

## **Minutes**

7:00 P.M. PUBLIC HEARING

4. CU-6-00 Unisite, Inc. - 13300 W. College Ave. - Monopole Antenna Structure.

### **CITY OF NEW BERLIN PUBLIC HEARING**

**NOVEMBER 6, 2000**

The public hearing relative to the request by Timothy Slattery (Unisite, Inc.) for a Conditional Use Approval for a Monopole Antenna Structure at 13300 W. College was called to order by Mr. Christel at 7:00 P.M.

In attendance was Mr. Chase, Mr. O'Neil, Alderman Kaminski, Mr. Christel. Excused was Mayor Gatzke, Mr. Felda, and Mr. Barnes. Also present was Mark Lake, Assistant Director of Planning, and Olofu Agbaji, Planning Administrator.

Mr. Lake read the public hearing notice and stated there was proof of publication.

Mr. Christel 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.

Mr. Christel asked if there was anyone wishing to speak in favor three times.

Mr. Christel asked if there was anyone wishing to speak in opposition three times.

Public Hearing adjourned at 7:03.

**7:04 P.M. PUBLIC HEARING**

3. CU-7-00 Tee It Up Golf Range - 20101 W. Cleveland Ave. - Miniature 18-Hole Golf Course.

### **CITY OF NEW BERLIN PUBLIC HEARING**

**NOVEMBER 6, 2000**

The public hearing relative to the request by Lyle and Marty Robert (Tee It Up Golf) for a Conditional Use Approval for a Miniature 18-Hole Golf Course at 20101 W. Cleveland Ave. was called to order by Mr. Christel at 7:04 P.M.

In attendance was Mr. Christel, Mr. Chase, Mr. O'Neil, and Alderman Kaminski. Excused was Mayor Gatzke, Mr. Felda, and Mr. Barnes. Also present was Mark Lake, Assistant Director of Planning and Olofu Agbaji, Planning Administrator.

Mr. Lake read the public hearing notice and stated there was proof of publication.

Mr. Christel 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.

Mr. Christel asked if there was anyone wishing to speak in opposition three times.

Mr. Christel asked if there was anyone wishing to speak in favor three times.

Public Hearing adjourned at 7:07 P.M.

7:08 PUBLIC HEARING

3. CU-8-00 Brewers Two - 14901 W. National Avenue - Exterior modifications and interior remodeling.

### **CITY OF NEW BERLIN**

#### **PUBLIC HEARING**

**NOVEMBER 6, 2000**

The public hearing relative to the request by Jason Stammer (Brewers Two) for a Conditional Use Approval for a Drive-Thru Coffee Shop Establishment at 14901 W. National Ave. was called to order by Mr. Christel at 7:08 P.M.

In attendance was Mr. Christel, Mr. Chase, Mr. O'Neil, and Alderman Kaminski. Excused was Mayor Gatzke, Mr. Felda, and Mr. Barnes. Also present was Mark Lake, Assistant Director of Planning and Olofu Agbaji, Planning Administrator.

Mr. Lake read the public hearing notice and stated there was proof of publication.

Mr. Christel 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.

Mr. Christel asked if there was anyone wishing to speak in opposition two times.

Diane Staples - 14965 W. San Mateo Dr. - She stated she had a concern with the traffic in the area and stated it was bad enough already.

Mr. Christel asked if there was anyone wishing to speak in opposition.

Mr. Christel asked if there was anyone wishing to speak in favor.

Sally Maki - 13230 Foxwood Dr. - She stated that to have a nice new establishment at this location would be a positive for National Ave. and for the neighborhood that is more architecturally pleasing, plus to have a high-quality café.

Mr. Christel asked if there was anyone wishing to speak in favor two times.

Motion to Alderman Kaminski to adjourn and seconded by Mr. O'Neil. Motion carried unanimously.

Public Hearing adjourned at 7:13.

## **NEW BERLIN PLAN COMMISSION**

### **NEW BERLIN CITY HALL COUNCIL CHAMBERS**

**NOVEMBER 6, 2000**

#### **MINUTES**

The Plan Commission was called to order by Mr. Christel at 5:30 P.M.

In attendance were Mayor Gatzke, Mr. Chase, Mr. O'Neil, Mr. Christel, Alderman Kaminski. Also present were Mark C. Lake, Assistant Director of Planning and Olofu Agbaji, Planning Administrator. Mayor Gatzke, Mr. Felda, and Mr. Barnes were excused.

Motion by Mr. Chase to approve the Plan Commission Minutes of October 2, 2000. Seconded by Alderman Kaminski.

Plan Commission Secretary's Report - Mr. Hoese has tendered his resignation effective November 17, 2000.

#### **CONTINUED ITEMS**

5. (6) S-152-98 National Manor Phase II – 3360 S. Sunny Slope Rd. – Senior apartments and single family lots. (Tabled 12/7/98, 1/10/00, N/A 8/7/00)

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

Motion by Mr. Chase to amend condition #19 to say that approval of sewer service by MMSD must be in a form satisfactory to the City of New Berlin.

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

Motion by Alderman Kaminski to defer the request by United Financial Group, Inc. for National Manor Phase II senior apartments and single family lots located at 3360 S. Sunny Slope Road for the following reasons:

1) Provide an extended Highpoint Drive cul-de-sac to allow Mr. Hammersley to connect and build per his preliminary "X-Modified" plan. If appropriate financing/surety instruments and plans for Mr. Hammersley are not approved within 60 days, UFG shall proceed with the development of cul-de-sac based on plans received 10-25-00.

