

7:00 PUBLIC HEARING –

(2) CU-9-99 TRIAD II – 16205 W. Rogers Dr. – Two Isopropanol Tanks in Floodplain.

**CITY OF NEW BERLIN PUBLIC HEARING
AUGUST 2, 1999**

The public hearing relative to the request by Elmer H. Koegler, c/o TRIAD II for a conditional use approval for two isopropanol tanks in the floodplain located at 16205 W. Rogers Drive was called to order by Mayor Gatzke at 7:09 P.M.

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

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.

Larry H. Kassens, Architect for TRIAD II – We received the information from the City regarding the conditions for putting these tanks above ground and complying with the Dept. of Commerce regulations for containment of enclosure. We have met with the Fire Chief and reviewed our options and conditions and went through his list of concerns and the meeting became a learning experience. There will be a licensed contractor that will actually be the consultant.

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

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

Raymond Henderson – I own a business three doors down (62nd & Rogers) and there are definite restrictions on building those tanks in the floodplain even though New Berlin has the larger say on it, the owner still needs to check with the floodplain control commission in Madison because it has to clear with them as well. The DNR may have something to say about it in case those tanks burst or leak. Is Isopropanol dangerous to the environment? This much I can tell you, when we get severe rains which we have had quite a bit of lately, that little creek in the back spreads out like a river. The problem I have with this is that our dock is a sunken dock and our drain line for the dock comes from the natural rain water and is carried out to the creek toward the floodplain. If one of those tanks should burst or fall over for any reason, that isopropanol will follow where the water is going and I could end up with a dock full of isopropanol. There are restrictions on building those tanks for containment even though they are built in the floodplain. I heard hearsay that they were going to build these tanks above the floodplain. Where is above the floodplain in that area?

We have had so much water come down that channel, which by the way ends up all the way by Calhoun and Coffee, so there are a lot more buildings involved other than just ours. To allow that tank would put me on pins and needles. Building it above the floodplain would be next to impossible. I am not sure who didn't do their homework, but I suggest they do their homework, check it all out to see if anything I had to say is the truth, and then come back to the Commission.

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

Mayor Gatzke asked for any questions or comments.

Alderman Kaminski – What about needing to have approval from floodplain control commission and from Madison? Mark Lake answered that per our code we are required to notify the DNR of any installations within the 100 year floodplain and the floodplain fringe. We have done so and received no negative reply.

Mr. Felda – I have a question for the applicant. When I look at the report, it shows two tanks, one at 15,000 gallons and one at 1,000 gallons. If they are the same material, why couldn't you put them together. Is there some reason why you need two tanks?

Elmer Koegler, General Contractor for TRIAD II – One is a mixing tank. A 1,000 gallon tank is needed so that production can be made while the 15,000 is being filled. You need to isolate it, you wouldn't want any back pressure and all of this is regulated by the State. They tell us exactly how it has to be built. Isopropanol is one of the few things that mixes with water so if a tank would spring a leak, isopropanol mixes with water at a percentage of water. It would mix with 100 gallons of water and dissipate at the same rate as water so becomes non-flammable and leaves no residue. The reason for the isopropanol is for pads that you put on your skin. So we are dealing with one of the cleanest agents that you could ask for.

Alderman Kaminski – One of the gentlemen who spoke had concerns about the heavy rains we have experienced with the creek spreading. According to the report, the improvements outside of the 500 year floodplain are required. Jeff, does that seem sufficient to you regarding this concern for any type of possible pollution into the creek?

Jeff Chase said we have looked at it relative to the floodplain and it appears it is very close to the 100 year flood elevation based on the applicants information and our topographic information. The report identifies it as being within the 500 year flood fringe. The requirement as I understand it is that the tanks be placed at an elevation two feet higher than the flood elevation. Theoretically, the tanks should not get wet. As far as it being hazardous, I really don't have the expertise to make that judgement.

Mr. Hoese said he needed to put into the record a letter of Southeastern Wisconsin Regional Planning Commission signed by Robert Biebel acknowledging receipt of the notice and their review.

Mayor Gatzke called the public hearing closed at 7:15 P.M.

7:01 PUBLIC HEARING –

CU-10-99 M-78/Indus, Inc. – 2620 S. Calhoun Rd. – Co-locate Panel Antennae On Top

of the Water Tower and Place at the Base of the Tower Two Equipment Cabinets.

**CITY OF NEW BERLIN PUBLIC HEARING
AUGUST 2, 1999**

The public hearing relative to the request by Bob Covelli (M-78/Indus, Inc.) for a conditional use approval to co-locate panel antennae on top of the water tower and place at the base of the tower two equipment cabinets located at 2620 S. Calhoun Road was called to order by Mayor Gatzke at 7:15 P.M.

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

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.

Alderman Bullerman – I am very familiar with this company. They are a young, wireless company that are doing business in the area. They are very reputable people and I would encourage your support for this and the other two items on the agenda for them tonight. Thank you.

John Niemann, G M Selby & Associates, Inc. – What we are planning to do is to co-locate on the water tower with Ameritech who has already been to Plan Commission.

Mayor Gatzke asked three more times for anyone wishing to speak in favor, seeing none.

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

Mayor Gatzke asked for any questions or comments.

Hearing no questions or comments Mayor Gatzke called the public hearing closed at 7:22 P.M.

7:02 PUBLIC HEARING –

(4) CU-11-99 M-79 Indus, Inc. – 20605 W. National Ave. – Attach Indus Panel Antennae to the Existing Guy Tower and Place Two Equipment Cabinets at the Base.

CITY OF NEW BERLIN PUBLIC HEARING

AUGUST 2, 1999

The public hearing relative to the request by Bob Covelli (M-79/Indus, Inc.) for a conditional use approval to attach Indus panel antennae to the existing guy tower and place two equipment cabinets at the base of the tower located at 20605 W. National Avenue was called to order by Mayor Gatzke at 7:22 P.M.

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

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.

John Niemann, G M Selby & Associates, Inc. – What we are planning is to locate at the 160 ft. level at this tower. The secondary site for this one is called the fire dept. site where we would use a 180 ft. tower which is not constructed yet, if structural analysis is not approved at the site being discussed.

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

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

Mayor Gatzke asked for any questions or comments.

Hearing no questions or comments Mayor Gatzke called the public hearing closed at 7:30 P.M.

7:03 PUBLIC HEARING –

CU-12-99 M-79/Indus, Inc. – 19885 National Ave. – Co-locate Indus' Panel Antennae on the New 180' Tower and Place Two Equipment Cabinets at the Base of the Tower.

**CITY OF NEW BERLIN PUBLIC HEARING
AUGUST 2, 1999**

The public hearing relative to the request by Bob Covelli (M-79/Indus, Inc.) for a conditional use approval to co-locate Indus panel antennae on the new 180' tower and place two equipment cabinets at the base of the tower located at 19885 W. National Avenue was

called to order by Mayor Gatzke at 7:30 P.M.

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

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.

John Niemann, G M Selby & Associates, Inc. – This is the secondary site for the other one on National Avenue if the analysis does not work out. I have spoken to Waukesha County Radio Services. This tower has not been constructed yet, indications are it could be contracted sometime in the year 2000.

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

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

Terry Michaels , 20015 W. National Avenue – Has the applicant explored co-location on any other tower in that general area? Mr. Lake said the one next door and this is a future planned and approved tower to be built by Waukesha County. Mr. Michaels asked about the other two towers between those two? Mr. Lake said there will be co-locators on either of the two approved towers, one constructed as a guy tower and the other approved as a tower to be constructed by the County.

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

Mayor Gatzke asked for any questions or comments.

Hearing no questions or comments Mayor Gatzke called the public hearing closed at 7:40 P.M.

7:04 PUBLIC HEARING –

CU-13-99 North Shore Bank – 3055 S. 128th Street – Expansion of parking lot.

**CITY OF NEW BERLIN PUBLIC HEARING
AUGUST 2, 1999**

The public hearing relative to the request by David J. Potter (North Shore Bank) for a conditional use approval for additional parking located at 3055 S. 128th Street was called to

order by Mayor Gatzke at 7:40 P.M.

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

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.

Dave Potter, Senior Vice President North Shore Bank – We want to expand the parking lot we have at the bank right now. There is a parcel of land which we have an offer to purchase on which is just to the North of the bank. It is a small lot, about 100 ft. wide and 230 ft. long and has some real limitations but for a bank parking lot expansion I think it is an appropriate site. The parking lot expansion will be done in compliance with all the codes of the City and we are hoping to get approval from you to do so.

Attorney Joe Redding, Representing the estate of Thomas P. O'Connor - We are the current owners of the property. There is an offer to purchase, contingent upon a special use permit. The lot is too small to build on. It is not on National Avenue making it an attractive purchase. The sale price has been reduced by about half because of this. We are trying to close out this mans estate. There is a lot of work that needs to be done, it is a vacant piece of property. The sale would close the estate and improve the property by getting rid of an eye sore.

