

7:00 PUBLIC HEARING –

(3) CU-1-00 Arcadian SS – 20840 W. Lincoln – Construction of 199' Communication Tower.

CITY OF NEW BERLIN

PUBLIC HEARING

MARCH 6, 2000

The public hearing relative to the request by Kenneth J. Teske, c/o Arcadian SS for a conditional use approval to construct a 199' communication tower at 20840 W. Lincoln Avenue was called to order by Mayor Gatzke at 7:00 P.M.

In attendance were Mayor Gatzke, Mr. Chase, Mr. Barnes, Mr. Christel, Mr. Felda, Mr. O'Neil. 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. Alderman Kaminski was excused.

Mr. Hoese read the public hearing notice and stated there was proof of publication in the Clerk's office.

Mayor Gatzke explained the procedure for a public hearing saying that he would 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 Gatzke asked if there was anyone wishing to speak in opposition, seeing none.

Mayor Gatzke asked if there was anyone wishing to speak in favor, seeing none.

Mayor Gatzke asked for questions or comments. Mr. Felda, Plan Commissioner referenced the picture showing the tower electrical lines at the WEPCO station and asked if the tower would be taller than the tallest tower shown on the picture. Mr. Lake said the tower on the picture is 150' tall, the other ones on the site are 120. The new tower as proposed is 194 and a 5' lightning rod. Mr. Felda asked the location. Mr. Lake said the location is right in the middle of the site.

Mayor Gatzke asked for any further questions, seeing none.

Mayor Gatzke called the public hearing closed at 7:12 P.M.

NEW BERLIN PLAN COMMISSION

MARCH 6, 2000

Minutes

The Plan Commission meeting of March 6, 2000 was called to order by Mayor Gatzke at 7:12 P.M.

In attendance were Mayor Gatzke, Mr. Chase, Mr. Barnes, Mr. Christel, Mr. Felda, Mr. O'Neil. 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. Alderman Kaminski was excused.

Motion by Mr. Barnes to approve the Plan Commission Minutes of February 7, 2000. Seconded by Mr. Felda. Motion passes with Mr. Christel voting present.

Plan Commission Secretary's Report – Mr. Hoese said the next Plan Commission meeting for GDMP purposes will be March 27.

CONTINUED ITEMS

5. (5) U-5-99 The Preserve at Weatherstone Meadows – 4177 S. Sunnyslope – Use, Site, and Architecture for 36-Unit Detached Single-Family Condo Development.

Motion by Mr. Christel to approve the request by The Preserve at Weatherstone Meadows located at 4177 S. Sunnyslope Road for use, site, and architecture for 36-Unit detached single-family condo development subject to:

- 1) Approval of the PUD document prior to cleaning, grubbing, and grading.
- 2) Divided entrance to be extended further west to satisfy the emergency access requirement of the Fire Department.
- 3) Revised grading plan showing phasing required. Contact City Engineer for details.
- 4) Sewer and water plans to be approved by all regulating authorities.
- 5) Detailed road/infrastructure plans to be approved by the Engineering Department.
- 6) Developer's Agreement for all utilities and infrastructure improvements to be approved by the Board of Public works and Common Council prior to permits being issued.
- 7) Buildings must meet all applicable building and fire codes.
- 8) Adherence to §17.1308(10) Woodland Preservation required.
- 9) Entrance monumentation plan required. Signage requires a separate application and permit prior to construction.
- 10) Trail system to be reviewed and approved by the Park & Rec. Department prior to construction.
- 11) Payment of \$1,000/building in Public Site, Open Space and Trail Fees required prior to building permits being issued.

Seconded by Mr. Barnes. Motion carried unanimously.

6. (4) S-130-93 Stormy Acres – 20900 W. Glengarry Rd. – Final Land Division – Lot 14, 15, 16.

Motion by Mr. Christel to recommend to Council approval of the request by Stormy Acres for a final land division for Lot 14, 15, 16 located at 20900 W. Glengarry Road 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) Re-certification of roadway, ditches, and monumentation required.
- 4) Label CSM numbers for preliminary plat lot 31 and park.
- 5) Clean up drafting errors; wrong quarter-quarter section used on all references, owner's name and address missing.
- 6) Parcel designated as 20995 Windsor Dr. (remnant Lot 13 of the Stormy Acres Preliminary Plat) requires a CSM prior to building permits being issued.
- 7) Parcel designated as 20805 Windsor Dr. or 20775 Barton Rd. (remnant Lot 18 of the Stormy Acres Preliminary Plat) requires a CSM prior to building permits being issued.
- 8) Change signature page, Judy A. Weter – City Clerk, Steven K. Hoese, Secretary.
- 9) Must meet all the conditions of Developer's Agreement prior to building permits being issued.

