

## NEW BERLIN PLAN COMMISSION

APRIL 3, 2000

### Minutes

The Plan Commission meeting of April 3, 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, Mr. O'Neil, Alderman Kaminski. Also present was Steven K. Hoese, Director of Planning and Community Development, Mark C. Lake, Assistant Director of Planning, Olofu Qgbaji, Planning Administrator.

Motion by Alderman Kaminski to approve the Plan Commission Minutes of March 6, 2000. Seconded by Mr. Chase. Motion carried unanimously.

4. Plan Commission Secretary's Report - No Report.

#### CONTINUED ITEMS

5. (2) SIGN – National Regency – 13700 W. National Ave. – Remove, Repaint, Refurbish, and Reinstall all Signs. (Deferred 3/6/00)

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

- 1) The monument signs shall have a brick or masonry base.
- 2) The ground sign must be located outside of the right-of-way of National Avenue.
- 3) Installation and Maintenance per Section 17.0800 of the Municipal Zoning Ordinance.
- 4) 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."
- 5) Signs must be turned off outside of normal business hours.
- 6) Electric permit is required from the Building Inspection and Zoning Department.

Seconded by Mr. Felda. Motion carried unanimously.

6. (2) R-2-00 Alan C. Olson & Assoc., S.C. – 2880 S. Moorland Rd. – Rezone from R-5 to O-1. (Tabled 3/6/00)

Motion by Mr. Barnes to recommend to Council approval of the request by Alan C. Olson & Assoc., S.C. to rezone the property located at 2880 S. Moorland Road from R-5 to O-1 subject to:

- 1) Use, site and architectural approval for the development required.
- 2) Access Permit from the Waukesha County DOT required. Coordinated access with all properties along Moorland Road including easements being granted to properties to the North shall be required.

3) Grading plan for the parking lot required.

4) Dumpster enclosure required, dumpsters must be properly screened from the street and public view in accordance with the City of New Berlin Municipal Code § 17.1304(14). Enclosure must enhance the exterior of the principle building, and must be built to accommodate both solid as well as recyclable waste dumpsters.

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

6) Building must be maintained per Section 14.25 of the Non-residential Property Maintenance Code, and building must meet all applicable building and fire codes.

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

8) Submittal of a revised landscaping plan prepared by a professional landscape architect including plant keys and sizes as stipulated in § 17.1308.

9) A modification or amendment to the Land Use Plan is required which includes this property and all properties North to the Clark Gas Station along Moorland Road as a PUD for professional office building with residential scale and character.

Mr. Hoese indicated that rezoning here is spot zoning unless it is part of a PUD district.

Seconded by Mr. Felda. Motion carried unanimously.

7. (5) S-155-00 Gonzales Property – 13800 W. Beloit – Preliminary 36-Lot Subdivision. (Tabled 3/6/00)

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

Letter of extension was presented to the Chairman.

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

1) Request by applicant to allow them more time to modify the plat to meet objectives and letter of extension.

2) A name for the subdivision must be chosen prior to final application.

3) Entrances and ROW's need to reflect the ultimate ROW's of Sunny Slope Road and Beloit Roads.

4) Lots 3-10 shall have a 100' rear setback to allow for a back yard which is not the 50' Interstate Easement as required by TRANS 233 or the berm removed and replaced with a tree screen.

5) Review by New Berlin School District for potential impacts to Elmwood Elementary School and Eisenhower Middle and High Schools required. Letter from the New Berlin School District stating there is "No Significant Impacts" shall be on file prior to approval of the preliminary plat.

6) Revised plat, which removes the eyebrows but does not add additional cul-de-sacs.

- 7) Revised plat, which cleans up the irregular lot layout of the inner circle if pond is moved. Outlot may be required with ownership by all lots in subdivision.
- 8) 24 does not meet the minimum of 120' on each frontage width as required by 17.0309(4)(b) of the City of New Berlin Municipal Code, only 115' given.
- 9) Utility easements to be a minimum of 30' wide not 20' as shown
- 10) Satisfaction of the many concerns of the Engineering Department dealing with storm sewers, sanitary sewers, grading, and access, etc. All concerns to be worked out with the City of New Berlin – Engineering Department.
- 11) Revised stormwater management plan, which combines the ponds, and/or has a different pond configuration that removes the interior pond and in addition does not impact the 25' treeline along the eastern lotline. Drainage restriction required.
- 12) Revised utility plan required.
- 13) Bypass, acceleration and deceleration lanes required on Sunny Slope Road and Beloit Road.
- 14) Revise drafting errors, label highway Interstate 43 not S.T.H. I43.
- 15) Add existing homes in unplatted lots adjacent to lots 21,22 and at intersection of Sunny Slope Road and Street "B".
- 16) Existing eastern treeline needs to be shown on the face of the plat.
- 17) Length bearing and tie to all easements (public and private) required.
- 18) All lots restricted to front-entry only unless it can be determined that a 30' sideyard setback is available (corner lots).
- 19) Satisfaction of the Conditional Letter of No Objection by Waukesha County Park and Land Use required.
- 20) Waukesha County Access Permit required for Beloit Road entrance.
- 21) City of New Berlin Access Permit required for Sunny Slope Road entrance.
- 22) Meet the conditions of Letter of No Objection from the State of Wisconsin DOA.
- 23) Meet the conditions of Letter of No objection from the State of Wisconsin DOT and comply with Trans 233.05, 233.08, and 233.105.
- 24) Developer's Agreement for all public improvements required. Agreement to be approved by the Board of Public Works and Common Council
- 25) An executed Developer's Agreement is required prior to clearing, grubbing, grading and/or utility/infrastructure work commencing.
- 26) Based on the estimate prepared by the City Assessor in accordance with Section 18.10, the required fee for your requested residential development is as follows:

