

6:00 PUBLIC HEARING

(2) CU-10-98 Applewood Senior Home Addition – 2900 S. Moorland – Addition of 20 Assisted Living Suites.

CITY OF NEW BERLIN  
PUBLIC HEARING  
FEBURARY 1, 1999

The Public Hearing relative to the request by Greg and Debbie Petruski for Conditional Use Approval for an addition of 20 assisted living suites at Applewood Senior Home located at 2900 S. Moorland Road was called to order by Mayor Gatzke at 6:00 P.M.

In attendance were Mayor Gatzke, Mr. Chase, Mr. Felda, Mr. Barnes, Mr. Christel, Mr. O'Neil, Alderman Kaminski. Also present was Steven K. Hoese, Director of Planning and Mark C. Lake, Assistant Director of Planning.

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

Mayor Gatzke explained the procedure for a public hearing saying that he would ask three times for anyone wishing to speak in favor of the application and then three times for anyone wishing to speak in opposition of the application.

Mr. Lake gave a brief presentation describing the request and showing maps indicating the location.

Mayor Gatzke asked if there was anyone wishing to speak in favor.

Greg Petruski, 13555 S. Deer Park Ct. – I am the Developer for Applewood. Two years ago we were here for our initial proposal. This new proposal which we have been working on since November is asking the Plan Commission to grant us permission under a conditional use permit to have a second residence on the adjacent three quarters of an acre lot. The addition that you see there is approximately thirty feet away from our current residence. Our initial proposal up until today, was to have an attached residence to our current residence. After discussion with the Planning Department and other people, it was decided that having something proposed such as this might be more architecturally pleasing and also more beneficial for our existing residents as well as future residents. As you noticed there is a large need for our services in the City. There are other big developments here tonight that provide similar services. Our nitch is family and a small environment. There are literally hundreds of seniors out there that will have a need for our services down the road as well as currently. We are not trying to fill the nitch such as Hearstone, we are trying to fill the nitch for people who would like to stay in a smaller, family run, home style environment vs. a larger complex. The new house would look similar to the initial house which we currently have. They would be 30 feet apart. We have not had a chance to have a neighborhood meeting at this time, however, we have talked to some of our neighbors and I'm sure some of them will speak tonight. Our goal is to continue to provide quality and service in a home-like environment. We do not believe we have any impact on our neighborhood, I know that was a concern. We hope we have had a positive impact not only on our neighborhood, but on our community. We intend on landscaping ourselves in so we will maintain the isolation or independence. As you know, we have the Industrial Park to the West, an apartment complex and we really have two adjacent single family neighbors. Most of our neighbors have had a chance to come and visit our home. Hopefully they felt positive about what they saw and we hope to continue that.

Mayor Gatzke asked again if there was anyone wishing to speak in favor.

Paula Satalski, - My 77 year old father has lived in that home for the last year. He lived with me previous to this time and it was a gut wrenching decision to find him a home. When I went to Applewood I was so impressed with the home-like atmosphere and it's so peaceful and it feels like home. You feel like you are in a family situation. That was very important for me because I didn't want him to be in a nursing home situation. I wanted him to be where they would be more sensitive and compassionate and that is exactly what I found at Applewood. I am more than pleased. The whole staff is very caring. They have been wonderful to my father. He was hospitalized recently and they called me everyday to find out how he was doing. You just don't find that in a nursing home situation or at least that is what I have been told. Being in the 40 something generation we are finding so many friends that are going through the same situation and I have told them that Applewood is a wonderful facility. My Dad's doctor appointments are all in Brookfield. It has been very convenient for me to pick him up and take him to those appointments. It is convenient for relatives and friends to come visit being close to I-94 and Moorland is a main road also. It is so peaceful there, there are no wild parties, there is no yelling, no screeching tires, it is so quiet. It's just like a real nice home. We need more facilities like this one with the ability to care for families who have compassion and sensitivity. I really believe strongly that a home this size is the only size that can offer that kind of compassion and sensitivity. I would really appreciate it if you would allow Greg and Debbie to add on so that more people can enjoy the benefits and more families can have the peace of mind that their elderly parents are well taken care of. I appreciate your time.

Mayor Gatzke asked if there was anyone else wishing to speak in favor.

Lynn Bartelt, 2880 S. Moorland Road – We are immediately next door to Applewood and we are generally in favor of their proposal. We don't have enough of the facts. There has been no neighborhood meetings. I would say in general we are supportive of this proposal but we need additional information.

Mayor Gatzke asked if there was anyone else wishing to speak in favor.

Cheryl Patzer , 21920 W. Cleveland Avenue – I have been a registered nurse with Debbie and Greg at Applewood for a little over four years now and have grown with them from one small home in Muskego to two, to three, to the fourth home we are in now and I can't say enough. After one month of being open in the first home, we already had a waiting list. I, the nurse, get calls every single day from family members and people looking for placement and basically we generally have to say we have no openings now and we do have a waiting list. A lot of these people have called all over and have taken tours all over. Like Greg said, we do have a niche of being small, yet large enough to offer services that are similar to larger facilities yet we have that down home feeling. At least once or twice, hopefully not more than twice a month, we have paramedics that may come into the home to help out with some of the residents that need to be sent to the hospital. Between paramedics and lab technicians that come in on a weekly to a daily basis, they all make the same comment. They all come in and are overwhelmed with the home-type feeling. They are very impressed with the surroundings, with the rooms, with the staff, and they always love the smell of the home cooking that is there everyday. These are just some of the things that some of the larger complexes cannot offer that we would like to continue to offer. Greg and Debbie are very, very personally involved with staff, with residents, with the residents' families which you will not always also find in the very large complexes. I really, really would like to see this happen for them. Again, I cannot tell you how many calls we get every single day from people wanting and needing a place like this for their loved ones.

Mayor Gatzke asked again if there was anyone else wishing to speak in favor.

