

6:00 PUBLIC HEARING

CU-1-99 Layton State Bank – 4850 S. Moorland Road – Bank.

**CITY OF NEW BERLIN
PUBLIC HEARING
MARCH 1, 1999**

The public hearing relative to the request by Carla C. Breunig c/o Layton State Bank for a conditional use approval for a bank located at 4850 S. Moorland Road was called to order by Mayor Gatzke at 6:00 P.M.

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

Mr. Lake 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 three times, seeing none.

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

Mayor Gatzke asked for any questions or comments.

Hearing no questions or comments Mayor Gatzke called the public hearing closed at 6:05 P.M.

6:10 PUBLIC HEARING

CU-2-99 Citizen's Bank of Mukwonago @ New Berlin – 5450 S. Moorland Road – Bank

**CITY OF NEW BERLIN
PUBLIC HEARING
MARCH 1, 1999**

The public hearing relative to the request by Charles Miller c/o Citizens Bank of Mukwonago @ New Berlin for a conditional use approval for a bank located at 5450 S. Moorland Road was called to order by Mayor Gatzke at 6:10 P.M.

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

Mr. Lake 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. Agbaji 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 three times, seeing none.

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

Mayor Gatzke asked for any questions or comments.

Hearing no questions or comments Mayor Gatzke called the public hearing closed at 6:05 P.M.

***correction – pg. 6 and 10**

NEW BERLIN PLAN COMMISSION

March 1, 1999

Minutes

The Plan Commission meeting of March 1, 1999 was called to order by Mayor Gatzke at 6:20 P.M.

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

Motion by Mr. Christel to approve the Plan Commission Minutes of February 1, 1999. Seconded by Mr. Barnes. Motion carried unanimously.

PLAN COMMISSION SECRETARY'S REPORT

An Alternative Transportation Committee Meeting will be scheduled for March 22, 1999 at 5:00 P.M. in lieu of the Plan Commission Meeting on March 15. Mr. Barnes, Mr. Chase, and Mr. Christel are on that committee, however all Plan Commissioners are welcome to attend the Alternative Transportation Committee Meetings.

Because of Easter and spring break it was suggested to move the Plan Commission Meeting scheduled for April 5, 1999 at 6:00 P.M. to April 12, 1999 at 6:00 P.M.

Motion by Alderman Kaminski to reschedule the April 5, 1999 Plan Commission meeting to April 12, 1999 at 6:00 P.M.

Seconded by Mr. Chase.

Motion carried unanimously.

CONTINUED ITEMS

4. (1) U-67-98 Dan J. Kuglitsch (Bubb's Grub) – 13327 W. Greenfield Ave. – Remodel existing tavern into a restaurant. (Deferred 10-5-98)

Motion by Mr. Barnes to approve the request by Bubb's Grub to remodel the existing tavern into a restaurant located at 13327 W. Greenfield Avenue subject to:

- 1) Building Architecture to be approved by the Architecture Control Committee.
- 2) Per the State of Wisconsin Commercial Building Code, wood framed buildings are limited to a maximum of 100 persons.
- 3) Parking lot to be resurfaced and appropriately striped with 9'x19' stalls.
- 4) Per §17.0404 a contingency plan must be on file, which describes the measures to be taken to reduce parking congestion and overcrowding if it is determined that 34 parking spaces is insufficient.
- 5) Building Plan to show existing building and proposed addition for both floors.
- 6) Plan does not address the required dumpster enclosure. 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 refuse, tallow, and recycling dumpsters.
- 7) No vehicles used in the operation of the catering business will be allowed.
- 8) Building Permit required for any interior modifications.
- 9) The building to include a sprinkler system. City of New Berlin will be installing water within Greenfield Av. prior to the State project.
- 10) Relocate creek prior to building permit being granted.
- 11) Easement for relocation for the creek before the relocation of creek.

Seconded by Alderman Kaminski. Motion carried unanimously.

5. (1) R-10-98 Dan J. Kuglitsch (Bubb's Grub) – 13327 W. Greenfield Ave. – Rezone from R-4 to B-2. (Deferred 10-5-98)

Motion by Mr. Christel to recommend to Council approval of the request by Bubb's Grub to rezone the property located at 13327 W. Greenfield Avenue from R-4 to B-2 subject to:

- 1) Building Architecture to be approved by the Architecture Control Committee.
- 2) Per the State of Wisconsin Commercial Building Code, wood framed buildings are limited to a maximum of 100 persons.
- 3) Parking lot to be resurfaced and appropriately striped with 9'x19' stalls.
- 4) Per §17.0404 a contingency plan must be on file, which describes the measures to be taken to reduce parking congestion and overcrowding if it is determined that 34 parking spaces is insufficient.
- 5) Building Plan to show existing building and proposed addition for both floors.
- 6) Plan does not address the required dumpster enclosure. 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 refuse, tallow, and recycling dumpsters.
- 7) No vehicles used in the operation of the catering business will be allowed.

