

Minutes

NEW BERLIN PLAN COMMISSION

DECEMBER 4, 2000

The Plan Commission meeting of December 4, 2000 was called to order by Mr. Christel at 7:03 P.M.

In attendance were Mr. Chase, Mr. Barnes, Mr. Christel, Mr. Felda, Alderman Kaminski. Mayor Gatzke arrived at 7:17 P.M. Also present was Mark C. Lake, Assistant Director of Planning, Greg Kessler, Associate Planner, Olofu Agbaji, Planning Administrator. Mr. O'Neil was absent.

Motion by Mr. Chase to approve the Plan Commission Minutes of November 6, 2000. Seconded by Mr. Barnes. Motion carried unanimously.

4. Plan Commission Secretary's Report

a. Impact Fees

b. Application Fees

Motion by Mr. Felda to recommend to Council approval of the revised impact fees and new application fees. Seconded by Mr. Barnes. Motion carried unanimously.

REFERRALS FROM COUNCIL

5. R-9-99 Farrell Meadows - 14201 W. Farrell - PUD - 13 Duplex Homes. Reconsideration.

Motion by Alderman Kaminski to reconsider the request by Farrell Meadows for PUD -13 duplex homes located at 14201 W. Farrell. Seconded by Mr. Christel. Motion carried with Mr. Chase voting No and Mr. Christel, Mr. Felda, Alderman Kaminski, Mr. Barnes, Mayor Gatzke voting Yes.

Motion by Mr. Christel to recommend to Council approval of the request by Farrell Meadows to rezone the property located at 14201 W. Farrell from R.4.5 to Rd-1/PUD Overlay District subject to:

- 1) A City Attorney approved PUD document, which satisfies the conditions of §17.0329, required.
- 2) Use, Site and Architecture approval required prior to signing of the ordinance.
- 3) Hook-up to municipal sewer and/or water shall be required within one year of becoming available.
- 4) Proposed development requires wetland mitigation so that several lots and the appropriate infrastructure may be developed.
- 5) Minimum lot depth shall be 170'.
- 6) All buildings shall be separated by a minimum of 30' (eave to eave) with a minimum front yard setback and rear yard setback of 30'.
- 7) Adherence to §17.1308 (10) Woodland Preservation required. Tree Inventory required to determine compliance.

8) Ownership of identified outlots and wetlands shall be labeled on Plat/CSM.

9) Storm Water Management Plan required. Plan relies on offsite stormwater management in violation of the Storm Water Management Ordinance.

Seconded by Alderman Kaminski. Motion fails for tie vote with Alderman Kaminski, Mr. Christel, Mayor Gatzke voting Yes and Mr. Chase, Mr. Felda, Mr. Barnes voting No.

Plan Commissioners differed in their opinions of density and open space requirements.

Plan Commission referred tie vote to Council.

6. R-10-99 Honeyager Lane - 14101 W. Howard - PUD - 16 Duplex Homes. Reconsideration.

Motion by Mr. Christel to reconsider the request by Honeyager Lane for a PUD - 16 duplex homes located at 14101 W. Howard. Seconded by Alderman Kaminski. Motion carried with Mr. Chase voting No and Mr. Christel, Mr. Felda, Alderman Kaminski, Mr. Barnes, Mayor Gatzke voting Yes.

Motion by Mr. Christel to recommend to Council approval of the request by Honeyager Lane to rezone the property located at 14101 W. Howard from R.4.5 to Rd-1/PUD Overlay District subject to:

1) A City Attorney approved PUD document, which satisfies the conditions of §17.0329, required.

2) Use, Site and Architecture approval required prior to signing of the ordinance.

3) Hook-up to municipal sewer and/or water shall be required within one year of becoming available.

4) Proposed development requires wetland mitigation so that several lots and the appropriate infrastructure may be developed.

5) Minimum lot depth shall be 170'.

6) All buildings shall be separated by a minimum of 30' (eave to eave) with a minimum front yard setback and rear yard setback of 30'.

7) Adherence to §17.1308 (10) Woodland Preservation required. Tree Inventory required to determine compliance.

8) Ownership of identified outlots and wetlands shall be labeled on Plat/CSM.

9) Storm Water Management Plan required. Plan relies on offsite stormwater management in violation of the Storm Water Management Ordinance.

Seconded by Alderman Kaminski. Motion fails for tie vote with Alderman Kaminski, Mr. Christel, Mayor Gatzke voting Yes and Mr. Chase, Mr. Felda, Mr. Barnes voting No.

Plan Commissioners differed in their opinions of density and open space requirements.

Plan Commission referred tie vote to Council.