2 If "X-modified" plan is not accepted outlots 5 & 6 shall be absorbed into existing lots. No unowned outlots will be allowed unless specific use is requested and a maintenance agreement is on file.

3) Satisfaction of concerns of Highpointe Subdivision required.

- 4) Clean-up of rear lot line between lots 11 & 21.
- 5) Elimination of either lot 5 or 8 and reconfiguration of remaining lots required. Spec-built home may be allowed subject to PC approval. Lot 8 does not satisfy the standard building envelope test for buildable area. City of New Berlin requires a minimum building envelope of 67' x 54'.
- 6) Dedicated 20' trail to run through area near lot 8 and between lots 17 and 18 using existing crossing and open area. Construction of an 8-10' asphalt trail and approaches to the ROW's required.
- 7) 60' drainage easement centered on creek required between lots 5 and 21
- 8) Woodland Preservation Restrictions to be placed on the face of the plat. Tree area along creek to be labeled as C-1 Conservancy. Southern and Western tree line to be preserved by a 25' Tree Preservation Easement.
- 9) Ownership of outlots 2 and 3 need to be identified and placed on the face of the plat.
- 10) Sidewalks are required within the Rm-1 development, and then north along Sunny Slope Rd. Sidewalk to connect to the Jewel-Osco sidewalk running along Sunny Slope Road.
- 11) Detailed road plans require approval prior to Developer's Agreement being prepared.
- 12) Payment of \$1,000/parcel in Public Site, Open Space, and Trail Fees required prior to the City of New Berlin signing the Final Plat. PO&T fees are in addition to any connection fees required by the City of New Berlin prior to individual building permits being granted.
- 13) All utilities required to be provided underground. Burial of National Avenue aboveground utilities required.
- 14) A six- (6) foot concrete sidewalk is to be built along National Avenue. Ultimate location within ROW to be determined by the City of New Berlin Engineering Department.
- 15) Access permit for connection to Sunny Slope Road from City of New Berlin Engineering Department required.
- 16) A bypass lane, acceleration, and deceleration lane is required in Sunny Slope Road.
- 17) Road plans to be worked out with N.B. Engineering Department before the City will approve a Developer's Agreement.
- 18) Sewer and water plans to be approved by all regulating authorities.
- 19) Basin NB9 sanitary sewer capacity allocation required. Allocation shall be based on the projects own merits and shall not restrict development in other areas of the City of New Berlin.
- 20) Developer's Agreement to be approved by the Board of Public Works and Common Council before the City will sign the Final Plat.
- 21) Wetland Preservation Restrictions to be labeled on the face of the plat. Area to be labeled as C-2 Conservancy.

WETLAND PRESERVATION RESTRICTION

Those areas of land which are identified as Wetland Preservation Areas on this Subdivision Plat shall be subject to §17.0326 - C-2 Shoreland Wetland District of the City of New Berlin Municipal Code and the following restrictions:

1. Grading and filling shall be prohibited unless specifically authorized by the City of New Berlin, and if applicable, the Wisconsin Department of Natural Resources, and the U.S. Army Corps of Engineers.
2. The removal of topsoil or other earthen materials shall be prohibited.
3. The removal or destruction of any vegetative cover, i.e., trees, shrubs, grasses, etc., shall be prohibited with the exception of dead, diseased or dying vegetation at the discretion of the landowner, or silviculture thinning upon the recommendation of a forester or naturalist and the City of New Berlin.
4. The introduction of plant material not indigenous to the existing environment of the Wetland Preservation Area shall be prohibited.
5. Ponds may be permitted subject to the approval of the City of New Berlin, and if applicable, the Wisconsin DNR and or the U.S. Army Corps of Engineers.
6. Constructions of buildings are prohibited.
7. All Buildings are to stay a minimum of 10ft. from the Wetland Preservation Area. Silt fence to be located along 10' setback line.

22) Schedule:

November 9, 1998 - Final Plat Received

February 10, 1999 – 90-day Statutory Time Limit Expires

February 1, 1999 - Plan Commission final date for action

February 12, 1999 - Common Council final date for action, an open-ended extension is on file.

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

6. (6) LD-10-99 Thomas P. Hammersley – Sw ¼ Sec. 13 – 3461 S. Long Acre Dr. – Two-Lot Preliminary Land Division.(Deferred 12/6/99, 1/10/00, (Tabled 2/7/00)

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

Motion by Mr. Chase to defer the request by Thomas P. Hammersley for a two lot preliminary land division located at 3461 S. Long Acre Drive SW 1/4 Sec. 13 for the following reasons:

1) Plan "X – Modified" shall be engineered and appropriate financing/surety instruments and plans shall be reviewed and approved by the Engineering Department within 60 days. If plans and instruments are not approved, UFG shall proceed with the development of the cul-de-sac based on plans received 10-25-00 leaving a single-lot available for development. Any extension shall be approved by the City of New Berlin Engineering Department and United Financial Group.

2) Analysis of availability of sanitary sewer capacity within the basin is required as a sewer extension is necessary for the two additional lots.

3) Utility plans and a Developer's Agreement to install proposed improvements, or to reengineer existing cul-de-sac, to be approved by the Board of Public Works and Common Council prior to City signing final CSM.

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

5) Evidence of control of all land interests needed.

Seconded by Alderman Kaminski. Motion carried unanimously.

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

No Action

8. (4) U-67-00 Midwest Power - 6600 W. Crowbar Road - Energy park.