- 8) Building Permit required for any interior modifications.
- 9) The building to include a sprinkler system. City of New Berlin will be installing water within Greenfield Av. prior to the State project.
- 10) Relocate creek prior to building permit being granted.
- 11) Easement for relocation for the creek before the relocation of creek.

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

6. (4) U-60-97 Town Corp. Park – 16355 W. Beloit – 34,160 sq. ft. Multiple tenant industrial building. (Tabled 7-21-97)

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

Motion by Mr. Barnes to approve the request by Town Corp. Park for a 34,160 sq. ft. multiple tenant industrial building located at 16355 W. Beloit Road subject to:

- 1) Submittal of a detailed landscape plan drawn to scale with plant keys by a landscape architect as stipulated by the City of New Berlin Municipal Ordinance 17.1308. Plans to include street trees at a rate of one (1) tree for each 30 feet of public street frontage along Emmer Drive and Beloit Road. It must also include detailed description of the buffer and screening material for the abutting residential parcel to the West. Landscaping plan must be submitted to the Planning Department by March 19, 1999.
- 2) Final CSM with legal description of lot must be stamped by State of Wisconsin approved Land Surveyor for Building Permit to be issued.
- 3) Submittal of a detailed storm water drainage plan showing invert grades and sizing computations to the City of New Berlin Engineering Department. 12" sumps required at bottom of each inlet or manhole.
- 4) Erosion control and stabilization plan and method including silt fence is required.
- 5) A maximum of 3:1 slopes allowed at South lot line and around knoll behind building. Any proposed slope that is steeper must be approved by Engineering Department and would require a retaining wall.
- 6) The City of New Berlin Architectural Review Committee must approve building material and exterior architecture.
- 7) The parking stalls dimension does not meet the 19 feet depth required by code. Parking stalls must be redrawn to meet the Code requirements of 9' x 19'.
- 8) Building addition must meet all applicable building and fire codes. Building must be fully sprinklered.
- 9) Fire Hydrant is required within 150 feet of the City of New Berlin Fire Department connections.
- 10) Future tenants will be reviewed on a case-by-case basis for adequacy of parking and may be denied for lack of parking.
- 11) Future land split for the out lot North of building must have to be addressed to accommodate future drainage concerns, access drive, sewer and water laterals.

12) Location of dumpster enclosure must be reconfigured to allow for effective access by trucks. The dumpster on the northern part of the property should have the entrance oriented to the South and the dumpster along the southern end should be aligned East. Dumpster enclosure must match the masonry material of the principle building.

13) If building is started before roads are completed, a temporary access is required.

14) Stakeout Survey is required.

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

7. (1) U-98-98 Flat Rate Plumbing – 12900 W. National Ave. – 3,559 sq. ft. Addition to existing building. (Tabled 2/1/99)

Motion by Mr. Christel to approve the request by Flat Rate Plumbing for a 3,559 sq. ft. addition to the existing building at 12900 W. National Avenue subject to:

- 1) Submittal of revised plans that addresses the site drainage concerns raised by the Engineering Department. ***\$3,000 fee for cooperation in a regional detention facility.**
- 2) Submittal of a detailed Landscaping Plan drawn to scale with plant keys, sizes, botanical and common names. Plans to include street trees at a rate of one (1) tree for each 30 feet of public street frontage along National Avenue. Landscaping plan must show areas to be seeded, sodded, paved or left in its natural state. This should be submitted to the Planning Department by March 12, 1999.
- 3) Submittal of a detailed parking plan that meets the requirements set within § 17.0403 of the Zoning Ordinance. The parking in front of the building must be reconfigured to angle parking between 30⁰ and 50⁰ angle to meet the 12' one-way maneuvering lane required by the Zoning Ordinance. The parking plan must be submitted to the Planning Department by March 12, 1999.
- 4) Building addition must meet all applicable building and fire codes. Building must be fully sprinklered.
- 5) 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.
- 6) 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.
- 7) 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 "help wanted" sign must be removed by March 12, 1999. The applicant can apply for a changeable copy reader board to replace of the existing temporary sign.
- 8) Per the new City Center design and guideline, a monument sign with matching base constructed of principle building materials with address plaque may be required.

