

**Please note: Minutes are unofficial until approved by the Plan Commission at the next regularly scheduled meeting.**

**PUBLIC HEARINGS**

6:00 P.M.. (3)AB CU-1-08 World Harvest Community Church – 1500 S. West Ln. –  
Camping from August 25-31, 2008 for the 105<sup>th</sup> Harley Davidson  
Anniversary.

**NEW BERLIN PLAN COMMISSION**

**MARCH 3, 2008**

**MINUTES**

The public hearing relative to the request by David H. Ford c/o World Harvest Community Church located at 1500 S. West Lane for a Conditional Use to use their property for camping purposes for the Harley Davidson Anniversary from August 25-31, 2008 was called to order by Mayor Chiovero at 6:00 P.M.

In attendance were Mayor Chiovero, Mr. Sisson, Mr. Felda, Alderman Ament, Mr. Gihring, and Ms. Broge. Also present were Greg Kessler, Director of Community Development; Nikki Jones, Planning Services Manager; Jessica Titel, Associate Planner; and Mark Blum, City Attorney. Ms. Groeschel was excused.

Mayor Chiovero 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 Chiovero asked for comments or questions for the purpose of clarification?

Diane Bennett, 17521 W. Roosevelt Avenue – I live in that neighborhood. The notice that we got from Alderman Seidl in our mail box said that traffic will primarily be on Greenfield Avenue with no access allowed to surrounding residential neighborhoods. There are a number of motorcyclists right on our street, and I know that we have about 30 people coming into town specifically for that event. They are not camping in our front yard, but they will be staying at local hotels. We are going to want them to be able to get through the neighborhood. They were there for the 100<sup>th</sup>. Are you not going to allow any motorcycle traffic throughout the neighborhood? If so, I don't know how you will differentiate who is supposed to be there and who is not?

Mayor Chiovero – I think that was misinterpreted. The request is any motorcycles going to this site will be restricted to only come down West Lane for a half block to get to the church.

Ms. Amy Bennett – My understanding from reading the letter from the applicant from the church is that they were going to encourage the motorcyclists to use Greenfield Avenue to West Lane but not drive south through the neighborhood out to Calhoun Road.

Ms. Diane Bennett – People who are coming in from Greenfield Avenue who are not part of that event would not be restricted?

Ms. Amy Bennett – There would not be any other restrictions for the neighbors.

Ms. Diane Bennett – I know it may seem silly to you, but it is a concern as well with the fact that if you get that many motorcyclists together, there are gangs that look for that kind of thing. Our concern also is that we live in a residential neighborhood, and we don't want motorcycle gangs to know where we are. We have some property that they might be interested in.

Mayor Chiovatero – The only thing that I can explain to you is that this is the Christian Motorcycle Association. Have you seen them around during the year raising funds?

Ms. Diane Bennett – Yes, I appreciate that. It's just that when you get that many motorcycles together, it's appealing to people who perhaps might be interested in thievery.

Mayor Chiovatero – I think there will be a lot more events going on throughout the entire Milwaukee metropolitan area. The last number I heard was an expected 200,000 plus.

Ms. Diane Bennett – So, you don't see this as a potential problem?

Ms. Amy Bennett – This application has been sent to the Police Dept., so they are aware that there is this proposal this evening, and if you had a concern you could contact the Police Dept. during the event.

Ms. Diane Bennett – OK.

Scott Heitman, 1501 S. West Lane - I am here in support of Dave and his church. The church has been a good neighbor in our community. I have been a police officer for 24 years for a community in the area. I have worked several of these Harley events. These people usually police themselves. They usually don't let too much get out of hand.

Ronald Olson, 1426 S. West Lane – I am here in support of Pastor Dave. We have no problem with anything that has gone on over there in the past. We do not see this to be any problem whatsoever. I stand behind Pastor Dave and what they are doing.

Lori Harrell, 17615 W. West View Lane – My husband and I are also in support of this event. Five years ago, my husband and I opened up our home and housed people who were at the 100<sup>th</sup> year Anniversary. It went well. The people were thankful and well behaved. I am all for this and think it is great that we can support this type of thing. It gets money back into our community. World Harvest has been a great asset to the neighborhood.

Allison Thompson, 17525 W. Greenfield Avenue – We are right around the corner and we will be directly affected by the traffic, but we are in support of the event. We support the church and what they are trying to do, and we don't feel it will be a problem.

Mayor Chiovatero – Just for clarification, we will have a time for people to come up in support of this, as well as opposed. This is the time for questions for clarification purposes.

Dave Ford, World Harvest, 1500 S. West Lane – We have asked the people from our group not to go through the neighborhood. I know there will be a lot of bikes that week. They are going to go up and down and around. We don't have control of all of them, but we have asked ours not to go on. To help with the security issue, the CMAer's have a full time, 24-hour, security. It's hidden behind our building, so it will not be noticed from the street. When they first approached me, they said there would be about 35 – 50 people at one time for seven days. People would come at different intervals throughout the week. There will probably be more people on the weekend. I just wanted to answer your questions, and it's good to know you're in the neighborhood.

Mayor Chiovatero asked three times for further questions or comments for clarification, seeing none?