Seconded by Mr. Barnes. Motion carried unanimously.

7. (4) S-130-93 Stormy Acres – 20900 W. Glengarry – Final Land Division – Lot 27 and 28.

Motion by Mr. Barnes to recommend to Council approval of the request by Stormy Acres for a final land division for Lot 27 and 28 located at 20900 W. Glengarry Road 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) Label CSM numbers for Parcel 1 and Lot 1 (Park) south of Windsor Drive.
- 6) Clean up drafting errors; lot pipe missing between parcels 1 & 2, and part of curve-table missing; owner's name and address missing.
- 7) Change signature page, Judy A. Weter – City Clerk, Steven K. Hoese, Secretary.
- 8) Must meet all the conditions of Developer's Agreement prior to building permits being issued.

Seconded by Mr. Christel. Motion carried unanimously.

8. (5) LD-16-99 Moorland Commons – 4795 Moorland Rd. – Two Lot Final Land Division.

Motion by Mr. Christel to recommend to Council approval of the request by Moorland Commons for a two lot final land division located at 4770 Moorland Road subject to:

- 1) All easements requested/granted to the City are to be at no cost to the City.

- 2) All easements to reflect the after condition not just the existing condition.
- 3) Easements within the public right-of-way required to be recorded before the City will sign the final CSM.
- 4) Final access points/cross easements are to be worked out with all jurisdictions prior to the City signing the final CSM.
- 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 prior to the City signing the final CSM.
- 6) Easements for all watermains required prior to City signing the final CSM.
- 7) Expansion of the sanitary sewer easement to meet the conditions of the City's Utility Engineer prior to the City signing the final CSM.
- 8) All owners as of the date of signing, to sign prior to City signing the final CSM.
- 9) Surveyor's signature and seal required on all pages of the final CSM.

Seconded by Mr. Barnes. Motion passes with Mayor Gatzke, Mr. Christel, Mr. O'Neil, Mr. Barnes, Mr. Felda voting Yes and Mr. Chase voting No.

NEW BUSINESS

9. (3) CU-1-00 Arcadian SS – 20840 W. Lincoln – Construction of 199' Communication Tower.

Motion by Mr. Christel to recommend to Council approval of the request by Arcadian SS to construct at 199' communication tower at 20840 W. Lincoln Avenue subject to:

- 1) Submittal of plans stamped by a Wisconsin registered Engineer prior to issuance of Building Permit.
- 2) Soil borings and structural computations will be required prior to issuance of a Building Permit.
- 3) Submittal of overall plans of operation for the tower.
- 4) All future cellular co-locators will be required to apply for separate Use Approval from the Plan Commission prior to installation of arrays, multipliers, or building equipment. They will be required to submit evidence of a demonstrated need.
- 5) Permits are required from the Building Inspections and Zoning Department.
- 6) Meet conditions of Ordinance 1018 prior to Building Permits being issued.

Seconded by Mr. Felda. Motion carried unanimously.

10. (7) U-1-00 Gosenheimer Construction – 4330 S. Rose Ct. – Construction of Duplex.

Motion by Mr. Felda to approve the request by Gosenheimer Construction to construct a duplex at 4330 S. Rose Court subject to:

1) Submittal of a stake out survey done by a certified land surveyor or engineer will be required prior to issuance of a Building Permit.

2) Submittal of a revised building elevation that addresses the following concerns raised by the Architectural Review Committee. The knee high brick band should be extended along the front and sides of the garages. The brick treatment should also be extended to cover the entire front façade of the building below overhang.

3) Full chimneys extending to the foundation will be required for the proposed fireplace. This could be installed at the existing location or will require the removal of the external chimneys or the relocation of the chimneys to the side of the building.

4) Applicant has the options of leaving the proposed decks at the existing location if this can be accommodated. Applicant can also choose to have one deck on the side and the other in the rear.

5) Applicant will be required to abide by all subdivision deed restrictions, covenants and developers agreements of Rose Tree Estates Subdivision.

6) There is the possibility of draining the sump pump to the rear towards the drainage swale along the southeast property line, consult City Engineer prior to construction.

Seconded by Mr. O'Neil. Motion carried unanimously.

11. (6) U-3-00 Catholic Charities Adult Day Services – 13700 W. National Ave. – Adult Day Care Center, Add Front Door Entrance.