CONTINUED ITEMS

7. (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 Mr. Barnes to recommend to Council approval of the request by National Manor Phase II for a 33 lot single family residential development located at 3360 S. Sunny Slope Road subject to:

- 1) Satisfaction of concerns of Highpointe Subdivision required.
- 2) Clean-up of rear lot line between lots 11 & 21.
- 3) Elimination of either lot 5 or 8 and reconfiguration of remaining lots required. 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' or a developer built building which will be similar in size as to other lots. Deed restriction required to ensure environment restrictions from wetlands.
- 4) Dedicated 20' trail ROW to run through area near lot 8 and between lots 17 and 18. Construction of an 8-10' asphalt trail and approaches to the ROW required.
- 5) 60' drainage easement centered on creek required between lots 5 and 21
- 6) 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.
- 7) Ownership of outlots 2 and 3 need to be identified and placed on the face of the plat. No un-owned outlots will be allowed unless specific use is requested and a maintenance agreement is on file.
- 8) 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. Sidewalk to stop at North line of Lot 2.
- 9) Detailed road plans require approval prior to Developer's Agreement being prepared.
- 10) 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.
- 11) All utilities required to be provided underground. Burial of National Avenue aboveground utilities required.
- 12) 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.
- 13) Access permit for connection to Sunny Slope Road from City of New Berlin Engineering Department required.
- 14) A bypass lane, acceleration, and deceleration lane is required in Sunny Slope Road.
- 15) Road plans to be worked out with N.B. Engineering Department before the City will approve a Developer's Agreement.
- 16) Sewer and water plans to be approved by all regulating authorities.

17) 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. Approval of sewer service my MMSD must be in a form satisfactory to the City of New Berlin.

18) Developer's Agreement to be approved by the Board of Public Works and Common Council before the City will sign the Final Plat.

19) 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.

20) 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.

21) Need revised National Manor Senior Apartments landscaping plan for out lot 3 to be approved by neighbors and Department of Community Development.

Seconded by Mr. Christel.

Motion by Alderman Kaminski to amend motion to modify condition #3 to read that Lots 5 and/or 8 will require special designed buildings to be approved and deed restricted to home prior to issuance of building permits.

Amendment seconded by Mr. Felda. Motion to amend passes with Mr. Barnes, Alderman Kaminski, Mr. Felda, Mr. Christel, Mayor Gatzke voting Yes and Mr. Chase voting No.

Motion to approve as amended carries unanimously.

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

Motion by Mr. Christel to recommend to Council approval of the request by Thomas P. Hammersley for a two lot preliminary land division located at 3461 S. Long Acre SW 1/4 Sec. 13 subject to:

- 1) The proposed layout does not meet city infrastructure requirements of Chapter 18.
- 2) Per §17.03(9)(d) the proposed layout does not meet lot depth, width, or building envelope requirements for new Land Divisions in the R-4.5 Single-Family Residential District.
- 3) Per §17.03(9)(e) the proposed layout does not meet front, rear and sideyard setback requirements for new Land Divisions in the R-4.5 Single-Family Residential District.

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

9. (4) LD-7-00 Midwest Power - New Berlin Energy Park - 6600 W. Crowbar Rd. - Two-Lot Final Land Division (N/A 11/6/00)

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

- 1) Correct all drafting errors. Actual dedication along Tans Road needs to be 30'. All changes required prior to City signing Final CSM. Area between the buffer area and the northern lot line (extending to the east for the gas line) needs to fully contain all improvements (including future gas lines). Eastern end only 23' wide where western end is 40' Please verify need, and/or adjust accordingly prior to City signing Final CSM.
- 2) CSM required WiDOT Trans. 233 approval. State certification required prior to the City signing the final CSM.
- 3) Detailed "Access" Road plans required. Plans to be reviewed and approved by the City of New Berlin Engineering Department prior to signing final CSM.
- 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 \$4,340.10 in applicable Public Site, Open Space and Trail fees required before the City will sign the Final CSM.

6) Change Acting Secretary to Mark C. Lake, owners to sign prior to City signing Final CSM.

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

10. (4) U-67-00 Midwest Power - 6600 W. Crowbar Road - Gas Turbine Peaking Facility (N/A 11/6/00)

Motion by Mr. Christel to approve the request by Midwest Power for a Gas Turbine Peaking Facility located at 6600 W. Crowbar Road subject to:

1) Certificate of Public Convenience & Necessity to Include an Environmental Impact Statement (EIS) which addresses the following:

a) Per §17.0705, Water Utility Consultant has identified this area as a potential municipal well field. What would the impacts of the proposed 450gpm shallow well have on the potential wellfield?

b) Siting of facility will not prohibit the future orderly development of the reclaimed S&J Development Property?

c) Per §17.0706 & §17.0709, Will sounds or vibrations during the operation of the facility have an adverse impact on the neighboring property owners or region?

d) Per §17.0702 & §17.0704, Will air emissions from the operation of the facility have an adverse impact on the neighboring property owners or region?

e) Per §17.0703 & §17.0707, Will chemicals or materials used during the operation of the facility have an adverse impact on the neighboring property owners or the region?

f) Per §17.0705, Will water used (whether treated or untreated) during the operation of the facility have an adverse impact on the neighboring property owners or the region?

g) Per §17.0708, Will electrical disturbances during the operation of the facility have an adverse impact on the neighboring property owners or the region?

2) A rezoning change to M-2, General Industrial required.

