

## **Minutes**

7:00 P.M. PUBLIC HEARING

(6) CU-4-00 Voice Stream - 12695 W. National Ave. - Stealth Flag Pole for use as Cellular Antenna. - 80' tall.

### **CITY OF NEW BERLIN PUBLIC HEARING SEPTEMBER 11, 2000**

The public hearing relative to the request by Frank Dobbs (Voice Stream) for a conditional use approval for a stealth flag pole for use as a cellular antenna at 12695 W. National Avenue was called to order by Mayor Gatzke at 7:00 P.M.

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

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 for comments or questions for clarification. Seeing none.

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

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

Mayor Gatzke asked if there were questions from the Plan Commissioners.

Mr. Christel asked if we have a rendering of the stealth tower. Mr. Lake said it is an 80' flag pole, no guy wires.

Mayor Gatzke asked if there were further questions from the Plan Commissioners, seeing none.

Mayor Gatzke called the public hearing closed at 7:06 P.M.

### **NEW BERLIN PLAN COMMISSION**

**SEPTEMBER 11, 2000**

The Plan Commission meeting of September 11, 2000 was called to order by Mayor Gatzke at 7:06 P.M.

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

Motion by Mr. Felda to approve the Plan Commission Minutes of August 7, 2000. Seconded by Mr. Christel. Motion carried unanimously.

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

Mr. Hoese referred to the information distributed to Plan Commissioners about the new application fees for next year.

Mr. Hoese reminded the Plan Commissioners to bring forward any questions they may have on the 80-20 study that was handed out at the last meeting.

Mr. Hoese said the Plan Commissioners would be getting electronic reports soon. Those without computer capabilities at home will continue to receive packets.

Mr. Hoese made the Plan Commissioners aware of the quote in the Milwaukee Journal of one of the staff members allegedly saying a comment about "constitutional crap" was never said and the newspapers are in notice of this.

#### **CONTINUED ITEMS**

5. (5) R-9-99 Farrell Meadows – 14201 W. Farrell – PUD – 13 Duplex Homes (Tabled 1/10/00, 7/10/00, 8/7/00)

Remain on Table.

6. (5) R-10-99 Honeyager Lane – 14101 W. Howard – PUD-16 Duplex Homes (Tabled 1/10/00, 7/10/00, 8/7/00)

Remain on Table.

#### **NEW BUSINESS**

7. (2) U-55-00 Voice Stream Wireless - 2600 S. Calhoun - New Telecommunications Tower to Replace Existing Tower.

Motion by Mr. Felda to approve the request by Voice Stream Wireless to remove and replace an existing 180' lattice tower, its associated equipment and add a new antenna array located at 2600 S. Calhoun Road subject to:

- 1) Site and array must meet the conditions of §17.0503(3) of the City of New Berlin Municipal Code.
- 2) Existing tower to be moved/removed to allow new tower to be located as close to original location as possible. New location to be reviewed and approved by the Fire Department and the Department of Community Development prior to application for building permits.
- 3) All structural plans used for the building permit to be stamped by a Wisconsin architect and/or engineer.
- 4) All equipment, including existing equipment located on roof of Fire Station to be located within a new building. New structure housing existing equipment and new VoiceStream Equipment required to be reviewed and approved by the Architectural Control Committee.

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

6) Building and enclosure required to be located outside of the 50' setback of Glendale Drive.

7) Barbed wire capped enclosures are not allowed. Fence to be installed without barbed wire on top.

8) Tower and new building required to be screened from the public, landscape plan with plant key and plant specifications to be reviewed and approved by the Planning Department prior to installation.

9) Emergency Government Siren to be relocated on new lattice tower

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

11) Signed lease for tower and VoiceStream array to be on file prior to building permits being issued.

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

8. (5) U-56-00 All-Ways Construction, Inc. - 4800 S. Moorland - Topsoil Screening Plant.

Motion by Mr. Christel to approve the request by All-Ways Construction, Inc. for a topsoil screening plant located at 4800 S. Moorland Road subject to:

1) The project must be completed on or before October 31, 2000, at which time all equipment must be removed from the site. Request for an extension must be submitted to the Plan Commission on or before the October 2, 2000 Plan Commission Meeting.

2) No Building Permit will be issued for this area until the topsoil pile is removed and grading is rectified.

3) Applicant should be aware that there would be periods of time when operations will have to be suspended as a result of Beloit Road construction activities.

4) Equipment on site to be limited to one topsoil screening machine and one front-end loader.

5) Daily road clean up will be required if needed. All site containment procedure must be employed including silt fence screening for erosion control.

6) Hours of operations: 7 AM to 5 PM Monday through Friday and 7 AM to 1 PM on Saturday.

7) Site must be secured to prevent off hour activity and illegal dumping.

Seconded by Mr. Barnes.

Motion for amendment by Mr. Chase to add:

8) Install erosion control as directed by City Engineer within 48 hours of approval.

Motion to amend seconded by Mr. O'Neil. Motion to amend carried unanimously.

Original motion as amended carried unanimously.

9. (1) U-57-00 Nickel's Pub - 13915 W. Greenfield - Parking Addition.