Public Site Fee: \$ 670.00 per lot x 36 lots = \$24,120  
Open Space Fee: \$ 130.00 per lot x 36 lots = \$ 4,680  
Trail Fee: \$ 200.00 per lot x 36 lots = \$ 7,200  
Total: \$36,000

Schedule:

January 27, 2000 – Plat Received  
April 26, 2000 – 90-day time limit expires  
April 3, 2000 – Plan Commission date for final action  
April 25, 2000 – Common Council date for final action

Mr. Christel expressed the desire for a park area or tot lot park in the Northeast corner.

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

8. (7) U-58-99 Hardee's – 15600 W. National – Paint Exterior of Building.(Tabled 9/13/99)

Motion by Mr. O'Neil to remove this item from the table. Seconded by Mr. Chase. Motion carried unanimously.

Motion by Mr. Barnes to table the request by Hardee's to paint the exterior of the building located at 15600 W. National Avenue for the following reasons:

1) Plan Commission directed staff to have building restoration be reviewed by a restoration specialists and have the restoration contracted for and billed to Hardees within 60 days.

If restoration is not possible,

2) Per the recommendation of the Architectural Review Committee, repainting the building with a flat paint will not improve the aesthetic appeal of the restaurant. Portions of building that was tested should be repainted to match existing color and levy a fine.

3) Turn in MSDS's and paint specs to review options.

Seconded by Mr. Chase. Motion carried unanimously.

Motion by Mr. Chase to determine the fine to be \$10,000.00 with proceeds going to West National Avenue Corridor.

Seconded by Mr. Barnes. Motion carried unanimously.

## **NEW BUSINESS**

9. (6) U-2-00 Jewel Osco – 13995 W. National Avenue – May through June outdoor garden sales.

Motion by Mr. O'Neil to deny the request by Jewel Osco for May through June outdoor garden sales located at 13995 W. National Avenue based on the following:

1) Meet the conditions of the original Zoning Permit as they relate to site work, landscaping, infrastructure, and lighting.

2) Illuminated sign shall be turned off outside normal business hours. Parking lot lights must be significantly reduced after regular business hours. Vendors and distributors sternly advised to abstain from using Sunny Slope Road.

3) Submittal of revised plans that show alternative location of tent to minimize exposure at the intersection of National Avenue and Sunny Slope Road. Plans must include the exact dimension of the proposed tent and the exact number of parking stalls expected to be lost as a result by the outdoor sales.

4) Outside display of merchandise is Accessory Use allowed in a B-2 District Per § 17.0314 (2), (d), "Outside display of merchandise provided such display does not exceed 5% of the gross floor area of the store of 500 square feet, whichever is less, does not obstruct traffic, sidewalk or fire lane areas; and is listed on the Plan Commission approved plan of operation. Outside storage of merchandise is not permitted in the B-2 District". Approval is for seasonal outdoor only not to exceed 2,000 square feet (3% of gross floor area).

Seconded by Alderman Kaminski.

Motion to deny removed by Mr. O'Neil.

Motion by Mr. Barnes to table the request by Jewel Osco for outdoor garden sales located at 13995 W. National Avenue for the following reasons:

1) Meet the conditions of the original Zoning Permit as they relate to site work, landscaping, infrastructure, and lighting. Zoning Administrator directed to take action.

2) Illuminated sign shall be turned off outside normal business hours. Parking lot lights must be significantly reduced after regular business hours. Vendors and distributors shall not use emergency exit for ingress and egress and should be sternly advised to abstain from using Sunny Slope Road. Add cut-offs to fixtures along South lot line or change bulb to redirect light. Lights turned off, reduced by 50%, or have just two lights at the entrances.

3) Submittal of revised plans that show alternative location of tent to minimize exposure at the intersection of National Avenue and Sunny Slope Road. Plans must include the exact dimension of the proposed tent and the exact number of parking stalls expected to be lost as a result by the outdoor sales.

4) Outside display of merchandise is Accessory Use allowed in a B-2 District Per § 17.0314 (2), (d), "Outside display of merchandise provided such display does not exceed 5% of the gross floor area of the store of 500 square feet, whichever is less, does not obstruct traffic, sidewalk or fire lane areas; and is listed on the Plan Commission approved plan of operation. Outside storage of merchandise is not permitted in the B-2 District". Approval is for seasonal outdoor only not to exceed 2,000 square feet (3% of gross floor area).

Seconded by Mr. Christel. Motion carried unanimously.

10. (3) U-11-00 B. B. Service Co. – 20090 W. Lincoln Ave. – Building Addition for Excavating Contractor. Office Space in Front, Garage and Warehouse in Rear.

Motion by Mr. Chase to deny the request by B.B.Service Co. for a building addition for excavating contractor, office space in front, garage and warehouse in rear located at 20090 W. Lincoln Avenue based on the following:

1) Project as proposed does not meet the requirements of the Growth Development and Management Plan and the eventual vision for the entire Lincoln Avenue corridor. The plan calls for the availability of

adequate public infrastructures including road improvements and utilities that can support an increase in use within the corridor and the eventual connection to I-94. There is no plan to repair or develop the infrastructure along that Lincoln Avenue corridor to a point necessary to support the type of operation the applicant would want.

