

## NEW BERLIN PLAN COMMISSION

December 6, 1999

### Minutes

The Plan Commission meeting of December 6, 1999 was called to order by Mayor Gatzke at 7:06 P.M.

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

Motion by Mr. Barnes to approve the Plan Commission Minutes of November 8, 1999. Seconded by Mr. Christel. Motion carried unanimously.

Plan Commission Secretary's Report - Mr. Hoese reported that the Comprehensive meeting in January will be moved to later in the month and a notice will be sent from staff.

#### CONTINUED ITEMS

5. (2) LD-9-99 Clarence Schindler – 2305 S. Brookland Rd. – Ne ¼ Sec. 11 – Preliminary Two-Lot Land Division. (deferred 11/8/99)

Motion by Mr. Christel to recommend to Council approval of the request by Clarence Schindler for a preliminary two lot land division located at 2305 S. Brookland Road NE ¼ SEC. 11 subject to the application, plans on file and the following:

- 1) Drainage swale required along common lotline, location and length to be determined by City Engineer prior to building permit being issued.
- 2) Driveway access off of Lincoln Av. required to have a "T" turnaround to allow maneuvering of vehicles without using arterial road. Access permit from the City of New Berlin Engineering Department required.
- 3) Payment of \$1000.00/new lot in Public Site, Open Space and Trail fees required before the City will sign the Final CSM.
- 4) Per Section 18.29(1) lot line to be adjusted so as the frontage on the two lots to be 140' – 160' to best preserve trees and provide for a swale. At least one lot to meet the minimum conditions of code at 20,000 sq. ft.
- 5) Per Section 18.29 the Plan Commission finds practical difficulty and recommends a variance to the lot size provisions as the proposal meets the test of 18.29(2).

Seconded by Mr. Barnes. Motion carried unanimously.

6. (2) U-70-99 Quad Graphics – 16555 Rogers Drive – Construction of Gatehouse, widen East driveway, develop paved parking with screen plantings and outdoor lighting, convert overhead door to two overhead doors and add three dock doors to North side of building. (deferred 11/8/99)

Motion by Mr. Felda to approve the request by Quad Graphics for construction of gatehouse, widen East driveway, develop paved parking with screen plantings and outdoor lighting, convert overhead door to two

overhead doors and add three dock doors to the North side of the building located at 16555 Rogers Drive subject to the application, plans on file and the following:

- 1) The design and configuration of the entrance driveway requires approval from the Engineering Department prior to issuance of a Building Permit.
- 2) Driveway limited to 55' at roadway.
- 3) All necessary permits must be obtained from the Building Inspection and Zoning Department prior to commencement of any construction at this site. This includes permits for the guard-house, loading docks additions and alterations, and all electrical and plumbing work at this site.
- 4) Erosion control silt fence must be erected prior to any construction activity. No encroachment or disturbance of the adjoining wetlands will be permitted. All activities must be contained outside the wetland.
- 5) Building must be maintained per Section 14.25 of the Non-residential Property Maintenance Code.
- 6) Submittal of Stormwater Management Plan which meets the conditions of approval and approval by City Engineer prior to any permits being issued or work commencing.
- 7) The City Engineer retains the authority to require a bypass lane, improvements to Rogers Drive, reconfiguration of the site or removal of the gatehouse if hazards or complaints develop about cueing of trucks.

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

7. (1) R-12-98 D.C. Investments – 13050 W. Cleveland Ave. – Rezone from O-1 to I-1 (No action 12/7/98, 11/8/99)

Motion by Mr. Barnes to recommend approval to Council of the request by D.C. Investments to rezone the property at 13050 W. Cleveland Avenue from O-1 to I-1 subject to the application, plans on file and the following:

- 1) Use, site and architecture to be thoroughly reviewed during the use, site and architectural review process.
- 2) Proof of County Access Permit required for access to Cleveland Avenue.
- 3) Adherence to 17.1308 (10) Woodland Preservation restrictions required.
- 4) Building must meet all applicable State and local building and fire codes.
- 5) 25% openspace required within development.
- 6) Building to be setback from adjacent properties a minimum of 50.'
- 7) A 25' landscape buffer required on the East and West property lines. Landscape plan showing buffers to be reviewed during use approval.
- 8) Detailed traffic study for the potential impact to Cleveland Avenue required.

- 9) All aboveground utilities, both on-site and off-site, to be buried.
- 10) Sewer and water plans to be approved by all regulating authorities. Basin Sanitary Sewer Capacity Analysis required.
- 11) Revised Storm Water Management Plan (with comps) required.
- 12) Use as Senior Housing required to conform with §17.0312 (3)
- 13) All the existing buildings are to be razed within six (6) months, and any environmental clean-up must be completed within twelve (12) months of approval of the ordinance.

Seconded by Mr. Christel. Motion carried unanimously.