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

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

Alderman Bullerman , 14302 W. Kostner Lane – It is my intention tonight to speak against this particular occupancy. This is not in my opinion or in the opinion of the residents in my district an appropriate expansion for this occupancy. It is not good land use. The citizens in my district have notified me of their concern for this particular enhancement. They are concerned about traffic and lighting (we already have numerous complaints about Jumbo Sports lights). Also this is a small, neighborhood bank branch and the original occupancy according to the staff report states that this particular concern wanted to lease or sell cars. What we don't need in this city is a car lot at a bank outlet in a residential neighborhood. We don't even need the expansion of the parking lot. I can appreciate the concern of the land owner wanting to close out the estate but we are not even looking at additional tax base revenue. I petition you very strongly to please deny this application. We don't want this type of expansion in our district. You will also notice that this particular corporation is not necessarily what I would identify as a good corporate citizen. On the conditional use for the parking lot document prepared by Olofu, Item #4 identifies two illegal banners on this

location showing there are problems here. This is a problem for our neighborhood and I would strongly urge you to please not expand something like this into our neighborhood.

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

Dick Mueller – I own the building just to the North of this vacant lot. I am concerned also with this used car sales. When I first heard about the bank expanding its parking area, I was concerned about the buffer between my property and there. The cars would come into the lot and shine their lights on my property and it would be nice to have some buffer. Then I found out about this used car sales and I am concerned about that. I am most concerned about drainage. I would like to find out where the water is going to go. Those are my concerns.

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

Mayor Gatzke asked for questions or comments.

Mr. O’Neil – I am not so sure I get the connection between the used car lot and the bank parking lot. Mark Lake said the applicant currently has an operation in the City of Brookfield where they bring in leased vehicles where the lease has expired taking control of the vehicles and sell them privately to individuals.

Mayor Gatzke asked for any other questions or comments.

Hearing no further questions or comments Mayor Gatzke called the public hearing closed at 7:44 P.M.

NEW BERLIN PLAN COMMISSION

August 2, 1999

Minutes

The Plan Commission meeting of August 2, 1999 was called to order by Mayor Gatzke at 7:45 P.M.

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

Motion by Mr. Chase to approve the Plan Commission Minutes of June 28, 1999. Seconded by Mr. O’Neil. Motion carries with Mr. Felda abstaining.

4. Plan Commission Secretary’s Report – Mr. Hoese reported that two of the four vacancies in the Planning Department are being filled. Greg Kessler, who is a Certified Planner from Milwaukee will be starting with us August 30, 1999 and David Haines from Iowa , our new GIS Coordinator will be starting is about two weeks.

REFERRAL FROM COMMON COUNCIL

5. PG-741 Zoning Code Revision – Request for Plan Commission to recommend to Common Council to remove height restrictions for hotels in our Code along the Moorland Road corridor.

Steve Hoese explained that at the conclusion of the public hearing held before the Common Council, the item regarding hotel height restrictions was referred back to Plan Commission for consideration for either further deliberation or referral to GDMP Committee with the concerns of the Master Plan. I offer a few suggestions in my communication before you concerning the hotel heights. Mr. Hoese presented his three suggestions and summarized by saying his recommendation is for the Plan Commission to consider allowing hotels that go to the added expense of adding underground or enclosed parking which minimizes the land coverage (which is something we have been encouraging multi-family developments to do to minimize the storm water run off and land coverage and maximize the amount of open space) to add additional floors, through a PUD, above maximum height allowed by code.

Alderman Kaminski asked for clarification on the depth of underground. Mr. Hoese suggested no more than three underground and the maximum number of floors occupied by people would be eight, plus mechanicals.

Motion by Alderman Kaminski to drop this item from the agenda indicating to Council that we are no longer interested in a blanket discussion or waiver on lifting hotel height restrictions.

Seconded by Mr. Barnes. Motion carried unanimously.

CONTINUED ITEMS

6. (5) U-19-99 The Preserve at Deer Creek – Senior Apartment/Multi Family – 14300 W. Howard Avenue – Senior housing, independent and assisted living, daycare facility with a residential character. Request to reconsider. (Tabled 5/3/99, 6/7/99)

Motion by Mr. Chase to reconsider the action on The Preserve at Deer Creek .

Seconded by Alderman Kaminski. Motion carried unanimously.

Motion by Mr. Barnes to approve the request for The Preserve at Deer Creek senior housing, independent and assisted living, daycare facility with a residential character located at 14300 W. Howard Avenue subject to:

1) Stormwater Management Plan to be approved by the City of New Berlin Engineering Department prior to issuance of Building Permit. Building located within the required 50' setback of Deer Creek. 50' setback measurement to be taken from the ordinary high-water mark of Deer Creek (top of bank).

2) Building stake-out survey required for building permit.

3) Detailed Grading Plan to be approved by the City of New Berlin Engineering Department prior to issuance of Building Permit. Grading Plan still includes the three duplex buildings located on the westside of the 147th Street.

4) Developer's Agreement for the utilities and the extensions of 147th Street and Wilbur Drive from National Avenue to Deer Creek prior to issuance of Building Permit required.

Sewer and water plans to be approved by all regulating authorities.

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

6) Building must meet all applicable building and fire codes.

7) Revised elevations must be submitted and approval by the Architectural Control Committee of the Plan Commission for all elevations and materials prior to issuance of Building Permits. All elevations to be at a scale of not less than 1/8". Detailed elevations of the Day Care Center also 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 plan. Enclosure must match exterior of building (brick with cedar gates), and must be built to accommodate both solid as well as recyclable waste dumpsters.

9) All utilities to be fed (both on-site and off-site) underground.

10) Revised detailed road plans are required. Road plans address roads within the project area, plans for the extension of 147th Street from National Av. to be approved prior to obtaining a building permit.

11) No Condominiums will be allowed on the westside of 147th Street. Revised plans for the condominiums required. Plans to date have not shown what will actually be proposed. Building pads shown represent pads which will allow for single-family residential attached homes separated by 30'. Please note, dimensions are to be eave to eave of each building, all porches and other amenities are included in the 30' openspace required between buildings.

12) Trail to extend all along Deer Creek to Wilbur Drive.

13) Detailed plans for the bridge features required as part of the overall development. (The extension of Wilbur Drive and Bike/pedestrian bridge.)

14) 5' concrete sidewalk required along both sides of 147th Street. Revised site plans required.

15) Dedication/permanent easement of Deer Creek Drainage area required.

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

7. (2) U-42-98 Super Products – 17000 W. Cleveland Avenue – 11,300 Sq. Ft. Addition for Manufacturing Space. (Tabled 6/15/98)

Motion by Mr. Felda to table the request by Super Products for a 11,300 sq. ft. addition for manufacturing space located at 17000 W. Cleveland Avenue per the applicants request.

Seconded by Mr. Barnes. Motion carried unanimously.

8. (2) U-39-99 Kopp Brothers Sheet Metal, 2355 S. 170 Street – 1,848 sq. ft. addition.
(Tabled 6/28/99)

Motion by Mr. O'Neil to approve the request by Kopp Brothers Sheet Metal for an 1,848 sq. ft. addition located at 2355 S. 170 Street subject to:

1) Submittal of a revised site plan that shows the existing open/ green space around this property. The submitted plans does not identify open/ green space. The property does not meet the 25% green space requirement as stipulated by § 17.0319 (8) of the Zoning Ordinance. 10,890 ft² required for this development, but only 10,539 ft² has been identified.

2) Approval of the submitted landscaping plan by the Planning Department prior to installation.

3) Submittal of a revised plan that address the parking configuration at this site. The front parking area does not meet the City of New Berlin parking standards as stipulated in § 17.0403. This section requires a minimum of 9' x 19, parking stall dimension and a total of 37' for one tier of spaces plus maneuvering lane based on a 60° parking. Plans shows 10' x 18' parking stalls and only 27.5' for maneuvering.

4) Per § 10.06 of the Municipal Statutes, accumulation of junk and trash constitutes a nuisance. Please see that the pallets, discarded machinery, metal scraps and miscellaneous junk and trash in the rear of the building are removed by August 16, 1999.

5) No outside storage shall be permitted on the lot unless it is in a secure enclosure not in view of the public ROW. The semi-trailer behind the building must be removed by August 16, 1999 or prior to Building Permit being issued

6) Dumpster location to be shown on plans. Dumpster must be properly screened from the street and public view in accordance with New Berlin Municipal Code Section 17.1304(14). Location of dumpster enclosure must be clearly designated and the materials for construction including thickness of the concrete slab must be indicated on the plan. Enclosure must match exterior of building, and must be built to accommodate both solid as well as recyclable waste dumpsters.

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

8) Building must meet all applicable Building Inspection and fire codes. Building addition must be fully sprinklered per City of New Berlin Fire Department.

9) Permits from Building Inspection and Zoning required for addition, all internal modifications or demolition work.

Seconded by Mr. Felda. Motion carried unanimously.

NEW BUSINESS

9. (2) CU-9-99 TRIAD II – 16205 W. Rogers Dr. – Two Isopropanol Tanks in Floodplain.

Motion by Mr. Felda to table the request by TRIAD II for two isopropanol tanks in the floodplain located at 16205 W. Rogers Drive to allow the City Attorney to review the outstanding OSHA violations at a currently operating site to see if those violations are of

such a nature that they would give the Plan Commission a reason to deny this request.

Seconded by Mr. Barnes. Motion carried unanimously.

10. (2) CU-10-99 M-78/Indus, Inc. – 2620 S. Calhoun Rd. – Co-locate Panel Antennae On Top of the Water Tower and Place at the Base of the Tower Two Equipment Cabinets.