2) Regarding the legal nonconforming use of the property, 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."

3) Applicant is also proposing a 12,656 square feet two tenant building two-tenant facility. Total square footage of all the building on this property prior to being razed was approximately 5,484 square feet. This is an intensification of use on this parcel.

Seconded by Mr. Felda.

Motion by Mr. Christel to table the request by B.B. Service Co. for building an addition for excavating contractor, office space in front, garage and warehouse in rear for the following reasons:

1) Project as proposed does not meet the requirements of the Growth Development and Management Plan and the eventual vision for the entire Lincoln Avenue corridor. The GDMP plan calls for the availability of adequate public infrastructures including road improvements and utilities that can support an increase in use within the corridor and the eventual connection to I-94. There is no plan to repair or develop the infrastructure along that Lincoln Avenue corridor to a point necessary to support the type of operation the applicant would want. The lack of utilities, no direct route to I-94, unstable soils, and the current infrastructure is unable to support the use at this time.

2) Regarding the legal nonconforming use of the property, 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."

3) Applicant is also proposing a 12,656 square feet two tenant building two-tenant facility. Total square footage of all the building on this property prior to being razed was approximately 5,484 square feet. This is an intensification of use on this parcel.

4) Revised plans to conform to M-1 District requirements.

5) One defined access meeting New Berlin Engineering requirements.

6) All storage areas to be identified.

Seconded by Mr. Felda.

Motion to table passes with Mayor Gatzke, Mr. Christel, Mr. Chase Mr. Felda, Alderman Kaminski, Mr. O'Neil voting Yes and Mr. Barnes voting No.

11. (2) LD-9-99 Clarence Schindler – 2305 S. Brookland Rd. – Ne ¼ Sec. 11 – Two-Lot Final Land Division.

Motion by Mr. Christel to recommend to Council approval of the request by Clarence Schindler for a two-lot final land division located at 2305 S. Brookland Road, NE ¼ Sec. 11 subject to:

- 1) Drainage swale required along common lotline, location and length to be determined by City Engineer prior to building permit being issued.
- 2) Revise Final CSM per preliminary CSM approval. Driveway access off of Lincoln Av. requires a "T" turnaround to allow maneuvering of vehicles without using Lincoln Avenue. Access permit from the City of New Berlin Engineering Department required.
- 3) Payment of \$1000.00/new lot in Public Site, Open Space and Trail fees required before the City will sign the Final CSM.

Seconded by Alderman Kaminski. Motion carried unanimously.

12. (3) R-14-97 Deer Haven Golf Course – 19180 W. Cleveland – Rezone from C-1/C-2 to P-1 Park - Revised Plans for Additional New Holes to Existing Golf Course.

Motion by Mr. Barnes to table the request by Deer Haven Golf Course to rezone portions of C-1 and C-2 District to P-1 for use as an extension of an existing 9-hole golf course located at 19180 W. Cleveland Avenue for the following reasons:

- 1) Survey of all the field-staked Wetland and Primary Environmental Corridor delineations required. Plat of Survey of wetland and environmental staking to be verified and approved by SEWRPC prior to approval.
- 2) 401 Permit from the Wisconsin Department of Natural Resources required prior to approval.
- 3) Use approval for the expansion of the Golf Course required.
- 4) Provide an as-built topographic map.

Seconded by Mr. Christel. Motion carried unanimously.

13. (7) U-12-00 Steinhafel's Distribution Center – 16778 W. Coffee Rd. – Distribution Center and Office Complex – Conceptual Plan.

Motion by Mr. Christel to approve the conceptual use, site and architectural for a new 240,000 sq. ft. facility located at 16778 W. Coffee Road subject to:

- 1) Detailed Use, Site and Architecture review will be given upon submittal of a complete use application.
- 2) Sewer and water plans to be approved by all regulating authorities. Basin Sanitary Sewer Capacity Analysis required.
- 3) Developer's Agreement for all public improvements required. Agreement to be approved by the Board of Public Works and Common Council Utilities required to extend to the property line, phasing and placement will be addressed within the Developer's Agreement.
- 4) An executed Developer's Agreement is required prior to clearing, grubbing, grading and/or utility/infrastructure work commencing.