Motion by Mr. Felda to table the request by Nickel's Pub for a parking addition located at 13915 W. Greenfield per the applicants request.

Seconded by Mr. Barnes. Motion carried unanimously.

10. (2) U-58-00 Hartwig Exhibit & Display - 16325 W. Ryerson Rd. - The Design and Production and Storage of Exhibits and Displays for Trade Shows.

Motion by Mr. Christel to approve the request by Hartwig Exhibit & Display to convert the existing single tenant building located at 16325 W. Ryerson Road to a two-tenant office warehouse facility subject to:

1) Future tenant will be required to apply for and receive a Reoccupancy Permit from the Plan Commission prior to occupying the building. Approval will be based on the availability of parking and other site constraints.

2) Building Permit is required for the loading dock doors alterations. Electrical Permits will be required for all equipment and machinery. Building Permits are required for all interior modifications.

3) All Industrial Electric Wire and Cable Signs must be removed prior to occupying the building. A monument sign will be required for this site. Applicant must apply for and obtain a Sign Permit from the Planning Department prior to fabrication and erection of any sign.

4) No unauthorized outside storage will be permitted on the property. No unauthorized overnight storage of semi or trailers allowed unless the Plan Commission grants a separate Use Approval.

5) Proper dust collection equipment must be installed. Fire extinguishers required throughout the entire building.

6) MSDS of all volatile liquids required to be on file.

7) Dumpsters must be placed in approved dumpster enclosure or stored within the building.

Seconded by Mr. Felda. Motion carried unanimously.

11. (5) U-59-00 Dremel Net Solutions LLC - 5350 S. Maryknoll Dr. - Home Occupation - Internet Consulting and Web Development.

Motion by Mr. Chase to approve the request by Dremel Net Solutions LLC for an internet consulting and web development home occupation located at 5350 S. Maryknoll Drive subject to:

1) Home Occupation shall be conducted in accordance with Section 17.0503 (5) of the City of New Berlin Zoning Ordinance in its entirety, including:

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

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

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

2) Business will be strictly sole proprietorship. No more than one non-resident employee.

3) No outside storage. No home occupation nor any storage of goods, materials, or products connected with a home occupation shall be allowed in any accessory building or detached garage.

4) No customer visits to the residence and no deliveries related to this business.

Seconded by Alderman Kaminski. Motion carried unanimously.

12. (4) U-60-00 Schroeder Moving Systems - 5665 S. Westridge Dr. - Loading Dock.

Motion by Mr. Christel to approve the request by Schroeder Moving Systems for a loading dock located at 5665 S. Westridge Drive subject to:

1) Materials and color of the "fill area" must match the existing building. Painting of the entire façade may be required to achieve this.

2) Grading of new dock door drive to be reviewed and approved by City of New Berlin Engineering Department.

Seconded by Mr. Barnes. Motion carried unanimously.

13. (7) U-61-00 Dale Pinkalla - 4350-4352 S. Rose Court - Two Condominiums

Motion by Mr. Chase to deny the request by Dale Pinkalla for two condominiums located at 4350-4352 S. Rose Court for the following reasons:

1) A revised site plan will be required that shows the proposed building moved forward about 12 feet towards Rose Court to increase the setback from the detention pond easement in the rear. Building must be redesigned to be a minimum 23' from pond easement with 3' high masonry retaining wall behind house (15' flat area behind house, 3' wall, then 8' for sloping remaining 2' drop to pond - see New Berlin Engineering Dept. for details).

2) Submittal of a revised survey will be required prior to issuance of a Building Permit. Datum used on survey appears 0.3' too low compared to neighbor's survey and subdivision grading certification.

3) Submittal of a revised grading plan will be required. With building moved about 12 feet toward Rose Court, there will still be a 25% slope down right from the building. Grading, building footprint and elevation to be rectified prior to issuance of Building Permit.

4) Centerline of the proposed building should be perpendicular to Rose Court.

5) Approval of the revised elevations and building material by the Architectural Review Committee is required.

6) Driveway must be reconfigured to a minimum of 5 feet from the North side lot line. Driveway must not encroach into the drainage easement

7) Applicant will be required to abide by all subdivision deed restrictions, covenants and developers agreements.

8) Very shallow sanitary sewer lateral, 150' long, lateral laid at 1/8" per flat instead of 1/4", and City allows 938.0 garage slab instead of 937.5. Builder may want to expose existing end of lateral before building grade is set. Sewer lateral will need cleanout cover (over 100' long).

Seconded by Mr. Barnes. Motion carried unanimously.

14. (3) U-62-00 Voice Stream Wireless - 20840 W. Lincoln Ave. - Antenna for New Cellular Telephone System.

Motion by Mr. Barnes to approve the request by Voice Stream Wireless for a new antenna array, 18' tower extension, and equipment cabinet located at 20840 W. Lincoln Avenue subject to:

1) Site and array must meet the conditions of §17.0503(3) of the City of New Berlin Municipal Code.

2) All structural plans used for the building permit to be stamped by a Wisconsin architect and/or engineer.

3) Cabinet enclosure required to be screened from the public, landscape plan with plant key and plant specifications to be reviewed and approved by the Planning Department prior to installation.

4) Barbed wire capped enclosures are not allowed. Fence to be installed without barbed wire on top.