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

10) Stoops, overhang and entrance porches for the rear entrance on the northwest corner of the proposed addition must meet the 25' setback requirements.

11) No external parking of service trucks allowed.

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

8. (2) U-96-98 Waukesha Medical Clinic – New Berlin – 13900 W. National Ave. – Medical Office Building. (Tabled 2/1/99)

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

Motion by Mr. Christel to approve the request by Waukesha Medical Clinic for a medical office building located at 13900 W. National Avenue subject to:

1) Make every effort to acquire the DANCO property.

2) During the next phase of the campus plan, the parkland area north of Fieldpointe Drive needs to be developed and dedicated to the City of New Berlin.

3) Add canopy to the employee entrance. Canopy to be similar in style and structure to the other two canopies on the building.

4) Final architecture to be approved by the Architectural Control Committee. Material samples required.

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

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

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

8) Waukesha County DOT access permit required for road cut into National Avenue.

9) Fire hydrant required within 150' of Fire Department Connection for sprinkler system.

10) 40' utility easement to accommodate sewers and watermain required.

11) 100-year post vs. 10-year pre-settlement stormwater calculations to be used when sizing detention pond.

12) All use, site and architectural issues to be resolved prior to building permits being issued.

13) Traffic impact statement addressing both the revised National Avenue and the originally proposed Sunny Slope Road access points to be required. Sign-off by Waukesha County DOT required.

14) Improvements included per traffic study.

15) National Avenue may be entrance only.

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

9. (3) R-13-98 Jacobs Ridge Condos (formerly Oak Crest Condominiums) – 17720 W. Lincoln Avenue – Rezone from R-4 to RM-1 to develop 88 unit residential condo project.

Motion by Alderman Kaminski to recommend to Council approval of the request by Jacobs Ridge Condos to rezone the property located at 17720 W. Lincoln Avenue from R-4 to RM-1 subject to:

1) MMSD Sewer Service Area expansion to be approved by all regulating authorities prior to Plan Commission use, site and architectural approval.

2) An 8' asphalt trail connecting the planned trails to the north and south will be required. Location of the trail to be coordinated with the Planning and Park & Rec. departments.

3) MMSD Sewer Service Area expansion approval and use, site and architecture review and approval required from the Plan Commission prior to adoption of Ordinance.

4) Developer's Agreement for the Lincoln Avenue improvements, utilities and lift station to be approved by the Board of Public Works and Common Council prior to permits being issued.

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

6) An Impact Statement is required.

7) A metes and bounds legal description of all lands to be rezoned Rm-1/R-4/C-1/C-2 required for ordinance.

8) Per §17.0312 of the City of New Berlin Municipal Code, a 120' buffer required for all buildings adjacent to a single-family residential district. Buffer yard to be maintained per §17.1309 (3) of the Municipal Code.

9) Per §17.1309 of the City of New Berlin Municipal Code, a 25' landscape buffer required along northern lotline. Landscape buffer to be planted and maintained per §17.1308 of the Municipal Code.

10) A rehabilitation plan for Lincoln Avenue is required.

11) A Grading Plan/Stormwater Management Plan required.

12) A Utility Plan required.

13) A Developer's Agreement required for installation of utilities.

14) A Landscape Plan required. Schedule of size and species of landscaping materials required. Plan should also address courtyard landscaping.

- 15) Acceleration/Deceleration lanes as well as bypass lane required within Lincoln Av.
- 16) All dumpsters required to be stored internally unless out for collection.
- 17) All utilities to be fed underground.
- 18) Building to be fully sprinklered. Alarm system required. Fire Hydrants required within 150' of all Fire Department connections. Key box required.
- 19) A lift station is required as part of this development.

Seconded by Mr. Barnes. Motion carried unanimously.

10. (2) CU-10-98 Applewood Senior Home Addition – 2900 S. Moorland – Addition of 20 Assisted Living Suites. (Tabled 2/1/99)

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

Motion by Mr. Christel to recommend to Council approval of the request by Applewood Senior Home for an addition of a second residence located at 2900 S. Moorland Road subject to:

Plan as submitted substantially conforms to a plan previously denied.

Minimum distance between structures to be 30+ feet (eave to eave) to allow for the natural light and view enjoyed by the rest of the residents.

Per § 17.0310 of the Municipal Code, an expansion would be the only modification allowed.

Rezoning to Rm-1 (Senior Housing), at 1.61 acres, would only allow you to have 22 units.

