

PUBLIC HEARINGS

6:00 P.M. (4)AB R-9-08 TDB LLC – Towne Realty – 16415 W. Beloit Rd. –
Rezone from R-4 to M-1.

NEW BERLIN PLAN COMMISSION

JULY 7, 2008

MINUTES

The Public Hearing relative to the request by Domenico Ferrante c/o Briohne Design Group LLC for a rezoning at 16415 W. Beloit Road from R-4 to M-1 was called to order by Mayor Chiovaturo at 6:04 P.M.

In attendance were Mayor Chiovaturo, Mr. Sisson, Mr. Gihring, Alderman Ament, Mr. Felda, and Ms. Broge. Also present were Nikki Jones, Planning Services Manager; Amy Bennett, Associate Planner; Jessica Titel, Associate Planner; Ron Schildt, Transportation Engineer; Nicole Hewitt, Storm Water Engineer; and Mark Blum, City Attorney. Ms. Groeschel was excused.

Mayor Chiovaturo explained the procedure for a public hearing saying that he would ask for questions for clarification and then 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.

Ms. Jones read the public hearing notice and stated there was proof of publication.

Ms. Bennett gave a brief presentation describing the request and showed maps indicating the location.

Mayor Chiovaturo asked three times for comments for the purpose of clarification, seeing none.

Mayor Chiovaturo asked three times if there was anyone wishing to speak in favor of this application, seeing none.

Mayor Chiovaturo asked if there was anyone wishing to speak in opposition of this application?

Kathy Stoffers, 16470 W. Beloit Road – I would like to speak in opposition to the rezoning. I believe that an additional commercial building in our neighborhood would have a negative affect on our neighborhood. When it is shown how this property is surrounded by commercial properties, it looks like it would fit in and I realize it is part of the Master Plan, but in reality the property to the west or to the left of the subject property, even though it is zoned commercial or M-1, it does have a residential home on

it at present and it is not an older home, it is actually a very lovely new home. I don't think this property would be up for rezoning right now if Town Realty had not purchased it for such a very reasonable price. My concern is that the person to the west will not be able to sell their property at a very cheap price, so that resident will be there for quite some time since it is a very lovely home. Even though it is surrounded by commercial development on two sides at present, you can see that there is quite a natural buffer zone between the subject property house and the southern boundary. It is just a furthering negative affect that Town Park has started. Town Park is located along I-43 which seems to be an appropriate use for that parcel of land. There are two entrances that come down onto Beloit Road, and all of the neighbors from these entrances west of Calhoun Road really are the ones that have to put up with the commercial development here, the noise, the light, the traffic, the semi-trucks, delivery trucks. There is quite a bit of activity due to this commercial development. I am concerned with one more commercial property, which happens to be right across from my house, with warehouse deliveries and trucking. At some point we have to say, enough is enough. We have to draw the line on commercial development someplace. I understand that this is part of the Master Plan, but sometimes, I wouldn't say mistakes are made, but sometimes plans, no matter what plan we are talking about, can be tweaked a little bit for the betterment of all the people that are there. These are my concerns. I ask that you would not rezone this property. If you do, I would hope that you would make provisions so that it would have the least negative impact on our neighborhood. I have lived there for 52 years. I love it there. Not quite as much as I used to because of all the development, but I still enjoy it.

Mayor Chiovero asked three times if there was anyone else who wished to speak in opposition of this application, seeing none.

Mayor Chiovero asked for questions or comments from the Plan Commissioners.

Alderman Ament – Do you know when the Westridge properties were rezoned to M-1, especially in that area?

Ms. Bennett – The property to the west?

Alderman Ament – The ones that are already M-1.

Ms. Bennett – I don't know that date off-hand.

Alderman Ament – Can you find that for me?

Ms. Bennett – Certainly. I can provide that in the next staff report for action next month.

Alderman Ament – I don't see it up there, but I have the zoning districts and future land use map here. I also have the MMSD service area map. It is zoned R-4 right now and is called for mixed use in the future.

Ms. Bennett – Correct.

Alderman Ament – Neither call for M-1. I do see that at first it might seem a good idea to make it M-1, but if you follow the MMSD line, it seems like all of this lines up along that particular line of residential to the west, and industrial to the east or the right. Even if you look at the MMSD sewer service map and go on the north side of Beloit Road, there is even one property just to the east of that line that the line for MMSD has seemed to go around, so I'm gathering from that, that the intent was to stop at that point and not go any further west either with sewer or the M-1 districts. That is something I will be looking at as we go on. Mixed use includes low density multi-family, senior housing, duplexes, condominiums, and institutional uses. It seems like in the past we have been looking for places for institutional uses. The reason I wanted that information is to look at specifically what they seemed to have decided that that is as far west as that part of the industrial park along Beloit Road will go.

Mr. Gihring – This to me looks like an area where if you were doing a good job at planning, you would have some kind of transitional zoning between the M-1 and residential areas. Somehow it didn't work out that way. It seems like there should be a way to do that without changing the whole Master Plan. There was a letter from a neighboring resident that had an interesting suggestion and that is to increase the front setback. Is that something that can be done as a part of the rezoning?

Ms. Bennett – The setback would be reviewed at the time of the Use, Site, and Architectural approval.

Mr. Gihring – It seems like the applicant would have to know about that ahead of time.

City Attorney Blum – The setback is established by the Zoning Code, so to the extent that you are going to vary that setback, you would need to modify that section of the Zoning Code that would be applicable to this particular project. Unless it is a PUD situation or we do that, a straight rezoning is going to be dictated by the provisions in the existing Zoning Code for that particular type of use.