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

6) Coordinated access with WEPCO required. Easement for coordinated access to be on file.

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

Seconded by Mr. Felda. Motion carried unanimously.

15. (3) U-63-00 Champion Brick Company - 1850 S. Calhoun Rd. - Second Floor Addition.

Motion by Mr. Christel to approve the request by Champion Brick Company for a second floor addition located at 1850 S. Calhoun Road subject to:

1) Submittal of a detailed site plan that addresses the parking, access and internal traffic circulation concerns. Parking and traffic circulation pattern must be carefully design so as to accommodate customers and existing employees. Adequate parking must be provided as required by § 17.0403 of the Zoning Ordinance.

2) The exterior of the proposed addition must be constructed of the same brick material and color to match the existing building.

3) Construction traffic must be contained on site. Parking on Calhoun Road will not be permitted.

4) Per the City of New Berlin Fire Department, building must be fully sprinklered and is required to meet all applicable building and fire code. Fire extinguishers are required. Fire hydrant is required within a 150' of Fire Department connection.

Seconded by Felda. Motion carried unanimously.

16. (3) U-64-00 Ameritech - 21040 W. Lincoln Ave. - 4'Wide x 6'High x 8'Long Cabinet to Service the Area to Place Utilities Within.

Motion by Mr. Christel to approve the request by Ameritech for a 4' w x 6'h x 8'l utility cabinet located at 21040 W. Lincoln Avenue subject to:

1) Cabinet to be located outside the ultimate right-of-way (including any slope easement requirements) of Lincoln Avenue and not closer than 100' to the centerline of Lincoln Avenue.

2) Landscaping to be installed within 30 days of installation of cabinet or by the end of the 2000 planting season, whichever is first.

3) Cabinet shall be painted a neutral (natural) non-obtrusive color, which blends into the surrounding area.

4) All practical alternatives should be explored and should include, but not be limited to:

a) Below ground vaults.

b) Siting at the rear property line out of the public view.

c) Landscaping (including berming) to reduce the visual impact.

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

Motion by Mr. Christel to allow staff to approve other utility cabinets applied for in the future based on established conditions.

Seconded by Mr. Felda. Motion carried unanimously.

17. (2) U-65-00 New Generation - 2050 S. Calhoun - Day Care.

Motion by Mr. Christel to approve the request by New Generation for a day care located at 2050 S. Calhoun Road subject to:

1) Approval of a ± 2' retention wall by the Engineering Department at the edge of the walk. Proposed fence should also be built in so that existing grades are matched as quickly as possible.

2) Adherence to fire alarm system and smoke detector system requirements provided by Comm. 60.36. Building must meet all applicable building and fire codes. Building must be fully sprinklered.

3) Adherence to day care center ingress and egress requirements provided by Comm. 60.31.

4) 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.

5) On-site inspection by the Building, Inspection, and Zoning Departments is required prior to Daycare license.

Seconded by Mr. Barnes. Motion carried unanimously.

18. (4) U-66-00 Voice Stream - 20015 W. National Ave. - Co-Location on Tower Sites. New Tower.

Motion by Mr. Barnes to approve the request by Voice Stream Wireless to co-locate on a 120' tall free-standing lattice communication tower located at 20015 W. National Avenue subject to:

1) Site and array must meet the conditions of §17.0503(3) of the City of New Berlin Municipal Code.

2) All structural plans used for the building permit to be stamped by a Wisconsin architect and/or engineer.

3) Cabinet enclosure required to be screened from the public, landscape plan with plant key and plant specifications to be reviewed and approved by the Planning Department prior to installation.

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

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

Seconded by Mr. Felda. Motion carried unanimously.

19. (4) U-67-00 Midwest Power - New Berlin Energy Park - 6600 W. Crowbar Rd. - Peaking Facility.

Motion by Alderman Kaminski to table the request by Midwest Power - New Berlin Energy Park for a peaking facility located at 6600 W. Crowbar Road per the applicants request.

Seconded by Mr. Chase. Motion carried unanimously.

20. (6) CU-4-00 Voice Stream - 12695 W. National Ave. - Stealth Flag Pole for use as Cellular Antenna. - 80' tall.

Motion by Mr. Chase to recommend to Council approval of the request by Voice Stream Wireless for the siting of an 80' communication antenna located at 12695 W. National Avenue subject to:

1) Siting of antenna to follow §17.0503(2) of the City of New Berlin Municipal Code.

2) Per §17.0503(3), if it has been determined that existing or future/new antennas have the ability to be engineered or oriented which, renders this site obsolete, antenna shall removed within 60 days of new array becoming operational. Voicestream Coverage diagrams to be submitted for each Voicestream use application to verify coverage.

3) Antenna to be located to minimize visual impact at the ROW. All practical alternatives should be explored and should include, but not be limited to:

a) Below ground vaults for equipment.

b) Siting at or near the rear property line out of the public view.

c) Landscaping (including berming) to reduce the visual impact of ground equipment.

4) Ultimate location to be reviewed and approved by the Department of Community Development prior to building permit submission.

5) Landscaping to be installed within 30 days of installation of cabinet or by the end of the year 2000 planting season, whichever is first.