Per §17.0312(3) senior multi-family buildings may not be closer than 50' to a ROW or lotline. Second building is proposed to be 15' from the northern lot line.

Per §17.0312(4)(a) the minimum area required for multi-family developments is 6,200ft. ²/dwelling unit. The existing project required 2.85 acres.

Acquire significant amount of property to bring the units per acre into compliance within City standards at .8 acres minimum.

Two buildings to remain separate.

Site plan to be reviewed by staff.

Removal of existing buildings required.

Revised landscaping plan.

Subject to vacation of Dakota Street.

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

NEW BUSINESS

11. (5) CU-1-99 Layton State Bank – 4850 S. Moorland Road – bank.

Motion by Alderman Kaminski to recommend to Council approval of the request by Layton State Bank for a bank at 4850 S. Moorland Road subject to:

- 1) Waukesha County DOT Access permits required.
- 2) Waukesha County DOT requires a left turn lane at access point on southbound Moorland Road.
- 3) Plan proposes a pylon sign. Per Westridge signage guidelines, only monument signs will be approved.
- 4) Submittal of revised plans that addresses the following concerns raised by the Engineering Department:
 - a) Drainage and grading plan; parking lots along the west and south are both between 880'-881' no spot grades given.
 - b) Where are the proposed curb cuts for drainage?
 - c) Stormwater Plan required.
 - d) Revised access plans required addressing final Waukesha County DOT Plans
 - e) All site drainage and grading plans must be approved by the Engineering Department prior to Building Permit being issued.
- 5) Cooperation in a regional detention facility for a fee to be determined at a later date based on review by the Engineering Department.
- 6) Building must be maintained per § 14.25 of the Non-residential Property Maintenance Code. No outside storage shall be permitted on the lot.
- 7) Building addition must meet all applicable building and fire codes. Building must be fully sprinklered.
- 8) Fire Hydrant is required within 150 feet of the City of New Berlin Fire Department connections.
- 9) All onsite and offsite improvements to be constructed by applicant.

Seconded by Mr. Barnes. Motion carried unanimously.

12. (4) CU-2-99 Citizen's Bank of Mukwonago @ New Berlin – 5450 S. Moorland Road – bank.

Motion by Mr. Christel to recommend to Council approval of the request by Citizen's Bank of Mukwonago @ New Berlin for a bank located at 5450 S. Moorland Road subject to:

- 1) Submittal of a revised site plan that addresses Engineering Department concerns, which includes the rationale for not centering the building on the lot. If plan is to split lot, then laterals must be extended now since existing sewer and water laterals will be located on the wrong lot. Site plan must include the proposed/ anticipated property line to be able to determine setbacks for this and future projects.
- 2) Submittal of a revised drainage and grading plan that utilizes the topographical contours from the right lot. The proposed drainage plan used topography from the wrong lot. Drainage pattern is completely different from the existing contours. Proposed detention pond South of bank does not work with submitted plans. Accurate existing grades needed from survey.
- 3) The building elevation in relation to the existing grades is ± 5 feet higher than the submitted plan indicates.
- 4) The City of New Berlin Architectural Review Committee must approve building material and exterior architecture.
- 5) Building must meet all applicable building and fire codes. Building must be fully sprinklered.
- 6) Fire Hydrant is required within 150 feet of the City of New Berlin Fire Department connections.
- 7) 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 revised site plan. Enclosure must match brick exterior of building, and must be built to accommodate both solid as well as recyclable waste dumpsters.

Seconded by Mr. Barnes. Motion carried unanimously.

13. (7) U-1-99 New Berlin Chiropractic – 15800 W. National Avenue – Lower level to be used for office.

Motion by Mr. Chase to defer the request by New Berlin Chiropractic to modify and reoccupy the existing commercial building at 15800 W. National Avenue for the following reasons:

- 1) Dedication of a handicap accessible office on the first floor for use by the second floor business (National Travel Pro).
- 2) Submittal of a detailed Landscaping and Parking Plan drawn to scale with plant keys. Plans to include street trees at a 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 15, 1999.
- 3) 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. Enclosure must match brick exterior of building, and must be built to accommodate both solid as well as recyclable waste dumpsters.
- 4) A variance will be required to retain the proposed 4 feet wide staircase along the rear of the principle building. The staircase encroaches into the rear yard setback/ buffer required for the existing residential property to the rear.
- 5) Per the new City Center design and guideline, a monument sign with matching base constructed of principle building materials with address plaque will be required. A separate Sign Permit is required from the Planning Department. A sidewalk may be required in the future per City Center design and guideline.