8. (6) S-152-98 National Manor Phase II – 3360 S. Sunny Slope Rd. – Preliminary subdivision for a 33 lot single-family residential development. (Tabled 12/7/98)

Motion by Alderman Kaminski to defer to the January 10, 2000 meeting the request by National Manor Phase II for preliminary subdivision for a 33 lot single-family residential development to be located at 3360 S. Sunny Slope Road for the following reasons:

- 1) Subdivision not designed for the majority of the homes built over the last two years in New Berlin. Lot widths and average building sizes would restrict most lots to front entry only.
- 2) Due to the 3%+ grade along the roadways, wider lots will be required.
- 3) Final disposition of Cul-de-sac near Sally Drive has not been determined, extension of Long Acre Drive may be required to satisfy utility needs.
- 4) Lot 8 does not satisfy the standard building envelope test for buildable area. City of New Berlin requires a minimum building envelope of 67' x 54'.
- 5) Trail shown along western edge of development, trail to be run through area near lot 8 and between lots 17 and 18 using existing crossing and open area.
- 6) Woodland Preservation Restrictions to be placed on the face of the plat. Tree area along creek to be labeled as C-1 Conservancy.
- 7) Outlot #1 needs to be combined with a lot. No unowned outlots will be allowed unless specific use is requested and a maintenance agreement is on file.
- 8) Ownership of outlots 1 and 2 need to be identified and placed on the face of the plat.
- 9) Sidewalks are required within the Rm-1 development, and then north along Sunny Slope Rd. Sidewalk to connect to the Jewel-Osco sidewalk running along Sunny Slope Road.
- 10) Detailed road plans require approval prior to Developer's Agreement being prepared.
- 11) Payment of \$1,000/parcel in Public Site, Open Space, and Trail Fees required prior to the City of New Berlin signing the Final Plat. PO&T fees are in addition to any connection fees required by the City of New Berlin prior to individual building permits being granted.

12) All utilities required to be provided underground. Burial of National Avenue aboveground utilities required.

13) A six- (6) foot concrete sidewalk is to be built along National Avenue. Ultimate location within ROW to be determined by the City of New Berlin Engineering Department.

14) Access permit for connection to Sunny Slope Road from City of New Berlin Engineering Department required.

15) Wetland Preservation Restrictions to be labeled on the face of the plat. Area to be labeled as C-2 Conservancy

#### WETLAND PRESERVATION RESTRICTION

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

1. Grading and filling shall be prohibited unless specifically authorized by the City of New Berlin, and if applicable, the Wisconsin Department of Natural Resources, and the U.S. Army Corps of Engineers.

2. The removal of topsoil or other earthen materials shall be prohibited.

3. The removal or destruction of any vegetative cover, i.e., trees, shrubs, grasses, etc., shall be prohibited with the exception of dead, diseased or dying vegetation at the discretion of the landowner, or silviculture thinning upon the recommendation of a forester or naturalist and the City of New Berlin.

4. The introduction of plant material not indigenous to the existing environment of the Wetland Preservation Area shall be prohibited.

5. Ponds may be permitted subject to the approval of the City of New Berlin, and if applicable, the Wisconsin DNR and or the U.S. Army Corps of Engineers.

6. Constructions of buildings are prohibited.

7. All Buildings are to stay a minimum of 10ft. from the Wetland Preservation Area. Silt fence to be located along 10' setback line.

12) A bypass lane, acceleration, and deceleration lane is required in Sunny Slope Road.

13) Road plans to be worked out with N.B. Engineering Department before the City will approve a Developer's Agreement.

14) Sewer and water plans to be approved by all regulating authorities. Basin Sanitary Sewer Capacity Analysis required. This basin has no known sewer basin capacity allocation as of October 1999 per MMSD.

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

16) Schedule:

November 9, 1998 - Final Plat Received

February 10, 1999 – 90-day Statutory Time Limit Expires, open ended extension granted.

90 Day Extension Received on Dec 7, 1999.

February 7, 2000 - Plan Commission final date for action

February 22, 2000 - Common Council final date for action, 90 day extension is on file.

March 5, 2000 – 90 day statutory time limit expires.

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

9. (6) U-86-98 National Manor Phase II – 3360 S. Sunny Slope Rd. – Multi family use approval for senior housing and single family lots. (Tabled 12/7/98)

Motion by Mr. Barnes to approve the request by National Manor Phase II use, site and architectural for a 126-unit senior multi-family development and single family lots located at 3360 S. Sunny Slope Road subject to the application, the plans on file and the following:

1) A six- (6) foot concrete sidewalk is to be built along National Avenue. Ultimate location within ROW to be determined by the City of New Berlin Engineering Department. Sidewalks are required within this project, and then north along Sunny Slope Rd. Sidewalk to connect to the Jewel-Osco sidewalk running along Sunny Slope Road.

2) Access permit for connection to Sunny Slope Road from City of New Berlin Engineering Department required.

3) A bypass lane, acceleration, and deceleration lane is required in Sunny Slope Road.

4) Road plans to be worked out with N.B. Engineering Department before the City will approve a Developer's Agreement. Developer's Agreement to be approved by the Board of Public Works and Common Council and infrastructure be in place before building permits will be issued.

5) Sewer and water plans to be approved by all regulating authorities. Basin Sanitary Sewer Capacity Analysis required.

6) Engineering Department approved grading plans required prior to building permit.

7) All utilities required to be provided underground. Burial of National Avenue aboveground utilities required.

8) Hydrants to be located within 150' of building riser.

9) Permits are required from the Building, Inspections and Zoning Department. Building must meet all applicable building and fire codes. Building must be maintained per § 14.25 of the Non-residential Property Maintenance Code.

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). Enclosure must match exterior of building (Decade 90 brick), and must be built to accommodate all solid as well as recyclable waste dumpsters.

11) Payment of \$800/unit (\$12,800 per eight-family building, \$35,200 per 44-unit building, and \$52,800 per 66-unit building) in Public Site, Open Space and Trail Fees required before any building permits will be granted. PO&T fees are in addition to any connection fees required by the City of New Berlin. \$58,400 required \$42,400 credit applied for dedication of park and \$25,200 credited for the construction of trails and sidewalks)

12) Satisfaction of Fire Department concerns required, concerns include, but are not limited to; Knox box required, sprinklers required, and alarm required.