Mayor Chiovatere asked if there was anyone wishing to speak in favor of this application?

Allison Thompson, 17525 W. Greenfield Avenue;

Ron & Linda Olson, 1426 S. West Lane.

Mayor Chiovatere – I have marked those down who have already been up to speak in favor.

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

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

Mayor Chiovatere asked for comments or questions from the Commissioners?

Alderman Ament – At some other special events that we have had in the past that we have approved both here and at Council, there was wording in the staff report that if the Police were called or if there were any problems, the event would be shut down the event. Are there any provisions for this one if there would be a problem?

Ms. Bennett – I don't have it listed as a recommended condition, but it could be if that is something the Plan Commission wanted to add.

Alderman Ament – I just wondered if there was a game plan if there would be an issue other than the Police handling whatever happened. I know we have had this in the past.

Ms. Bennett – I am familiar with your comment. I did notice during my research that we had something like that for the Hal's event.

Mayor Chiovatere – Knowing Pastor Dave and the support he gets from the neighbors, if there are any issues, he would be on top of it. This group has it's own security also.

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

Mayor Chiovatere closed the public hearing at 6:18.P.M.

**NEW BERLIN PLAN COMMISSION**

**MARCH 3, 2008**

**MINUTES**

**PRIVILEGE OF THE FLOOR**

The Plan Commission Meeting was called to order by Mayor Chiovatero at 6:20 P.M.

In attendance were Mayor Chiovatero, Mr. Sisson, Mr. Felda, Alderman Ament, Mr. Gihring, and Ms. Broge. Also present were Greg Kessler, Director of Community Development; Nikki Jones, Planning Services Manager; Jessica Titel, Associate Planner; and Mark Blum, City Attorney. Ms. Groeschel was excused.

Motion by Alderman Ament to approve the Plan Commission minutes from February 4, 2008. Seconded by Mr. Sisson. Motion passes with Mr. Felda voting present.

**PLAN COMMISSION SECRETARY'S REPORT** – It was the consensus of the Plan Commissioners to discontinue the use of blue paper in the staff reports distributed in their meeting packets.

**CONTINUED BUSINESS**

1. (2)JT U-96-07 Sunny Slope Retail – 3305 S. Sunny Slope Rd. – Retail Building – Site Modifications. (Tabled 2/4/08)

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

Motion by Mr. Sisson to approve the Use, Site and Architecture for the construction of a 10,960 square foot multi-tenant retail and professional office building located at 3305 South Sunny Slope Road, subject to the application, plans on file and the following conditions:

- 1) Planning:
  - a) 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.
  - b) Applicant shall revise the Landscape Plan to clearly indicate which trees are being saved. The Development Summary states that 10 additional trees are being saved on the revised plans submitted on 2/11/08. The number of "trees to remain" that are depicted on the revised Landscape Plans are the same as depicted on the initial set of plans submitted on 12/21/07. Tree replacement calculations below are based on the submitted plans and do not reflect a reduction in the number of trees being removed. Staff will adjust the calculations below accordingly based on information provided in a subsequent plan.

- i) Applicant has requested to plant trees at City Center in lieu of providing the Landscape Fee of \$300 per tree for the trees they are not able to plant or replace on their site. Please see the attached memo from Mr. Brad Knab dated December 21, 2007. Staff recommends that the applicant plants the south median on Michelle Witmer Memorial Drive in accordance with the City Center Landscaping Plan and provide the remaining balance as a Landscape Fee. Applicant shall provide DCD with a signed contract for the median work prior to issuance of the Zoning Permit and complete the plantings by June 1, 2008. Occupancy shall not be granted until the median work is completed and the balance of the Landscape Fee is paid to the City. The total Landscape Fee is calculated to be \$16,500 (55 replacement trees x \$300/tree). An abbreviated developer's agreement in a form acceptable to the City Attorney and to the DCD Staff dealing with the access and work on City property is required.
  - c) Applicant shall receive and provide copies of all local, County and State permits prior to the issuance of the Zoning Permit.
  - d) Applicant shall revise materials used for the gate in the "Dumpster Elevation" section on page S2.0 of submitted plans. Applicant has indicated the enclosure will include a cedar gate, but the submitted plans indicate a chain link gate with privacy slats will be used.
  - e) Applicant shall update and correct the parking and building size information on page A1.0.
  - f) Each tenant shall be required to obtain a re-occupancy permit prior to building permits being issued. All future tenants will have to provide a Plan of Operation that shall state the number of employees in the largest shift as required by Section §275-24C(2)(d) of the Zoning Code. Future tenants shall be reviewed on a case-by-case basis for parking and may be denied for lack of parking.
  - g) All signage both temporary and permanent shall require a sign application, to be filed and approved by DCD, prior to installation.
  - h) There shall be no outdoor storage of equipment or materials related to the businesses.
  - 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 Code.
  - j) Any building that will accommodate a food service or food preparation tenant requires an Outside Grease Trap Tank and an MMSD Sampling Manhole designed and installed to the City Developer's Handbook Requirements.
  - k) A signed agreement allowing adjacent landowners to tie into the bypass storm sewer shall be provided. Applicant shall prepare a "Private Drainage Easement" document for the drainage pipe that conveys water from the vacant parcels to the west on National Avenue through the Sunny Slope Retail site. The drainage pipe shall be constructed and sized as depicted on the approved construction plans for Sunny Slope Retail. The easement document shall be approved by the City and recorded by the applicant prior to the issuance of the Zoning Permit. The applicant shall be responsible for all maintenance of the drainage pipe. Submitted plans indicated that the applicant is also using the drainage pipe to convey water from their site.
- 2) Storm Water:
- a) Applicant shall address all technical stormwater items in the letter dated February 22, 2008 prior to issuance of the Zoning Permit.
  - b) Applicant shall submit an NOI to the WDNR.

