried unanimously.