Seconded by Alderman Kaminski. Motion carried unanimously.

14. (4) S-130-93(F99) Stormy Acres – 21130 W. Edinborough – Lot 22, final CSM.

Motion by Mr. Chase to recommend to Council approval of the final CSM as part of the Preliminary Plat for Stormy Acres, 21130 W. Edinborough, Lot 22 subject to:

- 1) Public Site and Open Space and Trail fees of \$1,000 have been waived due to the (future) 21.35-acre park dedication.
- 2) Owners and Surveyor required to sign the Final CSM before the City will sign the Final CSM.
- 3) According to the Zoning Ordinance Section 17.0325 (1)(l) "Single-family dwellings on not more than a 20,000 square foot building site within a 5 acre parcel provided that the dwelling shall comply with the requirements for the R-1 district, and shall provide for a minimum disturbance of the natural resource features as determined by the Plan Commission."
- 4) Surety instruments from Developers Agreement received prior to final approval.

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

15. (4) S-130-93(F99) Stormy Acres – 21105 W. Edinborough – Lot 23, final CSM.

Motion by Mr. O'Neil to recommend to Council approval of the final CSM as part of the Preliminary Plat for Stormy Acres, 21105 W. Edinborough, Lot 23 subject to:

- 1) Public Site and Open Space and Trail fees of \$1,000 have been waived due to the (future) 21.35-acre park dedication.
- 2) Owners and Surveyor required to sign the Final CSM before the City will sign the Final CSM.
- 3) According to the Zoning Ordinance Section 17.0325 (1)(l) "Single-family dwellings on not more than a 20,000 square foot building site within a 5 acre parcel provided that the dwelling shall comply with the requirements for the R-1 district, and shall provide for a minimum disturbance of the natural resource features as determined by the Plan Commission."
- 4) Surety instruments from Developers Agreement received prior to final approval.

Seconded by Mr. Chase. Motion carried unanimously.

16. (4) S-130-93(F99) Stormy Acres – 21155 W. Edinborough – Lot 24, final CSM.

Motion by Mr. Barnes to recommend to Council approval of the final CSM as part of the Preliminary Plat for Stormy Acres, 21155 W. Edinborough, Lot 24 subject to:

- 1) Public Site and Open Space and Trail fees of \$1,000 have been waived due to the (future) 21.35-acre park dedication.
- 2) Owners and Surveyor required to sign the Final CSM before the City will sign the Final CSM.
- 3) According to the Zoning Ordinance Section 17.0325 (1)(l) "Single-family dwellings on not more than a 20,000 square foot building site within a 5 acre parcel provided that the dwelling shall comply with the

requirements for the R-1 district, and shall provide for a minimum disturbance of the natural resource features as determined by the Plan Commission."

4) Surety instruments from Developers Agreement received prior to final approval.

Seconded by Alderman Kaminski. Motion carried unanimously.

17. (2) U-2-99 Oakton Distributors – 16600 W. Cleveland – 28, 800 sq. ft. Warehouse expansion to existing building.

Withdrawn by applicant.

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

Motion by Mr. Barnes to table the request by Sunrise Home Health Care for a 40' x 90' building for home nursing and aid services located at 17400 W. National Avenue for the following reasons:

1) Submittal of revised plans that addresses the following concerns raised by the Engineering Department:

a) Drainage and grading plan that shows existing and proposed grades. This must show proposed floor grades. Plans must be approved by the Engineering Department prior to Building Permit being issued.

b) It is the responsibility of the property owner to extend sanitary sewer and water mains to the property.

c) 8" water main required. Use of existing 6" lateral to serve site is prohibited.

d) Water and sanitary plans to be stamped and approved by a Professional Engineer.

e) DNR approvals required.

f) The location of the proposed detention pond is acceptable. Would need computations to meet 100-year storm.

2) Submittal of a revised site plan that addresses the placement of the building in the center of the lot and reconfigures parking to the front of the building. Parking should be reduced to one stall per employee, one handicap stall and three stalls for visitors. This should be a total of sixteen (16) stalls. Attempts should be made to place all parking in front of the building.

3) Submittal of a revised landscape plan that takes into consideration the reconfiguration of the parking lot and the relocation of the building. The revised plan must provide plant specification in details for planting beds and show all sites to be sodded, seeded, or left with natural grass.

4) The City of New Berlin Architectural Review Committee must approve building material and exterior architecture prior to Building Permit being issued.