Motion by Mr. Felda to recommend to Council approval of the request by Indus, Inc. to co-locate panel antennae on top of the water tower and place at the base of the tower two equipment cabinets located at 2620 S. Calhoun Road subject to:

- 1) Applicant should make every effort to work with Ameritech and other co-locators and the City of New Berlin Water Utility Department to coordinate the collocation of the antennae array on a shared framework.
- 2) Applicant should explore the possibility of a single equipment cabinet. Approved PSI prefabricated building plans and/or manufacturer's specifications for review and approval by the Planning Department and the Architectural Control Committee of the Plan Commission. Building to match existing structure.
- 3) All structural Plans to be stamped by a Wisconsin registered architect and/or engineer.
- 4) Landscape/ Screening Plan with plant key and plant specifications to be reviewed and approved by the Planning Department prior to installation. . This must be submitted by August 15, 1999.
- 5) Review and approval of the City of New Berlin – Water Utility required.
- 6) Antenna arrays require a 3' access tub extension, certification by a structural engineer approved by the City of New Berlin – Water utility required.
- 7) Approved lease required to be on file prior to any building permits being granted.

Seconded by Mr. Barnes. Motion carried unanimously.

11. (4) CU-11-99 M-79 Indus, Inc. – 20605 W. National Ave. – Attach Indus Panel Antennae to the Existing Guy Tower and Place Two Equipment Cabinets at the Base.

Motion by Mr. Chase to recommend to Council approval of the request by Indus, Inc. to attach Indus panel antennae to the existing guy tower and place two equipment cabinets at the base located at 20605 W. National Avenue subject to:

- 1) Applicant should explore the possibility of a single equipment cabinet. Applicant should make every effort to work with Sprint Telecom Venture and PCS Primeco, Inc. to coordinate the co-location of the equipment within shared shelter.
- 2) Approved PSI prefabricated building plans and/or manufacturer's specifications for review and approval by the Planning Department and the Architectural Control Committee of the Plan Commission. Building to match existing structure.
- 3) All structural Plans to be stamped by a Wisconsin registered architect and/or engineer.

4) Landscape/ Screening Plan with plant key, sizes and specifications to be reviewed and approved by the Planning Department prior to installation.

5) Review and approval of the City of New Berlin – Water Utility required prior to Building Permit being issued.

6) Approved lease required to be on file prior to any building permits being granted.

Seconded by Alderman Kaminski. Motion carried unanimously.

12. (4) CU-12-99 M-79/Indus, Inc. – 19885 National Ave. – Co-locate Indus' Panel Antennae on the New 180' Tower and Place Two Equipment Cabinets at the Base of the Tower.

Motion by Mr. Felda to recommend to Council approval of the request by Indus, Inc. to co-locate Indus' panel antennae on the new 180' tower and place two equipment cabinets at the base of the tower located at 19885 National Avenue subject to:

1) Applicant should explore the possibility of a single equipment cabinet, and make every effort to work with Waukesha County Department of Administration and the City of New Berlin Fire Department to coordinate the co-location of all equipment within a shared shelter.

2) Approved PSI prefabricated building plans and/or manufacturer's specifications for review and approval by the Planning Department and the Architectural Control Committee of the Plan Commission. Building to match existing structure at this site.

3) All structural plans to be stamped by a Wisconsin registered architect and/or engineer.

4) Landscape/ Screening Plan with plant key, sizes and specifications to be reviewed and approved by the Planning Department prior to installation.

5) Review and approval of the City of New Berlin Facilities Manager and Fire Department required.

6) Approved lease required to be on file prior to any building permits being granted.

Seconded by Mr. Barnes. Motion carried unanimously.

13. (1) CU-13-99 North Shore Bank – 3055 S. 128th Street – Expansion of parking lot.

Motion by Mr. Chase to recommend to Council denial of the request by North Shore Bank for expansion of their parking lot located at 3055 S. 128th Street for the following reason:

Car dealership is not a principle use of the bank, therefore parking lot is not needed.

Seconded by Alderman Kaminski. Motion carried unanimously.

14. (3) U-44-99 Fischer Rebuilding Inc., 21955 W. Broadale Drive – Home occupation, repairs and rebuilding services to tool & die shops, grinding houses, and related industries.

Motion by Alderman Kaminski to approve the request by Fischer Rebuilding Inc. to transfer

an existing home occupation for repair and rebuilding services to tool & die shops, grinding houses, and related industries to 21955 W. Broadale Drive from 17408 W. Elmwood Road subject to:

- 1) No expansion, only relocation of home occupation.
- 2) 720 sq. ft. maximum size of accessory building.
- 3) Architecture of accessory building to match or compliment the home.

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

15. (2) U-45-99 Mueller's Taxidermy – 14001 W. Dakota Street – Home Occupation – Taxidermy Business.

Motion by Mr. Felda to approve the request by Mueller's Taxidermy for a home occupation for taxidermy business located at 14001 W. Dakota Street subject to:

- 1) 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.
- 2) Home Occupation shall meet all applicable building and fire code safety requirements.
- 3) The Building Inspection and Zoning Department require an occupancy permit.
- 4) No outside storage is allowed for this business.
- 5) Home Occupation shall be conducted in accordance with Section 17.0503 of the City of New Berlin Zoning Ordinance in its entirety.
- 6) Deliveries shall be made from accredited carrier services.
- 7) Portion of home used for business must meet commercial building code.
- 8) Isolation of hazards.
- 9) Building area and adjoining toilet room must meet ADA Standards.

Seconded by Mr. Barnes. Motion carried unanimously.

16. (2) SIGN – Delux Paints – 2701 S. 163 Street - 3'4" x 5'3" Wall Sign.

Motion by Mr. O'Neil to approve the request by Delux Paints for a 3'4" x 5'3" wall sign located at 2701 S. 163 Street subject to:

- 1) Section 17.0806 (1) of the Zoning Code states that, "Wall Signs or Building Signs placed against the exterior walls of buildings shall not extend more than 12 inches outside of a building's wall surface, shall not exceed one (1) square foot in area for every one (1) linear foot of building face width on which it is mounted, and shall not exceed the height or project

above the building roof signs are prohibited.

2) Dulux Paints could reconfigure their existing wall sign and the new Glidden Paint Sign and move them to the Cleveland frontage (to take advantage of the additional wall space. They would then comply with the City of New Berlin Sign Code Section 17.0806 (7)(e), which states that, "only two signs may be permitted per business. Owners may elect for them to be any combination of wall signs, ground signs, or pole signs, not exceeding a total of two, and approved by the Plan Commission."

Seconded by Mr. Chase. Motion carried unanimously.

17. (3) U-46-99 Graf & Olson (W.T.S.) – 17655 W. Lincoln Avenue – Addition for Storage.

Motion by Mr. Felda to approve the request by Graf & Olson (W.T.S.) for a 5,000 sq. ft. addition for storage located at 17655 W. Lincoln Avenue subject to:

1) Satisfy the following concerns raised by Engineering Department as they pertain to drainage and stormwater management prior to issuance of a Building Permit:

a) Submittal of a new survey will be required for Building Permit showing ties from existing building to the West Lot line. This should also show the exact distance of the proposed addition to the West Side lot line.

b) Submittal of a revised site plan that addresses the identified potential drainage problem along the existing low spot at East lot line (854.7). Proposed draining long way around apparent future addition would be at least 0.5% too flat. A storm sewer or concrete invert would be required.

c) Detention will be required for this proposal. Please contact the Engineering Department to discuss the requirements and standards for a detention pond.

2) Architecture of proposed addition must match that of the existing building.

3) The utility and recreational trailers must be removed from the site immediately.

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

5) Building must meet all applicable Building and fire codes. Fire Extinguishers are required. Building must be fully sprinklered.

6) Permits from Building Inspection and Zoning required for all internal modifications or demolition work.

7) Dumpster location to be shown on plans. Dumpsters must be properly screened from the street and public view in accordance with the City of New Berlin Municipal Code Section 17.1304 (14). Location of Dumpster enclosure must be clearly designated and the materials for construction including thickness of the concrete slab must be indicated on the plan. If enclosure is not behind the building, it must match exterior of building, and must be built to accommodate both solid as well as recyclable waste dumpsters.

Seconded by Mr. Barnes. Motion carried unanimously.

18. (3) U-47-99 Jim & Gina Ziller – 1527 S. West Lane – Gazebo on Side-on-Corner.

Motion by Mr. Chase to approve the request by Jim & Gina Ziller for a gazebo on side-on-corner located at 1527 S. West Lane subject to:

- 1) The area in question is not the architectural front of the building and the placement of the gazebo in this area of the yard is significantly screened from the road.
- 2) Variance will be required from the Board of Appeals for any encroachment into the setbacks of the R-5 district.
- 3) The existing landscape screening must be maintained as a condition of this approval to allow the gazebo on the second front of the property.
- 4) Applicant should submit a survey that shows the exact location of the gazebo to be approved by staff prior to issuance of a Building Permit by the Building Inspection and Zoning Department.

Seconded by Alderman Kaminski. Motion carried unanimously.

19. (2) R-5-99 Super Products – 17000 W. Cleveland Avenue - Rezone from C-1 and M-1 to Reduce the C-1.