Carol Kargola, 4739 S. Andrae Lane – I have been a resident for over 28 years in New Berlin and I currently work for Greg. I am really proud to do so. I think that you now can make an impact on the elderly, like Charlotte, who need places like this to live. Greg's place is more than just a building, it's a family unit. We work together and we care and I believe his next building is really needed. I answer the phones there and we get many phone calls for the elderly that need places like Gregs. I strongly ask you to vote for his new home.

Mitchell Smith, 2801 Acredale – Not so much pro or con, but I am concerned if this is going to be the end of the expansion there. More importantly, what about the property North of that, what are we looking at? Right now some of this is the mushroom farm. We, the neighbors, would like to know what's going on back there, what's planned, what's in the works.

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

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

Mayor Gatzke asked if the Plan Commissioners had any comments or questions.

Alderman Wysocki, Alderman from that District – Thank you for the opportunity because as you are probably well aware of, or at least some of you who have been here for four years on this Plan Commission know this particular area, the property in question right now as well as the property referred to to the North, the old mushroom farm and another vacant parcel north of that, have been of continuing concern to the neighborhood.

I hope the Plan Commission realizes what Moorland Road is suppose to be like. Four years ago we had a request for this particular property to rezone commercial and it was turned down. This proposal two years ago for 20 units was allowed as a conditional use still residentially zoned. I don't think the debate here tonight is whether elderly housing of this nature is wanted or needed, that's not the issue. If we need places like this, the issue is where do we place them. The issue in front of you for discussion is "do you want to place another one within the limits or boundary of this particular location". Convenient to the current owner but does it fit in with regards to the total neighborhood look. I have taken on the responsibility to hold a neighborhood meeting for the proposal and for the remainder of the land to the North. I have talked to the people involved which happens to be a church which was going to buy all that property and then provide residential housing along Acredale and do some other things. Two weeks ago I got notification that there is a broker looking at the possibility of putting up an office complex or bank on this vacant property which is now for sale. I guess I would ask you to seriously consider a little bit of what you did for the Beloit Road people at this point, where you held an opportunity for them to have a neighborhood meeting for them to get the input to you as to what their concerns are, not only the neighbors but owners of the properties involved in all of this and at the same time give us a better indication relative to that whole neighborhood whether or not you are changing your philosophy. If you look at Moorland Road on the East side starting from Rogers Dr. on the extreme North all the way to Cleveland Avenue, it is all residential or mixed residential multi family with one commercial activity, Wendys. If you look from Cleveland Avenue all the way South to Coffee Road, its residential or mixed residential with one commercial activity, the Clark Station.

I believe it was the intent of the Master Plan as I read it, that these properties would remain residential so that we don't turn this into a traffic generating site issue and end up with a Hwy. 100 type situation. I believe the neighbors, as much as we struggle with this, for every proposal that has come to you and to the Common Council, we would ask that you would table this request tonight, have an opportunity for us as neighbors and land owners to get together. There is a road dedication near Dakota, that could and probably should be abandoned and that might make some of this much more workable both in terms of the current request in front of you as well as the possibility for the use of the land that is commonly referred to as the mushroom farm.

As Lynn has spoken to you, the home immediately to the North, she needs some assurances as well as all the people along there. Again I would hope that you would give us the opportunity as you did to the Beloit people. I know it's not as big a parcel and it's not as big an issue in the total picture, but I think it is a very important issue because what you do there could influence a proposal that was made 4+ years ago for those realtors who come in and went along that whole strip and suggested to all the people to sell their properties, commercialize the entire strip all the way to this current property and put in whatever would be allowable in a commercial zoning. I don't think that is the way we want to do it and I hope that's

not the way the Plan Commission looks at it. Give us an opportunity again with your help and expertise and listen to the land owners and the neighbors in that area to try to resolve a better, clearer picture of what's happening, that we're not going into some kind of encroachment so that the next request you see in front of you is going to be another expansion of some other activity being on residential property. Please give us that opportunity, I would really appreciate it. Thank you.

Brian Felda – Plan Commission Member – Looking at the whole proposal and trying to be fair to Greg and Debbie, I definitely am in favor of this type of project here. I only see positive things from what the neighbors have said plus the workers and I remember a couple of years ago when they came before us. I guess the big question is how long do you really need as far as the neighborhood to make this be a decision that would be a clear one and is this something that needs to be done right of way in terms of the building season. Could Greg and Debbie foresee waiting a month or two or is that going to impact your plans.

Greg Petruski – Our goal all along was to work with the neighbors and we are more than willing to go on working with them. Initially we learned that being proactive is probably our best way to go. We have a great neighborhood and an Alderman who has worked very hard in this area. Unfortunately, time is important. There are other things going on and development season is coming upon us very quickly and we would hope that if it was necessary to have this neighborhood meeting that we could get that accomplished sooner more than later. Only so if we are given the OK that we could move forward very quickly.

Alderman Kaminski – Bringing up the point about the family atmosphere there. If you are adding another 20 units will it be staffed with the same staff as the current building?

Greg Petruski -There would be additional staff but some services would be shared such as management services, activity director, cleaner, nurse. A number of areas cross over and because of that the additional incremental traffic or cars will be marginal. Two cars per 8 hour shift as the additional traffic on our site. There are some conveniences for us to have this all on one site because some of these services that we provide are shared but the additional incremental traffic or people is marginal.

Doug Barnes, Plan Commissioner – I guess I am concerned about adding a second building to that site. When we discussed the first building, quite a few neighbors were concerned about the size and how that building was going to fit onto that site by itself and now we are adding a second building. Also when we approved the first building there were some conditions readily accepted that evening and then several months later Greg came before us and asked us to waive some of those conditions and we said "no" and now he is coming back with a second building. Staff has asked for 50 feet between buildings and you are saying about 30 is what you can get in there?

Greg Petruski – Just to back up a minute. Your first comment about asking for some conditions to be modified, I am not aware of any conditions that we asked to modify.

Doug Barnes – I thought we had asked you to run brick along the side and do some projections and then you had asked to waive those and we had gone back and said no but to get to the point, the neighborhood was very concerned at that time about one of these buildings being on this property and now there is going to be two. I would agree with Alderman Wysocki that we need to hear what the residents need to say.