Motion by Mr. O'Neil to table the request by Catholic Charities Adult Day Services to add a front door entrance at an adult day care center at 13700 W. National Avenue for the following reasons:

1) Submittal of alternative revised colored front elevation of the building showing a view of the proposed doorway and canopy as it fits within the overall façade scheme of the building. Due to the location of this building, applicant will be required to provide an alternative design that will compliment the entire building and the rest of the campus.

2) Submittal of material samples and colors will be required along with the revised rendering. Architectural Review Committee approval of revised plans and material required prior to issuance of Building Permit.

3) State of Wisconsin and local Fire Prevention Bureau Plan approval required prior to issuance of Building Permit.

4) Sprinkler head relocation may be necessary if determined by the City of New Berlin Fire Department. Fire extinguishers are required.

5) New entrance be constructed with existing architecture or relocate to internal lobby.

Seconded by Mr. Chase. Motion carried unanimously.

12. (4) U-4-00 Applebee's Neighborhood Grill and Bar – 5100 S. Rock Ridge Rd. – Restaurant and Bar.

Motion by Mr. Christel to approve the request by Applebee's Neighborhood Grill and Bar for a restaurant and bar located at 5100 S. Rock Ridge Road subject to:

- 1) Parking and pavement must be setback a minimum of 10' along Rock Ridge Road per code requirements.
- 2) Parking lot reconfiguration along northern triangle will be required to facilitate maneuvering. This could be accomplished with the elimination of a minimum of two or more stalls in the Northeast corner.
- 3) Maintenance of the sidewalks and the adjacent out-lot shall be the responsibility of Applebee's. 5' concrete sidewalk required in Rock Ridge Right-of-Way.
- 4) Landscaping plan should be updated to extend the same planting scheme along the southern lot line to the easterly landscape bed and Rock Ridge Road.
- 5) Dumpster enclosure gates must be constructed of cedar material.
- 6) Submittal of grading plan and utility plans to the Engineering Dept. for review and approval prior to issuance of a Building Permit.
- 7) Building must meet all applicable Building Inspection and fire codes. These requirements include but are not limited to the following; Fire Extinguishers are required, building must be fully sprinklered, alarm system required for assembly occupancy, knock box is also required and fire hydrant required within 150' of sprinkler connection for this business.
- 8) A revised signage plan that incorporates the required Westridge Business Park address plaque on a monument or attached to the building must be submitted to the Planning Department.
- 9) The building must be maintained per Section 14.25 of the Non-residential Property Maintenance Code.
- 10) Building Permit is required from Building Inspection and Zoning.
- 11) No outside storage shall be permitted on the premises.

Seconded by Mr. Barnes. Motion carried unanimously.

13. (4) U-5-00 New Berlin Oaks – 5150 S. Towne Dr. – Commercial Building.

Motion by Mr. Barnes to approve the request by New Berlin Oaks to construct a 79,500 sq. ft. office/warehouse facility located at 5150 S. Towne Drive subject to:

- 1) Submittal of a landscaping plan prepared by a professional landscape architect including plant keys and sizes as stipulated in § 17.1308.
- 2) Applicant is also required to submit a lighting plan with photometrics and illumination not to exceed those allowed in § 17.0710.
- 3) Revised architectural plan required. West elevation is not acceptable. Building material samples and color renderings to be approved by the Architectural Review Committee prior to issuance of Building Permit.
- 4) Applicant is required to coordinate grading and drainage with the owner to the North.
- 5) Retaining wall must be made of masonry or natural stone that compliments the principle structure. Timber retaining wall will not be acceptable.

- 6) Grade right-of-way to meet typical standards and be compatible with property to the North.
- 7) Efforts should be made to retain specimen trees on this property and along the lot lines.
- 8) Building must meet all applicable building and fire codes. State of Wisconsin and local Fire Protection Bureau plan approval required. These requirements include but are not limited to the following; building must be fully sprinklered, and fire hydrant required within 150' Fire Department connection.
- 9) A separate monument sign application and permit is required and can be obtained from the Planning Department. The proposed sign must meet the overall coordinated sign standard of the Westridge Business Park.
- 10) The building must be maintained per Section 14.25 of the Non-residential Property Maintenance Code.
- 11) Building Permit is required from Building Inspection and Zoning.
- 12) No outside storage shall be permitted on the premises.

Seconded by Mr. Christel. Motion carried unanimously.

14. (4) U-6-00 Kaloti Enterprises – 5475 S. Westridge Ct. – 16,160 Sq. Ft. Warehouse Addition.

