

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

PUBLIC HEARING

6:00 P.M. (3)AB R-12-06 Sandel Wetland Rezoning – 18790 W. Cleveland Ave. –
Rezone From R-1/R-2/C-2 to R-1/R-2/C-2 Wetland Delineation.

NEW BERLIN PLAN COMMISSION

NOVEMBER 6, 2006

MINUTES

The public hearing relative to the request by Gloria Sandel for a rezoning at 18790 W. Cleveland Avenue from R-1/R-2/C-2 to R-1/R-2/C-2 Wetland Delineation was called to order by Mayor Chiorvatero at 6:00 P.M.

In attendance were Mayor Chiorvatero, Mr. Sisson, Mr. Barnes, Mr. Gihring and Ms. Broge. Also present were Greg Kessler, Director of Community Development; Nikki Jones, Planning Services Manager; Amy Bennett, Associate Planner; Tony Kim, Associate Planner; Jessica Schmidt, Code Compliance Specialist; Eric Nitschke, Storm Water Engineer; Ron Schildt, Transportation Engineer; Mark Blum, City Attorney. Alderman Ament and Mr. Felda were excused.

Mayor Chiorvatero explained the procedure for a public hearing saying that he would ask for questions of 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 Chiorvatero asked three times if there were any comments or questions for the purpose of clarification, seeing none.

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

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

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

Mayor Chiorvatero closed the public hearing at 6:05 P.M.

PUBLIC HEARING

6:01 P.M. (7)AB CU-6-06 Pump Station No. 7 Filter Building Addition – 16450 W.
National Ave. – Building Addition.

NEW BERLIN PLAN COMMISSION

NOVEMBER 6, 2006

MINUTES

The public hearing relative to the request by Greg Bolin of Ruekert-Mielke for a conditional use for a building addition to pump station No. 7 at 16450 W. National Avenue was called to order by Mayor Chiovero at 6:05 P.M.

In attendance were Mayor Chiovero, Mr. Sisson, Mr. Barnes, Mr. Gihring and Ms. Broge. Also present were Greg Kessler, Director of Community Development; Nikki Jones, Planning Services Manager; Amy Bennett, Associate Planner; Tony Kim, Associate Planner; Jessica Schmidt, Code Compliance Specialist; Eric Nitschke, Storm Water Engineer; Ron Schildt, Transportation Engineer; Mark Blum, City Attorney. Alderman Ament and Mr. Felda were excused.

Mayor Chiovero explained the procedure for a public hearing saying that he would ask for questions of 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 three times if there were any 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.

Mr. Gihring – Does the request for the waiver from the National Avenue Landscaping Plan consist only of planting trees along the street or does it include screening and landscaping around the building?

Ms. Bennett – It refers to street trees.

Mr. Gihring - The request for the waiver talks about inability to plant something on the South side of the building. I don't see how that goes along with planting trees along the street.

Ms. Bennett - They are not proposing any landscaping for the site at all.

Mr. Gihring – If they are only referring to the National Avenue Landscaping Plan, I am guessing they are only referring to street trees.

Ms. Bennett – Correct, but the waiver references Sec. 275-56 and is for all landscaping. They are not proposing to plant anything on the site.

Mr. Gihring – No. 5(d) on the list of requirements only lists the National Avenue Landscaping Plan. Sec. 275-56 would include screening and other types of landscaping?

Ms. Bennett – Correct.

Mayor Chiovero asked for further comments or questions from the Commissioners, seeing

none.

Mayor Chiovatero closed the public hearing at 6:11 P.M.

NEW BERLIN PLAN COMMISSION

NOVEMBER 6, 2006

MINUTES

PRIVILEGE OF THE FLOOR

The Plan Commission Meeting was called to order by Mayor Chiovaterio at 6:15 P.M.