5) Building must be maintained per § 14.25 of the Non-residential Property Maintenance Code. Building must meet all applicable building and fire codes. No outside storage shall be permitted on the lot.

6) Per the new City Center design and guideline, a monument sign with matching base constructed of principle building materials with address plaque will be required. A separate Sign Permit is required from the Planning Department. A sidewalk may be required in the future per City Center design and guideline.

7) Submittal of proof of a Waukesha County Department of Transportation permit for driveway access and culvert on National Avenue is still required.

8) 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. Enclosure must match brick exterior of building, and must be built to accommodate both solid as well as recyclable waste dumpsters. If dumpster is located in the rear, heavy-duty pavement will be required for the driveway to accommodate the weight of the trucks.

Seconded by Alderman Kaminski. Motion carried unanimously.

19. (4) U-4-99 Prospect Hill Gardens TNC – 19305 W. National Ave. – 42' x 24', 42' x 96' Greenhouse Addition.

Motion by Mr. Christel to approve the request by Prospect Hill Gardens TNC for a 42' x 24', 42' x 96' greenhouse addition located at 19305 W. National Avenue subject to:

1) Building permits required.

2) New parking area to be paved and properly striped using the standard 9' x 19' parking stall.

3) New greenhouse and addition to match existing greenhouse.

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

20. (5) U-5-99 The Preserve at Weatherstone Meadows – 4177 S. Sunnyslope Road – Conceptual PUD for a 36-Unit Single Family Condominium Development.

Motion by Mr. Barnes to conceptually approve the request by The Preserve at Weatherstone Meadows of the use, site and architecture for a 36-unit condominium development subject to:

1) Extensive engineering concerns dealing with drainage to be addressed. Contact City Engineer for details.

2) The City of New Berlin Architectural Review Committee must approve building material and exterior architecture.

3) Buildings must meet all applicable building and fire codes.

4) Adherence to §17.1308(10) Woodland Preservation required.

5) Trail connection to Kasian Development required.

6) Impact statement required.

7) PUD per §17.0329 required.

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

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

21. (2) U-6-99 Hempe Manufacturing Co. – 16775 W. Dakota St. – 35,000 sq. ft. addition to existing building.

Motion by Mr. Barnes to approve the request by Hempe Manufacturing Co. for a 35,000 sq. ft addition to existing building located at 16775 W. Dakota Street subject to:

1) Submittal of revised plans that addresses the following concerns raised by the Engineering Department:

a) Drainage and grading plan that shows existing and proposed grades. This must show elaborate proposed grades around South and West Side of building to allow for a better interpretation of the contours. Drainage and grading plans must be approved by the Engineering Department prior to Building Permit being issued.

b) Due to the extent of the proposed development, a detention pond is required under the city's current storm water management standards. The wetland (C-2) area can not be used for this purpose. Area West of the wetlands could be considered if grading computation can be achieved.

c) The proposed 5' keystone retaining wall \pm 2' from the lot line should be 5' as required by the Zoning Ordinance.

d) The man-made stockpile along East lot line must be rectified. The existing slope is 1.5 to 1 instead of the 3 to 1 slope required by code.

2) The City of New Berlin Architectural Review Committee must approve building material and exterior architecture.

3) Building must be maintained per § 14.25 of the Non-residential Property Maintenance Code. No outside storage shall be permitted on the lot.

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

5) Fire Hydrant is required within 150 feet of the City of New Berlin Fire Department connections.

6) Per § 10.06, no materials such as old iron, glass or bottles, wood, and other discarded manufactured articles or scrap shall be stored for a period exceeding 30 days. The accumulation of miscellaneous junk and trash, including about fifteen 50 gallon steel and plastic barrels, abandoned boat and trailer, stacks of pallets, and miscellaneous metal scraps located around the loading docks and behind the principle building are in violation of this section of the Ordinance. Please see that this is cleared by March 6, 1999.

7) 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. Enclosure must match brick exterior of building, and must be built to accommodate both solid as well as recyclable waste dumpsters.

Seconded by Mr. Christel. Motion carried unanimously.

22. (4) U-7-99 Russel Metals – Bahcall Group – 16500 W. Stratton – Metals Distributor.