- 5) All utilities both onsite and offsite required to be provided underground. Burial of Calhoun Road and Coffee Road aboveground utilities required.
- 6) Wetland Enhancement permits required from permitting agencies.
- 7) Floodplain Enhancement required, flood storage be maintained.
- 8) Drainage pond computations required.
- 9) All roof drains to drain onto grassy (or treed) area surrounding building to minimize pond usage and to allow for infiltration.
- 10) Satisfy Fire Department Concerns. Hydrant to be located within 150' of building riser. Building to be fully sprinklered. Yard hydrants required. Standpipes may be required based on detailed submittal.
- 11) Detailed Traffic Impact Analysis required.
- 12) Tree survey required. All trees outside of parking lot and building to be preserved. Parking lot islands to allow for more trees to be preserved. Location of parking lot and islands to be located so as to minimize tree loss.
- 13) Approval of drainage, grading, utility and overall site plans by the Engineering Department is required prior to issuance of Building Permit.
- 14) Access permits required from the City of New Berlin Engineering Department.
- 15) Bypass, acceleration and deceleration lanes required on Calhoun Road.
- 16) Detailed architectural elevations required, in addition, submittal of building material samples for City of New Berlin Architectural Review Committee approval required.
- 17) Submittal and approval of a landscaping plan prepared by a registered landscape architect. Plan to include plant keys, number and sizes.
- 18) Lighting Plan required.
- 19) Permits are required from the Building, Inspections and Zoning Department. Building must meet all applicable building and fire codes. Building must be maintained per § 14.25 of the Non-residential Property Maintenance Code.
- 20) Dumpsters must be properly screened from the street and public view in accordance with the City of New Berlin Municipal Code § 17.1304(14). Enclosure must match exterior of building, and must be built to accommodate both solid as well as recyclable waste dumpsters.

Seconded by Mr. Barnes.

Motion by Mr. Chase to amend the motion by adding:

- 21) Extend 166<sup>th</sup> Street South to Coffee Road, the timing and phasing to be in the terms and conditions identified in the plan written into the Developers Agreement.

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

Motion by Mr. Chase to amend motion by adding:

22) Dedicate area for a regional detention stormwater management pond in Northwestern corner.

Seconded by Alderman Kaminski. Motion carried unanimously

Motion by Mr. Chase to amend motion by adding:

23) Plan for overland flow path and the 100 year flowpath not be obstructed by improvements.

Seconded by Mr. Barnes. Motion carried unanimously

Original motion with amendments passes with Mr. Christel, Mr. Chase, Mr. Felda, Alderman Kaminski, Mr. O'Neil, Mr. Barnes voting Yes and Mayor Gatzke voting No.

14. (5) R-3-00 Forest Ridge Condominiums – 14500 and 14510 W. Beloit – Rezone from R-4 to Rm-1, Rd-1, R-4.5/PUD.

Motion by Mr. Barnes to table the request by Forest Ridge Condominiums to rezone the property located at 14500 and 14510 W. Beloit Road from R-4 to Rm-1, Rd-1, R-4.5/PUD for the following reasons:

- 1) Revised PUD document to be reviewed by the City Attorney.
- 2) Road alignment requires a change, remove eyebrows, straighten out entrance to Beloit Road, and add a cul-de-sac for the single-family parcels. Number of 8's, 2's and singles will change with re-alignment.
- 3) Metes and bounds legal descriptions of reconfigured districts required.
- 4) Full subdivision submittal based on reconfigured lots required.
- 5) Extensive engineering concerns dealing with drainage to be addressed. Contact City Engineer for details. Detailed Stormwater management plan required. Plan to include drainage pond computations.
- 6) The City of New Berlin Architectural Review Committee must approve two-family and eight-family building materials and exterior architecture.
- 7) Landscaping plan, which addresses species, sizes and quantities of trees and shrubs required for Use Site and Architecture approval. Coniferous trees to be a minimum of 6' in height. Deciduous trees to be a minimum of 3-1/2" in caliper. Ornamental trees to be a minimum of 2-1/2" in caliper.
- 8) Approval of drainage, grading, utility and overall site plans by the Engineering Department is required prior to issuance of Building Permit.
- 9) Sewer and water plans to be approved by all regulating authorities.
- 10) Buildings must meet all applicable building and fire codes.
- 11) Adherence to §17.1308(10) Woodland Preservation required. Tree inventory of existing trees greater than 4" DBH required.

12) Entrance monumentation plan required.

13) Developer's Agreement for all public improvements required. Agreement to be approved by the Board of Public Works and Common Council. All Utilities required to extend to the property line, phasing and placement will be addressed within the Developer's Agreement.

14) An executed Developer's Agreement is required prior to clearing, grubbing, grading and/or utility/infrastructure work commencing.

15) Satisfy Fire Department Concerns. Hydrants to be located within 150' of any building riser. 8-unit buildings to be fully sprinklered. Knox boxes and alarm systems required.

16) Access permits required from the City of New Berlin Engineering Department for the extension of Lindenwood Drive.

17) All buildings on the "Tarbox" property are to be razed, razing permits are required.

18) Access permits required from the Waukesha County Department of Transportation for the connection to Beloit Road.

19) Permits are required from the Building, Inspections and Zoning Department. Building must meet all applicable building and fire codes. Building must be maintained per § 14.25 of the Non-residential Property Maintenance Code.

20) Payment of \$1,000/building or lot in Public Site, Open Space and Trail Fees required.

Seconded by Mr. Christel. Motion carried unanimously.

15. (5) LD-3-00 Deer Creek Village – Ne ¼ Sec. 14 - 3501 S. 147 St. – Two-Lot Preliminary and Final Land Division.

Motion by Mr. O'Neil to recommend to Council approval of the two lot preliminary and final land division located at 3501 S. 147<sup>th</sup> Street, NE ¼ Sec. 14 subject to:

1) All easements requested/granted to the City are to be at no cost to the City, including Deer Creek Drainage easement.

2) Payment of \$1000.00/new lot (\$2,000) in Public Site, Open Space and Trail fees required before the City will sign the Final CSM.

3) Cross-access easements required.

4) KASCO CSM to be recorded prior to this CSM being recorded. Label CSM numbers of original three lots.