Greg Petruski – Originally back two years ago, based on the R-5 zoning, we were told that we could only have one residence. You are correct, our initial proposal on this site for this addition was actually connected via a breezeway so we were maintaining that one residence even though it would be an addition of this size. After further review and research and discussion, it was felt by the people we discussed this with in Planning and the Mayor that aesthetically it might look better to have separate residences. We did learn that there are other communities in this similar circumstance under R-5 zoning

that were able to use the conditional use as a way to allow for two residences on a single family R-5 site. One in particular that is closest is located on 167<sup>th</sup> & Greenfield. Not to say New Berlin has to follow that example, but that is one example. It was felt that having such a large building on one site would be much more institutional looking, not only for the general public, but also for the residents who live there. It was felt that having two smaller residences on the site would look and fit in better with the surrounding area and that was our intention with this proposal. Dakota Street dedication is a key to this and this additional footage which is approximately a fifth of an acre that would be deeded over to us and a fifth of an acre which would be deeded over to our neighbor to the North. We need that additional acreage. As far as the 50 feet between the buildings, it is the first I have heard of anyone requesting 50 feet between the residences so our initial goal was to separate the residences farther than the 10 feet that we had originally shown but I was not aware of any 50 foot requirement at this time.

Mr. Chase , City Engineer – Following up on Mr. Barne’s comment, I think there was a condition attached to the initial proposal to get an easement along Deer Creek. I was not on Plan Commission at that time but it seems to me that it was a condition. That condition has not been fulfilled and I would like it to be done.

Greg Petruski – Right, I did talk to Engineering recently about that and I was made aware that Engineering was going to approach us with whatever we needed to do and we are more than willing to follow through with that. I was not aware that it was up to us to ask for this easement to be placed on that area. When I met with Engineering about a month ago it was brought up that the easement was never recorded and at that time who I talked to said he would follow through on that but I have not heard anything since.

Mr. Chase – Generally that is not the way it works. If a conditional of approval requires an easement be granted, it is done by the applicant. The technical requirements if known can be shared with the applicant, but it is their obligation.

Greg Petruski – I was not aware of that but it can be taken care of.

Seeing no more comments Mayor Gatzke closed the public hearing at 6:29 P.M.

**New Berlin Plan Commission  
February 1, 1999**

**Minutes**

The Plan Commission meeting of February 1, 1999 was called to order by Mayor Gatzke at 6:29 P.M.

In attendance were Mayor Gatzke, Mr. Chase, Mr. Felda, Mr. Barnes, Mr. Christel, Mr. O’Neil, Alderman Kaminski. Also present was Steven K. Hoese, Director of Planning and Mark C. Lake, Assistant Director of Planning.

Motion by Mr. Chase to approve Plan Commission Minutes of January 4, 1999. Seconded by Alderman Kaminski. Motion carried unanimously.

Motion by Mr. Barnes to approve Plan Commission Minutes of January 18, 1999. Seconded by Mr. Felda. Motion passes with Mr. Christel voting present.

**CONTINUED ITEMS**

5. Annual Review of Bylaws – Start time for Plan Commission Meetings. (Tabled 1/4/99)

It was the consensus of the Plan Commission to start Meetings at 6:00 P.M.

6. (5) U-93-98 Hearthstone Assisted Living Inc – 14602 W. Beloit Rd. – Proposed 80 unit assisted living facility (133 residents) (Tabled 1/4/99).

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

Motion by Alderman Kaminski to approve the request by Hearthstone Assisted Living Inc. for an 80 unit assisted living facility (133 residents) located at 14602 W. Beloit Road subject to:

1) Detailed plans for the extension of Small Road and the improvements to the Beloit Road/Small Road intersection need to take into account the Horizon Development on the West. Plans to be approved by the City of New Berlin and Engineering Department prior to building permits being issued. Any and all onsite and offsite improvements, easements and/or right-of-ways required as part of a zoning permit being issued, are the responsibility of the developer.

2) Second access will be restricted to Small Road extended.

3) Acceleration/Deceleration lanes as well as bypass lane required within Beloit Road.

4) Detailed Landscaping Plan required. Schedule of landscaping showing sizes and species required. Plan to be stamped by a registered landscape architect.

5) A portion of the land North of the building along the freeway to be developed into a garden, park, or plaza. Access and connections to adjoining parcel, East and West required. Coordinated Plan should include walkways, benches, gardens, vistas, and should be generously landscaped, furnished and designed to enhance the pleasure and comfort of pedestrian/bicycle users.

6) Dumpster enclosure required. Enclosure to match brick of building, and build to accommodate both solid as well as recyclable waste dumpsters.

7) Stormwater, Grading and Utility Plans to be approved by the City of New Berlin including stormwater detention– Engineering Department prior to permits being issued.

8) The brick colonial architecture has been recommended for approval by the Zoning and Architectural Control Subcommittee of the Plan Commission.

9) Existing buildings to be razed. Razing permits required.

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

11) All utilities to be fed underground.

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

13) Lighting photometrics required. All poles limited to 25' in height.

14) Separate permits for signage required. Limited to 1 (one) 32-sq. ft. monument sign and one wall sign at 1 (one) square foot per 1 (one) linear foot of facade.

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

Seconded by Mr. Barnes. Motion carried unanimously.

7. (5) R-8-98 Horizon Development Group – 14800 W. Beloit Rd. – Rezone from R-4 to RM-1 (elderly). This is also a conceptual project review. (Tabled 8/17/98, 1/4/99)

Motion by Mr. Chase to conceptually approve the request by Horizon Development Group to rezone the property located at 14800 W. Beloit Road from R-4 to RM-1 (elderly) subject to:

1) Plan to date does not address the required 120' single-family/multi-family buffer. 120' of land must be purchased from the West to meet City requirements.

2) §17.0312 (4)(a) of the City of New Berlin Municipal Code requires 6,200ft<sup>2</sup> per dwelling unit. With 65 units, the total area of the property would have to be 9.25 acres.