6) Enclosure shall be made of similar materials as the principle structure. Review and approval of enclosure by the Architectural Control Committee required.

7) Antenna shall be painted to reduce its visual impact. Review and approval of antenna painting scheme by the Architectural Control Committee required.

8) No flag allowed, Plan Commission reserves the right to modify plan to include a flag, or by other means, to reduce impacts in the future.

Seconded by Alderman Kaminski.

Motion by Jeff Chase to amend the motion to add :

9) Antenna be located outside of utility easements.

Motion to amend seconded by Mayor Gatzke. Motion to amend passes unanimously.

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

21. (4) R-8-00 Midwest Power - New Berlin Energy Park - 6600 W. Crowbar Rd. - Rezone from Q-1 to I-1.

Motion by Mr. Christel to recommend to Council approval of the request by Midwest Power - New Berlin Energy Park to rezone the property located at 6600 W. Crowbar Road from Q-1 to M-2 subject to:

1) A revised plat of survey shall be submitted which shows the Access Road along I-43 and the reconfiguration of the lots. Plat of survey shall include a revised legal description, which describes portion of parcel to be rezoned to M-2 and remnant 250+ buffer along Tans Road as C-1. Legal description to match final CSM and shall not be adopted until use, site and architectural approval is granted.

Representatives of Midwest Power presented a detailed explanation of the project. Discussion on the uniqueness of this facility followed. It is not like other manufacturing facilities even though electricity is its product. There is no special zoning for this category, therefore the difference between M-2 and I-1 was discussed.

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

22. (5) R-7-00 Forest Pointe East - 14602 W. Beloit Rd. - 104 Condominium Units - Conceptually Rezone from I-1 to Rm-1/PUD.

Motion by Mr. Chase to table the request by Forest Pointe East to conceptually rezone the property located at 14602 W. Beloit Road from I-1 to Rm-1/PUD for the following reasons:

1) Project as designed is too dense. Gross area of 12.68 acres (includes ¼ acre of Beloit Road ROW required to be dedicated), would allow for a maximum of 88 units or 11 buildings at code maximum of 7units/acre.

2) Density of existing Forest Point Condominium project is roughly 5.5 units/acre. A density of 5.5 units/acre would allow for a maximum of 70 units. Forest Ridge mixed use condo project to the East developed at a density of 3.85 units/acre.

3) Ultimate right-of-way of Beloit Road is 100' an additional 17' of ROW is required to be "Dedicated for Public Road Purposes."

4) All wetlands to be field located and surveyed. All trees over 5" D.B.H (measured 4' off the ground) required to be identified and surveyed.

5) Plan does not include the 100' buffer to the east (GranCare Rezoning), or the 120' buffer to the west as required by §17.0312.

6) Trans. 233 requires a 50' setback from Interstate 43. Pond and buildings 12 and 13 are located within the required setback.

7) Per the City of New Berlin Engineering Department, no capacity has been allocated in the sewer along Beloit Road beyond the 80-120 assisted units requested as part of the original Hearthstone or Grand Care assisted living centers.

8) Previous projects were required to have their access come from the intersection of Small and Beloit Road and provide for the extension of Lindenwood Drive coming from the East.

9) Plan lacks any common area for a Garden, Park, or Plaza area. Coordinated Plan should include walkways, benches, gardens, vistas, and should be generously landscaped, furnished and designed to enhance the pleasure and comfort of pedestrian users.

10) Stormwater, Grading and Utility Plans have yet to be submitted for review. City of New Berlin – Engineering Department can make no representation as to the viability of the project without the required information.

11) Revised architectural plans required. The Zoning and Architectural Control Subcommittee of the Plan Commission has denied the architecture of the buildings. The Committee has requested that a new and different building (unlike any other currently built in the City of New Berlin) be proposed for construction. Section 17.1305(2) - No building shall be permitted the design or exterior appearance of which is so identical with those adjoining as to create excessive monotony or drabness.

12) Existing buildings to be razed. Razing permits required. Property requires environmental remediation.

13) Access permit from the Waukesha County Department of Transportation required for the extension of Small Road.

14) All utilities both onsite and off-site to be fed underground.

15) Beloit Road is required to be upgraded to an urban cross-section.

16) Construction of an 8' asphalt sidepath required within the ROW of Beloit Road.

17) Payment of appropriate Public Site, Open Space and Impact Fees required prior to building permits being issued.

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

23. (4) LD-7-00 Midwest Power - New Berlin Energy Park - 6600 W. Crowbar Rd. - One-Lot Preliminary Land Division.

Motion by Mr. Christel to recommend to Council approval of the request by Midwest Power for a one-lot preliminary land division located at 6600 W. Crowbar Road subject to:

1) A revised CSM be submitted which shows the Access Road along I-43.

2) CSM required WiDOT Trans. 233 approval. Label 50' setback on CSM.

3) Master Grading Plan, and Stormwater Management Plan, addressing the property east of the active quarry required. Plans to be reviewed and approved by the City of New Berlin Engineering Department prior to signing of final CSM.

4) Ultimate development plan of entire property required.

5) Detailed "Access" Road plans required. Plans to be reviewed and approved by the City of New Berlin Engineering Department prior to signing final CSM.