Motion by Mr. O'Neil to table the request by Super Products to rezone the property located at 17000 W. Cleveland Avenue from C-1 and M-1 to reduce the C-1 per the applicants request.

Seconded by Mr. Chase. Motion carried unanimously.

20. (4) U-42-99 The Tool House, Inc. – 5205 S. Emmer Drive – Machine Tool Parts Distributor.

Motion by Mr. Chase to approve the request by The Tool House, Inc. for machine tool parts distributor located at 5205 S. Emmer Drive subject to:

- 1) Satisfy the following concerns of the Engineering Department as they pertain to the grading and stormwater prior to issuance of Building Permit:
 - a) Submitted plans do not show any curb on the site. Would like to see drainage contained on West drive to Stratton Drive with curb or inverted crown.
 - b) No Storm sewer plan submitted. Unable to tell where it connects to the public system. Storm sewer plans showing sizes and computation required prior to Building Permit being issued. This should show storm laterals from front of building. If it does not exist there is the possibility of using the existing stub along the west driveway off Stratton Drive.
 - c) Separate owners and use for both buildings, any chance of a land division?
 - d) Converging driveway at East lot line could create confusion for ingress and egress.

Would be better if they meet at right angles.

e) The East parking lot is lower than Emmer Drive. 250 feet long swale East of lot that then spills over curb near intersection not desirable. If the lot grades can not be raised to sheet flow over Emmer Drive curb, maybe curb and storm sewer needed.

f) Plat of survey, stamped by surveyor required for Building Permit.

g) Road must be accepted prior to issuance of Building Permit unless an alternate route not crossing an unfinished road is provided.

h) Curbs shall not extend past the ROW line.

2) Each additional tenant will require a separate Use Approval/ Zoning Permit from the Plan Commission prior to occupying the building.

3) Sign permit requires separate application and permit from the Planning Department.

4) Temporary access to Beloit road required prior to building permit or early start being issued.

5) City of New Berlin parking stalls are only required to be 9'x19' not 9'x20' as proposed.

6) All parking and drive areas to be fully curbed unless Engineering Department allows a change for sheet drainage.

7) The City of New Berlin Architectural Review Committee must approve building material and exterior architecture. Color samples to be approved by Architectural Review Committee.

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

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

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

11) Planning approval of landscaping and lighting plan required prior to installation.

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

21. (2) U-49-99 Shecterle Commercial Property – 3301 Sunnyslope Road– Retail & Office Building.

Motion by Mr. Barnes to conceptually approve the request by Shecterle Commercial Property for the use of a multi-tenant commercial building located at 3301 Sunnyslope Road subject to:

1) This proposal is consistent with the directive of the City of New Berlin Plan Commission

as agreed upon on July 6, 1998. The plan calls for an overall development plan that takes into account the properties along National Avenue and Sunny Slope Road.

2) Incorporate City Center Development guidelines for street edge, lighting, pedestrian pathways and landscaping requirements and include the following:

a) Incorporate an 8' vegetative area next to the curb that will contain a row of trees 30' on center.

b) A sidewalk (6')

c) Either a hedgerow or an ornamental fence (masonry columns with metal fencing)

d) Larger masonry elements at the driveway entrances to form a gateway.

e) Signage integrated with the gateways - monument or cabinet signs using masonry.

f) All above ground utilities both onsite and offsite to be relocated or buried.

3) A . 6 ft. concrete sidewalk required from East property line to western property line. Maintenance of sidewalk the responsibility of the adjoining property owner. Maintenance includes, but is not limited to the following: snow removal, ice removal, keeping clean of debris, etc.

4) Sunny Slope Road is currently under construction, including storm sewer. Storm sewer capacity barely adequate at present, which makes it undesirable to drain another parking lot into it.

5) Uniform signage plan required for shopping center.

6) Dumpster enclosure required to include both solid waste and recyclable dumpsters.

7) Lighting Plan required and should follow City Center Guidelines.

8) Erosion control plan required.

9) This conceptual approval has no certification to site and architecture.

Seconded by Alderman Kaminski. Motion carried unanimously.

22. (3) U-50-99 Jacob's Ridge Condominiums – 17720 W. Lincoln Avenue – 88 Units of Condominiums.

Motion by Mr. Barnes to table the request by Jacob's Ridge Condominiums for 88 units of condominiums located at 17720 W. Lincoln Avenue for the following reasons:

1) Access permit from the City of New Berlin – Engineering Department for the two connections to Lincoln Av. required.

2) A rehabilitation plan for Lincoln Avenue has not yet been submitted and is required. Plan

should include the acceleration/deceleration lanes as well as bypass lane within Lincoln Av.

3) A revised Grading Plan is required.

4) A revised Stormwater Management Plan required. Plan should include all stormwater computations.

5) A revised Utility Plan required. Per Chapter 18 of the Municipal Code, utilities are required to be extended to the property line, thus a connection to the main in Ridgeway Drive is required.

6) A Developer's Agreement is required for installation of all utilities.

7) A revised detailed Landscaping Plan is required. Schedule of size and species of landscaping materials required for all areas of the development, including pond areas and along roadways both internal and external. Courtyard landscaping needs to be addressed? Should be treated within the Landscape Plan.

8) Site plan has all but two of the garages facing out with the living quarters above and behind garages. An architectural solution is required. Incorporate more of the diversity of the side elevations.

9) All dumpsters required to be stored internally unless out for collection.

10) All utilities both on-site and off-site to be fed underground.

11) Building to be fully sprinklered. Alarm system required. Fire Hydrants required within 150 of all Fire Department connections. Knox box required.

12) Modification to layout of roadway required allowing for two points of ingress and egress. Loop area has only one access point.

13) A lift station is required as part of this development.

14) Recreational trail connection required as part of the recreational loop plan. 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, Engineering, and Park & Rec. departments.

Seconded by Mr. Felda. Motion carried unanimously.

23. (4) U-51-99 Wisconsin Corporate Central Credit Union Office Building – 12555 W. Janesville Road – New Office Building.

Motion by Mr. Barnes to approve the request by Wisconsin Corporate Central Credit Union Office Building for a new office building located at 12555 W. Janesville Road subject to:

1) Satisfy the following concerns raised by Engineering Department as they pertain to drainage and stormwater management prior to issuance of Building Permit:

a) Submittal of a revised grading plan that clearly shows that the overall site drainage will be directed into the pond. This plan should also show proposed grading along East lot line

(wooded tree line). No grading will be allowed within 10 feet of the lot line.

b) Perhaps pond should be moved back 10 feet. Submitted grading plans shows bermed top of pond at ? 8' – 9' in from Lowell Place ROW line. This will be disturbing about ? 10' – 15' to construct pond.

c) Grading plan also show 24" concrete culvert. This should be 18". Culvert Permit is required from Engineering Department.

d) Will like to determine the position of MMSD regarding the proposed 400 feet sanitary sewer connection through one acre out-lot to Janesville Road then draining through The Highlands to the lift station as opposed to draining to Hales Corner.

e) A new CSM will be required to eliminate old one-acre parcel. The current survey shows 50' ingress/ egress easement. This should be combined and remove to make parcel whole.

f) Approval of the submitted detention pond computation required prior to issuance of Building Permit.

g) Erosion control plan required.

h) Pond must be installed prior to construction of building.

2) Submittal of a detailed description of the exterior architecture required. Applicant is also required to submit material samples of proposed building.

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

4) Obtain a separate address for this building from the Engineering Department.

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

6) Building must meet all applicable Building and fire codes. Fire Extinguishers are required. Building must be fully sprinklered.

7) Permits from Building Inspection and Zoning required.

8) Planning approval of landscaping and parking lot lighting plan required prior to installation.

9) No outside storage is proposed for this business.

10) Dumpster location to be shown on plans. Dumpster must be properly screened from the street and public view in accordance with The City of New Berlin Municipal Code Section 17.1304 (14). Location of Dumpster enclosure must be clearly designated and the materials for construction including thickness of the concrete slab must be indicated on the plan. Enclosure must match exterior of building, and must be built to accommodate both solid as well as recyclable waste dumpsters.

Seconded by Mr. Felda. Motion carried unanimously.

24. (3) LD-5-99 Jacobs Ridge Condos – 17720 W. Lincoln Avenue – SE ¼ SEC 4 – Four lot preliminary and final land division.

Motion by Mr. Chase to recommend to Council approval of the request by Jacobs Ridge Condos for a preliminary four-lot land division located at 17720 W. Lincoln Avenue (SE ¼ SEC 4) subject to:

- 1) Length and tie to wetlands and Primary Environmental Corridor required.
- 2) Bike and Pedestrian Access Easement and trail, per the City of New Berlin Park and Open Space Plan, to be located and built near the western property lines of lots 3 & 4.
- 3) Wetland Preservation Restrictions to be labeled on the face of the CSM.
- 4) Applicant to sign before the City of New Berlin will sign the final CSM.
- 5) Grading, road, and utility plans to be submitted to and approved by Engineering Department prior to final approval.
- 6) Developer's Agreement to be approved by Board of Public Works and Common Council prior to Final Land Division approval.
- 7) Construction of and acceptance of Ridgeway Drive required prior to Final Land Division approval.
- 8) Payment of \$3000.00 in Public Site, Open Space and Trail fees required before the City will sign the Final CSM.