Motion by Mr. Christel to approve the request by Russel Metals for a metals distributor located at 16500 W. Stratton subject to:

- 1) Sign permit required under separate application.
- 2) Revise site plan required. Per §17.0403(11) of the City of New Berlin Municipal Code, "Manufacturing, processing, fabrication, and storage requires 1 (one) space per employee for the two consecutive work shifts with the largest number of employees." 50 space are provided for, what is the shift distribution? Plan assumes two (2) 25 person shifts.
- 3) Submittal of revised plans that addresses the following concerns raised by the Engineering Department:
 - a) Drainage and grading plan; Property would drain better if the building were elevated by one foot.
 - b) A drainage swale and easement required along the western lot line. Retaining wall may be required along western end. Maximum of 3:1 allowed.
 - c) 18" storm sewer needs to be increased.
 - d) Not enough road frontage for two (2) drives, There shall be a minimum space of 10' between drives for City of New Berlin snow storage.
 - e) Cul-de-sac is undersized radius of ROW should have been 80' not 60'.
 - f) If building is started before roads are completed, a temporary access to Beloit Road is Required.
- 4) The City of New Berlin Architectural Review Committee must approve building material and exterior architecture.
- 5) Building must be maintained per § 14.25 of the Non-residential Property Maintenance Code. No outside storage shall be permitted on the lot.
- 6) Building must meet all applicable building and fire codes. Building must be fully sprinklered. Class I standpipe required.
- 7) Fire Hydrant is required within 150 feet of the City of New Berlin Fire Department connections.
- 8) Revised site plan, which includes a waste enclosure. 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. Enclosure must match exterior of building, and must be built to accommodate both solid as well as recyclable waste dumpsters. If located on the interior, location to be identified on revised building plans.
- 9) Mechanicals to be properly screened from view. Revised elevations required.

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

23. (4) LD-3-98 Steve & Kathy Grzendzielewski – 19305 W. Highland Dr. – Two-Lot Final Land Division.

Motion by Mr. Barnes to recommend to Council approval of the request by Steve & Kathy Grzendzielewski for a two-lot final land division located at 19305 W. Highland Drive subject to:

- 1) Payment of \$1,000.00 in Public Site, Open Space and Trail Fees to be paid before City will sign the final CSM.
- 2) Sign developer's agreement for the extension of Highland Drive prior to the City signing the final CSM.
- 3) CSM to reflect 1999 dates.
- 4) Owner to sign prior to the City signing the final CSM.

Seconded by Mr. Chase. Motion carried unanimously.

STAFF APPROVED

24. (2) SIGN – Aurora Medical Group – 2801 S. Moorland Rd. – Replace existing temporary sign and add one more Moorland Center Sign for tenants.

The request by Aurora Medical Group to replace existing temporary sign and add one more Moorland Center Sign for tenants located at 2801 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) The ground signs shall not exceed 4' x 8' (32 square feet) in size for the inscription area. The ground sign shall not exceed 14' in height.
- 3) The sign shall be located outside of the right-of-way of Moorland Road.
- 4) A refund of \$137.00 is owed to you from you application fee of \$483.00 paid on 1/25/99. This is the break down of your fees:
 - 5) Outstanding fees owed for temporary ground sign = \$178.00
 - 6) Aurora Medical Center Ground Sign = \$108.00
 - 7) Moorland Center Ground Sign = \$60.00
- 8) A line (bar) should appear under the Moorland Center lettering as it does on the Aurora Health Center Sign so they are uniform.
- 9) Individual tenants will not be allowed signage. Rather, each tenant within the Moorland Center and The Aurora Medical Center shall be informed of the sign plan for the buildings. A letter from the landlord, Mr. Luterbach, will remain on file with the Planning Department that states that each building will be identified with one sign that identifies it. This letter must be received by March 11, 1999 and before the sign is installed.
- 10) Sign shall not interfere with the vision of vehicles entering and exiting adjacent driveways and road.
- 11) The temporary Aurora Health Center sign and banner must come down immediately.

12) Section 17.0802 of the Zoning Ordinance states that, "any sign hereafter constructed, erected, relocated, moved, damaged, reconstructed, extended, enlarged, changed (including changing the sign face), altered, or modified requires review and approval of Plan Commission."

ZONING PERMITS

25. (4) RO-2-99 Mahmud Mubsher – 18480 W. National Avenue – General building contractor, general repairs and maintenance services.