Mr. Gihring – Would we go through the approval for a zoning change first, and then talk about doing that?

City Attorney Blum – It would be based upon the code that is in existence at the time that the rezoning was approved, and then you would be looking at trying to make a modification before they would start their construction work, which would be difficult to be applicable at the time that they come in for their Use Approval. You would have to have it done before then.

Mr. Gihring – It sounds like we are stuck.

City Attorney Blum – The point is that it is difficult to do it at this stage in the process.

Mayor Chiovatero – I think what Commissioner Gihring is asking, is if there is any way of putting an amendment to the approval to change the setback on this one property.

City Attorney Blum – Not on the rezoning. This is to change the district to cover this particular type of use on this particular parcel. We are not modifying the terms of the code that would apply to that zoning classification.

Mayor Chiovatero asked for further comments or questions from the Commissioners, seeing none.

Mayor Chiovatero closed the public hearing at 6:20 P.M.

NEW BERLIN PLAN COMMISSION

JULY 7, 2008

MINUTES

PRIVILEGE OF THE FLOOR

The Plan Commission meeting was called to order by Mayor Chiovaturo at 6:21 P.M.

In attendance were Mayor Chiovaturo, Mr. Sisson, Mr. Gihring, Alderman Ament, Mr. Felda, and Ms. Broge. Also present were Nikki Jones, Planning Services Manager; Amy Bennett, Associate Planner; Jessica Titel, Associate Planner; Ron Schildt, Transportation Engineer; Nicole Hewitt, Storm Water Engineer; and Mark Blum, City Attorney. Ms. Groeschel was excused.

Motion by Alderman Ament to approve the Plan Commission minutes from June 2, 2008. Seconded by Ms. Broge. Motion carried unanimously.

PLAN COMMISSION SECRETARY'S REPORT

The Farmland & Open Space Landowners Focus Group meeting is being held on Wednesday, July 9, 2008 from 5:00-7:00 P.M. at the Community Center.

The Comprehensive Plan Neighborhood "A" meeting is being held on July 23, 2008, 6:00 P.M. in the Council Chambers at City Hall.

REFERRAL FROM COMMON COUNCIL

1. ()GK PG-741(6) Zoning Ordinance Revision – Referral from the Common Council directing the Plan Commission to amend/revise Section 275-34D(D)(3) of the City's Zoning Code.

Motion by Mr. Sisson to recommend that the Common Council accept the City Attorney's suggested modification to Section 275-34 (D) (3) of the Municipal Code and schedule a public hearing for August 11th before the Plan Commission.

Seconded by Mr. Gihring. Motion passes with Mayor Chiovaturo, Mr. Gihring, Mr. Sisson, Mr. Felda, Ms. Broge voting Yes, and Alderman Ament voting No.

CONTINUED BUSINESS

2. (7)JT LD-4-08 TRD Woelfel Road #2 – 3915 S. Woelfel Rd. – Nw ¼ Sec. 21 – Four-Lot Land Division. (Tabled 5/5/08)

Motion by Mr. Felda to remove this item from the tabel. Seconded by Ms. Broge. Motion carried unanimously.

Motion by Mr. Sisson to recommend to the Common Council approval of a four-lot certified survey map (CSM) for the property located at 3915 S. Woelfel Road subject to the application, plans on file and the following conditions:

- 1) Applicant shall correct all drafting errors identified by Staff prior to signing of the final CSM.
- 2) A final copy of the CSM shall be submitted and reviewed prior to City signing. All owners and surveyor must sign prior to City signing the CSM. Surveyor Stamp is required.
- 3) Applicant shall revise CSM to show the location of the existing structure on Lot #4.
- 4) Applicant and/or new property owners shall apply and obtain appropriate building, plumbing and electrical permits prior to any construction on any parcel.
- 5) Applicant shall coordinate with Waukesha County and DNR for septic and well permits.
- 6) The new addresses will be as follows:
 - a) Lot #1: 3915 S. Woelfel Road
 - b) Lot #2: 4015 S. Woelfel Road
 - c) Lot #3: 18100 W. Observatory Road
 - d) Lot #4: 18300 W. Observatory Road
- 7) Applicant shall dedicate 40' (feet) along Observatory Road and Woelfel Road for public road and drainage purposes.
- 8) Applicant shall be required to coordinate with City staff to execute a Conservation Easement that will be placed over the entire C-1 area to encompass the Isolated Natural Resource Area (INRA) and the wetland area within the INRA. This will further strengthen the development requirement guidelines outlined in Section 275-37.B(3). No buildings will be allowed in the conservation easement area.
 - a) The applicant shall provide Staff with the legal description of the Conservation Easement area for review.
 - b) The applicant shall be responsible for recording the Conservation Easement document and adding the Conservation Easement document number from Waukesha County as a note on the face of the CSM. The surveyor will need to add this note to the CSM and leave a blank for the applicant to fill in the document number.
 - c) If areas outside the INRA are suitable for septic systems, they should, to the maximum extent practicable, be placed in a location that will minimize the impact to the INRA and the number of trees needing to be removed. If the septic systems are to be placed within the INRA, a tree inventory shall be prepared and either the applicant or property owner shall follow the City's tree replacement schedule and/or provide the city with a landscape fee. A note shall be placed on the CSM identifying this condition.