3) A land division identifying a 200' buffer (C-1 area) to the neighbors along Tans Road and Crowbar Road, and dedicating the relocated access road is required.

4) Per the supporting information (and subject to State of Wisconsin Licensing) facility limited to approximately 1300 hours of operation or less than 250 tons of NOx per year.

5) Revised detailed landscaping plan required. Plans to address a buffer along Tans Road, a buffer of lands along Crowbar Road, and a buffer of the future pond to the east and Interstate 43. Detailed cross-sections of all berms to be included with submission.

6) Open C-1 area to be filled in with trees and other vegetation that will provide a four-season buffer. Existing tree stands to be field surveyed (visual) to determine extent of buffer and holes shall be filled with comparable trees, both deciduous and coniferous. Any residual open space should be considered for public recreation.

- 7) City of New Berlin, Town of Vernon, and City of Muskego to be copied on correspondences to and from all regulating/reviewing authorities.
- 8) All construction traffic for the facility shall be restricted from using Tans Drive.
- 9) Licensing by all regulating authorities required. A New Source Pollution Control Construction Permit under NR406 as well as a Construction Site Erosion Control Permit under NR216.46 required to be on file in the City of New Berlin Department of Community Development.
- 10) City of New Berlin Erosion Control Plan/permit required
- 11) A detailed Stormwater Management Plan along with a detailed site grading and drainage plan that shows proposed and finished grades of the entire site is required.
- 12) Construction of a frontage road (former quarry access road) to City of New Berlin specifications for an industrial grade road required. Detailed road plans to be reviewed and approved by the City of New Berlin Engineering Department prior to signing final CSM.
- 13) Access permits the City of New Berlin Engineering Department for the relocation of the access road required.
- 14) Undeveloped property, including outlot of the CSM, to be properly graded, cleaned up, restored and replanted or seeded within 30 days of obtaining an occupancy permit.
- 15) A Developer's/Improvement Agreement for all improvements required. Agreement to be approved by the City of New Berlin Common Council prior to signing final CSM. Agreement to include a detailed Plan of Operation and include all performance standards of §17.07 as well as a bond/guarantee for all affected wells.
- 16) Source of water used in the operation of the facility to be determined by the City of New Berlin. Due to the limited water usage required the plant shall be designed as a zero-discharge facility.
- 17) Facility and its buildings must meet all applicable building and fire codes. State of Wisconsin and local Fire Protection Bureau plan approval required. All necessary permits must be obtained from the Building Inspection and Zoning Department prior to commencement of any construction at this site.
- 18) Buildings must be maintained per Section 14.25 of the Non-residential Property Maintenance Code.

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

NEW BUSINESS

11. (2) CU-9-00 Telecorp - 1855 S. Sunnyslope Rd. - New Telecommunications Array on an Existing Telecommunications Tower. - Set public hearing date.

Public Hearing set for January 8, 2001.

12. (2) U-73-00 J.D.L.'s - 2330 S. Lombardy Ln. - Part-Time Lawn and Snow Plowing Business.

Motion by Alderman Kaminski to approve the request by J.D.L.'s for a part-time lawn and snow plowing business located at 2330 S. Lombardy Lane subject to:

1) Section 17.0503 (5) (j) of the City of New Berlin Municipal Ordinance states that "a home occupation shall be carried on wholly within the principal dwelling. 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." The proposed shed can not be used for home occupation. A matching addition to the existing attached garage that is able to accommodate all the equipment used for this business will be acceptable.

2) Section 17.0503 (5) (f) of the City of New Berlin Municipal Ordinance states that materials used in or produced by a home occupation may not be stored or displayed outside the dwelling without plan commission approval. The use of the property as an office to process orders and take calls will meet the home occupation requirements. As stated above, if all vehicles and equipment can be stored in an attached garage, it will be meet the code requirements.

3) Proposed fence must be two feet from the interior lot line. All paved surfaces including driveway and parking area must be a minimum of 5' from the interior lot line.

4) Home occupation uses shall meet all applicable fire and building code safety requirements. Approval will be required from the City of New Berlin Fire Chief prior to occupancy permit being granted.

Seconded by Mr. Chase. Motion carried unanimously.

13. (1) U-89-00 Frontier Software, Inc. - 1427 S. Parkview Ave. - Computer Consulting and Software Business - Home Occupation.

Motion by Mr. Chase to approve the request by Frontier Software, Inc. for a home occupation computer consulting and software business located at 1427 S. Parkview Avenue 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. Only one non-resident employee is permitted to work at this location.

3) No outside storage is permitted for this business. 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.

14. (7) U-90-00 Holy Apostles Congregation - 16000 W. National Ave. - Auction as a Fund Raising Event.

Motion by Mr. Christel to approve the request by Holy Apostles Congregation for an auction as a fund raising event at 16000 W. National Avenue subject to:

- 1) Approval will be granted for a 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 following a determination of the event by the City of New Berlin Police Department.
- 2) Approval will be granted for March 3, 2001 from 5:00 PM to 1:00 AM or as approved by the Plan Commission.
- 3) Adequate off street parking shall be provided and coordinated with the City of New Berlin Police Department.
- 4) Applicant shall be put on notice that the sign at this site will have to be place on a masonry brick base that meets the West National Avenue Redevelopment Plan Design Guidelines and Standards. The masonry base shall match, or enhance (as determined by the Architectural Control Committee) the exterior material and color of the pricipal building.