- c) Applicant shall provide detail for the modular block wall being proposed with the stormwater pond, including the stability of the wall when submerged in water.
  - d) The existing storm sewer system is a County owned storm sewer and shall require approval for connection. Applicant shall provide County approval letter/permit for the storm sewer connection prior to issuance of the Zoning Permit.
  - e) Applicant shall provide the required materials for MMSD Chapter 13 submittal. A maintenance agreement, recorded by the applicant, and letter of funding source are required for an MMSD Chapter 13 submittal. Please see Staff for the boiler plate maintenance agreement. MMSD Chapter 13 permit shall be received prior to issuance of the zoning permit.
- 3) Engineering:
- a) A CSM (Certified Survey Map), quit claim deed or other means of dedication shall be submitted to the City of New Berlin showing the ultimate right-of-way (ROW) dedicated to the City along Sunny Slope Road and the combination of the single-family lots for this project to update the City of New Berlin records prior to any building permits being issued.
  - b) An application for the CSM shall be filed with the DCD prior to issuance of the Zoning Permit.
  - c) Erosion Control measures shall be enforced for each occurrence throughout the workday. Roadway clean-up and other Best Management Practices/Technical Standards shall be used at the time of the infraction not just at the end of the workday. The stone matting required for the site shall be refreshed as needed throughout the construction process.
  - d) Applicant shall address all technical engineering items in the letter dated February 22, 2008 prior to issuance of the Zoning Permit.
- 4) Transportation:
- a) A cross access easement shall be approved by the City and recorded for the north and west cross-access points of the site. The north cross access easement shall provide future access to the gas station property to the north. The west cross access easement shall be located to the north of the stormwater pond and run from east to west. At such time that the adjacent parcels get developed and/or redeveloped, the applicant shall permit access from the adjacent properties to the north and west through the applicant's property to Sunny Slope Road. The adjacent sites shall tie into the parking lot on this site, and the applicant shall permit a temporary construction easement on this property to be able to tie the proposed cross-access work onto this site. The applicant shall prepare an exhibit, acceptable to the City, which depicts the easement locations. The easement shall also be shown on the face of the new CSM for this property (see 3(b) above).
  - b) The Lighting Plan sheet shows the use of Lumec fixtures and poles. The lighting illumination levels are acceptable, however the cut sheets supplied via email on 2/15/08 are from a different manufacturer. Revise lighting plan and provide cut sheets for the proposed site lighting
  - c) Applicant shall label and show detail for the sidepath within the City ROW on Page C1.0 or C2.0.
  - d) It does not appear that a single-unit truck (SU-design vehicle) is able to negotiate the southern parking area as required by Zoning Code Section §275-57 G (5). Applicant shall revise Plans accordingly.
- 5) 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) Stake out survey showing setbacks, existing and proposed grades at building corners and lot corners required for permit application.
  - e) Erosion control shall be approved, permitted, installed and inspected prior to any commencement of site work or issuance of any building permits.
  - f) Applicant shall be sure that bushes at entry do not cause line of sight problems when exiting onto Sunny Slope Road.
- 6) Streets and Utilities:
- a) Applicant shall address all technical streets and utilities items in the letter dated February 22, 2008 prior to issuance of the Zoning Permit.
  - b) The sanitary sewer and laterals shall be properly abandoned at the main per MMSD requirements.
  - c) The meter room shall be used for the water meter and sprinkler system only. The electric and phone shall be located in a separate room.
  - d) In order to meet the MMSD & WDNR requirements, the City Engineer will need to make proper application to the two agencies through the City. For the MMSD application, the applicant shall clearly state that three residential homes were removed and the proposed retail building is being developed. Under the 2020 Facilities Plan, commercial properties have their own sanitary flow allocations and have to be accounted for.
- 7) Fire
- a) Fully Sprinkle.
  - b) Install Knox box (key box for all tenants).
  - c) Monitor fire flow.
  - d) Fire hydrant within 50' of sprinkler connection.
  - e) Separate room for riser with exterior door access.
  - f) Applicant shall insert one exit point at the rear of each tenant space or an exit into a common hallway at the rear of all tenant spaces that has an exit point to the outside. Applicant shall indicate location of exit doors with each Re-Occupancy permit and shall install rear exits prior to occupancy of each individual tenant space.

Seconded by Mr. Felda.

Motion by Alderman Ament to delete Condition 4c) to construct a sidepath.  
Motion fails for lack of second.

Motion by Alderman Ament to change planting for tree replacement to a tree-for-tree replacement.

