

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

PUBLIC HEARINGS

6:00 P.M. (7)NJ R-3-07 Poplar Creek – 3111 S. Calhoun Rd. – Rezone from R-1/R-2,C-2, FFO to R-1/R-2,C-2, FFO to Field Delineate the Floodplain.

NEW BERLIN PLAN COMMISSION

April 2, 2007

MINUTES

The public hearing relative to the request by Todd Frey c/o Poplar Creek Development LLC for a rezoning at 3111 S. Calhoun Road from R-1/R-2,C-2 FFO to R-1/R-2,C-2 FFO to Field Delineate the Floodplain was called to order by Mayor Chiovero at 6:00 P.M.

In attendance were Mayor Chiovero, Mr. Sisson, Mr. Gihring, Mr. Felda, Alderman Ament, and Ms. Groeschel. Also present were Nikki Jones, Planning Services Manager; Amy Bennett, Associate Planner; Tony Kim, Associate Planner; Mark. Blum, City Attorney. Ms. Broge 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. Jones gave a brief presentation describing the request and showed maps indicating the location.

Mayor Chiovero asked three times for comments or questions for the purpose of clarification, seeing none.

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

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

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

Mayor Chiovero closed the public hearing at 6:06 P.M.

6:01 P.M. (1)NJ R-2-07 Deer Creek Inn & Conference Center – 1401 S. Moorland Road. – Rezone from B-1/PUD, C-2 to B-1/PUD, C-2 to field delineate the wetlands.

NEW BERLIN PLAN COMMISSION

April 2, 2007

MINUTES

The public hearing relative to the request by Robert Williams c/o TDI Associates, Inc. for a

rezoning at 1401 S. Moorland Road from B-1/PUD, C-2 to B-1/PUD, C-2 to field delineate the wetlands was called to order by Mayor Chiovatero at 6:06 P.M.

In attendance were Mayor Chiovatero, Mr. Sisson, Mr. Gihring, Mr. Felda, Alderman Ament, and Ms. Groeschel. Also present were Nikki Jones, Planning Services Manager; Amy Bennett, Associate Planner; Tony Kim, Associate Planner; Mark. Blum, City Attorney. Ms. Broge was excused.

Mayor Chiovatero 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. Jones gave a brief presentation describing the request and showed maps indicating the location.

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

Bob Wernicke, 1445 S. River Road – Will the wetland rezoning affect my property?

Ms. Jones – The properties involved are only the ones owned by the hotel. (Ms. Jones showed these properties on the map).

Mr. Wernicke – Am I correct in assuming that the floodplain changed? (ended speaking when Ms. Jones began).

Ms. Jones – All we are dealing with in this application is wetlands. If I said floodplain, I apologize, the first application this evening was on floodplain, this one is on wetlands. The floodplain is not changing at this time with this project.

Mr. Wernicke – I did get a letter from Bonestroo saying (ended speaking when Ms. Jones began)

Ms. Jones – That is under a separate project that the City is working on with FEMA for the new floodplain maps that are coming out. This was based on the current maps, not on any of the changes that FEMA has been working on.

Mr. Wernicke – So this particular amendment does not affect this?

Ms. Jones – Correct, there will be separate meetings held on the FEMA issues later this spring. This issue is only on the wetlands which is the yellow/green areas. (Ms. Jones referred to map). This is where the wetlands are currently. The applicant has redelineated and you can see there are some areas that have shrunk. He has also found some wetlands in the rear of these properties. It has nothing to do with the floodplain at this time.

Mr. Wernicke – OK, thank you.

Mayor Chiovatero asked three times if anyone else had question or comments for the purpose of clarification, seeing none.

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

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

Mayor Chiovatero asked for comments or questions from the Commissioners.

Alderman Ament – In the letter from the Dept. of Natural Resources dated January 27, 2006 in the third paragraph down it says, “Please be aware that projects proposed in and adjacent to either navigable waterways or wetlands may require a Chapter 30 Permit and/or a 401 Water Quality Certification”. Is that being required, and if so, do we have that?