- 9) All easements shall be shown on the face of the CSM.
- 10) Applicant shall confirm the septic system for the existing home located at 4065 S. Woelfel Road is not located on Lot #2. If the septic system for the existing home is located on Lot #2 the applicant has three options:
 - a) An easement shall be reviewed by the City and recorded by the applicant at the Waukesha County Register of Deeds.
 - b) Land transfer of additional land for the existing septic system shall be recorded by the applicant at the Register of Deeds Office prior to the City signing the CSM.
 - c) A new septic system shall be constructed entirely on the parcel located at 4065 S. Woelfel Road.
- 11) Applicant shall confirm the well for the existing home located at 4065 S. Woelfel Road is not located on Lot #2. If the well from the home located at 4065 S. Woelfel Road is located on Lot #2, a well agreement shall be reviewed by the City and recorded by the applicant at the Waukesha County Register of Deeds Office.
- 12) Prior to the City signing the CSM, the applicant shall enter into a Developer's Agreement with the City for the drainage improvements in the public right-of-way along Observatory Road. The applicant shall provide the City with a design that indicates the drainage improvements that need to be completed in order to drain the ditches properly to the satisfaction of DCD.
- 13) Driveway to Lot #2 shall be located on Woelfel Road and shall be located no closer than 300 feet from the intersection of the right-of-way lines for Observatory Road with Woelfel Road per Section §275-57.F of the Zoning Code.

Seconded by Mr. Felda. Motion passes with Mayor Chiovatero, Mr. Gihring, Mr. Sisson, Mr. Felda, Ms. Broge voting Yes, and Alderman Ament voting No.

3. (7)AB LD-1-08 TRD – Observatory Road – 17445 W. Observatory Rd. – Nw ¼ Sec. 22 – Two-Lot Land Division. (Tabled 3/3/08)

Motion by Mr. Felda to remove this item from the table. Seconded by Ms. Broge. Motion carried unanimously.

Motion by Ms. Broge to remove this item from the agenda per the applicants request. Seconded by Alderman Ament. Motion carried unanimously.

4. (5)NJ R-18-07 Kasco PUD South Phase – Preserve at Deer Creek PUD Ord. #2094 – 14300 W. Howard Ave. – Rezone the Property at 14300 W. Howard Ave. and Areas 4, 5, and 6 of Ordinance #2094 – The Preserve at Deer Creek Planned Unit Development Overlay District from R-4.5, Rd-1/PUD, P-1/PUD, C-1/PUD, and C-2/PUD to R-4.5, Rd-1/PUD, C-1/PUD, and C-2/PUD and to Field Delineate the Wetlands. Mr. Kasian and Mr. Honeyager have filed a petition to rezone and realign the

boundaries of their respective PUD Ordinances for the properties located at approximately 14300 W. Howard Avenue and formerly identified as 3949 S. Sunny Slope Road (more specifically now known as Tax Keys: 1241-999-016 and 1241-999-017). Areas 4, 5, and 6 of Ordinance Number 2094 (The Preserve at Deer Creek Planned Unit Development Overlay District) is proposed to be rezoned from R-4.5, Rd-1/PUD, P-1/PUD, C-1/PUD and C-2/PUD to R-4.5, Rd-1/PUD, P-1/PUD, C-1/PUD, and C-2/PUD and to field delineate the Wetlands. Ordinance Number 2166 (The Honeyager Planned Unit Development Overlay District) is proposed to be rezoned from Rd-1/PUD and C-2/PUD to Rd-1/PUD and C-2/PUD authorizing a 15' adjustment that modifies the boundary of each PUD. (Public Hearing 4/7/08, Tabled 5/5/08)

Motion by Mr. Felda to remove this item from the table. Seconded by Mr. Sisson. Motion carried unanimously.

Motion by Mr. Gihring to recommend to Common Council adoption of an ordinance that approves the rezoning request by Mr. Kasian and Mr. Honeyager for an amendment to rezone and realign the boundaries of their respective PUD Ordinances for the properties located at approximately 14300 W. Howard Avenue and formerly identified as 3949 S. Sunny Slope Road (more specifically now known as Tax Keys: 1241-999-016 and 1241-999-017). Areas 4, 5, and 6 of Ordinance Number 2094 (The Preserve at Deer Creek Planned Unit Development Overlay District) are proposed to be rezoned from R-4.5, Rd-1/PUD, P-1/PUD, C-1/PUD and C-2/PUD to R-4.5, Rd-1/PUD, P-1/PUD, C-1/PUD, and C-2/PUD and to field delineate a wetland pocket. Ordinance Number 2166 (The Honeyager Planned Unit Development Overlay District) is proposed to be rezoned from Rd-1/PUD and C-2/PUD to Rd-1/PUD and C-2/PUD authorizing a 15' adjustment that modifies the boundary of each PUD District.

Seconded by Ms. Broge. Motion carried unanimously.

5. (5)NJ LD-9-07 Fritz/Kasian – 14300 W. Howard Ave. – Se ¼ Sec. 14 – Two-Lot Land Division. (Tabled 2/4/08)

Motion by Ms. Broge to remove this item from the table. Seconded by Alderman Ament. Motion carried unanimously.

Motion by Mr. Sisson to recommend to Common Council approval of the 2-lot Certified Survey Map for the property located at 14300 W. Howard Avenue subject to the application, plans on file and the following conditions:

- 1) Applicant shall coordinate with City staff and the Utility Department to resolve any issues regarding the abandoned force main easement issue that was presented at the Utility Committee meeting on April 22, 2008. A signed copy of a 60 to 90-day letter of extension may need to be submitted to the Department of Community Development prior to the Plan Commission meeting. DCD Staff will coordinate with the City Attorney.