Seconded by Mr. Barnes. Motion carried unanimously.

15. (1) U-92-00 Ashley Auto Brokers - 12608 W. Forest Dr. - Wholesale Home Occupation.

Motion by Mr. Felda to approve the request by Ashley Auto Brokers for a wholesale home occupation located at 12608 W. Forest 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. Only one non-resident employee is permitted to work at this location.
- 3) Auto sales shall not be conducted out of this address. All sales and transfers shall be conducted off-site.
- 4) No outside storage is permitted for this business. 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. No outside storage of unregistered vehicles will be permitted. All vehicles shall be registered to residents of this address.
- 5) No customer visits to the residence and no deliveries related to this business.
- 6) No signs shall be allowed for this business at this location.

Seconded by Mr. Barnes. Motion carried unanimously.

16. (2) U-93-00 MRM/Exelon/Elaine Nelson - 3015 S. 163 St. - Remodeling/Expansion of Second Floor Area Into Offices.

Motion by Mr. Barnes to approve the request by MRM/Exelon/Elaine Nelson for remodeling/expansion of the second floor area into offices at 3015 S. 163rd Street subject to:

- 1) Architectural Review Committee will require a cross section of the proposed window cut out show how the window will be installed.
- 2) Adequate on-site parking must be provided as required by § 17.0403 of the Zoning Ordinance.
- 3) The exterior of the proposed addition must be constructed of the same brick material and color to match the existing building. Material samples required.
- 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. Stand pipe is required on the second floor. Fire hydrant is required within a 150' of Fire Department connection.

Seconded by Mr. Felda. Motion carried unanimously.

17. (3) U-94-00 Robert A. Rainek - 1920 S. Springdale - Install 8' Fence on Property Line.

Motion by Mr. Christel to approve the request by Robert A. Rainek to install an 8' fence on the property line located at 1920 S. Springdale subject to:

- 1) Applicant is required to meet all DNR permit requirements for the construction of the wildlife pond on this property.
- 2) Fence shall be constructed in accordance with the requirement set forth in section 17.0503 in its entirety. All fence supporting structures shall be erected on applicant's property.

Seconded by Mr. Barnes. Motion carried unanimously.

18. (4) U-95-00 Druid Glen Farm - 5983 S. Racine - Horse Stable With Riding Arena.

Motion by Alderman Kaminski to table the request by Druid Glen Farm for a horse stable with riding arena located at 5983 S. Racine Avenue for the following reasons:

- 1) Property is zoned R-2, Suburban Single Family Residential District. Parcel will have to be separated and original boundary reestablished and a new tax key assigned prior to issuance of any approval by the Plan Commission. Per § 17.1304 (4), "all principal structures shall be located on a lot; and only one (1) principal structure shall be located, erected or moved onto a lot in all districts except the Rm-1, multi-family residential district."
- 2) A 30 lbs snow load and 20 lbs wind load resistance is required by the Building Inspection and Zoning Department. Energy and heat loss calculations that meet the uniform dwelling code will be required.
- 3) Site drainage and grading plan will be required to address the 13' change in grade at this site. Site drainage and grading issues must be resolved with the City of New Berlin Engineering Department.
- 4) Because the living quarters is attached to the stables and riding area, the structures shall be constructed to the Uniform Dwelling Code standard.

5) City of New Berlin Fire Department requires additional information to be able to review this application better. If stalls are rented out and riders use the arena, this constitutes commercial use and will require inspection by the Fire Department.

6) Site plan does not show the closest road or distance from closest road as the Fire Department will still be required to provide protection to this property. Fire Chief needs more information.

Seconded by Mr. Chase. Motion carried unanimously.

19. (1) U-96-00 Dave Knight Signature Homes - 3055 S. 128 St. - Multi-Tenant Office Building.

Motion by Mr. Felda to approve the request by Dave Knight Signature Homes for a multi-tenant office building located at 3055 S. 128th Street subject to:

1) Submittal of a revised grading plan for this site is required.

2) Submittal of a detailed site plan that addresses the access and internal traffic configuration which will take the site constraints into account is required.

3) Building materials, doors, windows, roof and other material samples are also required for forwarding to the Architectural Review Committee.

4) A detailed landscaping plan prepared by a professional landscape architect to include plant keys, species, botanical nomenclature, number and sizes of all existing and proposed plantings. One of the submitted plans must be colored to show the required 25% open/ green space (colored site plan).

5) Proposed parking 2' from South lot line. A minimum of 5' setback is required from all interior lot lines.

6) The overhead door on the North of the building will have to be eliminated. Grade difference and the entry into the ground level garage must be worked out with Engineering.

Seconded by Mr. Barnes. Motion carried unanimously.