Ms. Jones – That is part of the hotel project that was approved in February. I am not sure if they were required to have one of those at that time. I can check that staff report. I’m pretty sure it is part of their grading and filling permits, perhaps the applicant, Bob Williams, can help answer that question.

Alderman Ament – On that same letter, the next paragraph, “To determine if a proposed project on this site may impact rare species, we suggest you request an endangered resource review to be conducted”. Has that been done?

Ms. Jones – It has been done, and it was found not to be a quality area.

Mr. Williams, TDI – The Wisconsin DNR issued a letter that says they have no jurisdiction, and we do not need a Chapter 30 Permit.

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

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

NEW BERLIN PLAN COMMISSION

April 2, 2007

MINUTES

PRIVILEGE OF THE FLOOR

The Plan Commission Meeting was called to order by Mayor Chiovero at 6:18 P.M.

In attendance Mayor Chiovero, Mr. Sisson, Mr. Gihring, Mr. Felda, Alderman Ament, and Ms. Groeschel. Also present were Nikki Jones, Planning Services Manager; Amy Bennett, Associate Planner; Tony Kim, Associate Planner; Mark. Blum, City Attorney. Ms. Broge was excused.

Motion by Alderman Ament to approve the Plan Commission minutes of March 5, 2007. Seconded by Mr. Sisson. Motion carried unanimously.

PLAN COMMISSION SECRETARY'S REPORT –

On April 12, 2007 the Board of Appeals will have an item on their agenda relating to the Deer Creek & Conference Center. It is an appeal of one of the areas of Plan Commission approval, on the height and setback issues.

The Comprehensive Plan question and answer period will be held April 3, 2007 at 2:00 P.M. at the Library for any firms that want to ask questions. The interviews should occur at half hour interviews at the next Plan Commission Meeting on May 7, 2007. Plan Commissioners are asked to consider moving the Plan Commission meeting to 5:30 P.M to allow for interviews.

CONTINUED BUSINESS

1. (4)NJ CU-1-07 Willow Tree Center – 5915 S. Moorland Road – Warehousing & Distribution Center. (Public Hearing 3/5/07, Tabled 3/5/07)

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 request for a conditional use permit for the construction of a warehouse, distribution and office building located at 5915 S. Moorland Road (formerly known as 16060 W. Rausch Court) along with the waiver request subject to the application, plans on file and the following conditions:

Waivers Request:

Applicant requests a waiver to deviate from the City's Zoning Code section 275-35 D(6)(b) to allow grading within the 30' wetland setback. Applicant has identified on the revised plans the specific areas of disturbance.

- 1) Planning
 - a) See attached Plan of Operation submitted by the applicant.
 - b) Any approvals for this project are only for this building. Any future buildings or building additions/expansions will be reviewed separately from this application since detailed plans were not provided with this submittal.

- c) Approval of the landscaping plan and payment of all sureties are required prior to issuance of the Conditional Use Permit. Landscape plans 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.
 - i) All trees and shrubs shall be selected and planted / installed in accordance with New Berlin Zoning Ordinance Section 275-56 (C) (3). Planting specification is identified in Figure VIII-3 (NB Zoning Ordinance Section 275-56) and shall be placed on all plan sheets.
 - ii) Prior to signing of the CU Permit, all fiscal sureties shall be submitted to the City pursuant to New Berlin Zoning Ordinance Section 275-56 (installation & maintenance).
 - iii) Tree protection shall be in accordance with New Berlin Zoning Ordinance Section 275-54 (B) (7). Appropriate tree protection and LOD fencing shall be installed.
 - d) Applicant shall apply for and receive individual Sign Permits for any signage prior to installation or modification, even if signage is temporary.
 - e) Per Section 275-56G, applicant shall update the City if any of the mechanical equipment and/or dumpster enclosure locations change and, if so, the applicant shall indicate how they will be screened. If there are changes, the Department of Community Development reserves the right to have all proposed changes reviewed by the Architectural Review Committee prior to any changes taking place.
 - f) As part of the planning process for the facility, green and sustainable concepts will 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's criteria they will be able to follow. See attached letter. Upon completion of construction and prior to occupancy, the applicant shall provide the City documentation as the level of LEED's certification achieved.
 - g) Architectural review required prior to the issuance of the Conditional Use Permit. The Architectural Review Committee approved the project's architecture on March 21, 2007. Please submit a detail of the retaining walls and the materials that will be used.
 - h) Access to Small Road shall not exceed current allocated traffic counts as outlined in the TIA on file with the City of New Berlin dated October 19, 2006 and updated TIA dated December 27, 2006. Any development of Lot 3 of the CSM shall be served by a coordinated intersection/access point off of Moorland Road along the Southern portion of Lot 4.
- 2) Transportation
- 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 issuance of the Conditional Use Permit.
 - i) Applicant has shown the bypass lane per Waukesha County standards on Moorland Road.
 - ii) All cross-sections and plan & profile sheets are required for all roadway improvement areas and should meet County requirements. Drawings to be finalized during construction review process.
 - b) Lighting plan does not follow city standards. See Zoning Code §275-60 I for specific requirements.
 - i) Light levels too low (less than 0.5 fc) in the NW & SW areas of rear (west) lot.