3) §17.0312 (4)(b) of the City of New Berlin Municipal Code requires 2,500ft<sup>2</sup> of openspace per dwelling unit. With only five (5) gross acres, not including setbacks, buffers, and the ROW for Small Road extended, the plan requires a minimum of 5.18 acres net.

4) Per §17.0312 (5) of the City of New Berlin Municipal Code the maximum allowable density (including environmental enhancements is 9 units per acre. A minimum of 7.2 acres of land is required. (see attached code section)

5) Garden, Park, Plaza area to the north of the building to be fully developed. Access and connections to adjoining parcels (Zimmerman, Sanders) required. Coordinated Plan should include walkways, benches, gardens, vistas, and should be generously landscaped, furnished and designed to enhance the pleasure and comfort of pedestrian users.

6) In order to be considered for 9units/acre density, substantial conformance to §17.0312 (5) is required.

7) Detailed plans for the extension of Small Road and the improvements to the Beloit Road/Small Road intersection required. Plans to be approved by the City of New Berlin – Engineering Department and approved prior to building permits being issued. Any and all onsite and offsite improvements required as part of a zoning permit being issued, are the responsibility of the developer.

8) Access will be restricted to Small Road extended.

9) A cooperative agreement with the Hearthstone development required. Agreement should address how the extension of Small Rd will be addressed.

10) Acceleration/Deceleration lanes as well as bypass lane required within Beloit Road.

11) Detailed Landscaping Plan required. Schedule of landscaping showing sizes and species required. Plan to be stamped by a registered landscape architect.

12) Dumpster enclosure required. Enclosure to match brick of building, and build to accommodate both solid as well as recyclable waste dumpsters.

13) Stormwater, Grading and Utility Plans to be approved by the City of New Berlin – Engineering Department prior to permits being issued.

14) Architecture to be approved by the Zoning and Architectural Control Subcommittee of the Plan Commission.

15) Existing buildings to be razed. Razing permits required.

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

17) All utilities to be fed underground.

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

19) Lighting photometrics required. All poles limited to 25' in height.

20) Separate permits for signage required. Limited to 1 (one) 32-sq. ft. monument sign and one wall sign at 1 (one) square foot per 1 (one) linear foot of façade.

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

Higher architectural style than what was presented will be required.

Seconded by Mr. Christel. Motion carried unanimously.

8. (5) U-91-98 Ronald & Kim Pohl – 5310 S. Nicolet Dr. – Keep shed in rear yard. (Tabled 1/4/99)

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

Motion by Mr. Chase to approve the request by Ronald & Kim Pohl to keep shed in rear yard at the property located at 5310 S. Nicolet Drive subject to:

1) Fence must be moved two feet off the lot line as stipulated by § 17.0503 (3), (a) 3, which states that "fences exceeding 50", but not more than 74" in height shall not require a Zoning Permit, but shall be constructed at least two (2) feet from the property line..."

2) Per § 17.0503 (3) (a) 4, "Metal fences constructed in chain links or other fences constructed with low-maintenance materials which are not less than 50" and not more than 72" in height may be constructed on the lot line, provided that all other requirements for fences are complied with."

Seconded by Alderman Kaminski. Motion carried unanimously.

## **NEW BUSINESS**

9. (7) U-97-98 Asia Restaurant – 16150 W. National – Reoccupancy of Tavern, Restaurant, and Living Quarters.

Motion by Mr. Chase to approve the request by Asia Restaurant to reoccupy the tavern, restaurant, and living quarters located at 16150 W. National Avenue subject to:

1) Submittal of a detailed Landscaping and Parking Plan as stipulated by § 17.1308 in its entirety. Plans to include street trees at a rate of one (1) tree for each 30 feet of public street frontage along National Avenue. Landscaping and parking plan must be submitted to the Planning Department by March 1, 1999.

- 2) Building addition must meet all applicable building and fire codes. Building must be fully sprinklered.
- 3) Fire Hydrant is required within 150 feet of the City of New Berlin Fire Department connections.
- 4) Per the new City Center design and guideline, a six-foot wide concrete sidewalk/ sidepath is required along National Avenue. Path must be one foot from the ultimate right-of-way of National Avenue. Path design, location and construction must be reviewed and approved by the Engineering Department and installed within one year of issuance of this approval. This should be incorporated into the landscaping plan.
- 5) Dumpsters must be properly screened from the street and public view in accordance with the City of New Berlin Municipal Code § 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 Landscaping Plan.
- 6) Parking lot must be setback to maintain the 25 feet buffer required for the residential property to the North.
- 7) Per Building, Inspection and Zoning, a variance is needed at the state level for legal non-conforming wood framed building with above 100 person occupancy. Firewall separation required between principle building and garage.

Seconded by Alderman Kaminski.

Motion by Mr. Chase to amend the motion to modify Condition #2 to read:

The sprinkler system would meet with the approval of the Fire Department. The building addition must meet all applicable building and fire codes.

Condition #3 would be stricken.

Amendment seconded by Mr. Felda. Motion to amend carried unanimously.

Motion as amended carried unanimously.

10. (4) U-94-98 Moorland Road Golf Center – Approx. 5900 Moorland Rd. – Conceptual Review of a Golf Practice and Miniature Golf Facility.

Motion by Mr. Chase to conceptually approve the request by Moorland Road Golf Center for a golf practice and miniature golf facility located at 5900 Moorland Road subject to:

- 1) A Stormwater Management Plan will be required for the site. Plans to be approved by the City of New Berlin Engineering Department prior to a Zoning Permit being issued.
- 2) Grading Plan required. Berms to be approved by the City of New Berlin Engineering Department.
- 3) Waukesha County access permit required.
- 4) Rezoning of lands from A-1 Agricultural District to P-1 Park District required.
- 5) Building samples and all color chips required.

6) All dumpsters required within dumpster enclosures. Enclosures to match building materials used in primary buildings.

7) All utilities to be fed underground.