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

Upon voting original Motion to Approve passes with Mayor Chiovaturo, Mr. Gihring, Mr. Felda, Mr. Sisson, Ms. Broge voting Yes, and Alderman Ament voting No.

2. (1)NJ&GK U-97-07 ProHealth Ambulatory Care Center – 1700 S. Moorland Rd.- Ambulatory Care Facility and Physicians Office Building. (Tabled 2/4/08)

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

Motion by Mr. Sisson to approve the request for Use, Site and Architecture to construct an ambulatory care center (as identified within Plan of Operation), including Waiver Request #1, Waiver Request #2, and Condition #1(h) on the property located at 1700 South Moorland Road, subject to the application, plans on file and the following conditions:

Waivers:

Request #1: The applicant requests to deviate from code section 275-36 D(3)(b) and (c) to allow for grading and landscaping within 30' required setback of the isolated wetland located adjacent to Moorland Road.

Request #2: The applicant requests to deviate from code section 275-57 A(6) to allow parking spaces to be 9'X18' rather than 9'X19'.

Approval by DCD Staff of the Tree Harvest Survey dated February 21, 2008 per Section 275-54B(4) of the City's Zoning Code Special Cutting Plans . Applicant shall plant all trees per approved Landscape Plan and shall pay landscape fee to City for unmitigated tree planting. All tree protection activities/measures outlined in Section 275-54 of the City's Zoning Code shall be adhered to during construction.

- 1) Planning
  - 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) City of New Berlin plantings requirements, as identified in 275-56, shall be followed and identified on plan.
  - d) 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 and the City.
  - e) All aboveground utilities, both on-site and off-site, shall be buried.
  - f) Plan Corrections:
    - i) Architectural Site Plan
      1. A copy of the recorded proposed easement shall be on file prior to the issuance of the Zoning Permit.
      2. A CSM to combine the parcels shall be submitted to combine parcels prior to the issuance of the Zoning Permit.
      3. The Electrical Transformer and Emergency Generator shall meet the requirements of Section 275-60E(2) (Performance Standards).
    - ii) Floor Plans – Applicant shall provide more information for staff to review at the time of building permit (i.e. number of procedure rooms, number of medical offices, details on Lobby, etc.
    - iii) Site Landscape Plan is still under review. Staff will need to review this plan in conjunction with the tree inventory and NRC Report referred to in your Plan of Operation submittal.
  - g) All streetscapes shall conform to the City Center roadside edge plans, where appropriate. Plans to include but is not limited to the following: sidepath, sidepath lighting, and landscaping.

- h) Each tenant will require a separate use approval from the Plan Commission. Use will be based, in part, on available parking as each tenant applies for occupancy. (Plan Commission may wish to allow these to be granted administratively).
  - i) 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 letter to staff identifying the possible LEED criteria they may be able to incorporate into their project.
  - j) Applicant shall submit an application to DCD to have the field delineated wetland pocket along Moorland Road rezoned.
  - k) Coordinate with DCD Staff, WDNR, and SEWRPC to continue to investigate the stream and wetland on the adjacent property. A Navigability Determination letter is on file; however, SEWRPC will continue to work with staff in this area.
  - l) Applicant shall coordinate with City staff to execute a Conservation Easement over the area that is shown as Isolated Natural Resource Area (INRA). The applicant shall be responsible for recording the conservation easement document at Waukesha County Register of Deeds. The surveyor will need to add a note to the CSM and leave a blank for the applicant to fill the document number.
- 2) Utility Plan Sheets (including the plan & profile sheets)
- a) Water main
    - i) A water main plan review application will be required to be submitted to WDNR through the City.
    - ii) A sanitary sewer plan review application will be required to be submitted to MMSD & WDNR through the City.
    - iii) Provide for a Meter Room per the City of New Berlin Utility Department Standards.
    - iv) Identify if the 218' new wastewater line will be considered a lateral. This is beyond the property line and the driveway would have to be built with very large trucks using it for maintenance purposes. Please discuss with the Utility Department.
  - b) Applicant shall have a Developer's Agreement.
- 3) Storm Water
- a) 100-yr overflow spillways and overland flow routes shall be shown on plans.
  - b) Erosion Control Plan shall be required.
  - c) SWMP Maintenance Agreement is required; City of New Berlin boilerplate agreement is available online.
  - d) Pond cross-sections and Planting details shall be required.
  - e) Pond outlet details are required.
  - f) Pond Outfall protection is required
  - g) Overflow spillway location and detail is required.
  - h) Applicant shall provide design information & details for the green roof area.
  - i) Contact Waukesha County regarding connection to Moorland Road storm sewer. Connection to storm sewer in Moorland Road requires permission from Waukesha County.
  - j) Provide input and output summary for WinSLAMM calculations.
- 4) Traffic Engineering
- a) A letter from Waukesha County approving the plan of proposed improvements within the County ROW shall be on file with the City of New Berlin prior to any permits being issued by the City.