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) Executed Developer's Agreement required.

8) Permits for wetland crossing for Wilbur Drive.

9) Approval of all surety instruments prior to signing the final CSM.

Seconded by Mr. Chase. Motion carried unanimously.

16. (4) U-13-00 Nassco, Inc. – 5365 S. Moorland Rd. – 40,000 Sq. Ft. Addition to Existing Facilities.

Motion by Mr. Chase to approve the request by Nassco, Inc. for a 40,000 sq. ft. addition to existing facilities located at 5365 S. Moorland Road subject to:

1) Razing Permit for the residential building must be pulled prior to issuance of Building Permit for the proposed addition.

2) Proposed addition must match the material, color and style of the existing building.

3) Stake out survey of the building is required with building permit application.

4) Building plans must be stamped by a Wisconsin Registered Architect prior to issuance of a Building Permit.

5) 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.

6) Dumpster must be properly screened from the street and public view in accordance with New Berlin Municipal Code Section 17.1304(14). Location of dumpster enclosure must be clearly designated and the materials for construction including thickness of the concrete slab must be indicated on the plan. Enclosure must match exterior of building, and must be built to accommodate both solid as well as recyclable waste dumpsters.

Seconded by Mr. O'Neil.

Friendly amendment by Mr. Christel to add to condition #1, raising permit must be pulled after lease expires in November, 2000.

Motion with amendment carried unanimously.

17. (5) U-14-00 M & I Bank – 15350 Howard Ave. – 2,000 Sq. Ft. Addition to Existing Building - 16 Parking Stalls.

Motion by Mr. Chase to approve the request by M & I Bank for 2,000 sq. ft. addition to the existing building and 16 parking stalls located at 15350 Howard Avenue subject to:

1) Proposed addition must match the material, color and style of the existing building.

2) Submittal of a revised site and grading plan that addresses the parking lot reconfiguration at the northeast corner of the property. Revised grading plan should include a retaining wall to keep the parking lot at the existing grade. Plans must be approved by the Engineering Department prior to installation.

3) An overall number of employees for the new bank will be required to determine the number and configuration of the proposed parking lot as it relates to the use of the site.

4) This approval does not include the sign depicted on the copular. A separate sign application and permit is required per § 17.0802 from the Planning Department.

5) Stake out survey of the building is required with building permit application.

6) Building plans must be stamped by a Wisconsin Registered Architect prior to issuance of a Building Permit.

7) 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.

8) Dumpster must be properly screened from the street and public view in accordance with New Berlin Municipal Code Section 17.1304(14). Location of dumpster enclosure must be clearly designated and the materials for construction including thickness of the concrete slab must be indicated on the plan. Enclosure must match exterior of building, and must be built to accommodate both solid as well as recyclable waste dumpsters.

Seconded by Alderman Kaminski. Motion carried unanimously.

18. (3) U-15-00 Hallmark K – 17500 Liberty Ln. – Change from Single-Tenant Use to Two-Tenant.

Motion by Mr. Chase to approve the request by Hallmark K to change from single-tenant use to two tenant use located at 17500 Liberty Lane subject to:

1) Each tenant will be required to have a Use Approval, which will be based on the available parking.

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

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

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

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

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

Seconded by Alderman Kaminski. Motion carried unanimously.

19. (4) U-16-00 Mustang Shelly's Roadhouse – 18540 W. National Ave. – Addition to Existing Bar – Interior Modifications.

Motion by Mr. Chase to approve the request by Mustang Shelly's Roadhouse for an addition to existing bar and interior modifications located at 18540 W. National Avenue subject to:

1) Execution of a "hold harmless" letter as stipulated by § 17.0603(4) is required to be filed with the City of New Berlin prior to issuance of building permit. This can be obtained from the Planning Department and approved by the City Attorney.

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) Submittal of revised plan that reflect actual and proposed site conditions. The plans submitted by applicant do not reflect actual site conditions. Calculations were done merely to meet requirements rather than to reflect actual and proposed site conditions.

4) Waukesha County Department of Health approval required for new restrooms on a holding tank.

5) Dumpster must be properly screened from the street and public view in accordance with New Berlin Municipal Code Section 17.1304(14). Dumpster enclosure must be able to accommodate all garbage and recycling containers. Enclosure and gates must be constructed of cedar or pressure treated wood and should be painted to match or complement the exterior architecture of the building. Location of dumpster enclosure must be clearly designated and the materials for construction including thickness of the concrete slab must be indicated on the plan.

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

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

20. (4) U-17-00 Terry Michaels – 20015 W. National Ave. – Replace Existing 100' Guyed Tower with 120' Free-Standing Lattice Tower.

Motion by Mr. Chase to table the request by Terry Michaels to replace the existing 100' guyed tower with 120' free standing lattice tower located at 20015 W. National Avenue per the applicants request.

Seconded by Alderman Kaminski. Motion carried unanimously.

21. (6) U-18-00 People's Choice Car Care Center – 12555 W. National Ave. – Car Care Center.

Motion by Mr. O'Neil to table the request by People's Choice Car Care Center for a car care center located at 12555 W. National Avenue for the following reasons:

1) Grading plan is required. Plan should show existing and proposed grades.

2) Revised site plan, which rearranges buildings to minimize the impact on National Avenue.

3) Submittal of a revised detailed landscaping plan prepared by a professional landscape architect with plant keys showing the number, location and sizes of existing and proposed plantings per section 17.1308 of the Municipal Zoning Ordinance.