Seconded by Mr. Barnes. Motion carried unanimously.

25. (7) LD-6-99 William Rahfaldt – 2695 S. Johnson Road – SE ¼ SEC 7 – One-lot preliminary land division.

Motion by Mr. Chase to recommend to Council denial without prejudice the request by William Rahfaldt for a one-lot preliminary land division located at 2695 S. Johnson Road (SE ¼ SEC 7) based on the following:

- 1) No information has been submitted which would show that there is enough developable land for a land division. Information which would be required includes, but is not limited to submittal of the following:
 - a. Proof of perc.
 - b. Ultimate development plan.
 - c. Field delineation of wetlands and primary environmental corridor.
 - d. Topographic map showing 100-year recurring interval floodplain.

2) Waive fees for future development.

Seconded by Alderman Kaminski. Motion carried unanimously.

26. (4) LD-7-99 Carmen Roman Gumienny – 21951 W. Lawnsdale Road – NW ¼ SEC 30 – One-lot preliminary land division.

Motion by Mr. Chase to recommend to Council preliminary approval of the request by Carmen Roman Gumienny for a one-lot land division located at 21951 W. Lawnsdale Road (NW ¼ SEC 30) subject to:

1) Waukesha County Access Permit required.

2) 50' right-of-way of Lawnsdale Road to be "dedicated for public road purposes." ROW to be dedicated on both sides of Lawnsdale Road (100' ultimate ROW). Remnant parcel (outlot on the north side of Lawnsdale Road) to be joined with property to the north, Taxkey # 1227.998.002.

3) 30' drainage easement required. Location to be determined by City Engineer.

4) Principle dwelling on lot 1 (future) to be located a minimum of 50' from pond.

5) Payment of \$1000.00 in Public Site, Open Space and Trail fees required before the City will sign the Final CSM.

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

27. (4) U-33-99 Day Care Center – Towne Corporate Park – Learning Edge Day Care & Preschool – 5245 S. Emmer Drive – Day care and preschool.

Motion by Mr. Barnes to approve the request by Learning Edge Day Care & Preschool for a day care and preschool located at 5245 S. Emmer Drive subject to:

1) Satisfy the following concerns of the Engineering Department as they pertain to the grading and stormwater prior to issuance of building permit:

a) Building grade should be raised at least one foot from 873' to 874' (below Emmer Court current elevation), because as it will be too difficult to drain backyard of daycare.

b) Unable to tell whether any curb is proposed on the site.

c) No Storm sewer plan submitted. Area allowed to drain to Emmer Court is limited. Building and at least West half of parking lot to drain North to Stratton Drive. The submitted grading plan is not acceptable. Storm sewer plans showing sizes and computation required prior to Building Permit being issued.

d) The submitted plans showing proposed grading behind building in tree line area is not acceptable. The play area will have to be reduced or a masonry retaining wall will be required.

e) Separate owners and use for both buildings, any chance of a land division?

- f) Converging driveway at East lot line could create confusion for ingress and egress. Would be better if they meet at right angles.
 - g) Parking lot grade should be raised one foot; otherwise we will have a very shallow storm sewer. All storm sewers shall have 12" sump at the bottom of inlets and manholes. Sheet draining over grass should also be considered.
 - h) Building plans does not show basement. Where are the locations of mechanicals?
 - i) Plans also fail to show location/ installation of sewer and water laterals for the building.
 - j) Are downspouts proposed to be connected to storm sewer?
 - k) Plat of survey, stamped by surveyor required for Building Permit.
 - l) Road must be accepted prior to issuance of Building Permit unless an alternate route not crossing an unfinished road is provided.
 - m) Curbs shall not extend past the ROW line.
- 2) Sign permit requires separate application and permit from the Planning Department.
 - 3) Temporary access to Beloit road required prior to building permit or early start being issued.
 - 4) All parking and drive areas to be fully curbed unless Engineering Department allows a change for sheet drainage.
 - 5) The City of New Berlin Architectural Review Committee must approve building material and exterior architecture.
 - 6) Building must be maintained per § 14.25 of the Non-residential Property Maintenance Code. No outside storage other than which is used for outdoor play area will be permitted on the property.
 - 7) Building must meet all applicable building and fire codes for use as a day care center. Requirements to include, but are not limited to; a fire hydrant within 150 of building riser, building to be fully sprinklered, and a alarm system is required.
 - 8) Planning approval of landscaping and lighting plan required prior to installation.
 - 9) Permits are required from the Building, Inspections and Zoning.
 - 10) 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 plan. Enclosure must match exterior of building, and must be built to accommodate both solid as well as recyclable waste dumpsters.

Seconded by Mr. Felda. Motion carried unanimously.

28. (4) U-9-99 GS Hydraulics – 5055 S. Towne Drive – Conceptual review for office,

warehouse, assembly, shipping and receiving

Motion by Mr. Barnes to conceptually approve the request by GS Hydraulics for the use for office, warehouse, assembly, shipping and receiving located at 5055 S. Towne Drive subject to:

- 1) Submittal of an ultimate development plan.
- 2) The ultimate development plan should include a plan for all parcels East of Towne Corporate Drive, and bordered by I-43 and Beloit Road.
- 3) Plan should include ingress and egress options, address all utility concerns and the use of Calhoun Creek and the floodplain.
- 4) The City of New Berlin Engineering Department has the following concerns:
 - a. Submittal of a grading plan for the site.
 - b. Layout needs work: 14' grade change from West to East, only 25' from building to the East lot line to slope.
 - c. The location of the detention pond is not sufficient.
 - d. Future lot line right down the middle of the drive should be reconsidered.
 - e. Submittal of plans for spite strip road, sanitary sewers, and water connections.
 - f. Submittal of plans for storm sewers, detention pond computations, and erosion control plans.
 - g. Submittal of plans that show how sites to the East could develop with all the "good land being taken by this project." The South half of this site is heavily wooded according to City of New Berlin topographic maps. Submitted plans should take these trees into consideration.

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

29. (4) U-54-99 Applebee's – 5170 S. Moorland – Restaurant.

Motion by Mr. Felda to table the request by Applebee's for a restaurant located at 5170 S. Moorland Road for the following reasons:

- 1) The City of New Berlin Engineering Department will require the following to be resolved prior to issuance of a Building Permit:
 - a) Submittal of grading plan and utility plans for review and approval.
 - b) Road is not yet constructed. Part of the site is currently a sediment basin until construction is completed.

c) Need plat of survey for Building Permit.

d) Intending to buy 16' +/- to east in private access easement to meet setback?

2) The City of New Berlin Zoning Code Section 17.0319 (6)(e) states that, "Parking lots in the M-1 districts shall be set back a minimum of 50 feet from the base setback line. The 50-foot front yard area shall be used only as lawn and landscaped area with the exception of necessary driveways or sidewalks. For corner lots, the "side on corner" yard may be used for employee parking providing that such parking is set back a minimum of 10 feet from the base setback line. The applicant shall provide for a minimum 50' landscape area between Moorland Road /I-43 and the parking area. We would accept the offsite buffer if it is tied to the project and maintained by the restaurant.

3) Submittal of an overall plan showing the other sites/lots and open space/preservation area, detention facilities, street landscaping, and pedestrian access between buildings.

4) Building must meet all applicable Building Inspection and fire codes. These requirements include but are not limited to the following; Fire Extinguishers are required, building must be fully sprinklered, alarm system required for assembly occupancy, knox box is also required and fire hydrant required within 150' of sprinkler connection for this business.

5) A separate monument sign application and permit is required and can be obtained from the Planning Department. The proposed sign must meet the overall coordinated sign standard of the Westridge Business Park.

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

7) Permits from Building Inspection and Zoning required for all internal modifications or demolition work.

8) No outside storage shall be permitted on the premises.

9) Dumpster location to be shown on plans. Dumpster must be properly screened from the street and public view in accordance with The City of New Berlin Municipal Code Section 17.1304 (14). Location of Dumpster enclosure must be clearly designated and the materials for construction including thickness of the concrete slab must be indicated on the plan. Enclosure must match exterior of building, and must be built to accommodate both solid as well as recyclable waste dumpsters.

The Plan Commission has no objection to the use and architecture of the building but site issues need to be worked out.

Seconded by Mr. Barnes. Motion carried unanimously.

30. (3) R-4-99 Deer Creek Inn & Conf. Center – 1401 S. Moorland Road – Rezone from RM-1 to B-4.

Motion by Alderman Kaminski to table the request by Deer Creek Inn & Conference Center to rezone the property located at 1401 S. Moorland Road from RM-1 to B-4 per the applicants request to allow them to work out the financial feasibility of the eight story limit.

Seconded by Mr. Barnes. Motion carried unanimously.

31. (7) SIGN – Guthrie, Inc. – 16060 W. National Avenue – Awning Sign.