- ii) Average foot-candle illumination not obtained for the majority of the site.
 - iii) Avg/Min and Max/Min ratios need to be met for all areas.
 - c) Cross-sections at 50-foot intervals are required for Small Road improvement.
 - d) Typical Section shown for Small Road is incorrect. Use Figure #2 in the Developer's Handbook.
 - e) A SUV design vehicle must be able to negotiate the entire site. Check circular drive/drop-off area by main office entrance.
 - f) Ultimate ROW dedication on Small Road was required as part of the land division. A quit claim deed and or CSM, shall be prepared showing this dedication. A recorded document is needed at the Waukesha County Register of Deeds Office.
 - g) Ultimate ROW dedication on Small Road shall be shown on revised plans.
- 3) Storm Water
- a) Applicant shall address all storm water engineering concerns addressed in a letter dated March 27, 2007.
 - b) A detailed maintenance plan shall be submitted. A signed copy is required prior to issuance of the Zoning Permit.
- 4) General Engineering
- a) As per the Developer's Handbook, Section 5 pg. 2 of 4; (D) Construction Plan Standards: Item; (6) fourth comment. States that a minimum of two (2) current SEWRPC reference benchmarks shall be required for each forty (40) acre or less projects. Please provide two (2) benchmarks as per the Developer's Handbook criterion. Mr. Corley, P.E., Field Services Engineer should be contacted for any questions concerning this requirement.
 - b) The access drive along the "South" end of the proposed building connecting both the "East and West" parking lots indicates an inverted crown through the paved area of the access for drainage. If this is what is intended and that the drainage sheet flows to the proposed catch basins located in both the "East and West" parking lots then curb and gutter sections should be put in place all along both edges of the drive connecting to either the building or other proposed curb and gutter sections. If the drainage is to sheet flow off the edge of the access drive to the bio-retention swale along the "South" property line for the site then the access drive should be pitched from the "North" edge of the pavement to the "South" edge of the pavement to allow sheet flows to the swale. Mr. Eric Nitschke, P.E., Water Resource and Storm Drainage Engineer should be consulted about this issue and resolution. Section 3; IV Streets and Roadways: (X) Parking Lots, Item (9).
 - c) There may be a need to show drainage along the "South" property line. This swale would be accepting drainage from the property's to the "West". Please contact Mr. Nitschke P.E., for any questions. The proposed solution for the drainage may be located on Mr. Saltzmann's property.
 - d) A detail may be needed for the proposed drainage of the pavement, the overland sheet flows from the "West" and the drainage swale along the "West" side of the access drive from Small Road. At the intersection of the access drive to the drive aisle along the "North" side of the building it is difficult to determine if all the drainage is being captured and how it is being conveyed under the access driveway to the "East" and into the detention basin. Please contact Mr. Nitschke about the need for clarification of the drainage in this area.