Motion by Mr. O'Neil to approve the request by Kaloti Enterprises for a 16,160 sq. ft. warehouse addition located by 5475 S. Westridge Ct. subject to:

- 1) Cross access easement required to be on file or the elimination and restoration of the unauthorized access to the property to the South. This is an encroachment within the required buffer area between the M-1, Light Manufacturing District and the R-3, Residential District. This area must be restored prior to issuance of Building Permit.
- 2) Verification of the adequacy of the stormsewer system to support the proposed additional with Engineering Department is required.
- 3) State of Wisconsin and local Fire Prevention Bureau Plan approval required prior to issuance of Building Permit. Building must be fully sprinklered.
- 4) The building must be maintained per Section 14.25 of the Non-residential Property Maintenance Code.
- 5) Building Permit is required from Building Inspection and Zoning.
- 6) No outside storage shall be permitted on the premises.
- 7) Set of plans detailing the drainage and location of culvert and driveway and easement for cross access required prior to Building Permit.

Seconded by Mr. Chase. Motion carried unanimously.

15. (3) U-8-00 Milwaukee Casting Club – 18200 W. Cleveland – 14' x 27' Trap and Archery Storage Building.

Motion by Mr. Barnes to approve the request by Milwaukee Casting Club for a trap and archery storage building located at 18200 W. Cleveland subject to:

- 1) The existing storage building must be removed after completion and or occupancy of the new facility.
- 2) The building must be maintained per Section 14.25 of the Non-residential Property Maintenance Code.
- 3) Meet all applicable building and fire codes.
- 4) Building Permit is required from Building Inspection and Zoning Department.
- 5) Waukesha Department of Health Permit required or letter stating a septic system is ok.
- 6) Ramps and or grade details required for the external door.
- 7) A professional Engineer must stamp plans if structure is heated.

Seconded by Mr. Christel. Motion carried unanimously.

16. (1) U-9-00 Flat Rate Plumbing – 12900 W. National – Parking of Service Trucks and Employee Vehicles.

Lester Guminey, owner of Flat Rate Plumbing passed photographs around showing the parking area behind his building explaining that the entire area is hidden from view. Mr. Guminey compared his parking situation to other businesses in the area.

Mr. Chase questioned previous actions by Plan Commission. The applicant has several conditions which have not been taken care of from the initial use approval for the storage of service vehicles. By paving the parking lot in the back, the property no longer has 25% green space. Mr. Guminey said he has 41% green space as submitted on the plan with the new proposed asphalt parking lot. A berm has been put up to accommodate the neighbor. Discussion following as to calculation of the green space.

Mr. Hoese explained that the significant improvements made by the applicant is not the issue and Plan Commission is required to follow the code as far as parking. The neighbor to the East said the trucks were in plain view with the area elevated without permission.

Motion by Mr. Barnes to deny the request by Flat Rate Plumbing for parking of service trucks and employee vehicles at 12900 W. National Avenue based on the following:

- 1) Per § 17.0314 (7) (b) states that, "All storage and parking of vehicles and equipment, other than required customer and employee off-street parking, shall be inside except the outside parking or two vehicles in accordance with the type and size limitations of section 17.0407 of this Ordinance." This was a condition of approval to construct the garage addition. The recent addition to this business was built to accommodate a number of service trucks and the fleet was expanded by four vehicles after construction which are not accounted for within the new structure..
- 2) Submittal of a detailed parking plan that meets the requirements set within § 17.0403 of the Zoning Ordinance. The parking in front of the building must be reconfigured to angle parking to meet the 12' one-way maneuvering lane required by the Zoning Ordinance. The revised parking plan must be submitted to the Planning Department by March 30, 2000.

3) Per the new Commercial Center design and guideline, a six-foot wide concrete sidewalk/ sidepath is required along National Avenue. Path must be a minimum of one foot from the ultimate right-of-way of National Avenue. Path design, location and construction must be reviewed and approved unless a waiver is granted by the City of New Berlin Engineering Department and installed within one year of issuance of this approval. Side path location should be incorporated into the grading plan.

4) Submittal of revised plans that address the site drainage concerns raised by the Engineering Department. Applicant has not submitted engineering plans that shows original (natural), existing and proposed grades and conditions that shows how this will work.

5) Refer to City Attorney to clarify parking code.

6) Refer possible violations to Zoning Administrator.

7) Service trucks allowed during the day, limited to two vehicles parked overnight.

Seconded by Mr. O'Neil. Motion passes with Mayor Gatzke abstaining.

17. (1) U-10-00 Timber Creek Grille – 15375 W. Greenfield Ave. – Restaurant.

Motion by Mr. Felda to approve the request by Timber Creek Grille for a restaurant located at 15375 W. Greenfield Avenue subject to:

1) Submittal of a revised landscaping plan prepared by a professional landscape designer/ architect with plant keys and sizes as stipulated in § 17.1308 will be required as a result of the access reconfiguration due to Greenfield Avenue construction.