In attendance were Mayor Chiovatero, Mr. Sisson, Mr. Barnes, Ms. Broge, and Mr. Gihring. Also present were Greg Kessler, Director of Community Development; Nikki Jones, Planning Services Manager; Amy Bennett, Associate Planner; Tony Kim, Associate Planner; Jessica Schmidt, Code Compliance Specialist; Eric Nitschke, Storm Water Engineer; Ron Schildt, Transportation Engineer; and Mark Blum, City Attorney. Alderman Ament and Mr. Felda were excused.

Motion by Mr. Sisson to approve the Plan Commission minutes of October 2, 2006. Seconded by Ms. Broge. Motion carried unanimously.

PLAN COMMISSION SECRETARY'S REPORT – An agenda will be available soon for the Plan Commission City Center Tour scheduled for Thursday, November 16, 2006.

CONTINUED BUSINESS

1. (2)AB U-8-06 Sunny Slope Retail – 3333 S. Sunny Slope Road – New Retail Building (Tabled 4/3/06, 10/2/06)

Item remains tabled per the applicants request.

2. (7)AK U-71-05 Crestview Commercial Building – 16850 W. Observatory Rd. – Commercial Building. (Tabled 9/12/05, 10/2/06)

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

Motion by Mr. Gihring to approve the request for use, site and architecture to construct a new multi-tenant commercial building located at 16850 W. Observatory Road, subject to the application, plans on file, and the satisfaction of the following conditions:

- 1) The Revised Site Plan shall show:
 - a) The site plan as well as the stakeout survey needs to show distances from the building corners to the lot lines. The parking lot curb also appears to not be parallel to the ROW line and appears to be less than the required 10' setback allows. Show distances from the curb at both ends to the ROW line.
 - b) Show the percentage of open space/green space on the property.
 - c) Reduce the width of the flare at the end of the driveway access on Observatory Rd. so it does not encroach over the side lot line extended. Use curb and gutter for driveway also within the ROW.
 - d) The dumpster as illustrated on the site plan does not work from a grading standpoint unless the developer is willing to use a retaining wall. The dumpster is within the 25' buffer area (only 10' from lot line). Truck will have to maneuver on site and not back out onto Observatory Road. Please submit a revised site plan that shows the enclosure outside of the setback or applicant shall be required to request a waiver from the Plan Commission.

- e) The entire pedestrian walkway adjacent to the front of building shall be a minimum of 8-feet wide to account for vehicle overhang from parking stalls.
 - f) Pedestrian ramps are required for ADA compliance. Please show the location of this ramp and show ramp detail on the details page.
 - g) Driveway on Observatory Road shall be constructed in accordance with City of New Berlin Standards (18" flare and 18" taper on each side). Permit required.
 - h) Concrete sidewalk through driveway shall be constructed per Figure 13 in the City of New Berlin – Developer's Handbook.
 - i) Concrete curb and gutter island (SW corner of building, near HC stalls) shall fully shadow a parked vehicle.
- 2) The Revised Grading Plan Shall Include:
- a) Show a benchmark on the grading plan. City will want surveyed elevations of existing sidewalk and curb or edge of pavement along National Ave. and Observatory Rd, and common access easement area, since drainage and grading will prove very difficult if existing grades are not accurate.
 - b) The grading plan shall be revised to resolve drainage and slope problems. More catch basins are needed. Show where downspouts will discharge. No water from building should drain toward the common access easement area, all should drain to dry pond behind building. More proposed spot grades are needed in parking lot areas to define drainage routes. A step down from the sidewalk to the West parking lot will be needed. Discuss with Doug Davis.
- 3) Utilities Easement Plan Shall Include:
- a) Show the proposed storm sewer elevations on the utilities plan as well as the material used for the storm sewer. Update the utility plan to show the utility easement. Show where the sewer and water connections to the building will be, and which laterals will be properly abandoned.
 - b) Show where the sanitary and water laterals will be brought to the building, and location of hydrants.
 - c) A previous note calling out 4 Flowguard + units has been removed. That note shall be put back on the plans and shall read as follows:
-Install Flowguard + Model # FGP2436WE
4 Basins Typical (Commercial Site)
See Sheet... For Details
- 4) The Revised Lighting Plan Shall Include:
- a) Developer is required to follow National Avenue Lighting Plan. Three (3) City Standard pedestrian poles and luminaires will be required at 80-foot spacing. A letter of credit for \$18,000 shall be submitted to the City, which will be used when Common Council approval is received to implement the National Avenue Lighting Plan. This letter of credit shall be submitted prior to issuance of the Zoning Permit.
 - b) 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 foot-candles, but must be equal to or lower than the average-to-minimum and maximum-to-minimum ratios in the zoning code. Lighting plan chart of photometric summary information shall only show those points included in on-site parking, circulation and pedestrian areas.
- 5) The Revised Landscaping Plan Shall Include:
- a) Site landscaping shall not be in the public R.O.W. unless approved by staff. The developer is required to follow National Avenue Landscaping Plan. Please check with Mark Schroeder in Parks, Recreation and Forestry Department for specifics as to what is required in the public R.O.W. as part of the National Avenue Landscaping Plan.