- b) Waukesha County approval shall be sought for signal placement to be at the north driveway across from Brook Drive due to the potential use by development on the vacant lands to the north of the subject property in the future if needed.
  - c) Signal and timing plans shall be required.
  - d) Traffic signal preemption is required as part of the signal plans and shall be installed as part of the initial construction.
  - e) 60-foot vision triangles at both entrances need to have one leg centered on the centerline of the driveway, and the other on the ROW line.
  - f) The drop-off aisle near the front door shall meet (or exceed) the minimum width requirements for a one-way drive aisle.
  - g) Provide a proposed traffic signing & pavement marking plan for the entire site.
  - h) Show decorative pedestrian sidepath lighting detail for the Lumec Domus fixtures and poles in the plan set along the entire frontage of Moorland Road.
- 5) General Engineering
- a) It appears that a dedicated 'Erosion Control Sheet' is missing with Construction Sequencing of Events for development of the Site. Any proposed updates from the last review concerning on site erosion control measures are also apparently absent at this time.
  - b) Inlets are required at the both entrances, across from Robin Road and Brook Ridge Drive, to the site from Moorland Road to prevent drainage from the access drives draining onto Moorland Rd. All drainage is to be contained on site. Please add the inlets or indicate how this drainage is to be captured before leaving the site. Please review and correct as necessary.
  - c) As per the Developers Handbook, dual inlets are required at all low points. Section 3, III Storm Sewer; (O).
  - d) The proposed detention basin located along Moorland Road has a length of storm sewer pipe extending from the stand pipe to MH #4. The proposed pipe runs under a curb section and through the slope of the detention basin lowering the cover over the pipe. It is suggested to move the pipe further into the parking lot and avoid the detention basin slope all together. Please review and correct as necessary.
  - e) The detention basins appear to show the proposed elevations of the banks/berms around the outside of the basins without clearly indicating the transitions back to existing grades/elevations around the outside edges of the proposed basins. This would extend the limits of disturbance around the outside edges of the basins several feet to come back to the existing grades/elevations. There maybe several examples of this problem as well as possible transition problems from the proposed parking areas to the existing contours on site. Please review and correct as necessary.
  - f) The proposed detention basin along Moorland Road indicates that the slopes from the outside berms/banks will encroach into the 30' setback to the Wetlands when finished graded/landscaped. If this proposed grading remains the Developer will be required to present this request to the Plan Commission for approval. §275-33; (9) Wetlands (b), pg. 275:55 and §275-36; (3) Wetland setback (b), pg. 275:78
  - g) At the entrance to the site from Moorland Road, across from Robin Road, as the proposed contours start up the entrance ramp on the 'south' side of the entrance at (860.0) to (861.0) there appears to be an additional proposed contour at the (861.0) elevation. Please review and correct/clarify as necessary.

- h) An additional suggestion to the proposed might be to add landscape rocks and plantings as a barrier for the detention basin at the entrance, next to Moorland Road, when considering health and safety issues, would be to raise the curb head a few inches above the normal six inches (0.5') that is normally installed. Please review and advise.
  - i) The boxed elevations at the curb and gutter locations represent either the gutter or the curb head? Two elevations should be shown at each location. One elevation will indicate the top of curb and the other elevation will show the proposed gutter elevations. Usually there appears to be approximately a half of a foot (0.5') difference between the two. Please review and revise as necessary.
  - j) There shall be a detail shown on the detail sheets for the County curb and gutter sections, to be placed in the County's right-of-way, meeting their design standards and so labeled.
  - k) The two (2) parking areas as shown/displayed on the grading plan at the 'Northeast' corner of the parking areas next to the Ambulatory Center and at the 'Southeast' corner of the parking areas next to the Medical Office do not show how the drainage will be collected at the curb and gutter sections and conveyed to the detention basins. In the 'Southeast' lot there also appears to be a dumpster site in the same location that all the drainage would be collected. Missing inlets or curb cuts? Please review and correct as necessary.
  - l) Both the proposed parking lot and sidewalk elevations located along the 'North' side of the building next to the Ambulatory Center and the same entities along the 'South' side of the building next to the Office Center of the structure, have transition problems of four feet (4.0') to five feet (5.0') for grade changes in relation to the first floor elevation of the building. The 'North' side of the building, next to the Ambulatory Center, shows proposed parking lot and sidepath elevations of (860.0-859.0) with a first floor elevation of (864.0) the main structure. On the 'South' side of the building next to the Office Center the proposed parking lot and sidepath elevations are proposed at (859.0 -860.0) also, with a proposed first floor elevation (864.0) of the main structure. The areas directly adjacent to the building have to show an exposed foundation and meet the ADA requirements of 'No' more than five percent (5%) gradient change along the sidepathss with a cross slope of 'Not' more than two percent (2%). Please review and change/alter the architectural views as necessary.
  - m) Please locate/identify the locations of the metering rooms. This request is as per the Utility Dept.
- 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.
- 7) Follow all fire comments that have been discussed in your meetings with them in addition to the items below:
- a) Fully Sprinkler Building.
  - b) Fire Alarm system.
  - c) Install Knox Box.
  - d) Monitor Fire Flow.

- e) Install Yard Fire Hydrants.
- f) Install Stand pipes in stair cases.

Seconded by Mr. Felda.

Alderman Ament questioned the possibility of underground parking. The applicant explained they have evaluated the ability to put underground parking under the building but from a financial standpoint, they felt it was more appropriate to utilize the monies to try to save trees. Mr. Kessler said there will be a stringent tree protection plan to be used now and for maintenance in the future. Alderman Ament suggested language in the conservation easement to include tree protection.