8) Coordination with Don Reed of the Southeastern Wisconsin Planning Commission (SEWRPC) on use of wetland and secondary environmental corridor.

9) Driving range to be built such that little or no quality trees are lost to the development. Movement of the southern lotline to accommodate the range may be required.

10) Certified Survey of wetland and secondary environmental corridor required. Survey to include metes and bounds legal descriptions of all field located boundaries.

11) Plans to be stamped by a professional landscape architect trained in golf course design.

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

11. (6) U-95-98 Magenta Design – 4255 S. Victoria Circle – Home Occupation for graphic arts and desktop publishing.

Motion by Mr. Christel to approve the request by Magenta Design for home occupation for graphic arts and desktop publishing located at 4255 S. Victoria Circle subject to:

1) Home Occupation shall meet all applicable building and fire codes. Fire extinguisher recommended by the City of New Berlin Fire Department.

2) Building Permit required by the Building, Inspections and Zoning Department for any interior alteration.

3) Certificate of Occupancy must be obtained from the Building, Inspections and Zoning Department prior to commencing business operations.

4) No outside storage or advertising signs allowed.

5) No non-resident employees allowed at the site.

6) Any business related deliveries should be made by accredited carrier service.

7) No customers allowed at the residence. No direct sales shall be allowed from the home.

8) 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.

Seconded by Mr. Felda. Motion carried unanimously.

12. (2) R-14-98 Waukesha Medical Clinic – New Berlin – 13900 W. National Ave. – Rezone from I-1, R-4.5, R-5 to O-1, P-1.

Motion by Mr. Barnes to recommend to Council approval of the request by Waukesha Medical Clinic to rezone the property located at 13900 W. National Avenue from I-1, R-4.5, R-5 to O-1 subject to:

1) Make every effort to acquire the DANCO property.

2) Legal description of area to be rezoned office (O-1) needs to stop at ROW line(s) of National Avenue and Sunny Slope Road and needs to reflect an approximate 5 acre district.

3) The size of the O-1 District to be increased to reflect a 5 acre parcel and the need for a minimum of 229 parking spaces (proposed structure), and the necessary land for a possible additional building/addition and its associated parking.

4) Building required to be fed by underground utilities, all aboveground utilities required to be buried.

5) A 6' concrete sidewalk (ultimate location to be determined by the City Engineer) required along the National Avenue frontage (including existing facilities), and Sunny Slope Road north to the entrance.

6) Street trees required along the National Avenue frontage (including existing facilities), and the Sunny Slope Road frontage. Ultimate location to be based on location of utilities and City Center guidelines.

7) Waukesha County DOT access permit required.

Sanitary Sewer capacity for this operation needs to be suitable for this site taking into account overall development planned for the area.

Feasibility plan for area needs to be established.

Seconded by Mr. Christel. Motion carried unanimously.

13. (2) U-96-98 Waukesha Medical Clinic – New Berlin – 13900 W. National Ave. – Medical Office Building.

Motion by Mr. Barnes to table the request by Waukesha Medical Clinic for a medical office building located at 13900 W. National Avenue for the following reasons:

1) Evaluation of sewer capacity in light of the ultimate development for the area.

2) Make every effort to acquire the DANCO property.

3) Legal description of area to be rezoned office O-1 needs to stop at ROW line(s) of National Avenue and Sunny Slope Road and needs to reflect an approximate 5 acre district.

4) The size of the O-1 District to be increased to reflect a 5 acre parcel and the need for a minimum of 229 parking spaces (proposed structure), and the necessary land for a possible additional building/addition and its associated parking.

5) Incorporate the same window elements found on the south and southeast end of the building into the existing western, northern and northeastern elevations. (divided glass)

6) Architecture to be approved by the Architectural Control Committee.

7) Building required to be fed by underground utilities, all aboveground utilities required to be buried.

8) A 6' concrete sidewalk (ultimate location to be determined by the City Engineer) required along the National Avenue frontage (including existing facilities), and Sunny Slope Road north to the entrance.

9) Street trees required along the National Avenue frontage (including existing facilities), and the Sunny Slope Road frontage. Ultimate location to be based on location of utilities and City Center guidelines.

10) Waukesha County DOT access permit required. Engineering Department review of traffic impact study and revised access proposal.

11) Sanitary Sewer capacity for this operation needs to be suitable for this site taking into account overall development planned for the area.

12) Ultimate feasibility plan for area needs to be established.

Seconded by Mr. Felda. Motion carried unanimously.

14. (2) LD-15-98 Waukesha Medical Clinic – New Berlin – Nw ¼ Sec. 13 – Preliminary Two-Lot Land Division.

Motion by Mr. Chase to recommend to Council approval of the request by the Waukesha Medical Clinic for a preliminary two-lot land division located at 13900 W. National Avenue, NW ¼ Sec. 13 subject to:

1) Ultimate right-of-way (ROW) of National Avenue is 130'; an additional 5' of dedicated ROW is required.

2) Ultimate ROW of Sunny Slope Road is 100; an additional 17' of dedicated ROW is required.

3) All existing buildings to be located on the CSM.

4) All existing property lines to be located on the CSM.

5) The size of parcel 2 (O-1 District) to be increased to reflect the need for a minimum of 229 parking spaces (proposed structure), and the necessary land for an additional 40,000ft<sup>2</sup> building and its associated parking.

6) Correct errors in the Vicinity map, map does not reflect proposed CSM.

7) Waukesha County DOT access permit required.

8) Signature page to reflect 1999 approvals.

9) Line may need to be changed as the ultimate project is laid out.

Seconded by Mr. Barnes. Motion carried unanimously.

15. (4) Nancy Westphal – 21885 Rainbow Dr. – Referral from Building Inspection Regarding the Location of a Shed.

Motion by Mr. Christel to approve the request by Nancy Westphal to keep shed in current location at 21885 Rainbow Drive subject to:

1) The pontoon boat behind the shed is along the second front yard of the property and must be moved to the driveway or rear yard as stipulated by Sec. 17.0405 of the City of New Berlin Zoning Ordinance.