20. (4) U-97-00 American Superconductor - 15775 W. Schaefer - Warehouse Office Facility.

Motion by Mr. Christel to approve the request by American Superconductor for a warehouse office facility located at 15775 W. Schaefer subject to:

1) Approval of the Architectural Review Committee is required prior to issuance of Zoning Permit. Footprint may require a change of alignment.

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) Minimal grading in utility easement. A detailed grading and drainage plan that shows proposed and finished grades of the entire site is required. Final approval of grading plan by the City of New Berlin Engineering Department is required prior to applying for Building Permits.

5) A detailed landscaping plan for the entire site with plant keys, plant species, botanical nomenclature and dbh sizes is required. Landscaping plan must be approved by the Planning Department prior to installation.

6) Applicant is required to address the following concerns outlined by the City of New Berlin Engineering Department:

a) The proposed grade of building shall be dropped from 863 to 860.5 as approved in the Westridge Business Park Master Grading Plan unless it has been determined that it would affect the adjacent wetland.

b) Proposed 4:1 slopes and 5'-7' fills in 40' utility easement along Moorland Road not approved. Minimal grading only.

c) Proposed drive on Schaefer Court shall be changed to a single access, split drives beyond ROW line or redesign the approach to maintain adequate screening for the loading dock doors. A revised truck turning radii will be required with the new driveway configuration.

d) Plan shows proposed pavement right to the wetland boundary. This is not practical unless pavement matches existing grade along the 350' run of wetlands. Pavement shall be a minimum of 5' from wetlands to allow room for sloping.

e) All interior parking shall be curbed unless required by Engineering for sheet drainage. Curbs shall not extend past property line.

f) Install sumps bottom of all catch basins.

g) Construction plat of survey required.

Seconded by Mr. Felda. Motion carried unanimously.

21. (2) U-98-00 Super Products - 17000 W. Cleveland Ave. - Building Addition.

Motion by Mr. Chase to table the request by Super Products for a building addition located at 17000 W. Cleveland Avenue for the following reasons:

1) New addition, as well as existing land use, encroaches into the C-1 Upland Conservancy Area. Existing use too intensive for the amount of available (non-conservancy) land.

2) At 8.2 acres property required to have on-site detention.

3) Creation of the existing 25,000 sq. ft. gravel Camel parking area at the northwestern entrance required the removal of lands within the C-1 area sometime between the spring of 1985 and the spring of 1990. No application for its removal is on file.

4) Per 17.1308 (10) of the City of New Berlin Municipal Code, the previously created 25,000 sq. ft. gravel parking area will have to be restored to its 1985 condition.

5) A survey and deed restriction, to preserve the C-1 area, is required to be filed with the Waukesha County Register of Deeds Office. The deed restriction should include the lands previously removed without a permit)

Seconded by Mr. Barnes. Motion carried unanimously.

22. (2) R-11-00 Super Products - 17000 W. Cleveland Avenue - Rezone from C-1 and M-1 to Reduce C-1.

Motion by Mr. Chase to table the request by Super Products to rezone the property located at 17000 W. Cleveland Avenue from C-1 and M-1 to reduce C-1 for the following reasons:

1) New addition, as well as existing land use, encroaches into the C-1 Upland Conservancy Area. Existing use too intensive for the amount of available (non-conservancy) land.

2) At 8.2 acres property required to have on-site detention.

3) Creation of the existing 25,000 sq. ft. gravel Camel parking area at the northwestern entrance required the removal of lands within the C-1 area sometime between the spring of 1985 and the spring of 1990. No application for its removal is on file.

4) Per 17.1308 (10) of the City of New Berlin Municipal Code, the previously created 25,000 sq. ft. gravel parking area will have to be restored to its 1985 condition.

5) A survey and deed restriction, to preserve the C-1 area, is required to be filed with the Waukesha County Register of Deeds Office. The deed restriction should include the lands previously removed without a permit.

Seconded by Alderman Kaminski. Motion carried unanimously.

STAFF APPROVED

23. (4) SIGN - Moorland Road Golf Center - 5900 S. Moorland Rd. - Monument Sign and Wall Sign.

The request by Moorland Road Golf Center for a monument and wall sign located at 5900 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) All temporary signs on the site must be applied for or removed by December 11, 2000 or prior to issuance of this Sign Permit by the Planning Department.

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

3) Overall height of the sign shall not exceed 11'.

4) The approved Westridge Business Park address plaque must be installed on the face of the brick monument facing Moorland Road.

5) No external lighting is approved for this site. No logo shall be inscribed on the golf pillars.

6) Wall logo shall not exceed 2' 6" x 4' (10 sq. ft.).

- 7) The ground sign shall not exceed: 7' 8" x 3' (23.5 sq. ft)
- 8) The wall sign shall not exceed 17' 9" x 2' 4" (40 sq. ft)
- 9) Payment of \$205.64 outstanding sign fee.
- 10) Installation and Maintenance per Section 17.0800 of the Municipal Zoning Ordinance.
- 11) Signs must be turned off outside of normal business hours.
- 12) An Electrical Permit is required from the Building Inspection and Zoning Department for the internal lighting.