- 2) Plan Commission will need to act on the rezoning for the Preserve at Deer Creek PUD Ordinance amendment (*under a separate application request File #: R-18-07*) prior to any action on this CSM request. The applicant is required to have the updated zoning in place first.
- 3) General:
 - a) Applicant shall correct all drafting errors and requested changes identified by Staff on the final CSM prior to the City signing.
 - b) A final copy of the CSM shall be submitted and reviewed prior to City signing. All owners and surveyor must sign prior to City signing the CSM. Surveyor Stamp is required.
- 4) All easements shall be shown on the face of the CSM.

Seconded by Mr. Felda. Motion carried unanimously.

NEW BUSINESS

6. (7)JT R-6-08 City of New Berlin Fire Department – 5120 S. Racine Ave.
– Rezone from R-1/R-2 to I-1. (Public Hearing 6/2/08)

Motion by Mr. Sisson to recommend to Common Council adoption of an ordinance that approves the rezoning the property located at 5120 S. Racine Avenue from R-1/R-2 to I-1.

Seconded by Alderman Ament. Motion carried unanimously.

7. (1)JT LD-7-08 Donald Kraft – 12723 W. Honey Ln. – Se ¼ Sec. 1 – Two-Lot Land Division.

Motion by Mr. Gihring to recommend to the Common Council approval of the two-lot Certified Survey Map for the property located at 12723 W. Honey Lane subject to the application, plans on file and the following conditions:

- 1) Applicant shall correct all drafting errors and requested changes identified by Staff on the final CSM prior to the City signing.
- 2) A final copy of the CSM shall be submitted and reviewed prior to City signing. All owners and surveyor must sign prior to City signing the CSM. Surveyor Stamp is required.
- 3) The existing detached garage and shed, as identified on the CSM, shall be removed within one year of the date the City signs the CSM.
- 4) The existing driveway for Parcel #2 shall be relocated to a location entirely on Parcel #2 within one year of the City signing the CSM. New driveways for both parcels shall meet the requirements in Section 275-57.E of the Zoning Code.
- 5) A private water supply well shall be required for Parcel #1. The property owner shall follow the WDNR requirements for installation of a new well.

- 6) Applicant shall confirm the existing well for Parcel #2 is located entirely on Parcel #2. If the well is located on Parcel #1, a well agreement shall be reviewed by the City and recorded by the applicant at the Waukesha County Register of Deeds Office prior to the City signing the CSM.
- 7) Sanitary sewer is available on Honey Lane. The newly created lot (Parcel #1) will be required to connect to that sewer main.
- 8) Any change in location of the existing driveway and culvert will require a permit from DCD.

Seconded by Mr. Felda. Motion carried unanimously.

8. (5)NJ LD-8-08 Kazi Syed & Arshia Syed – 4320 S. Moorland Road – SW ¼ SEC 23 – Two-lot land division.

Motion by Mr. Felda to recommend to Common Council approval of the Certified Survey Map for a two-lot land division of the property located at 4320 South Moorland Road subject to the application, plans on file and following conditions:

- 1) Staff recommends removing the following language from note #1 “All front of buildings shall be oriented toward 60’ road reservation” and replacing it with the following language, “due to the 60’ road reservation and County access easements on Lot #2, Inspection Services will work with future owners to determine the appropriate building orientation at time of building permit. However, all driveways shall be oriented such that access could be via the shared driveway off Moorland Road and toward the extension of Adell Avenue.”
- 2) Notes on CSM #: 10451 shall be carried over to this new CSM request. Notes shall be checked at the time of each building permit.
- 3) Access Permit for Moorland Road will be required from Waukesha County D.O.T. The CSM shall show the access point approved by the county prior to signing of CSM.
- 4) Applicant shall correct all drafting errors identified by Staff prior to signing of final CSM.
 - a) The Plan Commission Secretary listed on Sheet #4 of the CSM shall be changed from Nikki Jones to Gregory Kessler.
- 5) All owners and surveyor must sign prior to City signing the CSM. Surveyor Stamp is required.
- 6) Water Utility fees to be paid at the time of Building Permit.
- 7) Apply and obtain appropriate building, plumbing and electrical permit for any new building construction.
- 8) Erosion control shall be approved, permitted, installed and inspected prior to any commencement of site work or issuance of any building permits.
- 9) Any berms on the site will need separate approval at the time of building permit.

Seconded by Alderman Ament. Motion carried unanimously.

9. (4)JT U-30-08 Naturescape – 12601 W. Janesville Rd. – Parking Lot.

Motion by Ms. Broge to recommend Use, Site and Architectural Approval for the addition of a new ~8,298 square foot parking lot and a second driveway along with waiver #1 (applicable March 15 - November 15) on the property located at 12601 W. Janesville Road subject to the application, plans on file, and the following conditions:

WAIVER REQUEST #1: Applicant has requested a waiver from Section 275-57.B(5)(2) which states: “In the B-2 Zoning District, all storage and parking of vehicles and equipment, other than required customer and employee off-street parking, shall be inside, except the outside parking of two vehicles in accordance with the type and size limitations as specified in this chapter.” The applicant is proposing to park four Naturescape vans in the new parking area in the evenings during the period of March 15 – November 15. The vehicles are stored off-site during the winter (see attached letter).