6) Developer's Agreement required. Developer's Agreement to be approved by the City of New Berlin Board of Public Works and Common Council prior to signing final CSM.

7) Remnant parcel at intersection of Tans Road and Crowbar Road shall be considered "Unplatted Lands," and labeled such on the final CSM.

8) Access Road to have a minimum width of 80' and dedicated to the City for public road purposes.

9) Tans Road to be restricted and labeled "Direct Vehicular Access Prohibited."

10) Interstate "43" to be restricted and labeled "Direct Vehicular Access Prohibited."

11) Payment of applicable Public Site, Open Space and Trail fees required before the City will sign the Final CSM.

12) Owners to sign prior to City signing Final CSM.

Mr. Hoese added several additional concerns about labeling the 200' conservancy buffer along Tans and Crowbar and that the development of the land may not leave any buildable site West of the proposed land division.

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

24. (4) S-157-00 Forest Ridge Condos - 14500 and 14510 W. Beloit - 8-Lot Subdivision (Condominiums)

Motion by Mr. Christel to recommend to Council approval of the preliminary plat for Forest Ridge Condos for an 8-lot subdivision (condominiums) located at 14500 and 14510 W. Beloit Road subject to:

- 1) Satisfaction of the Conditional Letter of No Objection by Waukesha County Park and Land Use Department required.
- 2) Detailed Stormwater Management Plan required. Plan should include North Oak Estates and the properties to the west.
- 3) Outlots may be required for stormwater detention ponds.
- 4) Revised building layout required. Layout to reflect Development Review Committee changes to the proposed layout. Minor lotline changes will be required.
- 5) Length bearing and tie to all easements (public and private) required.
- 6) Final plat to include setbacks.
- 7) Approval of drainage, grading, utility and overall site plans by the Engineering Department is required. Contact City Engineer for details. Detailed Stormwater management plan required. Plan to include drainage pond computations. Move detention pond out of WiDOT Trans. 233 regulated setbacks.
- 8) Detailed road/infrastructure/stormwater/grading plans to be reviewed and approved by the Engineering Department prior to writing of the developer's agreement.
- 9) Sewer and water plans to be approved by all regulating authorities.
- 10) Developer's Agreement for all public improvements required. Agreement to be approved by the Board of Public Works and Common Council. Approval of all surety instruments required prior to the City signing the final Plat.
- 11) An executed Developer's Agreement is required prior to clearing, grubbing, grading and/or utility/infrastructure work commencing.
- 12) Urban cross-section required within development and along Beloit Road. Storm sewer required to replace ditch and drain properties behind lots 5 and 6.
- 13) An 8' asphalt pedestrian pathway is required along Beloit Road.
- 14) Adherence to §17.1308(10) Woodland Preservation required. Tree inventory of existing trees greater than 4" DBH (diameter at breast height) required. 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" D.B.H. Ornamental trees to be a minimum of 2-1/2" D.B.H.
- 15) Entrance monumentation plan required.
- 16) Satisfaction of any/all Fire Department Concerns required. Hydrants to be located within 150' of any building riser. 8-unit buildings to be fully sprinklered. Knox boxes and alarm systems required.

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

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

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

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

Seconded by Mr. Felda.

Motion by Mr. Chase to amend the motion to add the 19 points from the Engineering Review dated 9/8/00 added to the conditions needed to be addressed prior to final approval.

1. Preliminary plat does not show proposed setbacks. From building shells shown on grading plan, proposed setbacks are less than standard and are unacceptable. Multi-families show " 27' between each other (30' should be minimum distance). The proposed shell is 125' x 85'. The shell of the actual building the developer used in Beloit Meadows and apparently wants to use again here is 130' x 90'. This building will not fit this site as shown.

2. Does the City want to allow this same building that was built " 1 mile away extensively to be built again?

3. Duplexes shown are only 20' apart from each other (standard is 30').

4. Single family as drawn on grading plan has 15' front setback on lot 5, 25' on lot 6, 35' on lot 2 and 37'on lot 7. Minimum front setback should be 40' or 50'.

5. Single family shell as shown only 62' x 32' deep. Use standard 66' x 46'.

6. Lot 5 only 132' deep. R-3 standards call for 155' depth. R-4.5 calls for 140' minimum. Grading plan deceptively shows back of house 85'" from North Oak Estates. In reality, the typical house would only be " 46' from North Oak Estates. Walnut Court should be moved 10'-20' west to make lot 5 deeper. There is an existing hole or swamp at the back of lot 5. The City does not want a house on top of this drainage area. The setback along the east lot line of this site should be 40' minimum, 50' if following R-3 setbacks.

7. Lot 6 also shallow lot. Moving Walnut Court west may help make this lot the 140' minimum City wants. Also, it seems south line of lots 6 and 7 drawn 7'" too far south, making lots look bigger than they would actually be. The setback along Beloit Road should be 40' or 50' minimum.

8. The impact statement states that "the developer has expressed a willingness to work with the owners of lots 30 & 31 in the North Oak Estates to resolve an existing drainage problem." The preliminary utility plan shows no attempt to solve problem with storm sewer. No storm sewer is proposed in Walnut Court at all, and it would be difficult to design a storm system at the back of lot 5 or 6 that drained into the proposed detention pond at the southwest corner of the lots.