2) The existing shed must be screened from view on S. South Valley Lane with shrubs by April 30, 1999.

Seconded by Alderman Kaminski. Motion carried unanimously.

16. (1) U-98-98 Flat Rate Plumbing – 12900 W. National Ave. – 3,559 Sq. Ft. Addition to Existing Building.

Motion by Alderman Kaminski to table the request by Flat Rate Plumbing for a 3,559 sq. ft. addition to existing building located at 12900 W. National Avenue for the following reasons:

1) Submittal of a detailed Landscaping Plan drawn to scale with plant keys. Plans to include street trees at a minimum rate of one (1) tree for each 30 feet of public street frontage along National Avenue. Landscaping plan must be submitted to the Planning Department by March 1, 1999.

2) Building addition must meet all applicable building and fire codes. Building must be fully sprinklered.

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

4) Dumpsters must be properly screened from the street and public view in accordance with the City of New Berlin Municipal Code § 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 Landscaping Plan. Dumpster area must be cleared of discarded furnace, mechanical parts and miscellaneous junk and trash.

5) Signs at this business location must be brought to compliance with the City of New Berlin Sign Ordinance. Per § 17.0806 (7), "only two advertising signs may be permitted per building." The additional wall sign and the temporary sign must be removed by February 12, 1999. The applicant can apply for a changeable copy reader board to replace of the existing temporary sign.

6) The fence along the property line must be straightened and replaced in accordance with City of New Berlin Municipal Ordinance § 17.0503 (3).

7) Grading and drainage does not meet current standards. Stormwater adversely impacts neighbors and traps water. Stormwater management plan is needed.

Seconded by Mr. Barnes. Motion carried with Mayor Gatzke abstaining.

17. (2) CU-10-98 Applewood Senior Home Addition – 2900 S. Moorland – Addition of 20 Assisted Living Suites.

Motion by Mr. Barnes to table the request by Applewood Senior Home for an addition of 20 assisted living suites located at 2900 S. Moorland Road for the following reasons:

1) Plan as submitted substantially conforms to a plan previously denied.

2) 10' separation is unacceptable. Minimum distance between structures to be 50+ feet to allow for the natural light and view enjoyed by the rest of the residents.

3) Architecture too monotonous, second building would have to be modified.

- 4) Per § 17.0310 of the Municipal Code, an expansion would be the only modification allowed.
- 5) City of New Berlin has not yet determined whether or not Dakota Street should be vacated. A petition for vacation of public roadway is required.
- 6) Deer Creek Watershed lies in this area. Plan must meet stormwater retention requirements.
- 7) We need to have plans by a registered landscaper and civil engineer.
- 8) The plans to change buildings to 30 feet apart depends upon vacation of the Right-of-Way which must take place first.
- 9) The new building is wider than the current structure which adds to the tightness and spacing problem. Reduce to 65' from 75'.
- 10) Trees may not be allowed over the sanitary sewer easement. An alternative would be to buy additional land on the other side of the easement to satisfy the vegetation requirement.
- 11) Easement along Deer Creek per original Zoning Permit needs to be resolved.

A neighborhood meeting will be scheduled by the Alderman with the assistance of staff to talk about the removal of the easement and the land use to the North.

Seconded by Mr. Felda. Motion carried unanimously.

18. (7) LD-16-98 Virginia A. Hirsch – 17955 W. National Ave. – Two-Lot Preliminary Land Division.

Motion by Mr. Felda to table the request by Virginia A. Hirsch for a two-lot preliminary land division located at 17955 W. National Avenue per the applicants request.

Seconded by Mr. Barnes. Motion carried unanimously.

19. (4) LD-8-98(F98) Towne Corporate Park – 16700 W. Beloit Rd. - Ne,Se,Sw Sec. 27 – Two-Lot Final Land Division.

Motion by Mr. Barnes to recommend to Council approval of the request by Towne Corporate Park for a two-lot final land division located at 16700 W. Beloit Road, NE,SE,SW, SEC. 27 subject to:

- 1) Payment of \$2,261.92 in Public Site, Open Space and Trail Fees to be paid before City will sign the final CSM.
- 2) All required impact fees for sewer and water are to be paid prior to issuance of building permits.
- 3) CSM No. 8682 to be labeled.
- 4) The sideyard setbacks for Parcel 2 and the northern lotline of Parcel 1 are to be 25', not the 15' as shown.
- 5) Parcel 2 has drainage flow to the South from north lot line that bisects parcel. Development plans to reflect drainage way.

Seconded by Mr. Chase. Motion carried unanimously.

20. (7) U-100-98 Keith Fonder – 16605-07 Summerland Ct. – Duplex

Motion by Mr. Chase to approve the request by Keith Fonder for a duplex located at 16605-07 Summerland Ct subject to:

- 1) The approved master grading plan for this area specifically states that "no side entry garages on exposed lot." Approved plan to have East front entry and West side entry.
- 2) Grading Plan to be approved by Engineering Department.
- 3) With this design/ layout, house is only 6 feet from rear preservation easement line. No filling allowed in easement.
- 4) The existing sanitary sewer lateral is approximately 70 feet further east than shown on the submitted survey.
- 5) Foundation and basement plan revised to get gravity sewer flow.

Seconded by Mr. O'Neil. Motion passes unanimously, Mayor is not present.

21. (7) S-153-98 The Preserve (PUD) – Approx. 16600 W. Coffee Rd. – Patio Homes and Town Homes.

Motion by Mr. Christel to table the request by The Preserve for a PUD for patio homes and town homes located at 16600 W. Coffee Road for the following reasons:

- 1) State wetland crossing permits required.
- 2) A detailed soil analysis required to determine soil load bearing capacity.
- 3) A detailed Landscape plan required for the Patio homes and each of Town homes. Plan to be stamped by a professional landscape architect.
- 4) Detailed grading plan required.
- 5) Detailed Utility plan required.
- 6) Detailed road plans required.
- 7) Detailed metes and bounds legal description of PUD area required for notice of public hearing.
- 8) Revised PUD required. Per §17.0329 (3) (b) "... The PUD overlay district ordinance shall identify the specific project, building(s)... use approvals granted as part of a combined application."
- 9) Revised "Statement of Mutual Benefits" is required. Focus should be on the mutual benefits to the City of New Berlin. Similar to an impact statement; I.E. more taxes, less of a school district burden, increased fees, etc.
- 10) Impact statement required
- 11) Draft of PUD ordinance required.