2) The residential quarters above the restaurant will have to be used as residence by the owner or employee in a managerial position to be able to continue such use. This residence will not be rented or leased out. Residential quarters will require elevator if used for anything other than residence.

3) Building Permit is required from Building Inspection and Zoning Department.

4) The building must be maintained per Section 14.25 of the Non-residential Property Maintenance Code. The mid 90s ADA rules will have to apply to all remodeling, plus newly remodeled areas will require ADA accessibility.

5) Building must meet all applicable building and fire codes. State of Wisconsin and local Fire Protection Bureau plan approval required. Post/ beams used for construction will require fire treated materials per Building Inspection and Zoning Department.

6) A separate sign application and permit is required for the signage at this site and can be obtained from the Planning Department prior to construction.

7) Applicant will need to identify areas for possible parking lot expansion as a result of the success of the restaurant. If it becomes necessary, applicant shall be required to provide additional on site parking to accommodate additional customers.

8) Applicant is also required to submit a lighting plan with photometrics and illumination not to exceed those allowed in § 17.0710 if lot is to be reconfigured due to Greenfield Avenue construction.

9) No outside storage shall be permitted on the premises.

Seconded by Mr. Christel. Motion carried unanimously.

18. (5) S-155-00 Gonzales Property – 13800 W. Beloit – Preliminary 36-Lot Subdivision.

Motion by Mr. Christel to table the request by Michael Schiltz for the Gonzales Property preliminary 36-lot subdivision located at 13800 W. Beloit for the following reasons:

- 1) A name for the subdivision must be chosen prior to final application.
- 2) Satisfaction of Conditional Letter of No Objection by Waukesha County Park and Land Use required. Basement restriction shall be placed on the face of the plat.
- 3) Letter of no objection from Waukesha County DOT required. Waukesha County Access Permit required for Beloit Road entrance.
- 4) Letter of no objection from the State of Wisconsin DOA required.
- 5) Letter of no objection from the State of Wisconsin DOT required.
- 6) Review by New Berlin School District for potential impacts to Elmwood Elementary School and Eisenhower Middle and High Schools required.
- 7) No construction, clearing, and/or grading allowed until preliminary plat approval is granted by the Common Council.
- 8) Satisfaction of the many concerns of the Engineering Department dealing with storm sewers, the detention pond, sanitary sewers, grading, and access, etc. All concerns to be worked out with the City of New Berlin – Engineering Department.
- 9) Developer's Agreement for all public improvements required. Agreement to be approved by the Board of Public Works and Common Council prior to utility/infrastructure work commencing.
- 10) Revised grading plan required. Drainage Restriction shall be placed on the face of the plat.
- 11) Revised utility plan required.
- 12) Bypass lanes required on Sunny Slope Road.
- 13) Label highway Interstate 43 not S.T.H. I43
- 14) Length bearing and tie to all easements required.
- 15) All lots restricted to front-entry only unless it can be determined that a 30' sideyard setback is available (corner lots).

Schedule:

January 27, 2000 – Plat Received

April 3, 2000 – Plan Commission date for final action

April 10, 2000 – Common Council date for final action

Mr. Hoese discussed the road layout. Loop streets are good but eyebrows on each corner are not. We believe that at least on the East side the eyebrows can be eliminated and a typical curve can be done. The staff would be available to discuss the requirements for the lot widths.

Mr. Christel suggested that Park & Rec may need a park here. Discussion followed as to location and size of a park.

Mr. Chase commented on modifications needed to grading and storm water plans and said it is unlikely that the end results will be as many lots as suggested.

Seconded by Mr. Barnes. Motion carried unanimously.

19. (4) LD-1-00 G S Hydraulics – Ne ¼ Sec. 27 – 5050 S. Towne Dr. – Preliminary and Final Two-Lot Land Division.

Motion by Mr. Christel to recommend to Council approval of the request by G S Hydraulics for a preliminary and final two lot land division located at 5050 S. Towne Drive, NE 1/3 Sec. 27 subject to:

1) Ultimate right-of-way of Beloit Road is 100'. Upwards of 20' of additional land required to be dedicated to the City of New Berlin for Public Road Purposes along Beloit Road.

2) Payment of \$2707.78 in Public Site, Open Space and Trail Fees to be paid before City will sign the final CSM.

3) Quarter-corner monuments to include northing and eastings.

4) All required impact fees for sewer and water are to be paid prior to issuance of building permits.

5) Remove Outlot 1.

6) 80' road reservation to be labeled on the face of the plat to be dedicated to the City for public road purposes.