Motion by Mr. O'Neil to table the request by Guthrie, Inc. for an awning sign located at 16060 W. National Avenue for the following reasons:

- 1) The City of New Berlin Inspection Department would have to see snow and wind uplift loads to determine the safety of the awning. These calculations must be submitted before any further action can be taken on this matter. Aesthetics of the awning must also be reviewed.
- 2) This building does not meet the setback requirement for National Avenue. The required set back for the B-2 Zoning District is 40 feet from the right-of-way. This building is only set back 14.4 feet, thereby making it non-conforming. A setback letter is required. Section 17.0806 (2) states that, "Marquee and Canopy Signs affixed flat to the surface of a marquee or canopy are permitted in lieu of a wall sign provided that the sign does not extend vertically or horizontally beyond the limits of such marquee, awning, or canopy. A marquee or canopy may extend up to 12 feet beyond the building to which it is affixed, but shall not extend into a required front yard, side yard, or rear yard, nor shall it extend closer than one (1) foot to the vertical plane formed by the curblin in a shopping center. A name sign not exceeding two (2) square feet in area located immediately in front of the entrance to an establishment may be suspended from a marquee or canopy provided that the name sign is at least eight (8) feet above the sidewalk.
- 3) According to the City of New Berlin Zoning Code Section 17.0403 (7) "Parking areas and aisles in all other districts (including B-2) shall be paved with an asphalt or concrete surface.
- 4) The building must be maintained per Section 14.25 of the Non-residential Property Maintenance Code.
- 5) Building must meet all applicable Building Inspection and fire codes. Fire Extinguishers are required.
- 6) Permits from Building Inspection and Zoning required for all internal modifications or demolition work.
- 7) No outside storage shall be permitted on the premises.
- 8) Dumpster must be properly screened from the street and public view in accordance with The City of New Berlin Municipal Code Section 17.1304 (14). Dumpsters and recycling containers must be located within a dumpster enclosure.

Seconded by Alderman Kaminski. Motion carried unanimously.

32. (3) SIGN – Arrowhead Tool & Die – 15905 W. Lincoln Avenue – Wall Sign.

Motion by Mr. O'Neil to table the request by Arrowhead Tool & Die for a wall sign located at 15905 W. Lincoln Avenue for the following reasons:

- 1) Submittal of a re-occupancy application for this business before any sign permits will

be issued.

2) Double fees will be charged for putting the sign up before they had a permit to do so.

Seconded by Mr. Chase. Motion carried unanimously.

STAFF APPROVED

33. (2) U-43-99 H. K. Systems, 2855 S. James Drive – Additional 20 parking stalls and landscaping.

The request by H. K. Systems for an additional 20 parking stalls and landscaping located at 2855 S. James Drive has been reviewed and Conditionally Staff Approved by the New Berlin Plan Commission subject to the application, the plans on file and the following:

1) The City of New Berlin Engineering Department will require that the new parking spaces match the existing grades except in the area of spaces number seven through ten, where some filling will be needed. No slope to exceed a ratio of 3:1 in this area.

2) Submittal of and approval of a revised landscaping plan that includes additional trees and berm along front parking lot near James Drive. Landscaping plan should be submitted by August 13, 1999.

3) According to the City of New Berlin Zoning Code Section 17.0403 (7) "Parking areas and aisles in all other districts (including B-2) shall be paved with an asphalt or concrete surface. The parking area shall be paved by August 30, 1999

4) Building to meet all applicable building and fire codes.

5) Building must be maintained per Section 14.25 of the Non-residential Property Maintenance Code. No outside storage will be permitted on the property.

6) Parking spaces and aisles shall meet all Zoning Code and any ADA requirements.

7) Dumpster location to be shown on plans. Dumpsters must be properly screened from the street and public view in accordance with the City of New Berlin Municipal Code Section 17.1304 (14). Location of Dumpster enclosure must be clearly designated and the materials for construction including thickness of the concrete slab must be indicated on the plan. Enclosure must match exterior of building, and must be built to accommodate both solid as well as recyclable waste dumpsters

34. (1) SIGN – Hermann's Hobbies – 14029 W. Greenfield Avenue – Wall Sign.

The request by Hermann's Hobbies for a wall sign located at 14029 W. Greenfield Avenue has been reviewed and Conditionally Staff Approved by the New Berlin Plan Commission subject to the application, the plans on file and the following:

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

2) The wall sign shall not exceed 13.9 square feet (18" x 112").

3) There is no outstanding sign fee.

4) 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."

5) Electrical Permit is required from the Building Inspection and Zoning Department.

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

7) Sign shall not exceed more than 12 inches outside of building wall surface.

8) Sign must fit in with the overall sign standards set for the Greenfield Plaza.

35. (2) SIGN – Falk Renew – 1905 S. Moorland Road – Face Change.

The request by Falk Renew for a sign face change located at 1905 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 wall sign shall not exceed 45.5 square feet (3'6" x 13').

3) Payment of \$41.00 for wall sign fee: (45.5 sq. ft x \$2 per Sq. ft. \$91.00 - \$50 application fee = \$41.00.)

4) 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."

5) Electrical Permit is required from the Building Inspection and Zoning Department.

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

36. (1) SIGN - Edward Jones – 12430 W. National Avenue – Wall Sign.

The request by Edward Jones for a wall sign located at 12430 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) Installation and Maintenance per Section 17.0800 of the Municipal Zoning Ordinance.

2) The wall sign shall not exceed 13.1 square feet (1' 3" x 10' 7 1/4").

3) There is not outstanding sign fee.

4) 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."

- 5) Electrical Permit is required from the Building Inspection and Zoning Department.
- 6) Sign must fit in with the overall sign standards set for the Appleglen Plaza.
- 7) Submittal of a color copy of the plans by June 30, 1999.
- 8) Lettering must match that of existing signs.
- 9) Sign must be turned off outside of normal business hours.

37. (3) SIGN – Gleichman Sumner Co., Inc. – 16150 W. Lincoln Avenue – Wall Sign.

The request by Gleichman Sumner Co., Inc. for a wall sign located at 16150 W. Lincoln Avenue has been reviewed and Conditionally Staff Approved by the New Berlin Plan Commission subject to the application, the plans on file and the following:

- 1) Installation and Maintenance per Section 17.0800 of the Municipal Zoning Ordinance.
- 2) The wall sign shall not exceed 20 square feet (1' 3" x 10' 7 1/4").
- 3) There is no outstanding sign fee for this sign permit.
- 4) 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."
- 5) Electrical Permit is required from the Building Inspection and Zoning Department.
- 6) Sign must be turned off outside of normal business hours.
- 7) All conditions of Use Approval U-39-99 must be met before any sign permits will be issued.

38. (2) SIGN – Landmark Credit Union – 2775 S. Moorland Rd. – Name Changes. (Tabled 6/7/99)

The request by Landmark Credit Union for a name sign change located at 2775 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 ground sign will now count as the two signs for this business. The top portion (sign #1) will remain unchanged. The lower portion of the sign (sign #2) will display the other two tenants in the building: Security Insurance & Financial Services and Landmark Financial Services, Inc.
- 2) The remaining sign slots will be filled with dark bronze slides that will match the

background of the Landmark Credit Union Sign and the existing dividers.

39. (6) SIGN – Jewel Osco – 13995 W. National Avenue – Monument and Building Signs.

The request by Jewel Osco for monument and building signs located at 13995 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:

JEWEL OSCO MONUMENT SIGN:

- 1) Installation and Maintenance per Section 17.0800 of the Municipal Zoning Ordinance.
- 2) Final location of monument sign and fencing must be approved and stamped by the City of New Berlin Planning Department and Engineering Department prior to installation. This should be determined at the August 2, 1999 Plan Commission meeting.
- 3) The monument sign must be located outside of the county vision triangle (vision triangle measured at 150' on center from the intersection of National and 100' on center from Sunny Slope Road. Final location of monument sign to be approved and stamped by the City of New Berlin Planning Department and Engineering Department prior to installation.
- 4) The monument sign needs to be located 2' or more from the sidewalk location.
- 5) The monument sign can not be installed until a detailed plan is submitted for the corner of National Avenue and Sunny Slope Road. The plan should include all the City Center and National Avenue Corridor requirements including street lighting, sidewalk location and landscaping.
- 6) The monument sign shall not exceed 28.75 square feet (5' x 5'-9").
- 7) Payment of \$65.00 for monument sign fee: (28.75 sq. ft x 2 sides x \$2 per Sq. ft. \$115.00 - \$50 application fee = \$65.00.)
- 8) The brick, stonework, and roofing materials are to match the material used in the building.
- 9) Sign should incorporate the fence as outlined in the roadside edge guidelines.
- 10) The sign shall not be constructed within the Waukesha County Department of Transportation right-of-way.
- 11) 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."
- 12) Electrical Permit is required from the Building Inspection and Zoning Department.
- 13) Sign must be turned off outside of normal business hours.
- 14) Building must be maintained per Section 14.25 of the Non-residential Property

Maintenance Code. No outside storage will be permitted on the property.

15) Parking spaces and aisles shall meet all Zoning Code and any ADA requirements.

16) Dumpster location to be shown on plans. Dumpsters must be properly screened from the street and public view in accordance with the City of New Berlin Municipal Code Section 17.1304 (14). Location of Dumpster enclosure must be clearly designated and the materials for construction including thickness of the concrete slab must be indicated on the plan. Enclosure must match exterior of building, and must be built to accommodate both solid as well as recyclable waste dumpsters.

TCF BANK MONUMENT SIGN:

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

2) Final location of monument sign and fencing must be approved and stamped by the City of New Berlin Planning Department and Engineering Department prior to installation. This should be determined at the August 2, 1999 Plan Commission meeting.