- 12) Building Architecture needs to be approved by the Architecture Control Committee. Larger 8 family buildings are not an appropriate mix in this single family condo concept.
- 13) Buildings are too close together, 20' is a minimum to all overhangs, entrances, stoops and porches.
- 14) Buildings are too close to wetlands in rear. Minimum undisturbed setback of 10' required.
- 15) Utility plans do not meet design standards.
- 16) Density seems too great as respect to land coverage- monotonous streetscape proposed.
- 17) Road plans won't work as public streets.
- 18) If there is not a public road extension of 166<sup>th</sup> Street, 166<sup>th</sup> Street needs to be a cul-du-sac that meets City standards.
- 19) Development Agreement required.
- 20) Neighborhood Meeting has not yet been held.

Seconded by Mr. Barnes. Motion carried unanimously.

22. (3) U-99-98 Ott Development, Inc. – 2130 S. Danny Rd. – Journal Sentinel Distribution Center.

Motion by Barnes to approve the request by Ott Development, Inc. for a Journal Sentinel Distribution Center located at 2130 S. Danny Road subject to:

- 1) Recording of a CSM required. The three-lot CSM has yet to be recorded. Vacation of Danny Road extension required.
- 2) Parking within the 50' setback is for the temporary staging of vehicles to be loaded, and not for fulltime employee parking. Employee parking will only be allowed along the western property line (a minimum of 50' from the base setback line).
- 3) Dumpster enclosure to be constructed of the same materials as the building, and the enclosure is to include a pressure treated or cedar gate. Dumpster enclosure to include both refuse and recycling dumpsters.
- 4) Additional land required. Building proposed to be built 15' from the eastern lotline, there is not enough land to maintain a 4:1 slope.
- 5) Maximum slope allowed to the north of the building is 3:1.
- 6) As-built for Danny Road is required.
- 7) Maximum elevation of pad will be 844' ft. msl.
- 8) Metes and bounds legal description of wetland field delineation required.
- 9) Revised plans with appropriate turning radii required. Radii used depends on the type and size of delivery trucks used in the operation.

- 10) Building Architecture to be approved by the Architecture Control Committee.
- 11) Location of holding tank and well to be identified on all plans.
- 12) Relocate or rebuild the existing storm sewer across the site to meet City standards. An easement would be required.

Seconded by Mr. Christel. Motion carried unanimously.

23. (3) RO-80-98 D & L Grading, Inc. – 1820 S. Johnson Rd. – Grading & Excavating Business

Motion by Mr. Christel to approve the request by D & L Grading, Inc. for a grading and excavating business located at 1820 S. Johnson Road subject to:

- 1) Parking area shall not extend to the recently filled area East of the property abutting the wetland.
- 2) All existing violations at this site must be resolved by February 10, 1999. Violations include; removal of junked, unlicensed, inoperable vehicles, truck trailer, barrels, tree log behind the building, miscellaneous and removal of the wood burning-stove.
- 3) Submittal of a revised grading plan that shows the existing and proposed grades and elevation to the Engineering Department and the Planning Department. This plan should include the existing property to the North and extend further south of this property to determine the effects and overall drainage pattern.
- 4) This business will be subject to unannounced inspections by the Zoning/Planning Administrator in response to complaints or to ensure compliance with the conditions of approval.
- 5) This property is along the wetland boundary, and abuts a conservancy district; it is imperative that you obtain approval from the DNR and the Army Corps of Engineer prior to any excavation or filling of wetlands.
- 6) As a result of the meeting with Mr. Don Reed of SEWRPC, Mr. Sy Prosper and Staff, the entire area must be stabilized immediately. A silt/ bale fence has been erected along the disturbed and filled area adjoining the wetland. The disturbed area must be seeded and covered with mulch accordingly by May 14, 1999.

Seconded by Mr. Chase. Motion carried unanimously.

**STAFF APPROVED**

24. (3) SIGN – D & L Grading, Inc. – 1820 S. Johnson Rd. – 2' x 2' Wall Sign

The request by D & L Grading, Inc. for a 2' x 2' Wall Sign located at 1820 S. Johnson Road has been reviewed and Conditionally Staff Approved by the New Berlin Plan Commission subject to the application, the plans on file and the following:

- 1) Installation and maintenance per Section 17.0800 of the Municipal Zoning Ordinance.
- 2) The wall sign shall not exceed 2' x 2' (4 square feet) in size.
- 3) Occupancy permit must be issued per Section 17.1207 of the Municipal Zoning Ordinance.

4) Outside storage is restricted to side and rear of property. All trash and recycling receptacles must be screened from the road right-of-way.

5) Remove existing tenant signs from structure and property.

25. (4) SIGN – Dick’s Westridge Auto Plaza – Blimpies – 15710 W. Small Rd. – 24" x 82" Wall Sign.

The request by Dick’s Westridge Auto Plaza for a 24" x 82" Wall Sign located at 15710 W. Small Road has been reviewed and Conditionally Staff Approved by the New Berlin Plan Commission subject to the application, the plans on file and the following:

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

2) An electrical permit shall be required from the New Berlin Building Inspection Department.

3) The sign's dimensions shall not exceed 82" x 24" (14 square feet), and the sign height shall not exceed 24".

4) Existing construction signs shall be removed prior to erection of new signs.

5) All wall signs must comply with Dick’s Westridge sign standards.