Seconded by Alderman Kaminski. Motion carried unanimously.

10. (7) SIGN - New Berlin Chiropractic – 15800 W. National – Pole Sign. (Tabled 6/7/99)

The request by New Berlin Chiropractic for a pole sign located at 15800 W. National Avenue has been reviewed and Conditionally Staff Approved by the New Berlin Plan Commission subject to the application, the plans on file and the following:

1) The proposed sign face will be allowed for a period of one (1) year only, at which time cross sections for National Avenue are expected to be finalized. Applicant shall install the monument sign on or before December 6, 2000 the date of expiration of this Sign Permit. Applicant will be responsible for obtaining an extension 30 days before the expiration date if the alternative transportation design and guidelines standard remains unfinished.

2) Submittal of an alternative monument sign plan that meets the requirements of the National Avenue Corridor Alternative Transportation Plan and The City Center Design Standards by February 1, 2000. The Plan must incorporate development design and guidelines for street edge, lighting, pedestrian pathways and landscaping requirements including a brick base monument sign that matches the building exterior.

3) The Sign Face shall not exceed 9.17' x 5.75' (53 sq. ft.). This is currently a legal non-conforming sign and is allowed by code. As the National Avenue plans have not been finalized, the sign will be allowed to continue its legal non-conforming status (see #2 above).

4) Payment of \$162.00 for the temporary sign replacement insert for an existing pole sign fee: 53 sq. ft x 2 sides x \$2 per Sq. ft. = \$212.00 - \$50 application fee = \$162.00.

5) The Temporary Banner Sign must be removed prior to installation of the new sign insert.

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

## **NEW BUSINESS**

11. (5) LD-12-99 Dennis Kasian – KASCO Partnership – NE ¼ Sec. 14 – Approx. 3501 S. 147<sup>th</sup> Street – Three-Lot Preliminary Land Division.

Motion by Mr. Chase to recommend to Council approval of the request by Dennis Kasian-KASCO Partnership for a three lot preliminary land division located at approximately 3501 S. 147<sup>th</sup> Street NE ¼ SEC 14 subject to the application, plans on file and the following:

1) Wilbur Drive extension to be secured and included within this CSM. Purchase of extension required prior to the City Signing the Final CSM or all owners to sign CSM.

2) All existing buildings to be razed. Razing permit required.

- 3) Dedication of 147th Street from National Avenue south to KASCO project to be included in CSM, or required prior to City signing final CSM.
- 4) Stormwater drainage maintenance easement to be reduced to 60' per the Zimmerman Plan.
- 5) Developer's agreement for the construction of all improvements within this CSM required before the City will sign the final CSM.
- 6) PUD for overall development to be approved by the Common Council prior to the City signing the Final CSM.
- 7) Utility easement for utility reservoir site to be labeled on the face of the CSM.
- 8) Remove "Gross Area" calculations for all lots and dedicated areas.
- 9) 1" iron pipes along Deer Creek at the end of Wilbur Drive extended to be offset to a meander point.
- 10) Remove treelines from CSM.
- 11) Survey of field delineated wetlands to be labeled on the face of the CSM prior to the City signing the Final CSM.
- 12) Label Wilbur Drive extended (East of 147th Street).
- 13) Temporary cul-de-sac bulb (and easement) at the end of Wilbur Drive extended to be labeled on the face of the CSM.
- 14) All drainage easements to be labeled on the face of the CSM.
- 15) All easements requested/granted to the City are to be at no cost to the City.
- 16) Payment of \$1000.00/new lot (\$3,000) in Public Site, Open Space and Trail fees required before the City will sign the Final CSM.

Seconded by Mr. Felda. Motion carried unanimously.

12. (3) RO-65-99 The Bedroom Superstore – 16150 W. Lincoln Ave. – Warehouse and Service Center.

The request by The Bedroom Superstore for a warehouse and service center 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) The proposed building has no brick or decorative facades and needs exterior architectural enhancements. According to Section 17.1305 (7) of the City of New Berlin Zoning Ordinance, "In the M-1, M-2 and I-1 districts, all building exterior facing a street shall be brick, decorative masonry, glass panel, or other appropriate finished facade as may be approved the Plan Commission. Such brick, masonry, glass or other decorative facing shall extend for a distance of twenty (20) feet along the sides of the structure".
- 2) Building must be maintained per Section 14.25 of the Non-residential Property Maintenance Code.
- 3) Relocation of doors to the East Side of the building will be required. This building has an existing overhead door along 162nd Street. Section 17.1305 (8) of the Zoning Ordinance states that, "No

overhead dock door on a business, industrial, institutional, or park building shall face a public street. The Plan Commission may permit overhead doors (not including docks) to face a public street when it has made a finding that there is no feasible alternative location for such doors".

4) There are six unscreened dumpsters at this site. Dumpster must be properly screened from the street and public view in accordance with New Berlin Municipal Code Section 17.1304(14). Submittal of a dumpster enclosure plan is required as part of this project. 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.

5) Submittal of an updated landscaping plan that meets the requirements stipulated in Section 17.1308 of the City of New Berlin Municipal Code in its entirety. Plans must include the 25% green-space requirement.

6) Subject to Use Approval for relocation of doors.

13. (2) U-71-99 Burger King – 3500 S. Moorland Rd. – Removal of Old Lights and Two Bases. Install New Lighting.