3) The monument sign must be located outside of the county vision triangle (vision triangle measured at 150' on center from the intersection of National and 100' on center from Sunny Slope Road. Final location of monument sign to be approved and stamped by the City of New Berlin Planning Department and Engineering Department prior to installation.

4) The monument sign needs to be located 2' or more from the sidewalk location.

5) The monument sign can not be installed until a detailed plan is submitted for the corner of National Avenue and Sunny Slope Road. The plan should include all the City Center and National Avenue Corridor requirements including street lighting, sidewalk location and landscaping.

6) The TCF portion of the monument sign shall not exceed 12 square feet (2' x 6').

7) There is no outstanding fee for this sign.

8) The brick, stonework, and roofing materials are to match the material used in the building.

9) Sign should incorporate the fence as outlined in the roadside edge guidelines.

10) The sign shall not be constructed within the Waukesha County Department of Transportation right-of-way.

11) 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."

12) Electrical Permit is required from the Building Inspection and Zoning Department.

13) Sign must be turned off outside of normal business hours.

14) Building must be maintained per Section 14.25 of the Non-residential Property Maintenance Code. No outside storage will be permitted on the property.

15) Parking spaces and aisles shall meet all Zoning Code and any ADA requirements.

16) Dumpster location to be shown on plans. Dumpsters must be properly screened from the street and public view in accordance with the City of New Berlin Municipal Code Section 17.1304 (14). Location of Dumpster enclosure must be clearly designated and the materials for construction including thickness of the concrete slab must be indicated on the plan. Enclosure must match exterior of building, and must be built to accommodate both solid as well as recyclable waste dumpsters.

JEWEL OSCO WALL SIGNS

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

2) Final location of monument sign and fencing must be approved and stamped by the City of New Berlin Planning Department and Engineering Department prior to installation. This should be determined at the August 2, 1999 Plan Commission meeting.

3) The monument sign must be located outside of the county vision triangle (vision triangle measured at 150' on center from the intersection of National and 100' on center from Sunny Slope Road. Final location of monument sign to be approved and stamped by the City of New Berlin Planning Department and Engineering Department prior to installation.

4) The monument sign needs to be located 2' or more from the sidewalk location.

5) The monument sign can not be installed until a detailed plan is submitted for the corner of National Avenue and Sunny Slope Road. The plan should include all the City Center and National Avenue Corridor requirements including street lighting, sidewalk location and landscaping.

6) Total Payment of \$881.05 for the wall sign fee.

7) The Jewel Osco Wall Sign shall not exceed 291 square feet (7'-2" x 41'). (291 sq. ft x \$2 per Sq. ft. \$582.00.)

8) The Rx Drive-thru wall sign shall not exceed 54 square feet (38" x 17'). (54 sq. ft x \$2 per Sq. ft. \$108.00.)

9) The Drug wall sign shall not exceed 13.3 square feet (7'-7" x 21"). (13.3 sq. ft x \$2 per Sq. ft. \$26.60.)

10) The Liquor wall sign shall not exceed 17.5 square feet (21" x 10'). (17.5 sq. ft x \$2 per Sq. ft. \$35.00.)

11) The Food wall sign shall not exceed 13.3 square feet (21" x 7'-7"). (13.3 sq. ft x \$2 per Sq. ft. \$26.60.)

12) The 1 Hour Photo wall sign shall not exceed 15.4 square feet (15'-5" x 21"). (15.4 sq. ft x \$2 per Sq. ft. \$30.80.)

- 13) The Clearance wall sign shall not exceed 2.4 square feet (8" x 4'). (2.4 sq. ft x \$2 per Sq. ft. \$4.80.)
- 14) The Exit Only wall sign shall not exceed 3 square feet (2' x 18"). (3 sq. ft x \$2 per Sq. ft. \$6.00.)
- 15) The Drop Off Pick Up wall sign shall not exceed 3 square feet (2' x 18"). (3 sq. ft x \$2 per Sq. ft. \$6.00.)
- 16) The Entrance wall sign shall not exceed 4 square feet (1' x 4'). (4 sq. ft x \$2 per Sq. ft. \$8.00.)
- 17) The TCF Bank wall sign shall not exceed 23.625 square feet (13'-3" x 21"). (23.625 sq. ft x \$2 per Sq. ft. \$47.25.)
- 18) The brick, stonework, and roofing materials are to match the material used in the building.
- 19) Sign should incorporate the fence as outlined in the roadside edge guidelines.
- 20) The sign shall not be constructed within the Waukesha County Department of Transportation right-of-way.
- 21) 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."
- 22) Electrical Permit is required from the Building Inspection and Zoning Department.
- 23) Sign must be turned off outside of normal business hours.
- 24) Building must be maintained per Section 14.25 of the Non-residential Property Maintenance Code. No outside storage will be permitted on the property.
- 25) Parking spaces and aisles shall meet all Zoning Code and any ADA requirements.
- 26) Dumpster location to be shown on plans. Dumpsters must be properly screened from the street and public view in accordance with the City of New Berlin Municipal Code Section 17.1304 (14). Location of Dumpster enclosure must be clearly designated and the materials for construction including thickness of the concrete slab must be indicated on the plan. Enclosure must match exterior of building, and must be built to accommodate both solid as well as recyclable waste dumpsters.

TCF WALL SIGN:

- 1) Installation and Maintenance per Section 17.0800 of the Municipal Zoning Ordinance.
- 2) Final location of monument sign and fencing must be approved and stamped by the City of New Berlin Planning Department and Engineering Department prior to installation. This should be determined at the August 2, 1999 Plan Commission meeting.

- 3) The monument sign must be located outside of the county vision triangle (vision triangle measured at 150' on center from the intersection of National and 100' on center from Sunny Slope Road. Final location of monument sign to be approved and stamped by the City of New Berlin Planning Department and Engineering Department prior to installation.
- 4) The monument sign needs to be located 2' or more from the sidewalk location.
- 5) The monument sign can not be installed until a detailed plan is submitted for the corner of National Avenue and Sunny Slope Road. The plan should include all the City Center and National Avenue Corridor requirements including street lighting, sidewalk location and landscaping.
- 6) There is no outstanding fee for TCF Bank wall sign.
- 7) The TCF Bank Wall Sign shall not exceed 23.625 square feet (21" x 13'-6").
- 8) The brick, stonework, and roofing materials are to match the material used in the building.
- 9) Sign should incorporate the fence as outlined in the roadside edge guidelines.
- 10) The sign shall not be constructed within the Waukesha County Department of Transportation right-of-way.
- 11) 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."
- 12) Electrical Permit is required from the Building Inspection and Zoning Department.
- 13) Sign must be turned off outside of normal business hours.
- 14) Building must be maintained per Section 14.25 of the Non-residential Property Maintenance Code. No outside storage will be permitted on the property.
- 15) Parking spaces and aisles shall meet all Zoning Code and any ADA requirements.
- 16) Dumpster location to be shown on plans. Dumpsters must be properly screened from the street and public view in accordance with the City of New Berlin Municipal Code Section 17.1304 (14). Location of Dumpster enclosure must be clearly designated and the materials for construction including thickness of the concrete slab must be indicated on the plan. Enclosure must match exterior of building, and must be built to accommodate both solid as well as recyclable waste dumpsters.

ZONING PERMITS

40. (4) RO-35-99 H & R Block, 5482 S. Westridge Drive – Office to staff personnel that supervises and manages H & R Block retail locations.

The request by H & R Block for an office to staff personnel that supervises and manages H & R Block retail locations located at 5482 S. Westridge Drive has been reviewed and

Conditionally Staff Approved by the New Berlin Plan Commission subject to the application, the plans on file and the following:

- 1) The building must be maintained per Section 14.25 of the Non-residential Property Maintenance Code.
- 2) Building must meet all applicable Building Inspection and fire codes. Fire Extinguishers are required.
- 3) Permits from Building Inspection and Zoning required for internal modifications or demolition work.
- 4) Dumpster must be properly screened from the street and public view in accordance with New Berlin Municipal Code Section 17.1304(14). The dumpsters and recyclable waste dumpsters must be placed within an enclosure.
- 5) No outside storage shall be permitted on the lot.
- 6) A professional architect must stamp floor plans that were submitted.
- 7) Pallets in rear of building near the dumpster must be removed by June 30, 1999.
- 8) Cinder blocks on side of building must be removed by June 30, 1999.

41. (3) RO-37-99 Christopher J. Gorski – 16735 W. Greenfield Avenue – Vacant Basement used for Embroidery of Garments.

The request by Christopher J. Gorski to use a vacant basement for embroidery of garments located at 16735 W. Greenfield Avenue has been reviewed and Conditionally Staff Approved by the New Berlin Plan Commission subject to the application, the plans on file and the following:

- 1) The building must be maintained per Section 14.25 of the Non-residential Property Maintenance Code.
- 2) Building must meet all applicable building and fire codes. Fire Extinguishers are required.
- 3) Permits from Building Inspection are required for internal modifications or demolition work.
- 4) No outside storage shall be permitted on the premises.
- 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) As part of the Greenfield Avenue reconstruction the unlimited driveway access will be replaced with a single driveway access which is shared with the business to the East. You will need to submit a plan for the revised front parking area to the Planning Department by August 16, 1999.