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

5) Refer to Architectural Control Committee and revised architecture to reduce the long expanses and provide more relief. The addition of towers or a mansard façade may be necessary.

6) Lighting plan is required.

7) Proof that insurance requires the separation of the buildings to be on file prior to approval.

Seconded by Alderman Kaminski. Motion carried unanimously

22. (4) U-19-00 Office Building for James Luterbach – 5000 S. Towne Dr. – Office Building.

Motion by Mr. Barnes to approve the request by James Luterbach for use, site and architectural approval for a new 72,000 sq. ft. facility located at 5000 S. Tower Drive subject to:

1) Developer's Agreement for all public improvements required. Agreement to be approved by the Board of Public Works and Common Council Utilities required to extend to the property line, phasing and placement will be addressed within the Developer's Agreement.

2) An executed Developer's Agreement is required prior to clearing, grubbing, grading and/or utility/infrastructure work commencing.

3) Satisfy Fire Department Concerns. Hydrant to be located within 150' of building riser. Building to be fully sprinklered. Yard hydrants may be required. Standpipes may be required based on detailed submittal.

4) Tree survey required. All trees outside of parking lot and building to be preserved. Parking lot islands to allow for more trees to be preserved. Location of parking lot and islands to be located so as to minimize tree loss. Detailed replacement schedule required eastern edge of property will require the removal or moving of a substantial number of trees.

5) Approval of drainage, grading, utility and overall site plans by the Engineering Department is required prior to issuance of Building Permit.

6) Access permits required from the City of New Berlin Engineering Department.

7) Property to be fully curbed, internal curbs to stop at ROW.

8) Detailed view of Towne Drive ROW improvements required, including boulder wall. Area between boulder wall and back of curb to be re-graded (slope 2-4%) to allow for snow storage.

9) Drainage pond computations required.

10) All aboveground utilities, both onsite and offsite required to be buried per the requirements of the TIF District.

11) All roof drains to drain onto grassy (or treed) area surrounding building to minimize pond usage and to allow for infiltration.

12) Submittal and approval of a revised landscaping plan prepared by a registered landscape architect. Plan to include plant keys, number and sizes. Parking lots require more screening. Eastern property line requires screening. Detailed landscaping plan of building planting beds required. Coniferous trees to be a minimum of 6' in height. Deciduous trees to be a minimum of 3-1/2" in caliper. Ornamental trees to be a minimum of 2-1/2" in caliper.

13) Development subject to Towne Corporate Park Developer's Agreement and Deed Restrictions.

14) Lighting Plan to incorporate Towne Corporate Park lot and building fixtures.

15) Permits are required from the Building, Inspections and Zoning Department. Building must meet all applicable building and fire codes. Building must be maintained per § 14.25 of the Non-residential Property Maintenance Code.

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

Seconded by Mr. Christel. Motion carried unanimously.

23. (7) SIGN – Dakota Intertek Corp. – 16600 W. National Ave. – 6' x 4' Ground Sign.

Motion by Mr. Barnes to deny the request by Dakota Intertek Corp. for a 6' x 4' ground sign located at 16600 W. National Avenue subject to:

1) Illegal ground sign must be removed by May 3, 2000

2) Applicant must comply with the zoning violation issued by Zoning Administrator on the stipulated deadline of April 1, 2000.

3) 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.

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

5) Payment of \$174.00 (if approved by Plan Commission) for the sign per calculations below:

Sign Fee: 7' x 4' = 28 sq. ft. x 2 sides. = 56.00 sq. ft. x \$2 / sq. ft = \$112.00 x 2 (Penalty Fee) = \$ 224.00

\$224.00 less \$50.00 application fee = \$ 174.00

6) Submittal of a detailed landscaping plan prepared by a professional landscape architect with plant keys showing the number, location and sizes of proposed plantings per section 17.1308 of the Municipal Zoning Ordinance and as required by the conditions for reoccupancy by the Plan Commission on August 17, 1998. This plan must be approved by staff. Installation should occur in early spring.

Seconded by Mr. Felda. Motion carried unanimously.

24. ( ) PG-227 Victor Ganter & Cathy Connolly, Town of Waukesha – Extraterritorial Plat

Motion by Alderman Kaminski to recommend to Council no serious objection with the following comments to the Victor Ganter & Cathy Connolly, Town of Waukesha Extraterritorial Plat:

1) Remove City of Waukesha signatures, not within their jurisdictional limits.

2) Lawnsdale Road not accurately portrayed within the 2000 scale inset map.

3) City of New Berlin minimum lot width at setback for a rural residential lot is 300' CSM would be substandard.

4) Change note "NO FUTURE DIVISION OF THE PARCELS WILL BE PERMITTED" to reflect parcel 1 and 2 of this CSM.

5) Where does note relating to County Ownership of Environmental Corridors come from? If it's not accurate remove it from the CSM.

6) Principle residence to be a minimum of two feet above 100-year recurring flood interval and all lands within 15' of proposed structure to be a minimum of one foot above 100-year recurring flood interval. Dry land access required.

7) Metes and bounds legal description of field delineated wetland boundary required as part of this CSM.

Seconded by Mr. Barnes. Motion passes with Mr. Chase voting present.