Motion by Mr. O'Neil to deny the request by Burger King for removal of old lights and two bases and install new lighting located at 3500 S. Moorland Road based on the following:

1) Lighting is too bright failing to meet the .5 footcandles at the property line allowed by code. Present 400 watt bulbs need to be reduced as necessary to meet requirements of the code.

Seconded by Mr. Barnes. Motion carried unanimously.

14. (1) RO-68-99 My Little Rascals Playtime Day Care – 13719 W. Greenfield Ave. – Day Care Center

Motion by Alderman Kaminski to approve the request by My Little Rascals Playtime Day Care for a day care center located at 13719 W. Greenfield Avenue subject to the application, plans on file, and the following:

1) The existing pole sign must be removed by January 10, 2000. The sign is non-conforming because it is currently located within the right-of-way of Greenfield Avenue and does not conform to the City of New Berlin Sign Code.

2) Separate application for a wall sign is required and can be obtained at the City of New Berlin Planning Office.

3) Driveway will be used for drop-off, pickup and staging of vehicles during day care hours of operation to avoid conflict with Greenfield traffic.

4) Driveway will not be used for parking of vehicles.

5) At least one additional parking stall will be required along the South end of the property line to meet minimum conditions of code as they relate to this specific use.

6) Property owner will be required to install an additional parking stall for himself. This stall will be located to the rear of residential portion of the building.

7) Day Care owner will need to obtain her State license before occupancy, a copy of which must be on file in Planning Dept.

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

9) Driveway modification in rear of property may be required if found to be necessary to allow adequate onsite stacking or parking for drop off and pick up of children.

Seconded by Mr. Chase. Motion carried unanimously.

15. (2) U-72-99 G. J. Dreyer, Inc. – 14530 W. Meadowshire Dr. – Home Occupation for Real Estate Appraisal Firm.

Motion by Mr. Christel to approve the request by G. J. Dreyer, Inc. for a home occupation for a real estate appraisal firm located at 14530 W. Meadowshire Drive subject to:

1) Only one non-resident employee is allowed for this business.

2) Home Occupation shall be conducted in accordance with Section 17.0503 (5) of the City of New Berlin Zoning Ordinance in its entirety.

3) 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.

4) Home Occupation shall meet all applicable building and fire code safety requirements.

5) The Building Inspection and Zoning Department require an occupancy permit.

6) No outside storage is allowed for this business.

7) No customer visits allowed for this business at this location.

8) Deliveries shall be made from accredited carrier services.

Seconded by Mr. Barnes. Motion carried unanimously.

16. (2) U-73-99 Shecterle Commercial Property – 3305 S. Sunnyslope – New Building for Office and Retail Use.

Motion by Mr. Felda to defer to the January 10, 2000 Plan Commission meeting the request by Shecterle Commercial Property for a new building for office and retail use located at 3305 S. Sunnyslope Road for the following reasons:

1) 3333 S. Sunny Slope Road property needs to be rezoned to B-2, General Retail Sales and Service District prior to use approval being granted.

2) Greenspace calculations required. Applicant is proposing to use existing 25' landscape buffer for detention basin. No replacement of landscaping to shield the parking lot from the existing multi-family buildings provided for in the plans.

3) Submittal and approval of a revised landscaping plan prepared by a registered landscape architect. Four-sided landscaping plan required. No landscaping other than the minimum street tree requirement

and nominal building landscaping provided. Trees are undersized minimum requirement is 3-1/2" caliper for deciduous trees and 6' tall evergreens.

4) Development subject Moorland Road/National Avenue Commercial District Guidelines. Plan does not address the guidelines for street trees and sidewalk lighting, nor does it address the required burial of the above ground utilities.

5) Use oversized for property. Parking proposed is inadequate for facility, retail (first floor) requires a minimum of 68 spaces + and office requires a minimum of 36 plus employees (16). Plan identifies only 83 stalls, a minimum of 120 stalls required.

6) Grading Plan required.

7) Proposed architecture is only three-sided in brick, the rear is proposed to be split-faced block.

8) Stormwater Plan does not address pass through of drainage from natural offsite condition.

9) Detention pond created using rip-rap and not grass. Designed using 2:1 slope, 4:1 maximum allowed.

10) Window elements need to be included in the ends of the building.

11) Utilities require boring under S. Sunny Slope Road.

12) Exits to grade on the West elevation of the building need to be protected by ballards and/or a sidewalk for the protection of those using the entrances/exits.

13) Parking lot does not address the turning radii of potential delivery trucks. Staging of deliveries along Sunny Slope Road not allowed. Lot must be able to accommodate a WB-50 truck and its turning radii.

14) Plan does not address the poor condition of the retaining wall and fencing on the Warehouse Shoes property as well as the fencing along the Amoco Station.

15) Internal curbs to stop at ROW.

16) Hydrant to be located within 150' of building riser.

17) Submittal of building material samples for City of New Berlin Architectural Review Committee approval.

18) Permits are required from the Building, Inspections and Zoning Department. Building must meet all applicable building and fire codes. Building must be maintained per § 14.25 of the Non-residential Property Maintenance Code.

19) Dumpsters must be properly screened from the street and public view in accordance with the City of New Berlin Municipal Code § 17.1304(14). Enclosure must match exterior of building (Decade 90 brick), and must be built to accommodate all solid as well as recyclable waste dumpsters.

20) Land division joining all the lots required prior to issuance of the Building Permit, dedication of all lands within the Sunny Slope Road Ultimate ROW required.