42. (4) RO-38-99 Blimpie Subs & Salads – 15710 W. Small Road – Sales of Subs and

Salads.

The request by Blimpie Subs & Salads for sales of subs and salads 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) Double fees will be charged for occupancy before receiving a Zoning Permit. A balance of \$195.00 must be paid before the Zoning Permit can be issued.
 - 2) Building must be maintained per Section 14.25 of the Non-residential Property Maintenance Code. No outside storage will be permitted on the property.
 - 3) Building must meet all applicable building and fire codes. Fire Extinguishers are required.
 - 4) No outside storage shall be permitted on the premises.
 - 5) Permits are required from the Building, Inspection, and Zoning Departments for all interior extensive alterations or modifications.
 - 6) Parking spaces and aisles shall meet all Zoning Code and ADA requirements.
 - 7) Dumpster location to be shown on plans. Dumpsters must be properly screened from the street and public view in accordance with the City of New Berlin Municipal Code Section 17.1304 (14). Location of Dumpster enclosure must be clearly designated and the materials for construction including thickness of the concrete slab must be indicated on the plan. Enclosure must match exterior of building, and must be built to accommodate both solid as well as recyclable waste dumpsters.
 - 8) Condition number 3 of your Conditional Use Approval (CU-3-99) states that the hours of operation for the Drive-Up Window are 6:00 AM -8 PM, 24-hour operation will not be allowed.
 - 9) Must meet all conditions set forth in the Conditional Use Approval (CU-3-99) for Dick's New Berlin Service, Inc.
 - 10) The flags along Moorland and Small Road must be removed by July 16, 1999.
43. (4) RO-40-99 Home Care Medical, Inc. – 5665 S. Westridge Drive – Corporate Headquarters, Admin. Offices, Warehousing, Shipping and Receiving.

The request by Home Care Medical, Inc. for corporate headquarters, admin. offices, warehousing, shipping and receiving located at 5665 S. Westridge Drive has been reviewed and Conditionally Staff Approved by the New Berlin Plan Commission subject to the application, the plans on file and the following:

- 1) The Building, Inspection and Zoning Department will require detailed plans for all the anticipated interior constructions prior to issuing of Building Permit.
- 2) Approval of a final landscaping plan that includes additional landscaping/ berm at the end Rausch Court to provide screening for the vans and oxygen tank at the site.
- 3) The liquid oxygen tank must be placed at least ten feet from the building per state

regulations, and must be screened with a fence and bollards per fire regulations.

- 4) No parking between building and placement of liquid oxygen tanks.
- 5) Outside parking of vehicles shall be limited to 18 Home Care vans only. A new application must be submitted to the Plan Commission if parking should exceed the approved number.
- 6) Must meet all conditions set within your Use Approval (U-68-98) for Westridge Business Center II.
- 7) Building must meet all applicable building and fire codes. Fire Extinguishers are required.
- 8) Building must be maintained per Section 14.25 of the Non-residential Property Maintenance Code. No outside storage will be permitted on the property.
- 9) Parking spaces and aisles shall meet all Zoning Code and any ADA requirements.
- 10) Dumpster location to be shown on plans. Dumpsters must be properly screened from the street and public view in accordance with the City of New Berlin Municipal Code Section 17.1304 (14). Location of Dumpster enclosure must be clearly designated and the materials for construction including thickness of the concrete slab must be indicated on the plan. Enclosure must match exterior of building, and must be built to accommodate both solid as well as recyclable waste dumpsters.

44. (7) RO-41-99 Arizona Spa – 15855 W. National Avenue – Salon Providing Nail Care, Skin Care, and Massage.

The request by Arizona Spa for a salon providing nail care, skin care, and massage 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) Submittal of an overall site plan that shows the location of a dumpster enclosure, proposed monument sign and the proposed sidewalk along National Avenue.
- 2) Submittal of a monument sign plan that meets the National Avenue Corridor Alternative Transportation Plan and The City Center Design Standards. The sign that is currently at this site does not meet the City of New Berlin Sign Code. The multi-tenant sign will need to be brought into conformity within one year of this reoccupancy or by August 2, 2000.
- 3) Per City Center design and guideline, a six-foot wide concrete path will be required along National Avenue. Path must be at least one foot from the ultimate right-of-way of National Avenue. Additional streetscaping to include street lighting and trees will be required. Plans to be reviewed and approved by The City of New Berlin Engineering Department within one year of occupancy or by August 2, 2000.
- 4) Building must be maintained per Section 14.25 of the Non-residential Property Maintenance Code. No outside storage will be permitted on the property.
- 5) Building must meet all applicable building and fire codes. Fire Extinguishers are required.
- 6) Permits are required from the Building, Inspection, and Zoning Departments for all

extensive interior alterations or modifications.

7) Parking spaces and aisles shall meet all Zoning Code and ADA requirements.

8) Submittal of a dumpster plan showing dumpster location and materials to be used. Dumpsters must be properly screened from the street and public view in accordance with the City of New Berlin Municipal Code Section 17.1304 (14). Location of Dumpster enclosure must be clearly designated and the materials for construction including thickness of the concrete slab must be indicated on the plan. Enclosure must match exterior of building, and must be built to accommodate both solid as well as recyclable waste dumpsters.

45. (2) RO-42-99 Bedroom Super Store – 17155 W. Glendale – Storage of Bedroom Furniture and Mattresses.

The request by Bedroom Super Store for storage of bedroom furniture and mattresses located at 17155 W. Glendale 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) Outside parking of vehicles shall be limited to two Bedroom Super Store trucks.

2) Trucks must be screened from the right-of-way of Glendale Drive.

3) Approval of a final landscaping plan that includes additional landscaping near Glendale Drive to provide screening for the trucks at this site.

4) According to the Municipal Code of the City of New Berlin Section 11.07 Noxious Weeds are not allowed on any property. Submittal of and approval of an approved landscaping plan to the City of New Berlin Planning Department by August 30, 1999.

5) Building must be maintained per Section 14.25 of the Non-residential Property Maintenance Code. No outside storage will be permitted on the property. This would include the pallets and the pile of dirt in the parking lot. These items should be removed as soon as possible.

6) Please see that the semi-trailer is removed from the property as soon as the move is finished. An inspection will be made to ensure that the truck is not left on the property for any duration of time.

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

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

9) Parking spaces and aisles shall meet all Zoning Code and ADA requirements.

10) Dumpster location to be shown on plans. Dumpsters must be properly screened from the street and public view in accordance with the City of New Berlin Municipal Code Section 17.1304 (14). Location of Dumpster enclosure must be clearly designated and the materials for construction including thickness of the concrete slab must be indicated on the plan. Enclosure must match exterior of building, and must be built to accommodate both solid as

well as recyclable waste dumpsters.

COMMUNICATIONS

46. Communication To: Plan Commission

Communication From: Michael Losik

RE: Gary Casper report "Proposed Hidden Creek Development Butler's Garter Snake Alternative" (S-149-97)

Mr. Hoese said that this is being brought forward because in 1998 the Plan Commission and Common Council gave preliminary approval with some conditions for a subdivision called Hidden Creek at approximately 12501 W. Howard Avenue. Some of the conditions regarding the road layout cannot be met based upon the environmental research. Our recommendation to the Plan Commission is to send a signal back to the applicant that you will now, based upon this detailed information, consider having a discontinued road pattern and suggest they come back to Plan Commission for review of the cul-de-sac ideas.

Motion by Alderman Kaminski to encourage the applicant for Hidden Creek located at approximately 12501 W. Howard Avenue to pursue the cul-de-sac plan alternative based on the report from Gary Casper.

Seconded by Mr. Chase.

Friendly amendment by Mr. Chase to change the wording of the motion to eliminate the word "encourage" and reword the motion to say: Plan Commission recognizes that the thru street is no longer an alternative for the Hidden Creek development and a resubmittal with the cul-de-sac option is required.

Friendly amendment accepted by Alderman Kaminski.

Motion as amended carried unanimously.

47. Communication To: Plan Commission

Communication From: Jeff Chase

RE: The Preserve at Deer Creek, reconsideration. (U-19-99)

This formalizes the request for reconsideration of The Preserve at Deer Creek and will be kept on file in the Planning Department.

48. Communication To: Plan Commission

Communication From: Steven K. Hoese, Director of Planning

RE: Storm Water Funds

Steve Hoese reported that the City Attorney has brought to our attention that he has concerns on two cases (Flat Rate and Denco) where the Plan Commission in lieu of requiring an applicant to put in storm detention on site, accepted their offer to give a

contribution for an offsite detention pond. The City Attorney has concerns with that process and the collection of those funds. Mr. Hoese went on to present some alternative solutions.

Motion by Alderman Kaminski to refer the matter of Storm Water Funds to the Storm Water Management Committee.

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

49. Communication To: Plan Commission

Communication From: Bill Bowers, City Clerk

RE: Town of Brookfield, Board of Appeals, 19990 W. Greenfield Avenue.

Plan Commissioners acknowledged receipt of this communication.

Plan Commissioners requested a report on the progress of Hardees brick at the next Plan Commission meeting.

Motion by Mr. Felda to adjourn the Plan Commission meeting at 10:30 P.M. Seconded by Mr. Barnes. Motion carried unanimously.