### **STAFF APPROVED**

25. (2) SIGN – Tekra Corp. – 16700 W. Lincoln Avenue – Temporary sign to recruit available positions.

The request by Tekra Corp. for a temporary sign to recruit available positions at 16700 W. Lincoln Avenue has been reviewed and Conditionally Staff Approved by the New Berlin Plan Commission subject to the application, the plans on file and the following:

1) The temporary sign shall not exceed six (6) square feet.

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

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 temporary ground sign must be installed outside the Ultimate Right-of-way of Lincoln Ave.

5) This temporary ground sign must come down in thirty (30) days. If more time is needed to advertise these positions, the applicant needs to alter the existing permanent sign to accommodate a changeable reader board.

26. (1) SIGN – The Sanctuary – 2200 S. Moorland – Install Letters on Sign

The request by The Sanctuary to install letters on a sign located at 2200 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) The channel lettering and logo should not exceed 1'4" x 12' (15.96 square feet)

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

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) Sign must be installed outside the Ultimate Right-of-way of Moorland Road.

27. (2) SIGN – Area Rental – 16205 W. Rogers – Wall Sign.

The request by Area Rental for a wall sign located at 16205 W. Rogers has been reviewed and Conditionally Staff Approved by the New Berlin Plan Commission subject to the application, the plans on file and the following:

The channel lettering and logo should not exceed 3' x 22' (66 square feet)

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

2) Payment of \$82.00 outstanding sign fee per calculations below:

Sign Face: 3' x 22' = 66 sq. ft. x \$2.00 / sq. ft. = \$132.00

3) Total: \$132.00 less \$50.00 application fee = \$82.00

4) 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."

28. (1) SIGN – Timber Creek Grille – 15375 W. Greenfield Avenue – (1) monument sign, double face, 5'2" h x 6'2" w and (1) wall sign, channel letters, 16.5" x 17'6" w.

The request by Timber Creek Grille for (1) monument sign, double face, 5'2" h x 6'2" w and (1) wall sign, channel letters, 16.5" x 17.6' w 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 channel lettering shall not exceed 17'6" x 2' 1" (36.4 square feet). The ground sign shall not exceed 6.17' x 5.17' (32 square feet).

2) The ground sign must be located outside of the right-of-way of Greenfield Avenue.

3) Installation and maintenance per Section 17.0800 of the Municipal Zoning Ordinance.

4) Payment of \$150.80 outstanding sign fee per calculations below:

5) Wall Sign: 17'5" x 2'1" = 36.4 sq. ft. x \$2.00 / sq. ft. = \$72.80

6) Ground Sign: 6'2" x 5'2" = 32 sq. ft. x 2 (two-sided) x \$2.00/ sq. ft. = 128.00

7) Total: \$200.80 less \$50.00 application fee = \$150.80

8) 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."

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

10) Electric permit is required from the Building Inspection and Zoning Department

## **ZONING PERMITS**

29. (4) RO-5-00 U. S. Office Products – 5125 S. Towne Dr. – Office and Distribution Center for Office Products.

The request by U. S. Office Products for an office and distribution center for office products located at 5125 S. Towne 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) Overnight parking is limited to 15 delivery trucks or vans.
- 2) Building must be maintained per Section 14.25 of the Non-residential Property Maintenance Code.
- 3) Building must meet all applicable building and fire codes. Fire Extinguishers are required.
- 4) Permits are required from the Building, Inspection, and Zoning Departments for all interior and exterior alterations or modifications.
- 5) Dumpsters must be properly screened from the street and public view in accordance with the City of New Berlin Municipal Code Section 17.1304 (14).
- 6) No outside storage will be permitted on the property.

30. (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.

31. (2) RO-8-00 Sells Printing – 2228-2230 S. 162 St. – Mailing and Warehouse Operation.

The request by Sells Printing for a mailing and warehouse operation located at 2228-2230 S. 162 Street has been reviewed and Conditionally Staff Approved by the New Berlin Plan Commission subject to the application, the plans on file and the following:

- 1) 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 the installation of the interior overhead door and for all other 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. (1) RO-9-00 Haybalers – 13327 W. Greenfield Ave. – Tavern/Sports Bar

The request by Haybalers for a tavern/Sports Bar located at 13327 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) This is a permit for reoccupancy only. No expansion or exterior alterations are approved.
- 2) Access and parking lot must conform to changes as a result of the Greenfield Avenue reconstruction.
- 3) Parking lot to be resurfaced and re-stripped with 9'x19' stalls.
- 4) General cleanup of entire property including the removal of the large tank located on the southeast corner of the lot.
- 5) Building must be maintained per Section 14.25 of the Non-residential Property Maintenance Code.
- 6) Building must meet all applicable building and fire codes. Fire Extinguishers are required.
- 7) Permits are required from the Building, Inspection, and Zoning Department for all interior and exterior alterations or modifications. Inspection and certificate of occupancy are required prior to the issuance of a liquor license.
- 8) No outside storage will be permitted on the property.
- 9) Per the State of Wisconsin Commercial Building Code, wood framed buildings are limited to a maximum of 100 persons.
- 10) Per §17.0404 a contingency plan must be on file, which describes the measures to be taken to reduce parking congestion and overcrowding if it is determined that 34 parking spaces is insufficient.
- 11) 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). Dumpster enclosure is to be constructed of the same materials as the building, or board-on-board cedar. Dumpster enclosure to include refuse, tallow, and recycling dumpsters.