No Action

9. (5) R-9-99 Farrell Meadows – 14201 W. Farrell – PUD – 13 Duplex Homes (Tabled 1/10/00, 7/10/00, 8/7/00, 9/11/00)

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

Motion by Alderman Kaminski to recommend to Council denial of the request by The Shepherd Partnership for Farrell Meadows PUD13 duplex homes and approval of the rezoning to Rd-1 for the property located at 14201 W. Farrell.

Seconded by Mr. Chase. Motion carried unanimously.

10. (5) R-10-99 Honeyager Lane – 14101 W. Howard – PUD-16 Duplex Homes (Tabled 1/10/00, 7/10/00, 8/7/00, 9/11/00)

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

Motion by Alderman Kaminski to recommend to Council denial of the request by The Shepherd Partnership for Honeyager Lane PUD 16 duplex homes and approval of the rezoning to Rd-1 of the property located at 14101 W. Howard Avenue.

Seconded by Mr. Chase. Motion carried unanimously.

11. ( ) PG-227 Guthrie Station - Extraterritorial Plat - Town of Waukesha - Final Plat

Motion by Mr. Chase to recommend to Council "no serious objection" of the request for Guthrie Station Final Plat in the Town of Waukesha subject to the following:

1. Minimum rural lot size should be 1.5 acres not 1.0 acres.

2. Rear setbacks should be a minimum of 50'.
3. Side setbacks should be a minimum of 15'.
4. Primary Environmental Corridor setback should be a minimum of 10'.

Seconded by Alderman Kaminski. Motion carried unanimously.

## **NEW BUSINESS**

12. (4) CU-6-00 Unisite, Inc. - 13300 W. College Ave. - Monopole Antenna Structure.

No action.

13. (3) CU-7 -00 Tee It Up Golf Range - 20101 W. Cleveland Ave. - Miniature 18-Hole Golf Course.

Motion by Mr. Chase to recommend to Council denial of the Conditional Use Request for Tee It Up Golf Range at 20101 W. Cleveland Ave., to have a Miniature 18-Hole Golf Course. Seconded by Mr. O'Neil.

Motion withdrawn.

Motion by Mr. Chase to table the Conditional Use Request for Tee It Up Golf Range at 20101 W. Cleveland Ave., to have a Miniature 18-Hole Golf Course for proper rezoning to P-1. Seconded by Mr. O'Neil. Motion carried unanimously.

14. (5) CU-8-00 Brewers Two - 14901 W. National Avenue - Exterior modifications and interior remodeling.

Motion by Alderman Kaminski to recommend to Council Approval of the Conditional Use Request for Brewers Two at 14901 W. National Ave. for Exterior Modifications and Interior Remodeling, subject to the following:

- 1) Per recommendation of the Architectural Review Committee, the building exterior shall be of other materials such as brick. Applicant must submit actual color and material samples that shows how the entire building elevation ties together with the new material (four sided architecture).
- 2) Applicant is required to submit a revised plan that shows all mechanicals including air-conditioning units and other roof top mechanical for the proposed building. Units must be incorporated into the design of the building elevation or if on the ground, appropriately landscaped for screening from public view.
- 3) Per Section 17.1304(14) of the New Berlin Municipal Code, dumpster must be properly screened from the street and public view. 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 or enhance exterior of the principle building, and must be built to accommodate both solid as well as recyclable waste dumpsters.
- 4) Applicant will be required to incorporate the National Avenue Alternative Transportation and Commercial Center (City Center) Development design and guidelines for street edge, lighting, pedestrian pathways and landscaping requirements including;
  - a) Street trees at 40 feet intervals will be required along National Avenue.
  - b) Sidewalk lights will be required every 80' along National Avenue.

c) Parking lot lights must also meet the required design specifications.

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

5) Detailed plan of operation showing the number of employees and hours of operation will be required.

6) One parking stall along National Avenue shall be eliminated to provide for a minimum of 10' setback from the property line as required by Sec. 17.0403 (6) of the Zoning Ordinance.

7) Zoning Administrator to determine status of the existing accessory structures on the South of the property.

8) The accessory building on this site must be brought to conformance with Section 14.25 of the Non-residential Property Maintenance Code. Need Overall Site Plan to bring both buildings up to Code. Revised Landscaping Plan required to incorporate both structures.

9) Cross access easement shall be on file. Parking lot usage shall be determined subject to the hours of operation of Legacy Fine Dining restaurant, as the parking on this site is used towards meeting parking requirement for the restaurant.

Seconded by Mr. Chase. Motion carried unanimously.

15. (2) U-70-00 World Harvest Prayer Church - 2015 S. Sunnyslope - Church Services.

Motion by Mr. Chase to approve the World Harvest Prayer Church request to have Church Services, located at 2015 S. Sunnyslope, subject to the following:

1) Approval will be granted for one-year probationary period subject to the result and outcome of the operation at this location. Applicant will be required to reapply to the Plan Commission for additional years if they want to continue using the Orchard Lane Elementary School for Sunday services

2) Hours of operation will be limited to 8:30 A.M. to 1:00 P.M. or as approved by the Plan Commission

Second by Alderman Kaminski. Motion carried unanimously.

16. (2) U-80-00 New Berlin Auto Body - 14750 W. National Avenue - New Addition, Multi-tenant Office.