The request by Mahumd Mubsher for general building contractor, general repairs and maintenance services located at 18480 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) Must meet 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) Dumpster must be properly screened from the street and public view in accordance with New Berlin Municipal Code Section 17.1304(14). This should include recycling containers as well.
- 6) This business must be a sole proprietorship only use. No customers may come to the premises.
- 7) Drainage area must not be obstructed.
- 8) The Zoning Ordinance section 17.0314 (7)(a) states that "The parking and storage of semi-tractors and semi trailers except for pickup and deliveries, is prohibited. Parking or storage of construction vehicles and equipment, except during periods of permitted construction activity is prohibited." The Mack Dump Truck located on the side of the property must be removed from the property immediately. Trucks are not allowed in the B-2 District. The truck must be removed from the premises by March 3, 1999.
- 9) All junk and trash must be removed form the property including rusted barrels in the rear, old couch in front and cars without license plates.
- 10) Section 17.0408 of the Zoning Ordinance states that, "No abandoned, dismantled, unlicensed, inoperative, wrecked, or junked vehicle or equipment shall be parked or stored on the property at any given time." This includes the two vehicles on the side of the property, a Silver Toyota station wagon, and a Grey Continental. They must be removed from the premises by March 3, 1999.

26. (2) RO-3-99 Hal's Harley-Davidson, Inc. – 2750 S. 167 St. – Warehouse showroom for motorcycles.

The request by Hal's Harley-Davidson, Inc. for a warehouse showroom for motorcycles located at 2750 S. 167 Street has been reviewed and Conditionally Staff Approved by the New Berlin Plan Commission subject to the application, the plans on file and the following:

- 1) The building must be maintained per Section 14.25 of the Non-residential Property Maintenance Code.
- 2) Must meet 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) Dumpster must be properly screened from the street and public view in accordance with New Berlin Municipal Code Section 17.1304(14).
- 6) The Inspection Department said that the showroom/ warehouse must utilize the Make-up Air System that is present at the site.
- 7) All junk and trash must be removed from the rear of the building including crates in back, broken display case, truck cab top, and old desk. In addition to these items there are two trailers parked on the property.
- 8) Also in violation for having a sign up without a permit on file. You must obtain a sign application form from the Planning Department upon re-occupancy.

27. (2) RO-4-99 Delta Environmental Consultants, Inc. – 15700 W. Cleveland – Consultant firm dealing with environmental issues.

The request by Delta Environmental Consultants, Inc. for a consulting firm dealing with environmental issues located at 15700 W. Cleveland 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) Must meet 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. All vehicles (trucks, sampling vans, and vapor recovery unit) must be stored within the bay/ garage area.
- 5) Dumpster must be properly screened from the street and public view in accordance with New Berlin Municipal Code Section 17.1304(14).

COMMUNICATIONS

28. Communication To: Plan Commission

Communication From: Wisconsin Dept. of Transportation

RE: Administrative Rule regarding Land Divisions

This communication indicated the Wisconsin Department of Transportation, Code Revision 233 requires the land owner notify the State of any land divisions adjacent to a State highway and to obtain alternative access.

29. Communication To: Plan Commission

Communication From: Paul F. Reilly, City Attorney

RE: DOT Trans233

This communication refers to No. 28 above.

30. Communication To: Plan Commission

Communication From: Thomson Corp.

RE: Kellypointe Subdivision, 1999 Parade of Homes (S-140-94(97) and PG-818)

This communication announces that Kellypointe Subdivision will be hosting one of the three 1999 Parade of Homes.

31. Communication To: Plan Commission

Communication From: Prosper Sylla

RE: D & L Grading, 1820 S. Johnson Road (RO-80-98)

Motion by Mr. Chase to approve the trailer used for storage located at 1820 S. Johnson Road.

Seconded by Alderman Kaminski. Motion carried unanimously.

32. Communication To: Plan Commission

Communication From: Michael A. Haselwood

RE: Land on Moorland Road between Cleveland Avenue, the Applewood residential home and the old Mushroom Farm.

Plan Commissioners acknowledged receipt of the communication and will be kept on file in the Planning Department.

33. Communication To: Plan Commission

Communication From: Governor Tommy G. Thompson

RE: New Berlin Side Paths

This communication informed us of the grant the City of New Berlin has received for a portion of the costs for side paths from Calhoun Road to 124th Street.

34. Communication To: Plan Commission

Communication From: Steven K. Hoese, Director of Planning

RE: Recommendation to Rezone old Police Station at 17165 W. Glendale Drive from I-1 to M-1.

Motion by Alderman Kaminski to recommend to Council to rezone the property used for the old Police Station located at 17165 W. Glendale Drive from I-1 to M-1.

Seconded by Mr. Christel. Motion carried unanimously.

Motion by Mr. Chase to adjourn the Plan Commission meeting at 8:59 P.M. Seconded by Mr. O'Neil.
Motion carried unanimously.