- e) The need for a metering room its size, location and contents shall be determined and approved by the Utility Department. The Developer's Handbook requests the installation of a metering and criterion as to its construction. Section 3; II Watermain, Public & Private Mains & Laterals: (I) Water service laterals, Item (7); (a-c).
- 5) Utility
 - a) Applicant shall coordinate with the Department of Community Development (Case Manager and City Engineer) on the Developer's Agreement and full construction plans for this project.
- 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 are coming off Rausch Court. Applicant shall submit all easement documents associated with this project prior to the issuance of the Zoning Permit.
 - f) Applicant has received final approval from Waukesha County for holding tanks. A holding tank agreement with the City and approved by the County shall be required.
- 7) Fire
 - a) Applicant shall fully sprinkle the entire building.
 - b) Install Knox box (key box) and indicate location on construction plans.
 - c) Monitor fire flow.
 - d) Fire alarm system required (Pull stations, sounds and strobes).
 - e) Elevator of adequate size to accommodate Fire Department equipment.
 - f) Maintain fire flow per Comm 62.0904(2)6.

Seconded by Mr. Felda. Motion carried unanimously.

- 2. (3)TK U-84-06 Waukesha County Learning Academy – 21415 W. Greenfield Ave. – Licensed Day Care Center. (Tabled 3/5/07)

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

Motion by Mr. Gihring to approve the request to occupy space within an existing multi-tenant office building to be used as a daycare facility for 30 children and the waiver to delay the wetland delineation, and to deny the request for waiver of the City's lighting requirement for the property located at 21415 W. Greenfield Avenue subject to the application, plans on file and the following conditions:

Waiver #1: The property owners requests that the Plan Commission waive the requirement to conduct the wetland field delineation for his property at this time per Section 275-37.B.(4)(b). The property owners shall have the wetlands field delineated and surveyed as soon as the weather permits.

Waiver #2. The property owners have submitted a lighting plan for the property that does not meet the requirements set forth in Section 275-60.I. of the New Berlin Zoning Ordinance. They are requesting a waiver to not install additional lighting to meet the City's requirements. *Staff does not support this waiver because the hours of operation for the business warrant the need for adequate lighting on the property for safety reasons.*

- 1) Plan of Operation
 - a) Hours of operation M-F: 5AM to 1AM Saturdays & Sundays: 5AM to 6:30PM
 - b) Employees: 4
 - c) 30: Maximum number of infants and children (infancy-12 years) allowed on the property at one time, (this number could increase as the parking increases)
- 2) If Plan Commission grants the waiver for the delay of the wetland delineation, the property owners shall have the wetland delineation completed prior to July 31, 2007 and prior to proposed additional parking being approved for this property. Applicant shall submit an application for rezoning prior to the additional parking being installed.
- 3) Any expansion to the daycare will require staff notification and review.
- 4) Any changes to the site or to the exterior of the building shall require that an application be submitted and reviewed.
- 5) Applicant shall verify that they have received final approval from Waukesha County for holding tanks or (that current septic system can handle the additional use). A holding tank agreement with the City and approved by the County shall be required. Waukesha County will require that a Preliminary Site Evaluation (PSE) be conducted prior to issuance of any building permits or an occupancy permit.
- 6) The applicant shall verify and show the location of the well and septic on a site plan prior to installing the additional parking.
- 7) Any and all future tenants shall be reviewed on an individual basis to determine whether there is adequate parking on the property.
- 8) If there will be interior alterations the building plans shall be signed and stamped by a licensed architect or professional engineer per Wisconsin Enrolled Commercial Building Code. (Comm 61.31 Plans). The applicant and the property owners shall work with the Inspections Department to make sure that the building complies for use as a daycare.
- 9) Building alteration plans shall be approved by the City of New Berlin Department of Community Development Inspection Division per State of Wisconsin Dept. of Commerce Safety and Buildings Division and the Wisconsin Enrolled Commercial Building Code. (Comm 61.70 Certified municipalities and counties.)
- 10) Apply and obtain appropriate building, plumbing and electrical permits when required to do so by code.
- 11) If Waiver #2 is not granted by Plan Commission, the property owner shall work with the Engineering Department to ensure that proper lighting is installed that meets the requirements set forth in Section 275-60.I. of the New Berlin Zoning Ordinance. This lighting shall be installed no later than May 31, 2007.
- 12) Any signage for the property will require a sign application to be filed prior to installation. Because this is a multi-tenant building, a uniform sign standard will need to be submitted prior to any approval of signage. All temporary signs shall require an application as well.
- 13) All parking areas shall be located a minimum of 5 feet from the side and rear lot lines and 10 feet from the front lot line.