21) Building too large for the site which is fundamental to all the other problems outlined above.

Seconded by Mr. Christel. Motion carried unanimously.

17. (3) R-7-99 Star Line Trucking Corp. – 18480 W. Lincoln Ave. – Rezone from C-1 to B-3.

Motion by Mr. Christel to approve the request by Star Line Trucking Corp. to rezone the property located at 18480 W. Lincoln Avenue from C-1 to B-3 subject to:

- 1) A minimum of 25% open-space is required for this development. Section 17.0315 (8) for the Zoning Ordinance states that, "the sum total of all buildings, accessory structures, outside storage areas, surface parking, driveways, and loading areas shall occupy not more than 75% of the lot area in a B-3 district. Buildings shall occupy not more than 50% of the lot area."
- 2) Expansion of the current use of the property for storage, staging and parking of semi trucks and trailers is prohibited in a B-3 district. Regarding the non-conforming status, Section 17.0601 (1) of the Zoning Ordinance states that, "only that portion of land or water in actual use may be so continued and the use may not be extended, enlarged, substituted or moved; and the structure may not be extended, enlarged, reconstructed, substituted, moved, or structurally altered except when required to do so by law or order or so as to comply with the provisions of this ordinance." If it is the intention of the applicant to expand semi parking outside the current B-3 zoned area, entire property should be zoned M-1.
- 3) A separate application for Use Approval for the outside storage of concrete forms by J. & A. Pohl Concrete Contractors is required.
- 4) Direct the staff to look at M-1 zoning of the whole property.

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

Motion by Alderman Kaminski to table the request by Star Line Trucking Corp. to rezone the property located at 18480 W. Lincoln Avenue from C-1 to B-3 for the following reasons:

- 1) Correspondence with the Army Corps of Engineers, DNR, SEWRPC regarding the overall environmental assessment of the property with reasons why property was in conservancy and how and why things changed.
- 2) A minimum of 25% open-space is required for this development. Section 17.0315 (8) for the Zoning Ordinance states that, "the sum total of all buildings, accessory structures, outside storage areas, surface parking, driveways, and loading areas shall occupy not more than 75% of the lot area in a B-3 district. Buildings shall occupy not more than 50% of the lot area."
- 3) Expansion of the current use of the property for storage, staging and parking of semi trucks and trailers is prohibited in a B-3 district. Regarding the non-conforming status, Section 17.0601 (1) of the Zoning Ordinance states that, "only that portion of land or water in actual use may be so continued and the use may not be extended, enlarged, substituted or moved; and the structure may not be extended, enlarged, reconstructed, substituted, moved, or structurally altered except when required to do so by law or order or so as to comply with the provisions of this ordinance." If it is the intention of the applicant to expand semi parking outside the current B-3 zoned area, entire property should be zoned M-1.
- 4) A separate application for Use Approval for the outside storage of concrete forms by J. & A. Pohl Concrete Contractors is required.
- 5) Direct the staff to look at M-1 zoning of the whole property.

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

18. (7) U-74-99 New Berlin Building Systems – 16857 W. Observatory Rd. – Use Existing Rental Unit for a Living Area.

Motion by Mr. Felda to approve the request by New Berlin Building Systems to use an existing rental unit for a living area located at 16857 W. Observatory Road subject to the application, plans on file, and the following:

- 1) Only the owner or proprietor of the business that abuts the residential unit shall be allowed to occupy this unit. This unit is not to be used as a rental unit.
- 2) Applicant is required to provide adequate parking for the residential unit in conjunction with the existing business at this location.
- 3) Applicant is also required to provide sufficient area or yard for ordinary outdoor residential activities adjacent to the residential living unit.
- 4) The building must be maintained per Section 14.25 of the Non-residential Property Maintenance Code.
- 5) Plumbing, Electrical and Building Permits are required from the Building Inspection and Zoning Department prior to obtaining an occupancy permit.

Seconded by Mr. Barnes. Motion carried unanimously.

19. (6) LD-10-99 Thomas P. Hammersley – Sw ¼ Sec. 13 – 3461 S. Long Acre Dr. – Three-Lot Preliminary Land Division.

Motion by Mr. Barnes to defer to the January 10, 2000 the request by Thomas P. Hammersley for a three-lot preliminary land division located at 3461 S. Long Acre Drive SW ¼ SEC. 13 per the applicants request.

Seconded by Mr. Felda. Motion carried unanimously.

20. (7) U-75-99 Crosswinds of New Berlin – 4225 S. Calhoun Road – Conceptual PUD Condo Development.

Motion by Mr. Barnes to deny with prejudice the request by Crosswinds of New Berlin for a conceptual PUD Condo Development located at 4225 S. Calhoun Road based on the following:

- 1) Plan is inconsistent with current rural development policy. Master Plan and current Zoning would only allow 12 units to be developed within first 360' of the property. An additional 4 lots could be clustered into project using R-2/C-1 lands outside of urban service boundary.
- 2) Multi-Family/Duplex sites available in other areas of the City of New Berlin. Sites are available within the National Av/Moorland Rd. Commercial Center area and along Beloit Road, west of I-43.
- 3) Sanitary sewer capacity analysis required, project may not be able to be sewerred.
- 4) If Crosswinds Development comes back with another similar application on one of the suggested properties, fees will be waived.

Seconded by Mr. Felda. Motion carried unanimously.