24. (6) SIGN - Gas Hut - 14001 W. National - Wall Signs and Ground Sign.

The request by Gas Hut for wall and ground signs 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) Sign color scheme shall be approved along with the color scheme for the service station by the Architectural Review Committee.
- 2) Removal of the illegal wooden structure next to the exit bay door on the East elevation of the car wash by December 29, 2000. Structure was installed without Plan Commission approval.
- 3) Monument base material and placement shall be approved by the Planning Department prior to installation.
- 4) Per § 17.0314 (2) (d), outside display of merchandise is a permitted accessory use, but must not exceed five (5) percent of the gross floor area of the store or 500 square feet, whichever is less. Please see that all the outside storage at this location does not exceed that allowed by code.
- 5) All temporary gas price signs on the site must be removed within 5 days of construction of this sign.
- 6) The monument base shall not exceed 3" in height and shall have an address plaque or numbers.
- 7) The monument sign must be located outside the right-of-way of Towne Drive.
- 8) Payment of all outstanding sign fee based on calculations to be reflected in the Sign Permit.
- 9) Sizes, dimensions and location of signs shall meet the requirements of § 17.0800 of the City of New Berlin Zoning Ordinance in its entirety.
- 10) Installation and Maintenance per Section 17.0800 of the Municipal Zoning Ordinance.
- 11) Signs must be turned off outside of normal business hours.
- 12) An Electrical Permit is required from the Building Inspection and Zoning Department for the internal lighting.

25. (2) SIGN - Michels Pipeline Construction, Inc. - 16500 W. Rogers - Ground Sign.

The request by Michels Pipeline Construction, Inc. for a ground sign located at 16500 W. Rogers has been reviewed and conditionally staff approved by the New Berlin Plan Commission subject to the application, the plans on file and the following:

- 1) All temporary signs on the site must be applied for or removed by December 11, 2000 prior to issuance of this sign permit.
 - 2) The overall height of the monument sign shall not exceed 10' 10".
 - 3) Future tenants must file an application for a Re-occupancy Permit with the Planning Department prior to occupation of the tenant space, and must also file a separate application prior to any signage being installed on the site.
 - 4) The monument sign shall have either the address numbers or the address plaque on the base of the sign.
 - 5) The monument sign must be located outside the right-of-way of Rogers Drive.
 - 6) Payment of \$49.84 outstanding sign fee per calculations.
 - 7) Installation and Maintenance per Section 17.0800 of the Municipal Zoning Ordinance.
 - 8) Signs must be turned off outside of normal business hours.
 - 9) An Electrical Permit is required from the Building Inspection and Zoning Department for the internal lighting.
26. (7) SIGN - Northwestern Mutual - 15885 W. National Avenue - Reface existing non-lit lawn sign.

The request by Northwestern Mutual to reface the existing non-lit lawn sign located at 15885 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) Approval is granted for a temporary face change for a period of up to one (1) year to expire on December 4, 2001. At this time the sign shall have been placed on a masonry brick base that meets the West National Avenue Redevelopment Plan Design Guidelines and Standards. The masonry base shall match, or enhance (as determined by the Architectural Control Committee) the exterior material and color of the principal building.
- 2) Sign must be located outside the right-of-way of National Avenue.
- 3) Sign Change of Face: 7' x 1'1" = 7 sq. ft. x 2 faces = 14 square feet x \$2.00/sq.ft. = \$28.00 Less \$50.00 application fee = \$00.00
- 4) Installation and Maintenance per Section 17.0800 of the Municipal Zoning Ordinance.

27. (7) SIGN - New Berlin Police Department - 16300 W. National Ave. - Monument Sign and Directional Signs.

The request by New Berlin Police Department for monument and directional signs located at 16300 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) The entire size of the monument sign shall not exceed 12' wide by 8'6" high.
- 2) The base of the monument sign shall match or enhance the exterior color and material of the building and the address numbers or address plaque shall be placed on the base of the monument sign.
- 3) Signs must be located outside the right-of-way of National Avenue, and Civic Drive.
- 4) Sign dimensions included below:
Monument Sign: 8' x 4' = 32 sq. ft. x 2 faces = 64 square feet
Directional Sign 1: 2' x 3' = 6 sq. ft. x 2 faces = 12 square feet
Directional Sign 2: 2' x 3' = 6 sq. ft. x 2 faces = 12 square feet
Directional Sign 3: 2' x 3' = 6 sq. ft. x 2 faces = 12 square feet
- 5) Installation and Maintenance per Section 17.0800 of the Municipal Zoning Ordinance.
- 6) Signs must be turned off outside of normal business hours.
- 7) An Electrical Permit is required from the Building Inspection and Zoning Department for the internal lighting.

28. (7) SIGN - G S Hydraulics, Inc. - 5050 Towne Drive - Monument sign, wall sign, directional sign.