Motion by Alderman Kaminski to Table the New Berlin Auto Body request for a New Addition, Multi-tenant Office, at 14750 W. National Ave., subject to the following:

1. Per recommendation of the Architectural Review Committee, the building exterior shall be of other materials such as brick. The building has a front on three public streets, which will require a four-sided architectural treatment. Applicant must submit new material and alternative color samples that shows how the entire building elevation ties together with the new material.
2. All mechanicals including air-conditioning units and other roof top mechanical units must be properly labeled and screened on the revised site plans. Units must be incorporated

into the design of the building elevation or if on the ground, appropriately landscaped for screening from public view.

3. Per Section 17.1304(14) of the New Berlin Municipal Code, dumpster must be properly screened from the street and public view. 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 or enhance exterior of the principle building, and must be built to accommodate both solid as well as recyclable waste dumpsters.
4. Buffer area to residential property on the West shall be 50' as required by § 17.1309 (2). Applicant will be required to meet all the requirements of the above section of the Zoning Ordinance in its entirety.
5. All wrecked vehicles on the property shall be move within the enclosure approved in the rear of the property along Janice Place or a revised plan shall be submitted showing new enclosure.
6. Applicant will be required to incorporate the National Avenue Alternative Transportation and Commercial Center (City Center) Development design and guidelines for street edge, lighting, pedestrian pathways and landscaping requirements including;
  - a) Street trees at 40 feet intervals will be required along National Avenue.
  - b) Sidewalk lights will be required every 80' along National Avenue.
  - c) Parking lot lights must also meet the required design specifications.
  - d) A 6' concrete sidewalk will be required along National Avenue. Maintenance of sidewalk will be the responsibility of the property owner. Maintenance includes, but is not limited to the following: snow removal, ice removal, keeping clean of debris, etc., and mowing of grass between curb and sidewalk.
7. Detailed plan of operation showing the number of employees and hours of operation for the proposed office space will be required.
8. Applicant must also address the following Engineering concerns:
  - a) Access onto Janice Place will not be permitted.
  - b) Detention pond is proposed in the area of existing tree line and the landscape buffer area. Pond should be relocated to retain the existing trees or a retaining wall shall be constructed at the edge of the pond to save the trees. Calculations for the detention pond shall be submitted along with revised plans for review.
  - c) There should be a more defined swale or curb along West edge of parking area.
  - d) All utilities around the property shall be buried.
9. Lighting Plan and Ultimate Parking Plan required.

Second by Mr. Chase. Motion carried unanimously.

17. (2) U-81-00 Southwest Metal Finishing - 2795 S. 166 St. - Building Addition.

Motion by Mr. Chase to approve the Southwest Metal Finishing request for a New Building, to be located at 2795 S. 166 St., subject to the following:

- 1) The Board of Public Works and Common Council must grant approval for the vacation of Dakota Street from 166th Street to 167th Street prior to issuance of a Zoning Permit for this project.
- 2) Architectural Review Committee has recommended the use of exterior materials that will enhance the façade of the existing building while tying the existing and proposed buildings together. Final review and approval by Architectural Control Committee required prior to Building Permit being issued.
- 3) The submitted color rendering of the proposed elevations does not address the difference in height between the existing and the proposed building rooflines. There will be 3' to 4' height disparity along the new front (East elevation) of the building and about 7' to 8' height difference on the west elevation. Applicant's color rendering does not show this difference in height.
- 4) All mechanicals including air-conditioning units and other roof top mechanical units must be properly labeled and screened on the revised site plans. Units must be incorporated into the design of the building elevation or if on the ground, appropriately landscaped for screening from public view.
- 5) Subject to the relocation of water main and granting of easement if necessary to City. Development agreement for utility relocation is required.
- 6) All other utilities including telephones, electric, gas to be abandoned or relocated must be identified on the utility plan. Permits are required to abandon utility laterals. All unused sewer and laterals must be abandoned at the main.
- 7) All lots are required to be combined under one tax key. Land Division required.
- 8) Permits are required to raze the existing buildings.
- 9) Applicant will be required to meet the City of New Berlin Storm Water Management Plan in its entirety. No storm water plan has been submitted with this project. Detention facility will be required either in parking lot or a designated pond. Applicant shall submit downspout and storm sewer plan for proposed building. Because this lot is on the ridge, portion of the lot drains to Poplar Creek and the majority drains to Deer Creek. Plans must show which way the drainage is proposed to flow.
- 10) Site grading and drainage must be worked out with the Engineering Department. Proposed parking lot grade is too high. Fails to meet the standard. Proposed building floor grade is 887.0, neighbors to the West and South building grades are 888.5 and 887.8, 166th Street grade is 885.5. This does not work well with an 893.0 parking lot grade. Entire parking lot should be lowered a minimum of two (2) feet.
- 11) Applicant is required to submit a revised site plan that shows the entire property with calculations of open space as required in § 17.0319 (8) of the City of New Berlin Zoning Ordinance.
- 12) Existing culverts shall be removed. Permits are required for new culverts at the time of Building Permit.
- 13) City of New Berlin Fire Department has raised concerns regarding the access around the building. Fire Chief would like to have input regarding this issue with the applicant prior to finalization of plans and submittal of Building Permit.
- 14) Internal trucking maneuvering requirements. Dakota shall not be used per standard entrance requirements.

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

18. (4) U-82-00 Towne Corporate Park - 5300 S. Emmer Dr. - 70,560 Multi- Tenant Building Which Will accommodate from One to Three Tenants.