21. (4) LD-11-99 Wisconsin Corporate Central Credit Union – 6250 Lowell Dr. – Two-Lot Preliminary and Final Land Division

Motion by Mr. Barnes to recommend to Council approval of the request by Wisconsin Corporate Central Credit Union for two lot preliminary land division located at 6250 Lowell Drive subject to:

- 1) Payment of \$2,560 in Public Site, Open Space and Trail Fees to be paid before City will sign the final CSM.
- 2) Sanitary Sewer Easement along Janesville Road must be dedicated.
- 3) Analysis of availability of sanitary sewer capacity within the basin is required.
- 4) The East – West lot line shall be straightened to originate at the same point along the West lot line (Lowell Place) and connect to the East lot line to make parcel #2 about 350' to 415' in depth to be a straight line.
- 5) Utility plans and Developers Agreement to install improvements and payment of all fees required prior to City signing final CSM.
- 6) Owners must sign prior to City signing the Final CSM.

Seconded by Mr. Christel. Motion carried unanimously.

22. PG-227 – Extraterritorial Plat – Weston Heights – Town of Brookfield.

Motion by Mr. Christel of no serious objection to extraterritorial plat for Weston Heights in the Town of Brookfield with the following comments:

- 1) 1200' cul-de-sac exceeds City of New Berlin Allowable of 500' Road connection to Greenfield Avenue along with proper access to lots to east should be explored.
- 2) Installation of all improvements prior to accepting application for Final Plat Review.
- 3) Agreement between City of Brookfield and Town of Brookfield for the extension of the utilities required.
- 4) Buildable area of most lots 10+ feet below Edmonton Drive.
- 5) Ownership of Outlot one (1) has not been identified.
- 6) Extension of urban cross-section required.

Seconded by Mr. Barnes. Motion carried unanimously.

23. (6) LD-13-99 James Krahn – 12701 W. Beloit – Two-Lot Preliminary and Final Land Division.

Motion by Mr. Felda to recommend to Council approval of the request by James Krahn for a two lot preliminary and final land division located at 12701 W. Beloit subject to the application, plans on file, and the following:

- 1) Easement widths to be labeled on the face of the CSM.
- 2) Common lotline at Beloit Road to be adjusted to the east to allow for a minimum 120' wide lot.
- 3) Eliminate southern jogs in lotline. Run lotline along center of Sanitary Sewer and Watermain easement.
- 4) Access to Parcels 1 and 2 from Beloit Road to be restricted to existing access located within parcel 1. Parcel 2 access restriction to be placed on the face of the CSM.
- 5) Cross access easement to Beloit Meadows needs to be labeled on the face of the CSM.
- 6) WIDOT 50' easement along I-43 to be labeled on the face of the CSM. Review and approval by WIDOT required prior to the City signing the final CSM.
- 7) Payment of \$1000.00/new lot in Public Site, Open Space and Trail fees required before the City will sign the Final CSM.
- 8) CSM to be recorded prior to December 31, 1999.

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

#### **STAFF APPROVED**

#### **24. (7) SIGN – Pro-Tech Mechanical, Inc. – 16800 W. National Ave. – One Ground Sign.**

The request by Pro-Tech Mechanical, Inc. for one ground sign located at 16800 W. National Avenue has been reviewed and Conditionally Staff Approved by the New Berlin Plan Commission subject to the application, the plans on file and the following:

- 1) The phone number on the sign shall be reduced so that it is at least half the size of the Pro-Tech Mechanical logo. An updated drawing shall be submitted to the Planning Office before any permits are issued.
- 2) Submittal of an updated landscaping plan prepared by a professional landscape architect with plant keys showing the number, location and sizes of proposed plantings by the end of the planting season.
- 3) Installation and Maintenance per Section 17.0800 of the Municipal Zoning Ordinance.
- 4) The monument sign shall not exceed 32 square feet (4' x 8').
- 5) Payment of \$78.00 for the monument sign:  
  
Monument sign fee:  $8' \times 4' = 32 \text{ sq. ft.} \times \$2 / \text{sq. ft.} = \$64.00 \times 2 \text{ sides} = \$128.00 - \$50 \text{ application fee} = \$78.00.$
- 6) Monument Sign shall be placed outside of the county vision triangle. The vision triangle is measured from the center of National Avenue (150') and Observatory Road (100'). There shall be no signage within this vision triangle.
- 7) Sign shall be installed outside the Ultimate right-of-way of National Avenue and Observatory Road.
- 8) Location of the sign shall be determined before the sign permit is issued.

9) Address plaque is required on monument base.

10) The Action Garden ground sign will have to be removed to ensure adequate space for the monument sign for this business and to ensure safety of the vision triangle.

25. (7) SIGN – Asia House Restaurant – 16150 W. National Avenue – Wall sign, Architectural Enhancement (Logo), Monument Sign and Changeable Copy. (Tabled 10/4/99)

The request by Asia House Restaurant for a double sided ground sign with changeable letter board located at 16150 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) Resolve any outstanding conditions set forth in the Use Approval (U-97-98).

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

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

4) The changeable copy shall not exceed 16 square feet (2' x 8').

5) The wall sign shall not exceed 36 square feet (12' x 3').

6) The logo shall not exceed 16 square feet (4' x 4').

7) Payment of \$246.00 x \$2 per square feet penalty fee = \$442.00 for the signs:

Monument sign fee: 8' x 4' = 32 sq. ft. x \$2 / sq. ft. = \$64 x \$2 sides = \$128.00 - \$50 application fee = \$78.00.