The request by G S Hydraulics, Inc. for a monument sign, wall sign, and directional sign located at 5050 Towne Drive has been reviewed and conditionally staff approved by the New Berlin Plan Commission subject to the application, the plans on file and the following:

- 1) All temporary construction signs on the site must be applied for or removed prior to issuance of this sign permit.
- 2) The monument base shall not exceed 3" in height and shall have an approved Westridge Towne Park address plaque.
- 3) The monument sign must be located outside the right-of-way of Towne Drive.
- 4) Payment of \$262.00 outstanding sign fee.
- 5) The ground sign shall not exceed: 4' x 8' (32 sq. ft)
- 6) The wall sign shall not exceed 15' x 4'10" (72 sq. ft)
- 7) An Electrical Permit is required from the Building Inspection and Zoning Department for the internal lighting.
- 8) Installation and Maintenance per Section 17.0800 of the Municipal Zoning Ordinance.
- 9) Signs must be turned off outside of normal business hours.

29. (2) U-91-00 New Berlin Therapies, S.C. - 2895 S. Moorland Rd. - Outdoor Play Area Changes.

The request by New Berlin Therapies, S.C. for outdoor play area changes located at 2895 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) There is no permit on file for the existing banner signs mounted on the fence; therefore it must be removed by December 4, 2000. If applicant would like to keep the banners it must apply for and receive a Sign Permit from the City of New Berlin.
- 2) Building must be maintained per Section 14.25 of the Non-residential Property Maintenance Code.
- 3) No outside storage will be permitted on the property.
- 4) Employee and customer parking must be contained on this site.
- 5) Permits are required from the Building, Inspection, and Zoning Departments for all interior and exterior alterations or modifications.
- 6) Building must meet all applicable building and fire codes. Fire Extinguishers are required.

30. (2) SIGN - Wells Fargo - 1915 S. Moorland Rd. - Temporary 4' x 8' Ground Sign.

The request by Wells Fargo for a temporary 4' x 8' ground sign located at 1915 S. Moorland Road has been reviewed and conditionally staff approved by the New Berlin Plan Commission subject to the application, the plans on file and the following:

- 1) The temporary sign must be removed following completion of the construction project, or upon approval of a permanent sign for Hal's Harley Davidson.
- 2) Signs must be located outside the right-of-way of Moorland Road.
- 3) Payment of \$14.00 outstanding sign fee.
- 4) Installation and Maintenance per Section 17.0800 of the Municipal Zoning Ordinance.

31. (2) SIGN - New Generation Learning Center - 2050 S. Calhoun - Banner Sign on Building.

The request by New Generation Learning Center for a banner sign on the building located at 2050 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) Section 17.0807 of the New Berlin Zoning Ordinance states that portable sign (banners, pennants) permits shall not be granted for a period of more than 30 days in any 365-day period.
- 2) An application for a permanent monument sign with a brick base that matches or enhances the principle structure must be filed with the Planning Department after the expiration of the thirty (30) day permit for the temporary banner sign.
- 3) The temporary sign must be located outside the right-of-way of the frontage road and Calhoun Road.
- 4) Payment of \$14.00 outstanding sign fee.

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

32. (1) SIGN - Speedway/Super America - 14001 W. Greenfield - Replace Sign Face.

The request by Speedway/Super America to replace the sign face located at 14001 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) Section 17.0802 of the City of New Berlin Zoning Ordinance, states that "any sign hereafter constructed, erected, relocated, moved, damaged, reconstructed, extended, enlarged, changed (including changing the sign face), altered, or modified requires review and approval of Plan Commission. As this is an after the fact application a double fee penalty shall be assessed. Payment of \$324.00 must be received prior to issuance of the Sign Permit.

2) The current pole sign shall be brought down and placed on a masonry base that matches or enhances the material and color of the building by May 31, 2001.

3) The "Now Hiring" banner facing Greenfield Avenue must be taken down immediately along with the numerous advertising signs on the light posts on the property.

4) Signs must be located outside the right-of-way of Sunnyslope Road and Greenfield Avenue.

5) Payment of \$324.00 outstanding sign fee.

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

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

33. (4) SIGN - Speedway/Super America - 15555 W. Beloit Rd. - Replace Sign Face.

The request by Speedway/Super America to replace the sign face located at 1555 W. Beloit 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) Section 17.0802 of the City of New Berlin Zoning Ordinance, states that "any sign hereafter constructed, erected, relocated, moved, damaged, reconstructed, extended, enlarged, changed (including changing the sign face), altered, or modified requires review and approval of Plan Commission. As this is an after the fact application a double fee penalty shall be assessed. Payment of \$324.00 must be received prior to issuance of the Sign Permit.

2) The "Now Hiring" banner facing Moorland road must be taken down immediately along with the numerous advertising signs on the light posts on the property.

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

4) Payment of \$324.00 outstanding sign fee per calculations below:

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

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

34. (4) SIGN - Glue Dots International - 5575 S. Westridge - Wall Sign.

The request by Glue Dots International for a wall sign located at 5575 S. Westridge 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 existing "All Pak" wall sign must be removed prior to installation.
- 2) Payment of \$16.00 outstanding sign.
- 3) The wall sign shall not exceed 11' x 3' = 33 square feet.
- 4) Installation and Maintenance per Section 17.0800 of the Municipal Zoning Ordinance.