33. (2) RO-10-00 Superior Printing Ink Co. – 2708 S. 163 St. – Warehouse of Product with Light Manufacturing for Special Orders.

The request by Superior Printing Inc. Co. for a warehouse of product with light manufacturing for special orders located at 2708 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) No outside storage will be permitted on the property.
- 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).

**CONSENT AGENDA** (One motion and second will deny all of the following inactive items listed. Any item may be pulled from the list and handled separately.)

34. (7) U-10-99 Milwaukee Astronomical Society – 18850 W. Observatory Rd. – Remove Existing Meeting Building and Replace with New Structure.

Motion by Mr. O'Neil to deny the above inactive item based on the following:

- 1) Item has been on the pending list for 6 months or longer with no contact from the applicant.
- 2) Staff has sent a 30 day notice and the applicant did not respond.

Seconded by Mr. Chase. Motion carried unanimously.

35. (7) U-3-99 Sunrise Home Health Care – 17400 W. National Ave. – 40' x 90' Building for Home Nursing and Aid Services.

Motion by Mr. O'Neil to deny the above inactive item based on the following:

- 1) Item has been on the pending list for 6 months or longer with no contact from the applicant.
- 2) Staff has sent a 30 day notice and the applicant did not respond.

Seconded by Mr. Chase. Motion carried unanimously.

36. (7) LD-16-98 Virginia A. Hirsch – 17955 W. National Ave. – Two-Lot Preliminary Land Division. (Tabled 2/1/99)

Motion by Mr. O'Neil to deny the above inactive item based on the following:

- 1) Item has been on the pending list for 6 months or longer with no contact from the applicant.
- 2) Staff has sent a 30 day notice and the applicant did not respond.

Seconded by Mr. Chase. Motion carried unanimously.

37. (5) U-39-98 Briohn Building Corporation – 14151 W. National Ave. – Addition to Warehouse Shoes Shopping Center. (Tabled 6/1/98)

Motion by Mr. O'Neil to deny the above inactive item based on the following:

- 1) Item has been on the pending list for 6 months or longer with no contact from the applicant.
- 2) Staff has sent a 30 day notice and the applicant did not respond.

Seconded by Mr. Chase. Motion carried unanimously.

38. (7) U-87-96 Guthrie Inc., 16060 W. National Avenue – 35' x 30' garage.

Motion by Mr. O'Neil to deny the above inactive item based on the following:

- 1) Item has been on the pending list for 6 months or longer with no contact from the applicant.
- 2) Staff has sent a 30 day notice and the applicant did not respond.

Seconded by Mr. Chase. Motion carried unanimously.

39. (4) U-37-96 The Ballpark, Inc. – 13040 W. Janesville Rd. – Conceptual project Review – 4 ballparks with concession.

Motion by Mr. O'Neil to deny the above inactive item based on the following:

- 1) Item has been on the pending list for 6 months or longer with no contact from the applicant.
- 2) Staff has sent a 30 day notice and the applicant did not respond.

Seconded by Mr. Chase. Motion carried unanimously.

40. (5) R-1-96 Fabera Heights Addition – 4001 S. Sunnyslope Rd. – Rezone from C-1 to R-4.

Motion by Mr. O'Neil to deny the above inactive item based on the following:

- 1) Item has been on the pending list for 6 months or longer with no contact from the applicant.
- 2) Staff has sent a 30 day notice and the applicant did not respond.

Seconded by Mr. Chase. Motion carried unanimously.

41. (3) LD-11-98 Schneider Excavating, Inc. – NW ¼ SEC. 9 – 18025 W. Lincoln Ave. – Two-Lot Preliminary Land Division.

Motion by Mr. O'Neil to deny the above inactive item based on the following:

- 1) Item has been on the pending list for 6 months or longer with no contact from the applicant.
- 2) Staff has sent a 30 day notice and the applicant did not respond.

Seconded by Mr. Chase. Motion carried unanimously.

42. (5) R-7-98 Briohn Building Inc. – 14075 & 14151 W. National Avenue – Rezone from RM-1 to B-2. (Tabled 8/17/98).

Motion by Mr. O'Neil to deny the above inactive item based on the following:

- 1) Item has been on the pending list for 6 months or longer with no contact from the applicant.
- 2) Staff has sent a 30 day notice and the applicant did not respond.

Seconded by Mr. Chase. Motion carried unanimously.

### **COMMUNICATIONS**

43. Communication To: Plan Commission

Communication From: Steven K. Hoese, Director of Planning & Community Development

RE: "Successful Planning – Consider Principles, Process, and People", The Municipality, March 2000.

Plan Commission acknowledged receipt of this communication.

44. Communication To: Plan Commission

Communication From: Mark C. Lake, Assistant Director of Planning

RE: Waukesha County Development & Review Workshop

This communication pertains to Waukesha County's new definition of a subdivision and their development review checklist. It is asking that each municipality in the County to state by resolution within the next six months that they will follow these guidelines. Mr. Lake advised that this is not advisable because it takes away our home rule authority from the State Statutes. Mayor Gatzkes suggestion was to continue to work with the County but that we do not comply with their request to provide them with a letter stating that we will follow their recommendation in this case.

Motion by Mr. Chase to adjourn the Plan Commission meeting at 10:30 P.M. Seconded by Alderman Kaminski. Motion carried unanimously.