- 1) Planning:
 - a) The parking lot shall be used and constructed as described in the submitted plan of operation.
 - b) No trees greater than 4” DBH shall be removed with the construction of the parking lot.
 - c) Applicant shall not be permitted to add a third driveway in the future.
 - d) Employee and customer parking shall be contained on site.
 - e) There shall be no outdoor storage of materials related to the businesses.
 - f) Approval of the Landscaping Plan and payment of all sureties are required prior to issuance of the Zoning Permit. Landscaping plan must meet all the requirements of Article VIII Section 275-53 through 275-56 of the Zoning Code in its entirety. A registered Landscape Architect shall stamp plans. Landscaping Plan to be approved and signed by the Department of Community Development prior to installation of any materials.
 - g) Per Section 275-56.F(3), submitted landscape plan does not meet the bufferyard planting requirements along the west property line. Applicant shall place additional shrubs along the west property line.
 - h) Applicant shall revise plans to clearly state the existing impervious surface, the increase in impervious surface and the percentage of open space. Open space shall not be less than 25%.
 - i) Dumpsters shall be properly screened from the street and public view in accordance with Article VIII Section 275-56 of the New Berlin Zoning Ordinance. A plan for a dumpster enclosure shall be submitted prior to issuance of the zoning permit and installed by September 30, 2008. The enclosure shall be large enough to accommodate the dumpsters and other miscellaneous items.

- j) The lighting in the proposed parking lot lighting shall be turned down after hours to reduce the impact on surrounding residential properties.
- 2) Engineering:
 - a) Permit required at time of driveway construction.
 - b) Applicant shall label the grades and contour lines as proposed or existing on the Grading Plan. Both must be shown in one foot (1.0') relief's to meet the application criterion.
 - c) The current proposal appears to take the surface drainage from the parking lot and release the drainage onto Lowell Place. The proposed driveway approach to the parking lot shall not allow drainage to migrate onto the street. Applicant shall indicate how the drainage will be captured prior to reaching Lowell Place.
 - d) Applicant shall provide the height, location and materials of the retaining wall across the west side of the proposed parking lot.
 - e) Applicant shall indicate how overland drainage is accessing the retention pond in the front of the building. Minimum of (1.5%) overland drainage.
 - f) Permit required at time of driveway construction.
- 3) Stormwater:
 - a) Applicant shall address all technical stormwater items in the letter dated June 26, 2008 prior to issuance of the Zoning Permit.
 - b) SWMP Maintenance Agreement is required. City of New Berlin boilerplate agreement is available online.
 - c) Applicant shall provide an erosion control plan that meets the requirements of Chapter 110 of the City's Municipal Code.
 - d) Erosion control shall be approved, permitted, installed and inspected prior to any commencement of site work or issuance of any building permits.
 - e) Applicant shall adhere to all City of New Berlin codes, ordinances and plans regarding storm water conveyance and maintenance and/or as identified by the Department of Community Development.

Seconded by Mr. Gihring. Motion carried unanimously.

10. (4)AB U-32-08 Children's Hospital of Wisconsin Medical Office Building – 15620 W. Beloit Rd. – Medical Office.

Motion by Mr. Sisson to approval of the request for Use, Site and Architecture, including grading within 30' of the wetland setback, to construct a medical office building on the property located at 15620 W. Beloit Road subject to the application, plans on file and the following conditions:

- 1) General:
 - a) See attached Plan of Operation submitted by the applicant.

- b) All landscaping and LOD areas shall be installed & adhered to as identified under Section 275-54 of the City's Zoning Code. Payment of all landscape installation and maintenance sureties are required prior to issuance of zoning permit. Landscape plans shall meet all the requirements of Article VIII Section 275-53 through 275-56 of the City's Zoning Code. A Registered Landscape Architect shall stamp plans. Landscape plan shall be approved and signed by the Department of Community Development prior to installation of any materials.
 - c) Applicant shall apply for and receive individual Sign Permits for any signage prior to installation or modification, even if signage is temporary. Applicant shall be required to place a monument sign identifying the facility with Westridge Industrial Park address plaque.
 - d) All aboveground utilities, both on-site and off-site, shall be buried.
 - e) Each tenant will require a re-occupancy permit. Approval will be based, in part, on available parking as each tenant applies for occupancy.
 - f) As part of the planning process for this facility, green and sustainable concepts shall be included from the United States Green Building Council (USGBC) in their LEED program V2.2 for New Buildings. Applicant has submitted a list of staff identifying the possible LEED criteria they may be able to incorporate into their project. Applicant shall submit a letter to staff prior to the issuance of the Zoning Permit identifying the possible LEED's criteria they will be able to follow.
 - g) Applicant shall coordinate with City staff to execute a Conservation Easement over the area that is shown as secondary environmental corridor, upland conservancy and wetland areas. The applicant shall be responsible for recording the conservation easement document at Waukesha County Register of Deeds. If this property is divided in the future, the surveyor shall add a note to the CSM and leave a blank for the applicant to fill the document number.
 - h) Applicant shall have an approved Development Agreement prior to issuance of Building Permits.
 - i) Per Section 275-56G, applicant shall locate all mechanical equipment and dumpster enclosures on revised plans and indicate how they will be screened.
 - j) Parking lot lighting shall be turned down in designated areas after hours to reduce the impact on surrounding residential properties. Applicant shall submit plan showing designated area prior to issuance of Zoning Permit.
- 2) Utility Engineering:
- a) Plan Sheet C300:

- 1) The location of the existing sewer main where the proposed sewer connection is appears to have faded out of the Plan Sheet. Please show that main beyond the connection location.
- 2) Applicant shall provide invert information at the connection point.
- 3) The drop across a sanitary manhole is only required to be 0.10 ft. You are showing 0.15 ft drop across the manholes. Since the City may have to extend the sanitary sewer in the future, to serve parcels to the west, the applicant shall provide for the minimum drop across the manholes.
- b) Please label the MH & CB Information differently. If it is storm sewer then label it as storm sewer to avoid confusion with sanitary sewer manholes.
- c) Please include storm sewer in the Legend.
- 3) Streets:
 - a) A 12" water main shall be installed to loop the system in the first phase of the project.
- 4) Storm Water:
 - a) Applicant shall address all technical engineering issues identified in a letter dated June 25, 2008.
 - b) Large areas shall not drain to a single row of silt fence. DNR Technical Standard 1057 provides parallel row spacing based on slope. Staff prefers to see a diversion berm and swale with ditch checks used to convey the runoff to sediment basins, prior to discharging to the ponds.
 - c) Applicant shall clarify what the plantings are for the ponds.
 - d) SWMP Maintenance Agreement revisions include:
 - 1) Title the exhibits.
 - 2) Need to include a maintenance standard for the catch basins and reference it as an exhibit in the Agreement.
 - 3) If the site is deemed to require snake conservation areas these will need to be addressed in the SWMP and Maintenance Agreement.
 - 4) Register with Waukesha County prior to issuance of the Zoning Permit.
 - e) Completed Chapter 13 checklist shall be submitted.
- 5) Traffic Engineering:
 - a) Many of the roadway improvements, pedestrian linkages, etc. are shared responsibilities between this development and the parcel on the SW corner (Sciano). A development agreement or other plan of work progress covering "all improvements" shall be in place with all involved parties prior to any building permits being issued.
 - b) A letter from Waukesha County approving the plan of proposed geometric changes and possible signal installations within the County ROW shall be on file with the City of New Berlin prior to any building permits being issued by the City.

- c) Proposed improvements to Beloit & Moorland Road appear to require additional ROW from the parcel in the SW quadrant (Sciano).
 - d) Internal circulation at Drive A will not flow well. Throat and queue distance to the proposed signal is too short, and confusing geometrics will cause operational problems. Ring road is too close to Moorland.
 - e) All sidepaths not within the public ROW shall have a 30'-wide Permanent Easement placed upon such lands that they are on. The Permanent Easement shall allow the City the right to construct, repair and maintain, now and in the future, any part of the highway including all its municipal uses. This shall include, but not be limited to the roadway itself, sidepaths, street lighting, traffic signals, sewer lines, electrical service, telephone, cable, water, etc.
 - f) A 6-foot wide concrete sidepath is required along the entire frontage of Moorland Road and Beloit Road (10-foot asphalt on the west side of Moorland north of Beloit) typically located 1-foot from the ROW line. Connections to or replacement of existing sidepaths in the area shall be made.
 - g) Show sidepaths on existing and proposed cross-sections.
 - h) Signing & marking plan is required.
 - i) 60-foot vision triangles are required at both entrances. The 60-foot dimension is measured along the edge of the curb & gutter driveway for private property and /or the ROW line for public property (not the centerline of the driveway).
 - j) Lighting plan does not follow City standards. See Zoning Code §275-60 I. The development light levels can be higher than the requirements for average footcandles, but must be equal to or lower than the average-to-minimum and maximum-to-minimum ratios in the zoning code. Revised plans shall be submitted.
 - k) Drive aisle widths are to be 24-feet wide from edge of pavement to edge of pavement (i.e. do not include curb & gutter in required width).
 - l) Pedestrian walkways adjacent to parking shall be a minimum of 8-feet wide to account for vehicle overhang from parking stalls as specified in the NBDH Section 3 IV X 5.
 - m) Curb ramps shall use an ADAAG recommended tactile surface (truncated domes).
 - n) Traffic signal preemption is required as part of any traffic signal installation. Consult New Berlin Fire Department.
- 5) General Engineering:
- a) Applicant shall redraw plans to clarify existing contours, benchmarks, floodplain lines, etc. on site and grading plans.
 - b) The plans shall reflect ties from proposed building to lot lines, widths of drives and parking lot aisles and parking space dimensions, radii of access drives, etc.

- c) At time of building permit application, a separate plat of survey showing proposed building stakeout shall be required. All parts of the building need to stay at least 50' from the ultimate ROW line.
 - d) Applicant shall rework the layout of the West end of the parking lot. (The parking lot drive which is parallel to the main access drive is too close for queuing, too many points of conflict.)
 - e) Applicant shall review landscape plan to determine whether some of the proposed trees close to the ROW line along Beloit Road may block vision.
 - f) Developer is proposing grading within the 30' wetland setback. PC approval is required.
 - g) Applicant shall show 25-year and 100-year storm pond levels on grading plan.
 - h) The grading plan indicates the West side of the proposed medical building is exposed with an apparent depressed loading dock at the Southwest corner. Applicant shall submit an elevation views that show any exposure or any service doors.
- 6) Building Inspection:
- a) Building plans shall be signed and stamped by a licensed architect or professional engineer per Wisconsin Enrolled Commercial Building Code. (Comm 61.31 Plans)
 - b) Building plans shall be approved by the State of Wisconsin Dept. of Commerce Safety and Buildings Division per Wisconsin Enrolled Commercial Building Code. (Comm 61.70 Certified municipalities and counties.)
 - c) Apply and obtain appropriate building, plumbing and electrical permits.
 - d) Erosion control shall be approved, permitted, installed and inspected prior to any commencement of site work or issuance of any building permits.
 - e) Sewer and water impact fees of \$2204.00 and \$809.00 shall be charged as a condition of the obtaining the Zoning Permit. These fees are based on a standard 5/8" x 3/4" water meter size. If the water calculations for the structure will require a larger meter, the increase in fees due will be charged at time of building permit.
 - f) Building shall have a dedicated water meter room with access to the exterior of the building.
- 7) Fire:
- a) Fully Sprinkle Building.
 - b) Stand pipes shall be required in stair cases.
 - c) Fire Alarm notification system throughout building shall be installed.
 - d) Install Knox Box.
 - e) Monitor Fire Flow.
 - f) Elevator of adequate size to accommodate stretcher shall be installed.