Seconded by Mr. Sisson.

Motion by Alderman Ament to divide the question and remove Waiver #2. Seconded by Ms. Groeschel. Motion carried unanimously.

Motion to approve along with Waiver #1 carried unanimously.

Motion to deny Waiver #2 passes with Mr. Gihring, Mayor Chiovaturo Mr. Sisson, Mr. Felda, Ms. Groeschel voting Yes, and Alderman Ament voting No.

NEW BUSINESS

3. (7)AB R-1-07 Pewaukee City Land Company – 15620 W. Beloit Rd. – Rezone from B-4,R-4,O-2,C-1 to O-2,C-1,C-2 to field delineate the wetlands and remove the B-4 and R-4 Zoning Districts. (Public Hearing 3/5/07)

Motion by Alderman Ament to recommend to Common Council adoption of an ordinance that approves the rezoning of the property located at 15620 W. Beloit Road from B-4, R-4, O-2 and C-1 to O-2, C-1 and C-2 to field delineate the wetlands and remove the B-4 and R-4 Zoning Districts.

Seconded by Mr. Felda. Motion carried unanimously.

4. (7)NJ R-3-07 Poplar Creek – 3111 S. Calhoun Rd. – Rezone from R-1/R-2,C-2 FFO to R-1/R-2,C-2 FFO to Field Delineate the Floodplain.

Motion by Alderman Ament to recommend to Common Council adoption of an ordinance that approves the rezoning of property located at 3111 S. Calhoun Road from R-1/R-2, C-2, and FFO to R-1/R-2, C-2, and FFO to field delineate the floodplain.

Seconded by Mr. Sisson. Motion carried unanimously.

5. (1)NJ R-2-07 Deer Creek Inn & Conference Center – 1401 S. Moorland Road. – Rezone from B-1/PUD, C-2 to B-1/PUD, C-2 to field delineate the wetlands.

Motion by Mr. Sisson to recommend to Common Council adoption of an ordinance that approves the rezoning of the property located at 1401 S. Moorland Road from B-1/PUD and C-2 to B-1/PUD and C-2 to field delineate the wetlands.

Seconded by Mr. Felda. Motion carried unanimously.

6. (7)AB U-7-07 New Berlin West High School – 18695 W. Cleveland Ave. – Soccer Concession/Scorer's Booth.

Motion by Mr. Sisson to approve the request for Use, Site and Architectural Approval to construct a Soccer Concession Stand / Press Box at New Berlin West Middle & High School located at 18695 West Cleveland Avenue, subject to the application, plans on file and the following conditions:

- 1) Plan of Operation:
 - a) Accessory structure shall be located 30' from any wetland boundaries.
- 2) Engineering:
 - a) As shown on the 2/16/07 preliminary site plan (SD1.0), it appears that a new topo survey was not done in the area of the proposed stand, just a copy of the contours from earlier Ruckert & Mielke projects. There are very few elevations shown for the existing contour lines and some mis-marked. Please revise plan prior to issuance of the Zoning Permit.

- b) The proposed elevation of 885' for the concession stand is most likely 2.5' to 3' lower than it should be. The applicant shall keep the stand above the floodplain elevation. The proposed building shall be 1' higher than the soccer field. A few surveyed elevations within 25' of all sides of the proposed building shall be taken to ensure the stand is situated at the high point of the existing swale.
- 3) Inspection Division:
 - 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 City of New Berlin Department of Community Development Inspection Division per State of Wisconsin Dept. of Commerce Safety and Buildings Division and the Wisconsin Enrolled Commercial Building Code. (Comm 61.70 Certified municipalities and counties.)
 - c) Apply and obtain appropriate building, plumbing and electrical permits.
 - d) ADA countertop finished height for food service to be installed at 36-inches and a minimum of 36- inches long.

Seconded by Ms. Groeschel. Motion carried unanimously.