Alderman Ament questioned having the applicant put in a sidewalk where the City already has the existing shoulder path designated in the Alternative Transportation Plan (Bike & Pedestrian Facility Plan) as an alternative transportation facility. If a side path was created, he worried about losing it if the road were widened. That would have to be engineered to find out. He also discussed the reasoning behind requiring sidewalk lights when there is already streetlights that illuminate the roadway.

Mr. Gihring commented that riding a bike along Moorland Road was extremely dangerous, and sidepaths would make a lot of sense in this area.

Mayor Chiovero agreed that Moorland Road was a dangerous road to ride a bike on, and a bike path would be nice for people going to Greenfield Avenue. Moorland Road is a County road and Mayor Chiovero said that the County has expressed in the past the possibility of using it if they ever need to bring Moorland Road to six lanes. Mayor Chiovero was not sure if we would need County approval to designate that lane as a bike lane.

Motion by Alderman Ament to amend the original motion by removing the second sentence from Condition 1(g) that requires the sidewalk and the lighting for the sidewalk.

Seconded by Ms. Broge. Motion fails for tie vote with Alderman Ament, Ms. Broge, Mr. Felda voting Yes and Mayor Chiovero, Mr. Gihring, Mr. Sisson voting No.

Motion by Alderman Ament to amend the original motion by removing lighting from Condition 1(g).

Motion fails for lack of second.

Discussion continued regarding parking, traffic, landscaping, and architecture concerning the project.

Upon voting, original motion passes with Mayor Chiovero, Mr. Gihring, Mr. Sisson, Mr. Felda, Ms. Broge voting Yes, and Alderman Ament voting No.

3. (5)NJ LD-1-06 Diamond Estates – 13251 W. Coldspring Road – 3-lot land division.  
(Tabled 4/3/06, 10/2/06)

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

Motion by Mr. Felda to withdraw this item from the agenda per the applicants request. Seconded by Ms. Broge. Motion carried unanimously.

## **NEW BUSINESS**

4. (3)AB CU-1-08 World Harvest Community Church – 1500 S. West Ln. –  
Camping from August 25-31, 2008 for the 105<sup>th</sup> Harley Davidson  
Anniversary.

Motion by Mr. Felda to approve the Conditional Use application for the temporary operation of a camp site at 1500 S. West Lane subject to the application, plans on file and the following conditions:

- 1) Temporary camp site to be from August 25 – August 31, 2008.
- 2) All activities shall take place on church property.
- 3) All portable toilets to be removed within one (1) week after scheduled event.
- 4) Tents over 120 square feet used for general public shall be required to obtain a building permit and inspection by both the Building Inspection Division and Fire Department. This does not include private camping structures. (Section 3103 Wisconsin Enrolled Commercial Building Code)
- 5) Any temporary wiring for lighting of grounds shall be required to have electrical permit and electrical inspection.
- 6) Apply and obtain appropriate building, plumbing and electrical permits when required by code.
- 7) All future modifications, including face changes, structural alterations, conversions, extensions, relocations, and additional signs, including temporary signs, shall be applied for and receive a Sign Permit, and shall meet the provisions of Section 275-61 “Signs” of the New Berlin Zoning Code.
- 8) This permit shall be issued with the understanding that the applicant shall not serve or provide alcohol or music on site during this event.

Seconded by Mr. Gihring. Motion carried unanimously.

5. (4)AB U-2-08 C.S.E., 5400 S. Westridge Drive – Facility Expansion.

Motion by Alderman Ament to approve the request for Use, Site and Architecture to construct a 24,120 sq. ft. building addition located at 5400 S. Westridge Drive subject to the application, plans on file and the following conditions:

- 1) General:
  - a) Architecture Review Committee shall review and approve addition prior to issuance of the Zoning Permit.
  - b) Approval of the landscaping plan and payment of all sureties are required prior to issuance of Zoning Permit. Landscape plan shall meet all the requirements of Article VIII Section 275-53 through 275-56 of the Municipal Ordinance in its entirety. 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 relocate existing coniferous tree as designated on plan.
  - d) Applicant shall protect or relocate existing trees as identified on plan near proposed dumpster location.
  - e) Applicant shall add additional landscaping, including trees, at the southeast corner of the property to assist with screening the addition and relocated dumpster from Small Road. Revised plan shall be submitted prior to issuance of the Zoning Permit.
  - f) No outside storage shall be allowed on site.
  - g) Dumpsters shall be properly screened from the street and public view in accordance with Section 275-56 of the Zoning Code.
  - h) Any future parking shall be reviewed and approved by the Department of Community Development prior to installation.
  - i) Applicant shall match existing materials for retaining wall and guard rail on east elevation for loading docks.