Seconded by Alderman Ament. Motion carried unanimously.

11. (4)NJ U-34-08 Westridge Development East Building C – 5600 S. Moorland Rd.
– Warehouse and Office.

Motion by Ms. Broge to approve the Modification to the Use, Site, and Architectural Approval for Zoning Permit #U-25-05 to increase the size of Building “C”, a multi-tenant office and industrial warehouse, from 170,520 square feet to 200,578 square feet located at approximately 5600 South Moorland Road subject to the application plans on file, satisfaction of all engineering concerns and the following conditions:

- 1) Plan of Operation
 - a) Per Article VIII, §275-24, all future tenants shall be required to apply for and receive a Zoning Permit from the Department of Community Development prior to leasing or occupying space within this development. All future tenants will be reviewed on a case-by-case basis for adequacy of parking and may be denied for lack of parking.
 - b) Signage for this development will require a separate application, review and Permit from the Department of Community Development (Planning) prior to installation. An Overall Coordinated Sign Standard shall be established and approved by the City of New Berlin as outlined in Article VIII Section 275-61.
 - c) Exterior architecture must be approved by the Architectural Review Committee prior to issuance of Zoning Permit.
 - d) All mechanicals including air-conditioning units and other rooftop mechanical units must be properly labeled and screened from public view. Dumpster enclosure and any outside storage areas shall be labeled on plan and adequately screened from the right-of-way.
 - e) All parking and circulation shall meet the criteria outlined in Section 275-57.
 - f) Building shall meet all requirements for the M-1 Zoning District under Section 275-35B(4) and associated tables.
 - g) See applicant Plan of Operation letter.
 - h) Parking lot lighting could be turned down in designated areas after hours to reduce the impact on surrounding residential properties. Applicant should submit a plan showing designated areas prior to issuance of the Zoning Permit.
- 2) Site Plan / Engineering
 - a) See letter dated June 27, 2008 for additional technical engineering items.

- b) Applicant shall meet guidelines within Section 275-55A for retaining walls. The proposed retaining walls shall require a Professional Engineers stamp, preferably a structural engineers stamp at each step of the approval process. The design Professional Engineer that stamped the plans shall be on site during construction and shall be responsible for inspection of the wall.
 - c) Applicant shall confirm any work within the Michigan-Wisconsin Pipeline easement with the easement holder prior to the commencement of work. The applicant shall not encroach into the Michigan-Wisconsin Pipeline Easement with either the retaining walls and/or the geo-textiles needed to support the proposed walls.
 - d) Applicant shall extend the silt fence all along the East property line to a point past the multiple retaining wall locations.
 - e) Applicant shall show the truck turning radii outside of the new locations for the truck loading docks.
- 3) Stormwater
- a) Erosion control shall be approved, permitted, installed and inspected prior to any commencement of site work or issuance of any Building Permits.
 - b) Silt Fence shall not be used at the end of storm pipes or concentrated flow, specifically at the entrance drive, at the end of the 18-inch pipe. Straw Bale ditch checks shall be used in accordance with DNR Technical Standards.
 - c) Applicant shall provide any applicable updates to the Stormwater Maintenance Agreement and register it with the county. Staff has a signed copy of an agreement dated 1/26/06. Please provide documentation of registration. Applicant shall also submit a maintenance report indicating all maintenance activities to date.
- 4) Transportation
- a) Drive aisle widths are to be 24-feet wide from edge of pavement to edge of pavement (i.e. do not include curb & gutter in required width).
 - b) Show existing / proposed pavement marking & signing for the driveway at Moorland Road.
- 5) Utility and Landscaping Plan
- a) Any revisions to the overall landscaping plan must be approved by the Department of Community Development (Planning) prior to installation. All landscaping sureties shall be provided prior to issuance of Building Permit. Landscaping sureties shall be coordinated with staff during overall approval and tied to each individual Building Permit.
 - b) Applicant shall add an 8" gate valve to the new proposed water main to avoid water shutoff to building.
- 6) Building Inspection/ Fire:
- a) Building must meet all applicable building and fire codes. Building must be fully sprinklered. Monitor fire flow.

- b) Knox box required.
- c) Install fire hydrants.
- d) Apply and obtain appropriate building, plumbing and electrical permits.
- e) Building plans shall be stamped and signed by a licensed architect or professional engineer per Wisconsin Commercial Building Code.
- f) Building plans shall be approved by the State of Wisconsin Department of Commerce Safety and Buildings Division per Wisconsin Commercial Building Code.
- g) Erosion control shall be approved, permitted, installed and inspected prior to any commencement of site work or issuance of any building permits.
- h) Sewer and water impact fees of \$2204.00 and \$809.00 will be charged as a condition of obtaining a Zoning Permit. These fees are based on a 5/8" x 3/4" water meter size. If the water calculations for your structure will require a larger meter, the increase in fees due will be charged at the time of building permit.
- i) Building shall have a dedicated water meter room with access to the exterior of the building.
- j) Applicant must remove mud, dirt and stone from all paved areas daily. Entire site must be kept free and clear of all trash and construction debris daily.
- k) vacant spaces will not receive certificates of occupancy until building shell receives passing final inspections.