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 and the Secretary's name to Steven K. Hoese.

10) ROW of Towne Drive is 80'. ROW varies north of common lot line.

11) ROW of Beloit Road is 100', 50' on each side. Some parts are 33' on the north and 50' on the south, please label appropriately as referenced in CSM #8682.

12) Correct any and all drafting errors. There is a bust and the CSM doesn't close in the northwest corner.

13) All structures to be razed, razing permit required.

14) Owner's name and address to be placed on the face of the CSM.

15) A 60' x 60' Vision corner easement to be placed on the face of the CSM at the intersection of Towne Dr. and Beloit Rd.

16) Setbacks to be placed on all lot lines (including reservation).

Seconded by Mr. Barnes.

Mr. Chase asked if there is development of the parcel to the East, how does the road reservation or improvements take place. Mr. Lake said the road reservation would allow access to Towne Drive. Utilities for the two current buildings would be directly from Towne Drive and would not come from the road reservation. If future development would occur to the East, Towne Drive would be cut to extend utilities. Mr. Chase said there is a need to have an understanding as to how the public infrastructure that is going to be necessary for the orderly development for the rest of those lands will be provided for. Plans for utilities and responsibility of the cost of the road access was discussed.

Mr. Hoese said an additional condition needs to be added:

17) A signed Developers Agreement needs to be on file prior to City signing this final CSM.

Mayor Gatzke suggested that an agreement to share the costs in thirds would be unfair to the Parcel 1 and 2. Perhaps some kind of recapture agreement which provides them the opportunity to cover other costs would be better.

Mr. Luterbach, the developer of the parcel offered the entire cost of the Towne spite strip, cost of land and improvements with reservation be allocated over all the possible parcels.

Discussion about responsibility of costs followed.

Mayor Gatzke suggested a developers agreement. Dedication of the land represents the fair and equitable costs of parcel 1 and 2 for the road. Cost of extending the road and extending utilities is borne by the property to the east unless the owners of parcels 1 and 2 determine that they want access of that road or they want to utilize the placement of those utilities to service their buildings. If so, they would pay for a reasonable share of that.

Mr. Luterbach said if we are reimbursed for the full value of the land and we extend the utilities into the right of way area then they could be extended by someone else that would use them and we will not have to participate in any future costs of the road or utility extensions because we would not tie into them. We will pay \$133,000 for the Towne spite strip and the other developer takes care of the other.

Mayor Gatzke said that the way I would represent this is that there is no opportunity for them to recover any of the costs for the reservation but they also will not share in the costs of the road and the extension of the utilities. That is what I feel would be fair.

Mr. Hoese reflected that it is the obligation of Parcel 1 and 2 to put improvements to the full extent of the property. The cost of the right of way would be in exchange for the cost of Towne Road. 100 % of the cost of extending utilities and the construction of the road will be borne by the parcel to the East.

Original motion with condition #17 passes with Mayor Gatzke, Mr. Christel, Mr. Felda, Mr. O'Neil, Mr. Barnes voting Yes and Mr. Chase voting No.

20. (7) LD-2-00 Brian Felda – Ne ¼ Sec. 17 – 3280 S. Wehr Rd. – Two-Lot Preliminary Land Division.

Motion by Mr. Christel to recommend to Council approval of a two lot preliminary land division located at 3280 S. Wehr Road, NE ¼ Sec. 17 subject to:

- 1) Proof of perc. Required prior to the City of New Berlin signing the Final CSM.
- 2) Existing well and septic field locations to be placed on Final CSM.
- 3) Ultimate right-of-way of Wehr Road is 40', any ROW lands not previously dedicated to the City of New Berlin are to be dedicated to the City of New Berlin for public road purposes.
- 4) Public Site and Trail Fees of \$2,000 required prior to the City of New Berlin signing the Final CSM.
- 5) Owner and Surveyor required to sign prior to the City signing the Final CSM.
- 6) Driveways with T turn-arounds are required.
- 7) Driveways to be located to minimize sight distance problems.
- 8) Grading/drainage plan to be approved by Engineering.

Seconded by Mr. Barnes. Motion passes with Mr. Felda abstaining.

21. (3) R-1-00 Raven Golf Services – 19410 W. Cleveland Ave. – Rezone from A-2/C-2 to P-1.