ZONING PERMITS

35. (2) RO-55-00 Integrated Office Solutions - 16150 W. Lincoln Ave. - Sales of Office Furniture.

The request by Integrated Office Solutions for sales of office furniture 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) 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) 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.

36. (2) RO-56-00 Pepperidge Farm, Inc. - 16338-40 Glendale Dr. - Distribution and Inventory of Fresh Bakery and Biscuit Products.

The request by Pepperidge Farm, Inc. for distribution and inventory of fresh bakery and biscuit products located at 16338-40 Glendale Drive has been reviewed and conditionally staff approved by the New Berlin Plan Commission subject to the application, 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.

37. (3) RO-57-00 Universal Sounds - 16618 W. Rogers Dr. - Mobile D J.

The request by Universal Sounds for a mobile DJ located at 16618 W. Rogers 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) 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) Employee and customer parking must be contained on this site.
- 3) 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).
- 4) No outside storage of vehicles or equipment will be permitted on the property.
- 5) Permits are required from the Building, Inspection, and Zoning Departments for all interior and exterior alterations or modifications.
- 6) A separate application is required from the Planning Department for any sign for this business
- 7) Building must be maintained per Section 14.25 of the Non-residential Property Maintenance Code.
- 8) Building must meet all applicable building and fire codes. Fire Extinguishers are required.

38. (7) RO-58-00 Integrated Nursing Services, Inc. - 15730 W. National Ave. - Nursing Services.

The request by Integrated Nursing Services, Inc. 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) The parking lot shall be re-paved and re-striped by May 31, 2001.
- 2) Employee and customer parking must be contained on this site
- 3) 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)
- 4) No outside storage of vehicles or equipment will be permitted on the property.
- 5) Permits are required from the Building Inspection, and Zoning Departments for all interior and exterior alterations or modifications.
- 6) A separate application is required from the Planning Department for any sign for this business.

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

8) Building must meet all applicable building and fire codes. Fire extinguishers are required.

COMMUNICATIONS

41. Communication To: Plan Commission

Communication From: Bob Sigrist, Director of Buildings, Inspections & Zoning

Re: Request for Architectural Approval, 2755 Johnson Road.

The Architectural Control Committee expressed approval of the home to be built at 2755 Johnson Road.

42. Communication To: Plan Commission

Communication From: Olofu Agbaji, Planning Administrator

Re: Reply from Attorney Riley regarding Gleichman Sumner Company, 16150 W. Lincoln Avenue.

The attorney representing Gleichman Sumner Company spoke on the situation stating that they feel the Plan Commission does not have the authority to require Gleichman Sumner to put in a monument sign because the provisions of the code allow for any number of types of signs, one of which is a pole sign. A pole sign is what Gleichman Sumner wants to install on the property.

Discussion continued reviewing Attorney Reilly's reply. It was the Plan Commissions decision to refer the legal opinion back to Attorney Riley for clarification and forward this to Common Council.

43. Communication To: Plan Commission

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

Re: Letter from Jocelyn D. De Cloux dated November 21, 2000 regarding New Berlin Auto Body, 14750 W. National Avenue, (U-80-00)

Plan Commissioners acknowledged receipt of this communication.

44. Communication To: Plan Commission

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

Re: Memo from Michele Jashinsky dated 11/19/00 regarding New Berlin Auto Body, 14750 W. National Avenue, (U-80-00)

Plan Commissioners acknowledged receipt of this communication.

45. Communication To: Plan Commission

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

Re: "New Berlin and Region Need Power" (U-67-00)

Mr. Lake summarized the communication saying that it is the editorial from The Milwaukee Journal on 11/18/00 agreeing that there is regional need for the power plant in New Berlin.

46. Communication To: Plan Commission

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

Re: Memo from T. Michael Schober regarding Unusable Remnant - Johnson Road

It was the Plan Commissions decision to forward this to City Attorney and then Common Council.

47. Communication To: Plan Commission

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

Re: Plan Commission Meeting Schedule for 2001

Plan Commissioners acknowledged receipt of this communication.

ADDENDUM ITEM

48. (5) U-99-00 First Church of the Nazarene - 13535 W. Beloit Road - New Windows and Vinyl Siding.

Motion by Mr. Barnes to approve the request by First Church of the Nazarene for new windows and vinyl siding located at 13535 W. Beloit Road subject to:

- 1) No siding to be placed over any exposed brick surfaces and must match siding used on previously approved and constructed detached garage.
- 2) No increase in size of windows being replaced.
- 3) Building must be maintained per Section 14.25 of the Non-residential Property Maintenance Code.
- 4) Building must meet all applicable building and fire codes. Fire Extinguishers are required.
- 5) Permits are required from the Building, Inspection, and Zoning Departments for all interior and exterior alterations or modifications.
- 6) 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).
- 7) Screen air conditioner on front of building.

Seconded by Mr. Christel. Motion carried unanimously.

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