Changeable copy: 8' x 2' = 16 sq. ft. x \$2 / sq. ft. = \$32 x \$2 sides = \$64.00

Wall Sign: 12' x 3' = 36 sq. ft. x \$2 / sq. ft. = \$72.00

Logo: 4' x 4' = 16 sq. ft. x \$2 / sq. ft. = \$32.00

8) Monument Sign shall be placed where the current sign is located. Sign shall be installed outside the Ultimate Right-of-way of National Avenue and the county vision triangle.

9) Address plaque is required on monument base.

26. (2) SIGN – Rotaform – 17055 W. Victor Rd. – ID Sign Installed on Existing Posts.

The request by Rotaform for an ID sign installed on existing posts located at 17055 W. Victor Road has been reviewed and Conditionally Staff Approved by the New Berlin Plan Commission subject to the application, the plans on file and the following:

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

2) The ground sign shall not exceed 28.4 square feet (38" x 9').

3) Payment of \$6.80 for the outstanding fee per calculations below:

4) The ground sign fee:

$38'' \times 9' = 28.4 \text{ sq. ft.} \times \$2.00 / \text{sq. ft.} = \$56.80 - \$50 \text{ application fee} = \$6.80.$

5) Sign must be installed outside the Ultimate Right-of-way of Victor Road.

27. (4) SIGN – Wisconsin Corp. Central Credit Union – 6250 Lowell – 4' x 8' Ground Sign.

The request by Wisconsin Corp. Central Credit Union for a 4' x 8' ground sign located at 6250 Lowell 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 Temporary Construction Ground Sign shall not exceed 32 square feet (4' x 8').

3) Sign must be located on parcel number two.

4) This sign was erected before this permit was issued thus double fees will be assessed.

5) Payment of a \$78.00 outstanding fee per calculations below:

6) Temporary Construction Sign fee:

$8' \times 4' = 32 \text{ sq. ft.} \times \$2.00 / \text{sq. ft.} = \$64.00 \times \text{double (2) fee} = \$128.00 - \$50.00 \text{ application fee} = \$78.00.$

7) The ground sign must be installed outside the Ultimate Right-of-way of Lowell Place.

8) 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."

9) The Temporary Construction Ground Sign shall come down upon completion of the project and installation of a monument sign.

28. (6) SIGN – UWG/UI/Dentacare – 12695 W. National Ave. – Replace Existing Ground Sign with New Tenant Sign.

The request by UWG/UI/Dentacare to replace an existing ground sign with a new tenant sign at 12695 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 monument sign shall not exceed 8' x 4' (32 sq. ft.).

3) Payment of \$78.00 outstanding fee per calculations below:

4) The monument sign fee:

$8' \times 4' = 32 \text{ sq. ft} \times 2 \text{ sides} = \$64.00 \times \$2 \text{ per Sq. ft.} = \$128.00 - \$50 \text{ application fee} = \$78.00.$

- 5) The monument sign must be located outside the ultimate right-of-way of National Avenue.
- 6) 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."
- 7) Electrical Permit is required from the Building Inspection and Zoning Department.
- 8) The temporary construction sign shall come down upon erection of the monument sign.

## **ZONING PERMITS**

29. (2) RO-66-99 World Class Wire & Cable, Inc. – 2885 S. 171 St. – Sales Office and Warehouse Operation.

The request by World Class Wire & Cable, Inc. for a sales office and warehouse operation located at 2885 S. 171 Street has been reviewed and Conditionally Staff Approved by the New Berlin Plan Commission subject to the application, the plans on file and the following:

- 1) Building must be maintained per Section 14.25 of the Non-residential Property Maintenance Code. No outside storage will be permitted on the property.
- 2) Building must meet all applicable building and fire codes. Fire Extinguishers are required.
- 3) Permits are required from the Building, Inspection, and Zoning Departments for all interior and exterior alterations or modifications.
- 4) Dumpsters must be properly screened from the street and public view in accordance with the City of New Berlin Municipal Code Section 17.1304 (14).

30. (2) RO-67-99 Catholic Knights – 2665 S. Moorland – Offices.

The request by Catholic Knights for offices located at 2665 S. Moorland Road has been reviewed and Conditionally Staff Approved by the New Berlin Plan Commission subject to the application, the plans on file and the following:

- 1) Building must be maintained per Section 14.25 of the Non-residential Property Maintenance Code. No outside storage will be permitted on the property.
- 2) Building must meet all applicable building and fire codes. Local fire prevention bureau and inspection plan approvals required. Fire Extinguishers are required.
- 3) Permits are required from the Building, Inspection, and Zoning Departments for all interior and exterior alterations or modifications.
- 4) Each tenant that is added to the signboard must apply to plan commission to be added to the sign. This is the only sign allowed for this property.
- 5) Dumpsters must be properly screened from the street and public view in accordance with the City of New Berlin Municipal Code Section 17.1304

31. (3) RO-69-99 Christopher Morgan LLC – 16405 W. Lincoln – Warehouse/ Distribution/ Fulfillment Center.