Motion by Mr. Christel to recommend to Council approval of the request by Raven Golf Services to rezone the property located at 19410 from A-2/C-2 to P-1 subject to:

- 1) Use/site and architectural approval required.
- 2) Coordination with Don Reed of the Southeastern Wisconsin Planning Commission (SEWRPC) on using any identified environmental corridors.
- 3) Landscaping Plan to be submitted as part of the use application to address the protection of any identified wetlands and lands to the east and west by errant golf balls.
- 4) Access Permit from the Waukesha County DOT required.
- 5) Land Division required, propose land division needs to be straightened out, cross access easements will ultimately be required.
- 6) Revised "detailed" grading plan required. Facility may need to be lowered to allow for proper integration with parking lot to the east.

Seconded by Mr. Felda. Motion carried unanimously.

22. (2) R-2-00 Alan C. Olson & Assoc., S.C. – 2880 S. Moorland Rd. – Rezone from R-1 to I-1/PUD.

Motion by Mr. Felda to table per a letter from the applicant, the request by Alan C. Olson & Assoc., S.C. to rezone the property at 2880 S. Moorland Road from R-1 to I-1/PUD.

Seconded by Mr. Barnes. Motion carried unanimously.

23. (4) SIGN – Boise Cascade – 16255 W. Stratton Rd. – One Wall Sign.

Motion by Mr. Felda to table the request by Boise Cascade for one wall sign located at 16255 W. Stratton Road for the following reasons:

- 1) The proposed sign must have the approval of the Building Owner and Towne Corporate Park.
- 2) Each building in Towne Corporate Park is allowed two (2) signs, one of which must be a monument sign that meets the sign standards for Towne Corporate Park. All tenants should work with the Building Owner to determine the location, type and content of each sign.

Seconded by O'Neil. Motion carried unanimously.

24. (2) SIGN – National Regency – 13700 W. National Ave. – Remove, Repaint, Refurbish, and Reinstall all Signs.

Motion by Mr. Christel to defer the request by National Regency to remove, repaint, refurbish, and reinstall all signs located at 13700 W. National Avenue for the following reason:

- 1) Submittal of, and approval of a monument sign that meets the requirements of the National Avenue Corridor Alternative Transportation Plan 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.

Seconded by Mr. Felda. Motion carried unanimously.

STAFF APPROVED

25. (4) SIGN – Applebee's Neighborhood Grill and Bar – 5100 S. Rock Ridge Rd. – Wall Signs.

The request by Applebee's Neighborhood Grill and Bar for wall signs located at 5100 S. Rock Ridge 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 signs shall be located on the North and West sides of the building.
- 3) The channel lettering and logo should not exceed 125 square feet (62.5 sq. ft. per sign)
- 4) Payment of \$200.00 outstanding sign fee per calculations below.

125 sq. ft. x \$2 per sq. ft. = \$250.00- \$50.00 application fee = \$200.00
- 5) Signs must be turned off outside of normal business hours.
- 6) Electrical Permit is required from the Building Inspection and Zoning Department.

26. (2) SIGN – Schmidt Engineering – 1905 S. Moorland Rd. – Temporary Sign.

The request by Schmidt Engineering for a temporary sign located at 1905 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 construction sign shall not exceed 32 square foot
- 3) 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."
- 4) The ground sign must be installed outside the Ultimate Right-of-way of 166th Street.
- 5) These Temporary Ground Signs shall come down upon completion of the project and installation of a permanent monument sign.

ZONING PERMITS

27. (2) RO-1-00 Anderson Seal, Inc. – 16555 W. Lincoln Ave. – Distributes Industrial Rubber Products.

The request by Anderson Seal, Inc. to distribute industrial rubber products at 16555 W. Lincoln Avenue has been reviewed and Conditionally Staff Approved by the New Berlin Plan Commission subject to the application, the plans on file and the following:

- 1) Building must be maintained per Section 14.25 of the Non-residential Property Maintenance Code.
- 2) Building must meet all applicable building and fire codes. Fire Extinguishers are required.
- 3) Permits are required from the Building, Inspection, and Zoning Departments for all interior and exterior alterations or modifications.
- 4) Dumpsters must be properly screened from the street and public view in accordance with the City of New Berlin Municipal Code Section 17.1304 (14).

28. (4) RO-2-00 London Litho Aluminum – 5165 S. Towne Dr. – Distribution of Graphic Arts Material.

The request by London Litho Aluminum for distribution of graphic arts material located at 5165 S. Towne Dr. 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) Building must meet all applicable building and fire codes. Fire Extinguishers are required.
- 3) Permits are required from the Building, Inspection, and Zoning Departments for all interior and exterior alterations or modifications.
- 4) Dumpsters must be properly screened from the street and public view in accordance with the City of New Berlin Municipal Code Section 17.1304 (14).
- 5) No outside storage will be permitted on the property.