Motion by Alderman Kaminski to approve the Towne Corporate Park request for a 70,560 Sq. Ft. Multi-Tenant Building Which Will Accommodate from One to Three Tenants, to be located at 5300 S. Emmer Dr., subject to the following:

1) Per recommendation of the Architectural Review Committee, more relief shall be provided for the North, South and East elevations of the both buildings. Principle material for building not given on plans. Reveal material not appropriately labeled on plans. Applicant must submit new material and alternative color samples that shows how the entire building elevation ties together with the new material. Approval of the Architectural Review Committee is required prior to issuance of Zoning Permit.

2) All mechanicals including air-conditioning units and other roof top units (RTU) must be properly labeled and screened from I-43 and Emmer Drive on the revised site plans. Location, height and size of RTUs off the roof deck must be shown on revised plans and colored elevations. Units must be incorporated into the design of the building elevation or if on the ground, appropriately landscaped for screening from public view.

3) Grading out natural tree line along Southwest side lot line. Owner responsible for replacing all trees destroyed. Efforts should be made to retain specimen trees on this property and along the lot lines. A tree inventory must be submitted to ensure that any tree removed shall be replaced per the Woodland Preservation schedule stipulated in § 17.1308 (10) of the City of New Berlin Zoning Ordinance.

4) Building must meet all applicable building and fire codes. State of Wisconsin and local Fire Protection Bureau plan approval required. These requirements include but are not limited to the following; building must be fully sprinklered, and fire hydrant required within 150' Fire Department connection.

5) New grading plan received 10/24/00 raised buildings 3.5' - 4'. Plan fails to meet the standard. Building 3B (South) is 12.5' higher than road at East end. Building 3B (North) is 17' higher than Emmer Drive at East end. Initial plan with floor grade 896 & 888 is preferred. Cuts and fills can be balanced better if building grade split so back of building floor grade 4' - 8' higher than front. (Building 3B North 18' higher than neighbor to North, 15' higher than day care across street.)

6) 25' grade transition along Emmer Drive would be easier to handle without the common, center driveway and parking area between the two buildings. Again, split grade buildings from side to side best option or exposing North ends of both buildings. If the two lots were separated and larger grass area between the two buildings, it would be easier to accomplish grading. At present, 8' drop from Northeast side of building 3B (South) 899 to 891 parking lot 24' away. Also, the overhead door at back corner of tenant D at floor grade not acceptable. Grade should be depressed at this corner. Northeast side of building should be exposed.

7) Storm sewer and roof drain detailed calcs must be submitted prior to issuance of Building Permit. No curb is being proposed in front parking lot areas. Too much sheet drainage flowing across lot and over Emmer Drive. Curbing will be required if downspouts do not discharge directly into storm sewer. Need to see total areas that drain to each storm inlet in Emmer. Building 10' - 15' above curb may have water pressure problem.

8) Proposing to take drainage from behind building and rear drive area through building and out to front. Storm sewer around building would be safer.

9) Keep all retaining walls and driveways, etc. out of 50' freeway easement area.

10) If parking spaces between the buildings are not needed, eliminate at initial construction and use area to slope transitions. (Treat the area as demonstrated parking for now.)

Second by Mr. Chase. Motion carried unanimously.

19. (4) U-83-00 Towne Corporate Park - 5330 S. Emmer Dr. - 64,160 Multi-Tenant Building Which Will Accommodate From One to Three Tenants.

Motion by Aldeman Kaminski to approve the Towne Corporate Park request for a 64,160 Sq. Ft. Multi-Tenant Building Which Will Accommodate From One to Three Tenants, to be located at 5330 S. Emmer Dr., subject to the following:

1) Per recommendation of the Architectural Review Committee, more relief shall be provided for the North, South and East elevations of the both buildings. Principle material for building not given on plans. Reveal material not appropriately labeled on plans. Applicant must submit new material and alternative color samples that shows how the entire building elevation ties together with the new material. Approval of the Architectural Review Committee is required prior to issuance of Zoning Permit.

2) All mechanicals including air-conditioning units and other roof top units (RTU) must be properly labeled and screened from I-43 and Emmer Drive on the revised site plans. Location, height and size of RTUs off the roof deck must be shown on revised plans and colored elevations. Units must be incorporated into the design of the building elevation or if on the ground, appropriately landscaped for screening from public view.

3) Grading out natural tree line along Southwest side lot line. Owner responsible for replacing all trees destroyed. Efforts should be made to retain specimen trees on this property and along the lot lines. A tree inventory must be submitted to ensure that any tree removed shall be replaced per the Woodland Preservation schedule stipulated in § 17.1308 (10) of the City of New Berlin Zoning Ordinance.

4) Building must meet all applicable building and fire codes. State of Wisconsin and local Fire Protection Bureau plan approval required. These requirements include but are not limited to the following; building must be fully sprinklered, and fire hydrant required within 150' Fire Department connection.

5) New grading plan received 10/24/00 raised buildings 3.5' - 4'. Plan fails to meet the standard. Building 3B (South) is 12.5' higher than road at East end. Building 3B (North) is 17' higher than Emmer Drive at East end. Initial plan with floor grade 896 & 888 is preferred. Cuts and fills can be balanced better if building grade split so back of building floor grade 4' - 8' higher than front. (Building 3B North 18' higher than neighbor to North, 15' higher than day care across street.)

6) 25' grade transition along Emmer Drive would be easier to handle without the common, center driveway and parking area between the two buildings. Again, split grade buildings from side to side best option or exposing North ends of both buildings. If the two lots were separated and larger grass area between the two buildings, it would be easier to accomplish grading. At present, 8' drop from Northeast side of building 3B (South) 899 to 891 parking lot 24' away. Also, the overhead door at back corner of tenant D at floor grade not acceptable. Grade should be depressed at this corner. Northeast side of building should be exposed.