- 7. (4)TK LD-1-07 Mario Maniscalco – 17125 W. Sundown Dr. – NW ¼ Sec. 34 – Two-Lot Land Division.

Motion by Mr. Sisson to recommend to Common Council approval of the 2-lot Certified Survey Map for the property located at 17125 West Sundown Drive subject to the application, plans on file and following conditions:

- 1) General:
 - a) Applicant shall correct all drafting errors identified by Staff prior to signing the final CSM.
 - 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) A private water supply well meeting the requirements of the Wisconsin Department of Natural Resources is required." Please show on the final CSM where the wells and septic areas will be located for both lots.
- 3) Ultimate ROW for Calhoun Road is 130-feet (65-feet on each side of the centerline). Existing ROW varies from 50 to 56.87-feet. The developer shall dedicate a portion of the west side of Lot 1 such that a 65-foot ROW is present along the east side of Calhoun Road for public right-of-way purposes prior to any building permits being issued by the City.
- 4) Lot #1 shall have no direct access to Calhoun Road. See Zoning Code §275-57 F(4). Show restriction on CSM.
- 5) Driveway access to Lots #1 & #2 shall either be via a common shared driveway, or, for Lot #1, a minimum of 100 feet away from the Calhoun Road Ultimate ROW, and for Lot #2, 5-feet off the western (common) lot line. See Zoning Code §275-57 F(3). Show restrictions on CSM.
- 6) All easements shall be shown on the face of the CSM.
- 7) Applicant shall apply for a building permit for Lot #1 for a primary structure within one (1) year of signing the CSM. If a building permit is not pulled, the accessory structure shall be removed or relocated.
- 8) The "new" house for Lot #1 shall require an attached garage as per the zoning code. The detached garage will be allowed to stay.
- 9) The sump crock discharge shall exit the front foundation wall of the house, the wall facing either Calhoun Road or Shadow Drive as per the municipal plumbing code.

- 10) The building permit for Lot #1 should provide a grading plan for the lot using USGS datum. The contours should represent one-foot contours for both existing and proposed gradient changes. A (6:1) will be the maximum allowable front and rear yard slopes. A (4:1,25%) slope for side yards. The driveway shall not exceed a slope of (10%).
- 11) The proposal for the "New" home on Lot 1 shall work with the existing contours, retaining walls are "not" to be considered an answer to changes in grades through the lot. Consider using exposures along the foundation wall. The foundation of the proposed house for Lot #1 may be lower than the existing detached garage on the site.
- 12) The "West" side of the house should show an exposed foundation wall using the existing topography of the lot.
- 13) The house eaves shall meet all set back requirements for the current zoning on Lot #1.

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

8. (3)AB U-8-07 Lincoln Avenue Storage Condo – 20050 W. Lincoln Ave. – Self-Storage Condominiums.

Motion by Mr. Felda to approve the request for Use, Site and Architecture Approval to construct storage condominiums with the lighting waiver at 20050 W. Lincoln Avenue subject to the application, plans on file and the following conditions:

Waiver Request: Applicant is requesting a waiver to deviate from the City's Lighting requirements under Section 275-60I of the Zoning Code. See applicant's letter attached for the rationale for this request.

- 1) Plan of Operation:
 - a) Approval of the landscaping plan and payment of all 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 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.
 - b) Architecture Review approval required prior to the issuance of the Zoning Permit. Applicant shall revise architectural renderings to reflect drystack veneer walls on all 4 elevations of each building. (See findings.)
 - c) No outside storage shall be allowed on site.
 - d) Applicant shall submit a copy of condo documents to be submitted to the Planning Department.
- 2) Storm water:
 - a) Existing curve numbers shall be no greater than 70 for C type soils. (Ordinance 2193)
 - b) The site is outside of the MMSD Ultimate Service Area. The MMSD Chapter 13 requirements do not have to be met. However, if the Developer chooses to follow NB Ordinance 2193 Bulletin 71 rainfall data shall be used in the SWMP.
 - c) Please show details of the bio-retention swales. The soil mix and planting schedule shall be submitted.
 - d) The emergency spillway shall be 1.5 feet below the top of berm. (Developer Handbook Section 3.7.H.2.i)