29. (4) RO-3-00 Promotional Services Group – 5205 Emmer Dr., Ste. B – Office and Warehouse for Promotional Sales and Marketing Operation.

The request by Promotional Services Group for an office and warehouse for promotional sales and marketing operations located at 5205 Emmer Drive Ste. B 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) Building must meet all applicable building and fire codes. Fire Extinguishers are required.
- 3) Permits are required from the Building, Inspection, and Zoning Departments for all interior and exterior alterations or modifications.
- 4) Dumpsters must be properly screened from the street and public view in accordance with the City of New Berlin Municipal Code Section 17.1304 (14).
- 5) No outside storage will be permitted on the property.

30. (2) RO-4-00 P. S. Finishing – 16312 W. Glendale – Book Binding Finishing Company.

The request by P.S. Finishing for book binding finishing company located at 16312 W. Glendale 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) Building must meet all applicable building and fire codes. Fire Extinguishers are required.
- 3) Permits are required from the Building, Inspection, and Zoning Departments for all interior and exterior alterations or modifications.
- 4) Dumpsters must be properly screened from the street and public view in accordance with the City of New Berlin Municipal Code Section 17.1304 (14).
- 5) No outside storage will be permitted on the property.

31. (2) RO-6-00 G.E. Capitol I.T.S. – 2330 Commerce Drive – Computer equipment function check facility, storage, and administration.

The request by G.E. Capitol I.T.S. for computer equipment function check facility, storage, and administration located at 2330 Commerce 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) Building must be maintained per Section 14.25 of the Non-residential Property Maintenance Code.
- 2) Building must meet all applicable building and fire codes. Fire Extinguishers are required.
- 3) Permits are required from the Building, Inspection, and Zoning Departments for all interior and exterior alterations or modifications.

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

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

32. (2) RO-7-00 Red Oak Label, LLC – 2706 S. 163 St. – Label Manufacturing Facility.

The request by Red Oak Label, LLC for a label manufacturing facility located at 2706 S. 163 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) Building must be maintained per Section 14.25 of the Non-residential Property Maintenance Code.

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

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

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

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

6) General cleanup of property including the removal of the tires and pallets.

COMMUNICATIONS

43. COMMUNICATION TO: Plan Commission

COMMUNICATION FROM: Steven K. Hoese, Director of Planning & Community Development

RE: Vierbicher Bulletin, February 2000, Smart Growth

Plan Commissioners acknowledged receipt of communication.

44. COMMUNICATION TO: Plan Commission

COMMUNICATION FROM: Mark C. Lake, Assistant Director of Planning

RE: "County needs to assert its role in making rules for development" MILWAUKEE JOURNAL SENTINEL, January 15, 2000.

Mr. Hoese explained that this communication pertains to the issue of the County having oversight over development activities.

45. COMMUNICATION TO: Plan Commission

COMMUNICATION FROM: Mark C. Lake, Assistant Director of Planning

RE: February 10, 2000 memo from Hippenmeyer, Reilly & Moodie, SC: Parkview Sand & Gravel, Zignego Landfill Issue (3950 S. Racine Ave. CU-6-97)

Plan Commissioners acknowledged receipt of communication.

46. COMMUNICATION TO: Plan Commission

COMMUNICATION FROM: Mark C. Lake, Assistant Director of Planning

RE: "Little Noticed Rule Changes Now Having Big Impact", WEDA NEWSLETTER, Winter 2000.

Mr. Hoese explained that the Department of Transportation has a law regarding their review of land divisions that adjoin a state trunk highway.

47. COMMUNICATION TO: Plan Commission

COMMUNICATION FROM: Mark C. Lake, Assistant Director of Planning

RE: "Waukesha County's land use not as bad as it sounds", MILWAUKEE JOURNAL SENTINEL, February 6, 2000.

Mr. Hoese said this communication is a response to the viewpoint presented in the earlier communication about the article on the County making rules for development.

48. COMMUNICATION TO: Plan Commission

COMMUNICATION FROM: Mark C. Lake, Assistant Director of Planning

RE: "County shouldn't dictate land use planning", MILWAUKEE JOURNAL SENTINEL, February 6, 2000.

Mr. Hoese said this communication is a response to the viewpoint presented in the earlier communications about the County making rules for development.

49. COMMUNICATION TO: Plan Commission

COMMUNICATION FROM: Mark C. Lake, Assistant Director of Planning

RE: PLANNING COMMISSIONERS JOURNAL, Winter 2000.

Plan Commission acknowledged receipt of this communication.

Motion by Mr. Christel to adjourn the Plan Commission meeting. Seconded by Mr. Felda. Motion carried unanimously.