- j) Architecture of south elevation shall be reviewed by the Architecture Review Committee (ARC) at time of final building additions for visual compatibility with existing structure and the surrounding area.
- 2) Engineering:
  - a) Southwest corner of addition is being exposed 2.5' to 875.0' to more closely match existing pavement grades in that area. Elevation views do not show, but footing elevations shall be dropped here. The entire East side and South side of the addition shall be exposed to match existing pavement and pine tree elevations.
- 3) Storm Water:
  - a) Applicant shall provide existing storm sewer information. Size and elevation.
  - b) This property spans 2 watershed basins. If existing site drainage discharges to the north, connection to south for the addition can be allowed. Applicant shall provide backup information.
  - c) Applicant shall address all technical storm water comments addressed in letter dated February 22, 2008.
- 4) Building Inspections:
  - 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 the 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.
- 5) Fire Department:
  - a) Fully Sprinkle.
  - b) Monitor Fire Flow.
  - c) Install Knox Box, if not current.
  - d) Extend Fire alarm system to new addition.
  - e) Install Fire Hydrants at south end of building.

Seconded by Ms. Broge. Motion carried unanimously.

6. (4)NJ U-3-08 Christopher Morgan, 16555 W. Stratton Drive – Facility Expansion.

Motion by Alderman Ament to approve the request for Use, Site and Architecture to construct a 76,250 sq. ft. building addition located at 16555 W. Stratton Drive subject to the application, plans on file and the following conditions:

- 1) General:
  - a) Architecture Review Committee shall review and approve addition prior to issuance of the Zoning Permit.
  - b) Approval of the landscaping plan and payment of all sureties are required prior to issuance of Zoning Permit. Landscape plan shall 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. Landscape plan shall be approved and signed by the Department of Community Development prior to installation of any materials.

- c) Applicant shall add additional landscaping, including trees, along the west elevation of the building to provide additional screening from Beloit Road and to break up the wall. Revised plan shall be submitted prior to issuance of the Zoning Permit.
  - d) No outside storage shall be allowed on site.
  - e) If the applicant should decide to store dumpsters outside they shall be properly screened from the street and public view in accordance with Section 275-56 of the Zoning Code. Current plans indicate that dumpsters will be stored inside the building.
  - f) Any future parking shall be reviewed and approved by the Department of Community Development prior to installation.
  - g) Applicant shall submit line of site drawings indicating that the rooftop units are in deed screened.
  - h) Please review the northwest corner of addition to make sure that exposed area will not exceed maximum building height allowed in the M-1 Zoning District.
- 2) Engineering:
- a) Address all technical engineering issues identified in a letter dated February 22, 2008.
  - b) Along the South elevation view of the building addition, an at-grade overhead door and service door are proposed at the Southwest corner. However, based on the grading plan it appears that it may work better as an exposed door. Southwest corner of building shall be exposed 2' to 870'. Move floor grade doors further East, or use combination of retaining walls and maximum 4:1 slopes along building to achieve grade transition.
  - c) Plumbing site utility plan included in set of plans is dated December of 2002, and shows original proposed layout including smaller addition. This plan shall be updated. It shall show existing and proposed storm sewer.
  - d) Applicant shall identify whether the drainage easement along the west lot line is still active. If so, plans should be adjusted slightly. If not, provide proof the easement has been eliminated.
- 3) Storm Water - Erosion Control Plan and Notes:
- a) Applicant shall address all technical storm water comments in a letter dated February 22, 2008.
  - b) All references to "Wisconsin Construction Site Best Management Practices Handbook" shall be replaced with "Wisconsin Department of Natural Resources Storm Water Management Technical Standards."
  - c) Provide location of tracking pad.
  - d) Wisconsin Department of Commerce NOI is required.
- 4) Transportation:
- a) Original lighting plan submitted November 27, 2002 does not follow updated City standards. See Zoning Code §275-60 I. The development light levels and ratios shall be met for all on-site parking, circulation and pedestrian areas. Existing areas not conforming to the current Zoning Code shall be brought up to the current standards. Please coordinate with the Transportation Division Engineer.
  - b) Include cut sheets / specifications for all luminaires.
  - c) Pedestrian walkways adjacent to proposed 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.
  - d) Each parking space shall have a proper amount of backup space. Extend drive aisle in front parking area a minimum of 10-feet past the last stall. See Zoning Code §275-57 A(7)(b)[2].
- 5) Building Inspections:

- 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) Per Plan of Operation, applicant wants to limit installed parking based on building usage. If use becomes more intense then parking will need to be installed prior to change in occupancy or re-occupancy issuance.

Seconded by Mr. Sisson. Motion carried unanimously.

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

Motion by Alderman Ament to recommend to Common Council approval of the 2-lot Certified Survey Map, with the waiver, for the property located at approximately 17445 W. Observatory Road subject to the application, plans on file and the following conditions:

Waiver Request: Applicant is requesting a waiver from building a permanent cul-de-sac at the end of Horizon Drive on proposed Lot #2. See attached letter.

- 1) 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.
- 2) All easements shall be shown on the face of the CSM.
- 3) The City's Alternative Transportation Plan indicates the planning for a trail along the south side of the creek and wetlands. A 50-foot easement aligned as an extension of the easement on the Ronald Reagan School property on the south side of the wetland boundary up to Observatory Road shall be provided to the City for this purpose.
- 4) Permanent driveway location for Lot #1, shall fall either within the ROW extent of Johns Drive, or be located roughly at the halfway point of the two public road intersections. Show access restrictions on the CSM and remove existing access, if necessary.
- 5) Drainage easement on proposed Lot #1 and #2 shall be added to the CSM prior to the City signing. Easement shall be 40' x 450' along east property line.
- 6) A plan to provide storm water conveyance from Lot #2 to Observatory Road shall be submitted and approved by City Staff prior to issuance of the building permit.
- 7) Up to 25,000 square feet shall be allowed to be disturbed in the areas identified as secondary environmental corridor except those areas of secondary corridor within the C-2 zoning areas. A note shall be added to the CSM.