The request by Christopher Morgan LLC for a warehouse/distribution/fulfillment center located at 16405 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) Building must be maintained per Section 14.25 of the Non-residential Property Maintenance Code. Building must be repainted and tuck-pointed to meet conditions of the City of New Berlin Zoning Code.
- 2) No outside storage will be permitted on the property.
- 3) Submittal of an updated landscaping plan prepared by a professional landscape architect with plant keys showing the number, location and sizes of proposed plantings. The plan should focus on the area to the East of the building. The plan shall be submitted to the Planning Department by January 10, 1999.
- 4) The entire lot shall be resurfaced and the parking areas re-striped. This will allow staff to count how much parking is available at the site.
- 5) Removal of the fence / cage in the front of the building.
- 6) General clean up of the building. Including the removal of metal scrap pieces on the West Side of the building.
- 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 and exterior alterations or modifications.
- 9) 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).
- 10) Use a separate address (16465 West Lincoln Avenue) to identify this tenant.

32. (2) RO-70-99 TDS Metrocom – 2604 S. 162 St. – Dispatch Employees to Maintain Outside Plant and to Perform Work at Customer Residences and Business Offices.

The request by TDS Metrocom to dispatch employees to maintain outside plant and to perform work at customer residences and business offices located at 2604 S. 162<sup>nd</sup> Street has been reviewed and Conditionally Staff Approved by the New Berlin Plan Commission subject to the application, the plans on file and the following:

- 1) Building must be maintained per Section 14.25 of the Non-residential Property Maintenance Code. No outside storage will be permitted on the property.
- 2) Building must meet all applicable building and fire codes. Fire Extinguishers are required.
- 3) Permits are required from the Building, Inspection, and Zoning Departments for all interior and exterior alterations or modifications.
- 4) Dumpsters must be properly screened from the street and public view in accordance with the City of New Berlin Municipal Code Section 17.1304 (14).

5) No overnight parking of vans or trucks at this site. Technicians shall take vans or trucks home with them at night.

33. (4) RO-71-99 Boise Cascade Office Products – 16255 Stratton Dr. – Office Products Business.

The request by Boise Cascade Office Products for an office products business located at 16255 Stratton 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) Building must be maintained per Section 14.25 of the Non-residential Property Maintenance Code. No outside storage will be permitted on the property.

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

3) Satisfy all conditions set by the City of New Berlin Fire Department.

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

5) All dumpsters and recycling containers for this building must be properly screened and stored within the dumpster enclosure that is designated on the submitted plans.

## **COMMUNICATIONS**

34. Communication To: Plan Commission

Communication From: Steven K. Hoese, Director of Community Development

RE: October 26, 1999 letter from Paul F. Reilly, City Attorney regarding Jurisdictional Scope of Section 236.45, Wis. Stats.

This communication is in regard to the County's position in having authority over subdivision and CSM's within the limits of the City of New Berlin.

35. Communication To: Plan Commission

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

RE: November 22, 1999 letter from Mark Gleichman % Gleichman Sumner Companies requesting reconsideration of previous Plan Commission Action at 15150 W. Lincoln Avenue (U-69-99)

The application for loading docks along the West side of the building was denied by Plan Commission previously and Gleichman Sumner is now requesting this request be tabled to allow them to present new plans.

Motion by Mr. Chase to waive one year denial waiting period and application fee for modified plans.

Seconded by Alderman Kaminski. Motion carried unanimously.

36. Communication To: Plan Commission

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

RE: November 12, 1999 letter from Paul F. Reilly, City Attorney regarding Park & Recreation Department purchase of lands.

This communication is on file in the Planning Department.

37. Communication To: Plan Commission

Communication From: Rudolph J. Stummvoll, 3040 SW. 130<sup>th</sup> Street

RE: Flat Rate Plumbing, Heating and Air, 12900 W. National Avenue.

This communication is on file in the Planning Department.

38. Communication To: Plan Commission

Communication From: Donald and Dagmar Ackerman, 3011 S. 128<sup>th</sup> Street

RE: Flat Rate Plumbing, Heating and Air, 12900 W. National Avenue.

This communication is on file in the Planning Department.

39. Communication To: Plan Commission

Communication From: Steven K. Hoese, Director of Community Development

RE: November 2, 1999 letter from Mary Rogers.

This communication is on file in the Planning Department.

40. Communication To: Plan Commission

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

RE: Municipal Law Newsletter – November 1999

This communication is on file in the Planning Department.

## **ADDENDUM ITEMS**

1) U-41-98 Kard Recycling Services Inc. – 3000 S. 163<sup>rd</sup> Street – Addition to Existing Building.

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

Motion by Mr. O'Neil to approve the request by Kard Recycling Services Inc. for a 2,210 sq. ft. addition to existing building and parking lot reconfiguration located at 3000 S. 163<sup>rd</sup> Street subject to the application, the plans on file and the following:

1) The exterior finish of the proposed addition must match the color and material of the existing building.

- 2) The building must be maintained per Section 14.25 of the Non-residential Property Maintenance Code.
- 3) Fire Department requires that the building addition be fully sprinklered.
- 4) Lawn area to north of building that has been torn up due to maneuvering truck traffic shall be restored by seeding or sodding.
- 5) No outside storage allowed. All materials stored outside shall be relocated into the building by a date agreed upon by the Plan Commission.
- 6) Dumpster must be properly screened from the street and public view in accordance with New Berlin Municipal Code Section 17.1304(14).

Seconded by Alderman Kaminski. Motion carried unanimously.

41. Communication To: Plan Commission

Communication From: Collene Betters, Betters Evergreens, 14901 W. National Avenue

RE: Use of Trailer

Motion by Mr. Barnes to deny the use of the trailer for living purposes. Seconded by Mr. O'Neil. Motion carried unanimously.

Motion by Mr. Christel to adjourn the Plan Commission meeting at 9:35 P.M. Seconded by Mr. Felda. Motion carried unanimously.