- e) Offsite drainage patterns shall be shown. This is especially true for the area downstream of the pond's outfall.
 - f) A fountain and/or aerator shall not be allowed in the pond. Please remove the note in the plans referring to the fountain/aerator. See Eric Nitschke for details on other devices for control algae in the pond.
 - g) Erosion control plans shall be required. (DH Section 3.7.I and Ordinance 2268)
 - h) Grading is proposed along the majority of the lot lines. The erosion control plan and grading plan shall ensure that no grading will be done on other private properties.
 - i) The landscaping plan currently shows plantings in the eastern swale. Please correct the planting schedule.
 - j) A SWMP maintenance agreement shall be required prior to issuance of the Zoning Permit.
 - k) Discharge shall be calculated from the entire site. This includes perimeter drainage that is not detained by the pond or bio-retention swales.
 - l) An NOI shall be required.
 - m) Please analyze the site per NR-151 to determine infiltration potential.
 - n) Two soil borings shall be required for the pond. (DH Section 3.7.H.1.c)
 - o) The 2, 10, 25, and 100-year pond elevations are required to be shown on the plans. (DH Section 3.7.H.2.a)
 - p) Provide pond drain down times. (DH Section 3.7.H.1.b)
 - q) Applicant shall address all storm water concerns in letter dated March 26, 2007 prior to issuance of the Zoning Permit.
- 3) Engineering:
- a) A City drainage easement shall be required along the East lot line. (Storm water from Lincoln will drain through lot.)
 - b) Paved, hard-surfaced roads shall be required.
 - c) Proposed drainage areas and lot grading are below City standards (drives 1.1%, swales at 0.77%). Applicant shall address all Engineering grading and drainage issues in letter dated March 26, 2007 prior to issuance of the Zoning Permit.
 - d) Addresses shall be set with units A-Z with one address 20050 W. Lincoln Ave.
 - e) Plat of survey is required for each building upon building permit application submittal and stamped by a registered land surveyor.
- 4) Transportation:
- a) 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. Applicant has requested a waiver from the Plan Commission.
 - b) While an SU design vehicle (box truck) is required to be able to navigate the entire site per §275-58G (5), we would expect that larger vehicles (i.e. RV/motorhome, truck with camper or boat, etc) will need access. Applicant shall evaluate whether building locations can be adjusted to increase the driveway radius at intersections.
- 5) Inspection Division:
- 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 City of New Berlin Department of Community Development Inspection Division per State of Wisconsin Dept. of Commerce Safety and Buildings

- Division and 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.
- 6) Fire
- a) Monitor Fire Flow.
 - b) Install Fire Department Knox Box with keys for all units per City Fire Protection Code Section 124-11A(14).
 - c) Copy of condo covenants shall be submitted to the Fire Department.

Seconded by Mr. Sisson

Motion changed to revise Condition 1(b) to read, the four buildings on the South end to be brick on all four sides and all the buildings on the East and West sides and North side will have wainscot on the sides that face the perimeter.

Motion with change carried unanimously.

9. (5)NJ U-10-07 City Center Building A – 15205-15233 W. National Ave. – New Retail Building.

Motion by Alderman Ament to table the request for Use, Site & Architectural Approval for construction of City Center Building “A”, a multi-tenant retail building, subject to the application, plans on file, and the following reason for tabling:

- 1) Applicant shall revise plans to incorporate the recently adopted City Center Design Guidelines and follow the new process outlined in the guidelines.

Seconded by Ms. Groeschel. Motion carried unanimously.

COMMUNICATIONS

10. Communication To: Plan Commission
Communication From: Greg Kessler, Director of Community Development
RE: Sample Interview Comp Plan Questions. (PG-516a)

The deadline for consultant’s proposals is April 11, 2007. Consultant interviews will be held on May 7, 2007. Plan Commissioners questions to be submitted to Greg Kessler by April 25, 2007.

Motion by Mr. Sisson to adjourn the Plan Commission meeting at 8:02 P.M. Seconded by Alderman Ament. Motion carried unanimously.