Seconded by Mr. Sisson.

Motion by Alderman Ament to remove Condition #3. Seconded by Mr. Felda. Motion fails for a tie vote with Alderman Ament, Ms. Broge, Mr. Felda voting Yes, and Mayor Chiovatero, Mr. Gihring, Mr. Sisson voting No.

Motion by Alderman Ament to add a condition allowing the owners to build a shared driveway through Lot 1 to Lot 2.

The applicant explained that a shared driveway was discussed previously with Staff and Staff recommend the location of the driveway be at a specific spot on Observatory Road because there are two outlets across the street to the north which makes it hard to put a shared driveway on that lot compounded with the trail.

Motion for a shared driveway withdrawn by Alderman Ament.

Motion by Alderman Ament to table the request for a 2-lot Certified Survey Map, with the waiver, for the property located at approximately 17445 W. Observatory Road to allow for investigation of an alternative plan for the trail.

Seconded by Mr. Felda. Motion carried unanimously.

8. (2)NJ U-9-08 Eye Site Vision Center – 3185 S. Sunny Slope Rd. – Zoning Classification Question.

Motion by Mr. Sisson to support the interpretation for the request by Eye Site Vision Center to operate an optical center under the B-2, General Retail Sales and Service District at 3185 S. Sunny Slope Road, subject to the application, plans on file and the following reasons for approval:

- 1) Under the B-2 Section of Table 275-34-1, Retail Commercial Uses are listed as a "Principal Use." Principle use is defined as: "The main use of land or buildings as distinguished from a subordinate or accessory use. A principle use is specifically authorized as a use-by-right in a particular zoning district and may be operated after securing the necessary building permit, zoning permit or use approval when in compliance with all other regulations of this chapter."
- 2) Based on the submitted letter, it appears Eye Site Vision Center more closely resembles a retail establishment rather than a medical office based on the following reasons:
  - a) Dr. Thomas Motisi is an Optometrist and not a Ophthalmologist (medical eye doctor).
  - b) Approximately 56% of the total floor space is dedicated to retail sales of eyewear and approximately 11% is utilized for eye examinations.
  - c) Approximately 65-70% of revenue generated by Eye Site Vision Center is derived from retail sales of eyewear.
- 3) Commercial Uses are defined in the Zoning Code as "establishments primarily engaged in the sale of goods and materials to the general public. Retail commercial uses may include, but are not limited to, bookstores, antique stores, convenience stores, bakeries, grocery stores and other similar uses."
- 4) Eye Site Vision Center may also be viewed as a Personal Service. Personal Services are a "Principle Use" in the B-2 Zoning District. Personal Services are defined in the Zoning Code as "establishments that primarily engage in providing services generally involving the care of the person or the person's possessions. Personal Services may include, but are not limited to, laundry and dry-cleaning, beauty salons, health and fitness studios, music schools, informational and instructional services, tanning salons and portrait shops."

Seconded by Mr. Gihring. Motion carried unanimously.

9. (4)AB U-29-06 Rick and Laurie Dembowiak – 18180 W. Plateau Lane – One-Year Extension of Zoning Permit.

Motion by Ms. Broge to approve the request by Rick and Laurie Dembowiak for a new Zoning Permit for a waiver to deviate from Section 275-53B(4) which states that no zoning permit or building permit shall be issued for a lot that does not abut a fully dedicated and improved public street subject to the application, plans on file and following condition:

Waiver Request: Applicant requests a waiver to deviate from the City's Site Plan Review Principles and Standards under Section 275-53B(4) that no zoning permit or building permit shall be issued for a lot that does not abut a fully dedicated and improved public street. The applicant requests the use of an easement to access the vacant lot.

- 1) The existing Easement Document #3358429 shall be amended to add additional language in Paragraph #5 to the effect that the City and two property owners would have to approve any modifications to the terms of the easement agreement.

Seconded by Mr. Sisson. Motion carried unanimously.

## **COMMUNICATIONS**

10. Communication To: Plan Commission  
Communication From: Nikki Jones, Planning Services Manager  
RE: Planning Commissioners Journal, Winter 2008

Plan Commissioners acknowledged receipt of this communication.

11. Communication To: Plan Commission  
Communication From: Nikki Jones, Planning Services Manager  
RE: WAPA/WI-ASLA Spring Workshop Conference

Plan Commissioners that are interested in attending this conference should contact Greg Kessler.

12. Communication To: Plan Commission  
Communication From: Amy Bennett, Associate Planner  
RE: Correspondence from Gerald Vukovic, dated February 25, 2008 regarding World Harvest Church.

This communication will be kept on file in the Planning Department.

Motion by Mr. Sisson to adjourn the Plan Commission meeting at 9:25 P.M. Seconded by Mr. Felda. Motion carried unanimously.