Developer will need to install storm sewer along entire Beloit Road frontage to improve this drainage situation.

9. Proposed 7" fills at back of western tier of multi-family buildings. Expose back of buildings 4' or if Planning Commission is agreeable, 4' high, 400' long, masonry keystone wall located " 25' from west lot line.

10. Proposed preliminary road grade for Lindenwood Drive at Lindenwood Court is 2' too high. Need surveyed grade of edge existing pavement Lindenwood in North Oak Estates (proposed 926.5 seem 1.5' too high).

11. Proposed westerly duplex grade of 918.0 too low, keep at least 2' above pond peak flow of 916.8'.

12. Duplex with proposed yard grade of 922.5 is too close to duplex with proposed yard grade of 927.0.

13. Multi-family building with grade of 918 too close to building with proposed 923.0 grade.

14. Developer needs to do water pressure loss calculations for duplexes with high 928, 929-yard grades. The developer is responsible financially for ensuring adequate water pressure to all proposed buildings. He shall contact the City Attorney as to appropriate structure arrangement.

15. It appears south pond either needs to be wider with lower top of pond or road grades in Lynwood Drive and Walnut Court need to be raised to get minimum 3' cover over storm sewer.

16. In general, it appears proposed building grades are too low compared with road grades. Proposed 921.0 at back of building on lot 2 can't drain. It appears storm sewer at southwest corner of lot 2 will be needed.

17. City will need to see exact building shell on grading plan with proposed location of drives and walks for multi-family and duplex buildings. The existing 1' contours are unreadable on preliminary grading plan submitted.

18. Will need County access and culvert permits plus County approval of any storm and curb & gutter in Beloit Road required by City.

19. How will roads be dedicated and lots platted? Subdivision for single family lots? Detention ponds need to be on outlots or other plan satisfactory to City Engineer.

Motion to amend seconded by Mr. Barnes. Motion to amend carried unanimously.

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

25. (2) SIGN - Gleichman Sumner Co. - 16150 W. Lincoln Ave. - 5' x 5' Double Face Pole Sign.

Motion by Mr. Barnes to approve the request by Gleichman Sumner Co. for a 5' x 5' double face pole sign located at 16150 W.Lincoln Avenue subject to:

1) The proposed sign shall be placed on a brick or masonry type of monument base with address. The base of the monument sign shall match the exterior of the building.

- 2) The base of the monument sign shall not exceed three (3) feet in height.
- 3) Installation and Maintenance per Section 17.0800 of the Municipal Zoning Ordinance.
- 4) Sign must be located outside the Ultimate Right-of-way of Lincoln Avenue.
- 5) Sign must be turned off outside of normal business hours.

Seconded by Mr. Chase. Motion carried unanimously.

26. (3) SIGN - Quick Trip Citgo - 16401 W. Greenfield - Monument Sign.

The request by Quick Trip Citgo for a monument sign located at 16401 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) The proposed base shall not exceed nine (9) feet in length.
- 2) The proposed sign shall be placed on a brick or masonry type of monument base with an address.
- 3) Payment of \$94.00 outstanding sign fee.
- 4) The base of the monument sign shall not exceed three (3) feet in height.
- 5) Signs must be located outside the right-of-way of Greenfield Avenue.

27. (2) SIGN - Nankin Property Management Services - 16900-17096 W. Victor Rd. - 9 Wall Signs and 2 Entrance Signs.

Motion by Mr. Chase to approve the request by Nankin Property Management Services for 2 entrance signs located at 16900-17096 W. Victor Road subject to the application and plans on file and to deny the request for 9 wall signs based on the following:

- 1) Per § 17.0806(7)(c) of the Municipal Zoning Code states "The total number of signs on any one premise shall be limited as follows: Multi-tenant buildings may provide a tenant directory as one of the two signs permitted. Ordinance allows one building and one monument, two building or two monument signs.
- 2) Approval of the material, color and design of the signs by the Architectural Review Committee is required.
- 3) The base of the sign and wall signs shall match the exterior color and materials of the building.
- 4) Installation and maintenance per Section 17.0800 of the Municipal Zoning Ordinance.

Seconded by Alderman Kaminski. Motion carried unanimously.

28. (1) SIGN - Timber Creek - 15375 W. Greenfield - Two Under-Canopy Signs and Directional Sign.

Motion by Mr. Chase to approve the request by Timber Creek for two under canopy signs and directional signs located at 15375 W. Greenfield Avenue subject to:

- 1) Logo and name be removed from directional signs.
- 2) Immediate removal of the illegal "Sunday Brunch" banners on the West end of the building.
- 3) Installation and maintenance per Section 17.0800 of the Municipal Zoning Ordinance.
- 4) Payment of sign permit fee.

Seconded by Alderman Kaminski. Motion carried unanimously.

#### **ADDENDUM ITEM**

29a. ( ) Draft Resolution in Support of Moving Professional Football to Waukesha County.

Motion by Mr. Felda to support the resolution. Seconded by Mr. Barnes.