7) Storm sewer and roof drain detailed calcs must be submitted prior to issuance of Building Permit. No curb is being proposed in front parking lot areas. Too much sheet drainage flowing across lot and over Emmer Drive. Curbing will be required if downspouts do not discharge directly into storm sewer. Need to see total areas that drain to each storm inlet in Emmer. Building 10' - 15' above curb may have water pressure problem.

8) Proposing to take drainage from behind building and rear drive area through building and out to front. Storm sewer around building would be safer.

9) Keep all retaining walls and driveways, etc. out of 50' freeway easement area.

10) If parking spaces between the buildings are not needed, eliminate at initial construction and use area to slope transitions. (Treat the area as demonstrated parking for now.)

Second by Mr. Chase. Motion carried unanimously.

20. (4) U-84-00 Color Graphic Systems, Inc. - 5770 S. Westridge - New Building.

Motion by Mr. Chase to approve the Color Graphic Systems, Inc., request for a New Building, to be located at 5770 S. Westridge, subject to the following:

1) Approval of the Architectural Review Committee is required prior to issuance of Zoning Permit. Please address the following issues identified by the Architectural Review Committee:

a) Principle material for building not given on plans. Building materials must be provided to help review this proposal.

b) The elevation as presented in the rendering is not balanced (too flat). There should be more windows on the front along all public streets with recessing to provide a rhythm. This should be continued along the entire façade of the building.

c) Color choice for rendering must be as close to the actual or real color as possible. Revised color rendering required

d) Floor plans and the elevation do not match as it relates to the recessed corners. Applicant should differentiate the corners significantly on the revised elevation.

2) All mechanicals including air-conditioning units and other roof top units (RTU) must be properly labeled and screened from all public streets on the revised site plans. Location, height and size of RTUs off the roof deck must be shown on revised plans and colored elevations. Units must be incorporated into the design of the building elevation or if on the ground, appropriately landscaped for screening from public view.

3) Building must meet all applicable building and fire codes. State of Wisconsin and local Fire Protection Bureau plan approval required. Fire hydrant required within 150' Fire Department connection.

4) A detailed grading and drainage plan that shows proposed and finished grades of the entire site is required.

5) A detailed landscaping plan for the entire site to include plant species, keys, botanical nomenclature and dbh sizes. Landscaping plan must be approved by the Planning Department prior to installation. Exclude use of easements.

6) A revised site plan that shows the existing and proposed paved areas and parking for existing and proposed addition is required. Adequate parking must be provided per § 17.0403 of the Zoning Ordinance.

7) Traffic access and circulation must be redesigned to allow truck access from Schaefer Court only and move Westridge access to be across from Midland Plastics.

Second by Alderman Kaminski. Motion carried unanimously.

21. (5) LD-9-00 New Berlin City Center Development - 15051 W. National Ave. - Two-Lot Preliminary and Final Land Division.

Motion by Mr. Chase to table the request for a Two-Lot Preliminary Land Division for New Berlin City Center Development, 15051 W. National Ave., subject to the following:

1) Location of Coffee Street has yet to be established or approved by any regulating authorities. Traffic Studies have yet to be finalized and may require a change in the layout.

2) A revised CSM shall be submitted which addresses the following:

a. Lot 1 is a "flag" lot. Deer Creek drainage easement and lands east of Deer Creek shall be included in lot 1.

b. Lot 2 shall be "Dedicated to the City of New Berlin for Public Road Purposes".

c. Access road to the Crosswinds Development to be a 60' loop road back to Coffee Street to allow for proper frontage.

d. Irregular-ness of Lot 1 assumes no changes to Crosswinds Development. Use Approval has yet to be granted for this development. At least one building will be required to be removed.

e. Location of Coffee Street still up in the air waiting for WDNR/COE approval. Plan should limit CSM to area which is unaffected by WDNR/COE approval.

3) Ultimate development plan of the entire property required.

4) 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.

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

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

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

22. (2) R-10-00 Moorland Road PUD - 2840-2900 S. Moorland Rd. - Rezoning for a Residentially Scaled Mixed Use - Office/Senior Care Center/Single-Family Residential Development.

Motion by Mr. Chase to table the Moorland Road PUD Rezoning Request for a Residentially Scaled Mixed Use - Office/Senior Care Center/Single-Family Residential Development, at 2840-2900 S. Moorland Rd., subject to the following:

1) Draft PUD document and plans to include four lots to the north (Reeves PUD) and follow §17.0329 in its entirety.

2) Minimum lot width of Acredale Road lots shall be 130' to meet the "Fabric of the Neighborhood" of Acredale. CSM Required for any land division.

3) To meet the "Residentially Scaled Office Building" requirement, maximum building height within the O-1 district shall be 35 feet.

4) To meet the "Residentially Scaled Office Building" requirement, there shall be minimum landscaped buffer yard of 25' and a minimum building setback of 50' from the buffer yard. All parking to be front or side loaded.

5) I-1/PUD District to include all setbacks for the existing Applewood property.

6) Detailed road/infrastructure/storm water/grading plans to be reviewed and approved by the Engineering Department.

7) Conformance to and participation in Regional Storm Water Management Plan Required.

Second by Alderman Kaminski. Motion carried unanimously.

23. (4) U-85-00 Ameritech - 4775 Langlade Dr. - Buried Vault to House Telephone Equipment. Staff Approved, subject to:

1) Relocate vault to southwest corner.