Seconded by Mr. Gihring. Motion carried unanimously.

12. (7)GK/NJ U-36-08 Calhoun Creek Relocation – 4901 S. Moorland Rd. – Stream Relocation.

Motion by Mr. Felda to approve the Use and Site Approval for a creek relocation project on the property located at 4901 S. Moorland Road subject to the application, plans on file, and the following conditions:

- 1) Applicant shall adhere to all DNR requirements.
- 2) Applicant shall submit a copy of the Chapter 30 permit prior to the issuance of the zoning permit.
- 3) Applicant shall submit a copy of the DNR Chapter 216 permit prior to the issuance of the zoning permit.
- 4) Applicant shall provide as-built data to the City, DNR, and FEMA after the creek relocation works has been completed. The FEMA submittal shall include the appropriate LOMR-F forms.
- 5) Applicant shall be required to rezone the field-delineated wetlands on Lot #2 after the creek is relocated.
- 6) Applicant shall be required to rezone the floodplain to coordinate with any modifications that occur with the creek and as approved by FEMA.

- 7) Applicant shall provide an LOC to ensure all grading work is finished per the DNR requirements.
- 8) Applicant shall provide additional detail as to how the creek will be abandoned. Applicant shall verify if there will be any clay dams and what type of fill will be used.
- 9) Per Section 275-54B(3)(b) and (6) applicant shall prepare a tree inventory for all trees greater than 4" DBH and provide a replacement schedule.
- 10) Erosion control shall be approved, permitted, installed and inspected prior to any commencement of site work or issuance of any building permits.
- 11) Applicant shall contact the City Engineer to set up a pre-construction meeting prior to any work on site.

Seconded by Mr. Gihring. Motion carried unanimously.

13. (6)NJ SG-27-08 Weatherstone Subdivision – 12401 & 12965 W. Weatherstone Blvd. –Two Subdivision Monument Signs.

Motion by Alderman Ament to approve the request to place two "Subdivision" monument signs within the right-of-way located at 12401 W. Weatherstone Blvd. and 12965 W. Weatherstone Blvd. along with the two waivers subject to the application, plans on file and the following conditions:

Waiver #1:

Applicant requests a waiver from Section 275-61E(4)(a) which states, "All overhanging sign parts and the sign base shall be located on the property and behind the right-of-way." Applicant has shown that the sign will not block views from the intersection. Both intersections are controlled with a stop sign.

Waiver #2:

Applicant requests a waiver from Section 275-61E(4)(c) which states, "No sign shall be located within the vision clearance triangle. [See also § 275-56C(15).]" Applicant has shown that the sign will not block views from the intersection. Both intersections are controlled with a stop sign.

- 1) All future modifications, including face changes, structural alterations, conversions, extensions, relocations, and additional signs must be applied for and receive a Sign Permit, and must meet the provisions of Section 275-61 "Signs" of the New Berlin Zoning Code.
- 2) Because the proposed sign locations are within the right-of-way of Weatherstone Blvd., a hold harmless agreement shall be recorded with Waukesha County prior to issuance of the sign permit. The agreement should also include the following language:
 - a) The subdivision homeowners association shall be responsible for paying for all maintenance of the signs and associated landscaping. Written agreements shall be on file with the City of New Berlin from the Developer and/or the homeowners Association as to the future maintenance and care for any proposed landscaping and structure/monument repairs and/or removal.

- b) City shall not be liable for any liens filed against the property (signs).
 - c) If the subdivision homeowners association should become defunct, then the individual subdivision lots would be responsible for the maintenance of the sign and any landscaping.
 - d) If work needs to occur within Weatherstone Blvd. the sign would need to be removed by the Homeowners Association so work could be completed. City shall not be responsible for replacing the sign.
- 3) Applicant shall coordinate with the Transportation and Storm Water Division Engineers to locate the signs properly. Signs shall not encroach within the right-of-way or vision triangle any further than shown on plans.
 - 4) The proposed structures shall not be placed over any utilities, public or private.
 - 5) If any utilities, public or private, are damaged during and/or from the installation of the proposed Monument Signs and landscaping the City of New Berlin is not responsible for any repairs. Either the Developer and/or the Homeowners Association shall be responsible for all damages and repairs.
 - 6) The proposed structures shall not adversely affect or impact any previously approved berms, grading or landscaping.
 - 7) The monument sign face shall not exceed 31" (h) x 72" (w) = 15.48 sq. ft.
 - 8) Any future temporary signs shall require a sign permit prior to installation.
 - 9) The monument sign shall be constructed as shown on the plans on file.
 - 10) Signs are non-illuminated per the application.
 - 11) Sign #1 and #2: Payment of \$110.00 is due per the following calculations:
"Weatherstone West" -31" (h) x 72" (w) = 15.48 sq. ft. x 2 sides = 30.96 sq. ft. x \$3/sq. ft. = \$92.88 * 2 = \$185.76
Total- application fee = \$185.76 - 75 = \$110.76

Seconded by Mr. Gihring. Motion carried unanimously.

COMMUNICATIONS

- 14. Communication To: Plan Commission
Communication From: Nikki Jones, Planning Services Manager
RE: Letter dated June 2, 2008 from Dennis Kasian RE: Abandoned Spruce Road Lift Station. (R-18-07)

Plan Commissioners acknowledged receipt of this communication.

Motion by Mr. Sisson to adjourn the Plan Commission Meeting at 9:30 P.M. Seconded by Alderman Ament. Motion carried unanimously.