Alderman Kaminski said since there has been no vote yet in Brown County, it is premature to have this discussion. I would entertain this vote and not be opposed to the Plan Commission entertaining this vote if the vote is denied for the proposed referendum in Brown County for the Packers.

Mr. Christel said the issue in Green Bay is the additional taxation and I want to make it clear that a vote for this resolution has nothing to do with that, but only says we will invite the Packers to talk to us. Mayor Gatzke agreed.

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

#### **STAFF APPROVED**

29. (6) SIGN - DBA New Berlin Gas - 14001 W. National Ave. - Temporary Price Sign.

The request by DBA New Berlin Gas for a temporary price sign located at 14001 W. National Avenue has been reviewed and conditionally staff approved by the New Berlin Plan Commission subject to the application, the plans on file and the following:

- 1) Per §17.0807 (1) temporary sign permits shall not be granted for a period of more than thirty days in any 365-day period, or upon completion and installation of the new permanent monument sign which ever comes first.
- 2) Signs must be located outside the right-of-way of National Avenue and Sunnyslope Road.
- 3) Payment of \$78.00 outstanding sign fee.
- 4) Installation and Maintenance per Section 17.0800 of the Municipal Zoning Ordinance.

30. (5) SIGN - New Berlin Animal Hospital - 3840 S. Moorland Rd. - Face Change.

The request by New Berlin Animal Hospital for a sign face change located at 3840 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) An address shall be placed on the monument base by September 13, 2000.

2) Per § 17.0813 (12), if the sign is displayed before a permit is issued a double fee shall be assessed. As this is an after the fact application double the application fee penalty shall be assessed. Payment of \$94.00 must be received by September 13, 2000 prior to issuance of the Sign Permit.

3) Signs must be located outside the right-of-way of Moorland Road.

4) Payment of \$94.00 outstanding sign fee.

5) The monument sign will not exceed 6' x 3' (18 sq. ft.)

31. (3) SIGN - Anderson Seal, Inc. - 16555 W. Lincoln Ave. - One Ground Sign and One Wall Sign.

The request by Anderson Seal, Inc. for one ground sign and one wall sign located 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) The Monument Sign must be located outside the ultimate right of way of Lincoln Avenue.

2) Payment of \$350.00 outstanding sign fee.

3) The monument sign shall not exceed 8' x 4' (32 square feet)

4) The wall sign shall not exceed 68' x 2' (136 square feet).

5) An Electrical Permit is required from the Building Inspection and Zoning Department for the internal lighting.

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

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

32. (2) SIGN - Petron Corporation - 16800 Glendale Dr. - Two ISO-9001 Certification Banners on Front of Building - 33" x 95" or 21.7 Sq. Ft.

The request by Petron Corporation for two ISO-9001 Certification banners on front of the building located at 16800 Glendale 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) The temporary banner signs must be removed within 30 days of the issuance of the temporary permit.

2) The Monument sign permit is valid upon the condition that the temporary signs are removed within 30 days of the issuance of the temporary permit.

3) Payment of \$123.60 outstanding sign fee.

4) The banners shall not exceed 33" x 95" (43.4 square feet).

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

6) Per Section 17.0807 of the Municipal Zoning Ordinance "Portable/Temporary sign permits shall not be granted for a period of more than 30 days in any 365-day period".

## ZONING PERMITS

33. (7) RO-35-00 Mencke Insurance Agency - 16642 W. National Ave. #7 - Insurance Agency.

The request by Mencke Insurance Agency for an insurance agency office located at 16642 W. National Avenue #7 has been reviewed and conditionally staff approved by the New Berlin Plan Commission subject to the application, the plans on file and the following:

- 1) All illegal signs at this site must be removed by July 28, 2000. Illegal Signs include signs on the premises that were erected without a permit from the Planning Department. Property owner must ensure that tenants apply for and receive a sign permit prior to the installation of any sign.
- 2) Dumpsters must be properly screened from the street and public view in accordance with the City of New Berlin Municipal Code Section 17.1304 (14).
- 3) Building must be maintained per Section 14.25 of the Non-residential Property Maintenance Code.
- 4) Employee and customer parking must be contained on this site.
- 5) No outside storage of vehicles or equipment will be permitted on the property.
- 6) A separate application is required from the Planning Department for any sign for this business.
- 7) Building must meet all applicable building and fire codes. Fire Extinguishers are required.
- 8) Permits are required from the Building, Inspection, and Zoning Departments for all interior and exterior alterations or modifications.

34. (2) RO-36-00 Maglio & Company, Inc. - 2665 S. Moorland Rd. - Human Resources Dept.

The request by Maglio & Company, Inc. for a human resources department located at 2665 S. Moorland Road has been reviewed and conditionally staff approved by the New Berlin Plan Commission subject to the application, the plans on file and the following:

- 1) Dumpsters must be properly screened from the street and public view in accordance with the City of New Berlin Municipal Code Section 17.1304 (14).
- 2) Building must be maintained per Section 14.25 of the Non-residential Property Maintenance Code.
- 3) Employee and customer parking must be contained on this site.
- 4) No outside storage of vehicles or equipment will be permitted on the property.
- 5) A separate application is required from the Department of Community Development for any sign.
- 6) Building must meet all applicable building and fire codes. Fire Extinguishers are required.
- 7) Permits are required from the Building, Inspection, and Zoning Departments for all interior and exterior alterations or modifications.