24. (3) U-86-00 Ameritech - 21980 Greenfield Ave. - Buried Vault to House Telephone Equipment.

Motion by Mr. Chase to deny the Ameritech request for a Buried Vault to House Telephone Equipment, at 21980 Greenfield Ave., subject to the following:

1) Installation of the proposed vault at this property will seriously undermine the location of an alternate septic system site. Possible conflict with well also.

2) Proposed site will have significant conflict with the reconstruction plan of Greenfield Avenue.

3) Applicant is encouraged to look for alternative site within this area.

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

#### **STAFF APPROVED**

25. (2) SIGN - Hartwig Exhibit & Display - 17325 W. Ryerson Rd. - Use Existing Monument Sign Base for New Sign.

The request by Hartwig Exhibit & Display for a new sign on existing monument sign base located at 17325 W. Ryerson 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 new monument sign shall be placed on the existing monument base.

2) The Monument Sign must be located outside the ultimate right of way of Ryerson Road.

3) The monument sign shall not exceed 7' x 3' (21 square feet)

4) The current address numbers shall remain or can be re-placed with another style on the base of the monument sign.

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

26. (2) U-79-00 Industry to Industry - 2810 S. Calhoun - Filling in a garage.

The request by Industry to Industry for filling in a garage located at 2810 S. Calhoun Road has been reviewed and conditionally staff approved by the New Berlin Plan Commission subject to the application, the plans on file and the following:

1) Materials used for filling the existing garage door must match the brick exterior of the existing building. New windows are also required to match the existing window treatment on the building.

2) Applicant is still required to meet the following conditions of approval of Zoning Permit # U-10-98 of March 20, 1998.

3) Dumpster must be properly screened from the street and public view in accordance with New Berlin Municipal Code Section 17.1304(14).

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

5) The detached garage can not be used to store business related inventory, used for commercial, assembly or any other business or industrial use.

27. (6) U-87-00 Ameritech - 13655 W. Howard Ave. - Buried Vault to House Telephone Equipment.

The request by Ameritech for a buried vault to house telephone equipment located at 13655 W. Howard 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 underground vault shall be relocated a minimum of twenty (20) feet from the property line outside the existing tree line. This would require moving the easement 20' westward.

2) The proposed underground vault must be located outside the ultimate right-of-way of Howard Avenue. This will require moving the easement a minimum of 10' South of Howard Avenue. Prior to issuance of Building Permit, applicant will be required to submit a revised plan that shows the exact distance of the easement as required above.

3) Submittal of a revised landscaping plan reflecting the all the site changes is required.

4) All necessary permits must be obtained from the Building, Inspection, and Zoning Departments prior to commencement of construction.

28. (3) U-88-00 Ameritech - 20635 W. Cleveland Ave. - Buried Vault to House Telephone Equipment.

The request by Ameritech for a buried vault to house telephone equipment located at 20635 W. Howard 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 equipment cabinet must be located outside the ultimate right-of-way of Cleveland Avenue.

2) Access Permit is required from Waukesha County Department of Transportation prior to issuance of Building Permit.

3) Proposed cabinet must be located a minimum of 10' from the adjacent C-2, Wetland District East of the proposed easement. Prior to issuance of Building Permit, applicant will be required to submit a revised plan that shows the exact distance of the easement from the wetland.

4) Per § 17.1308, submittal of a detailed landscaping plan for the entire site is required. Plans shall include plant species, keys, botanical nomenclature and dbh sizes. Revised plans must adequately screen the cabinet shelter from Cleveland Avenue.

5) All necessary permits must be obtained from the Building, Inspection, and Zoning Departments prior to commencement of construction.

## **ZONING PERMITS**

29. (7) RO-50-00 Insurance Assoc. of America - 2725 S. Calhoun Road, Suite B - Insurance sales and service.

The request by Insurance Assoc. of America for insurance sales and service located at 2725 S. Calhoun Road, Suite B has been reviewed and conditionally staff approved by the New Berlin Plan Commission subject to the application, the plans on file and the following:

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

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

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

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

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.

30. (2) RO-51-00 Fairway Mortgage Corporation - 2665 S. Moorland - Tenant.

The request by Fairway Mortgage Corporation for a tenant 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) 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) 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 plan and location must be approved by Planning prior to installation.

- 3) No outside storage of vehicles or equipment will be permitted on the property.
  - 4) Permits are required from the Building, Inspection, and Zoning Departments for all interior and exterior alterations or modifications.
  - 5) A separate application is required from the Planning Department for any sign for this business
  - 6) Building must be maintained per Section 14.25 of the Non-residential Property Maintenance Code.
  - 7) Employee and customer parking must be contained on this site.
  - 8) Building must meet all applicable building and fire codes. Fire Extinguishers are required.
31. (1) RO-52-00 Seams-B-Fitting - 13625 W. Greenfield Ave. - Tailoring Shop.