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

26. (2) SIGN – Park Crest Center II – 2665 S. Moorland Rd. – 4' x 8' Temporary Sign

The request by Park Crest Center II for a 4' x 8' temporary sign located at 2665 S. Moorland Road has been reviewed and Conditionally Staff Approved by the New Berlin Plan Commission subject to the application, the plans on file and the following:

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

2) Payment of \$14.00 for the Temporary Sign Permit Fee:

(32 sq. Ft. x \$2 per sq. ft.) - \$50 application fee received = \$14.00

3) The sign face shall not exceed 4' x 8' (32 square feet) in size.

4) The sign shall be located outside of the right-of-way of Moorland Road.

5) Sign shall not interfere with the vision of vehicles entering and exiting adjacent driveways and roads.

6) Overall sign height shall not exceed 8' (eight feet).

7) Temporary sign shall be removed within six months or upon erection of permanent signs, whichever is soonest.

8) Remove "Urgent Care" sign from eastside of building.

27. (7) SIGN – Viking Catering – 15744 W. National Ave. – Pole Sign and Wall Sign

The request by Viking Catering for a pole and wall sign located at 15744 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:

#### POLE SIGN

- 1) Installation and maintenance per Section 17.0800 of the Municipal Zoning Ordinance.
- 2) The faces of the pole sign shall not exceed 7'10" x 4'3" (16 square feet) in size.
- 3) Payment of \$128.00 for the Pole Sign Permit Fee (\$50 application fee was applied to Wall/Canopy permit fee).  
  
(16 sq. ft. x \$2 per sq. ft.) x 2 sides x 2 (penalty for installation prior to permit issuance) = \$128.00
- 4) Sign shall be turned off outside of normal business hours.
- 5) No outside storage is assumed for this business. All trash and recycling receptacles must be screened from the road right-of-way.
- 6) Remove "Magic Fan" customer parking sign that currently stands near the exit area of the western parking lot.

#### WALL SIGN:

- 1) Installation and maintenance per Section 17.0800 of the Municipal Zoning Ordinance.
- 2) The canopy wall sign shall not exceed 11'8" x 1'1" (12.5 square feet) in size.
- 3) Sign shall be turned off outside of normal business hours.
- 4) No outside storage is assumed for this business. All trash and recycling receptacles must be screened from the road right-of-way.
- 5) Remove "Magic Fan" customer parking sign that currently stands near the exit area of the western parking lot.

#### **ZONING PERMITS**

28. (2) RO-77-98 Sylvan Learning Center – 2665 S. Moorland Rd. – Professional testing center and supplemental education provider.

The request by Sylvan Learning Center for a professional testing center and supplemental education provider located at 2665 S. Moorland Road has been reviewed and Conditionally Staff Approved by the New Berlin Plan Commission subject to the application, the plans on file and the following:

- 1) The building must be maintained per Section 14.25 of the Non-residential Property Maintenance Code.
- 2) Meets all applicable building and fire codes. Fire Extinguishers are required.
- 3) Permits from Building Inspection are required for internal modifications.

- 4) No outside storage shall be permitted on the lot.
- 5) Signs require permit from the Planning Department.
- 6) Remove existing "Urgent Care" sign from east side of building.

29. (2) RO-78-98 Alliance Shippers Inc – 2665 S. Moorland Rd. – Shipping brokers

The request by Alliance Shippers Inc. for a shipping brokers business located at 2665 S. Moorland Road has been reviewed and Conditionally Staff Approved by the New Berlin Plan Commission subject to the application, the plans on file and the following:

- 1) The building must be maintained per Section 14.25 of the Non-residential Property Maintenance Code.
- 2) Meets all applicable building and fire codes. Fire Extinguishers are required.
- 3) No outside storage shall be permitted on the lot.
- 4) Signs require permit from the Planning Department.
- 5) Remove existing "Urgent Care" sign from eastside of building.

30. (7) RO-81-98 James L. Hintzke CPA – 15855 W. National Ave. – Office for Accounting Firm.

The request by James L. Hintzke CPA for an office for an accounting firm located at 15855 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 building must be maintained per Section 14.25 of the Non-residential Property Maintenance Code.
- 2) Meets all applicable building and fire codes. Fire Extinguishers are required.
- 3) Permits from Building Inspection are required for internal modifications.
- 4) No outside storage shall be permitted on the lot.
- 5) Dumpsters must be shielded from view of National Avenue and neighboring residential uses.

31. (4) RO-1-99 Kennedy Hahn – 5325 S. Moorland Rd. – Office and warehouse space for wholesale distributor of appliances.

The request by Kennedy Hahn for an office and warehouse space for wholesale distributor of appliances located at 5325 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:

## **COMMUNICATIONS**

32. Communication To: Plan Commission

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

RE: "Senior Housing Boom" – Business & Technology, December 21, 1998.

Steve Hoeser said that this is a popular topic and believed the communication to be of interest to the Plan Commissioners.

33. Communication To: Plan Commission

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

RE: "When the House is too Much to Handle", "Selling Can Be Both Daunting and Rewarding", "Staying Put is a Workable Option", Milwaukee Journal Sentinel, December 20, 1998.

Steve Hoeser explained that these articles are informative about alternative suggestions to housing.

34. Communication To: Plan Commission

Communication From: Steven K. Hoeser, Director of Planning

RE: January 14, 1999 letter from Thomas H. Buestrin, Southeastern Wisconsin Regional Planning Commission referencing "Request to Take Action to Resolve Problem Created by 1997 Wisconsin Act 300.

Steve Hoeser explained that the communication is bringing to our attention the Wisconsin Act 300 having to do with wetland delineations. Summarizing the communication, a law was passed saying who is allowed to do wetland delineations and leaves out all the people that currently do these wetland delineations. SEWRPC would not be allowed to identify wetlands any longer. Until this is resolved, we may have some conflicts.

Motion by Mr. Christel to forward a communication indicating the Plan Commissions expressing our disapproval of this action and/or our support of some of the suggestions indicated.

Seconded by Mr. Barnes. Motion carried unanimously.

Motion by Mr. O'Neil to adjourn the Plan Commission meeting at 8:31 P.M. Seconded by Alderman Kaminski. Motion carried unanimously.