35. (3) RO-37-00 Schroeder Moving Systems of Milwaukee - 16150 W. Lincoln Ave. - Commercial Sales & Warehousing.

The request by Schroeder Moving Systems of Milwaukee for commercial sales and warehousing located at 16150 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) All illegal signs at this site must be removed by August 16, 2000. Illegal Signs include all "Bedroom Superstore" banners and signs on the premises that were erected without a permit from the Planning Department. Property owner must ensure that tenants apply for and receive a sign permit prior to the installation of any sign.

2) Dumpsters must be placed within the designated enclosures and not be visible from the street and public view in accordance with the City of New Berlin Municipal Code Section 17.1304 (14).

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

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

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

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

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

36. (7) RO-40-00 I. L. S. (Internet Legal Services) - 15730 W. National Ave. - Internet ISP Referrals.

The request by I.L.S. (Internet Legal Services) for internet ISP referrals located at 15730 W. National Avenue has been reviewed and conditionally staff approved by the New Berlin Plan Commission subject to the application, the plans on file and the following:

1) Per § 17.1210, a double fee shall be assessed for occupying the building prior to receiving a Zoning Permit. As this is an after the fact application double the application fee penalty shall be assessed. Payment of \$195.00 must be received prior to issuance of the Certificate of Occupancy.

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

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

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

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

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

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

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

37. (2) RO-43-00 Shred-It - 16351 W. Lincoln Ave. - On-Site Mobile Shredding Company.

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

38. (2) RO-46-00 Shepherd's Bridge, Inc. - 2665 S. Moorland - Tenant.

The request by Shepherd's Bridge, Inc. for tenant use at 2665 S. Moorland Road has been reviewed and conditionally staff approved by the New Berlin Plan Commission subject to the application, the plans on file and the following:

- 1) 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) by September 18, 2000.
- 2) No outside storage of vehicles or equipment will be permitted on the property.
- 3) Permits are required from the Building, Inspection, and Zoning Departments for all interior and exterior alterations or modifications.
- 4) A separate application is required from the Planning Department for any sign for this business
- 5) Building must be maintained per Section 14.25 of the Non-residential Property Maintenance Code.
- 6) Employee and customer parking must be contained on this site.
- 7) Building must meet all applicable building and fire codes. Fire Extinguishers are required.

## **COMMUNICATIONS**

43. Communication To: Plan Commission

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

RE: Letter dated August 24, 2000 from Wisconsin Dept. of Transportation regarding Pilot Bicycle Spot

Mr. Hoese asked Plan Commissioners to bring forward any bicycle hazards they may know of.

44. Communication To: Plan Commission

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

RE: the Municipality, September 2000, "Group Home Regulations: The Federal Fair Housing Act Amendments and the Americans with Disabilities Act."

Mr. Hoese said there is a conflict in the State and Federal ordinances for group homes causing local interpretation to come into play.

45. Communication To: Plan Commission

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

RE: Zoning News, July 2000, "Using Zoning Bonuses for Smart Growth and Development".

Mr. Hoese said zoning bonuses were referenced when we talked about rural homes and conservation subdivisions. This communication explains what other parts of the country is doing with zoning ordinances to meet smart growth initiatives which are now law in the State of Wisconsin.

46. Communication To: Plan Commission

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

RE: Letter from Waukesha County Dept. of Transportation dated August 8, 2000 regarding Right of Way Use Agreements.

Mr. Hoese explained this communication talks about cooperation between DOT and the City concerning placements of facilities within the right of way.

47. Communication To: Plan Commission

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

RE: Valley View Park and Ride Lot

Mr. Hoese explained the status of the Valley View Park and Ride Lot.

48. Communication To: Plan Commission

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

RE: Planning, August 2000, "Anyone searching for examples of innovative land planning wouldn't necessarily look to water and stormwater projects. But that could be a mistake".

Mr. Hoese explained that water and stormwater projects are a major component of land planning.

49. Communication To: Plan Commission

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

RE: Urban World, August 2000, "Imaging the World" by Charles Lockwood,

Mr. Hoese explained the major initiatives in 2000 involving mapping.

50. Communication To: Plan Commission

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

RE: Letter dated 8/28/00 from Gail Hendley regarding U-52-00 William Smith, 13460 Paddock Pkwy.

Motion by Alderman Kaminski for reconsideration. Seconded by Mr. Barnes. Motion to reconsider passes with Mr. Felda, Mr. Christel and Mr. Chase voting no and Mr. Barnes, Mayor Gatzke, Alderman Kaminski, and Mr. O'Neil voting yes.

Much discussion by concerned parties followed.

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

Motion by Chase that the approval as previously granted by Plan Commission stand. Seconded by Alderman Kaminski. Motion passes with Mr. Felda and Mayor Gatzke voting No and Mr. Barnes, Mr. Christel, Alderman Kaminski, Mr. Chase, and Mr. O'Neil voting Yes.

Motion by Mr. O'Neil to adjourn the Plan Commission meeting. Seconded by Alderman Kaminski. Motion carried unanimously.