The request by Seams-B-Fitting for a tailoring shop located at 13625 W. Greenfield Avenue has been reviewed and conditionally staff approved by the New Berlin Plan Commission subject to the application, the plans on file and the following:

- 1) Applicant is required to install a private well water meter in accordance with current utility requirements or connect to city water by October 20, 2001 and pay the deferred impact fee for water hookup.
- 2) Submittal of a revised site plan that show the inclusion of a planting bed installed around the well head and sump pump must drain to the west of the building. Revised plans must be submitted on or before November 6, 2000.
- 3) Revised plans must show the relocation of the wheelchair ramp to the North of the building so that it is not in the vision triangle and ultimate right of way of Greenfield Avenue.
- 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 of vehicles or equipment will be permitted on the property.
- 6) Permits are required from the Building, Inspection, and Zoning Departments for all interior and exterior modifications.
- 7) A separate application is required from the Planning Department for any sign for this business
- 8) Building must be maintained per Section 14.25 of the Non-residential Property Maintenance Code.
- 9) Employee and customer parking must be contained on this site.
- 10) Building must meet all applicable building and fire codes. Fire Extinguishers are required.

32. (2) RO-53-00 Beckman Insurance Agency - 2770 S. 171 St. - Insurance Sales.

The request by Beckman Insurance Agency for insurance sales located at 2770 S. 171 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) No outside storage of vehicles or equipment will be permitted on the property.

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

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

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

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

33. (2) RO-54-00 Advanced Manufacturing Services, Inc. - 3110 S. 166 St. - Custom Cutting of Materials.

The request by Advanced Manufacturing Services, Inc. for custom cutting of materials located at 3110 S. 166 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) No outside storage of vehicles or equipment will be permitted on the property.

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) 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**

44. Communication To: Plan Commission

Communication From: Steven K. Hoese, Director of Planning

RE: Midwest Power Plan Community Questions

The Plan Commission acknowledged receipt of this communication.

45. Communication To: Plan Commission

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

RE: Letter dated 10/25/00 from Mike Schober regarding Midwest Power Rezoning.

The Plan Commission acknowledged receipt of this communication.

46. Communication To: Plan Commission

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

RE: Letter dated October 26, 2000 from Schober, Schober & Mitchell regarding Midwest Power.

The Plan Commission acknowledged receipt of this communication.

47. Communication To: Plan Commission

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

RE: Letter from Jocelyn D. De Cloux, dated 10/11/00 regarding New Berlin Auto Body, 14750 W. National Avenue. (U-80-00)

The Plan Commission acknowledged receipt of this communication.

48. Communication To: Plan Commission

Communication From: Olofu Agbaji, Planning Administrator

RE: Letter dated 10/24/00 from Godfrey & Kahn regarding Gleischman Sumner Company, 16150 W. Lincoln Avenue, previous Plan Commission action on sign request.

Mr. Agbaji explained the content of the communication to the Commissioners regarding the sign request. Mr. Chase felt the monument-based sign was appropriate.

Mr. Randall wanted the appeals process explained to him. Mr. Chase stated there was no appeals process.

Discussion occurred as to how the Plan Commission changed their standards from pole signs, pylons signs to monument signs.

This item will be referred to the City Attorney.

49. Communication To: Plan Commission

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

RE: Letter dated September 15, 2000 from Fox River Partnership.

The Plan Commission acknowledged receipt of this communication.

50. Communication To: Plan Commission

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

RE: Planning Commissioners Journal, Fall 2000.

The Plan Commission acknowledged receipt of this communication.

## **ADDENDUM ITEM**

51. (2) RO-48-00 Airgas & Puritan Medical Products - 2855 S. 163 - Medical and Industrial Gas Distributor.

The request by Airgas & Puritan Medical Products for a Medical and Industrial Gas Distributor, located at 2855 S. 163 St. has been reviewed and Conditionally Staff Approved by the New Berlin Plan Commission subject to the application, the plans on file, and the following:

- 1) A grading plan showing the change in slope of the rear and where the tanks will be placed shall be submitted by November 10, 2000. The grading plan will need to be approved by the Engineering Department before a Zoning Permit will be issued.
- 2) An elevation showing the height, size and the resting pads in relation to the rear elevation of the building shall be submitted by November 10, 2000.
- 3) Fence shall not exceed 6' in height and no barbed wire allowed on top of fence.
- 4) The parking and truck maneuvering area on the site shall be re-paved and re-stripped by October 2, 2001. The maneuvering lane and parking stall dimensions must meet all the requirements of §17.043 of The New Berlin Zoning Ordinance. Submittal of a detailed site plan showing the stall measurements and parking lot layout is required prior to re-striping and re-paving.
- 5) Building must be maintained per Section 14.25 of the Non-residential Property Maintenance Code. The exterior of the building shall be painted by May 31, 2001. Prior to re-painting a detailed color elevation showing the exact color scheme of the building must be submitted to the Plan Commission for approval.
- 6) Submittal of a landscaping / site plan by November 3, 2000.
- 7) Engineering specifications and cut-sheets for the sizes of all the tanks shall be submitted to the Planning Department prior to the issuance of a Building Permit.
- 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 or enhance the exterior architecture of building, and must be built to accommodate both solid as well as recyclable waste dumpsters.
- 9) No outside storage of vehicles or equipment will be permitted on the property.
- 10) Employee and customer parking must be contained on this site.
- 11) Permits are required from the Building, Inspection, and Zoning Departments for all interior and exterior alterations or modifications.
- 12) A separate application is required from the Planning Department for any sign for this business.
- 13) Building must meet all applicable building and fire codes. Fire Extinguishers are required.
- 14) A separate permitting process is required through the City of New Berlin Fire Department for the tank installation prior to issuance of an Occupancy Permit for the facility. This should show the collision protection bollards. Entire building must be fully sprinklered.

15) Approval of the submitted landscaping plan prior to installation is required.

Motion by Mr. Chase to adjourn the Plan Commission Meeting at 9:45 P. M. Second by Alderman Kaminski. Motion carried unanimously.