- b) The plans shall reflect the requirements outlined in Section 275—56.E.(3)(a)through(c).
- 6) The Revised Floor Plans Shall Include:
 - a) A meter room was not included on the building plans. Please see to it that the location of the meter room is shown on the building plans, and follows the Utility Department guidelines.
- 7) The Revised Details Sheet Shall Include:
 - a) A dumpster design detail.
 - b) Show drop edge curb detail.
 - c) Pedestrian ramp detail.
 - d) Show details for thickened sidewalk at access crossing, and flo-guard inserts for catch basins.
- 8) General Conditions:
 - a) A copy of the common access easement agreement shall be submitted by the developer prior to issuance of the Zoning Permit.
 - b) The architecture of the building shall be reviewed and approved by the Architectural Review Committee prior to issuance of the Zoning Permit.
 - c) Please verify that the quit claim deed for the R.O.W. dedication along Observatory been recorded at Waukesha County Register of Deeds?
 - d) Landscaping bonds or letters of credit shall be submitted prior to issuance of the Zoning Permit.
 - e) The owner shall submit a coordinated sign standard that shall be approved by staff prior to any sign permits being issued.
 - f) The existing lateral should be used and no new sewer infrastructure should be added without staff review and approval.
 - g) Please contact the Building Services Manager if you choose to incorporate National Avenue addresses instead of Observatory Road addresses.
 - h) Sheet C-3.0 has note for Concrete Pad at Northeast corner of building. Please see to it that this is removed from the plan, or an explanation is given as to why it is on the plan.
 - i) Erosion Control permit shall be applied for, approved, installed and inspected prior to any earthwork, grading or issuance of any building permit.
 - j) Building plans shall be stamped and signed by a registered architect or engineer (Comm 61.20 Responsibilities).
 - k) Building plans shall be approved by the Wisconsin Dept. of Commerce (Comm 61.70 Certified municipalities and counties. (5)(c) 3.
 - l) Apply and obtain appropriate building, plumbing and electrical permits.
 - m) The Cover Sheet indicates that the Site Utility Plan Sheet is C-4.0. There is no Sheet C-4.0 in the Plan Set. There is a Plan Sheet C-4.2 entitled "Utilities Easement Plan". Please see to it that that is corrected.

Seconded by Mr. Sisson. Motion carried unanimously.

Motion by Mr. Barnes to have staff work with the applicant in relocating the dumpster to the Northeast corner of the property with the ability to loose no more than two parking spaces along with approval for a waiver to allow a dumpster enclosure to be located in the buffer yard setback only to the extent that it is necessary.

Seconded by Mr. Sisson. Motion carried unanimously.

- 3. (2)TK U-21-04 National Regency New Berlin Expansion III – Modification – 13750 W. National Ave. – Senior Building – Modification to Original Plans.

Motion by Mr. Sisson that the request for use, site and architectural approval to modify Zoning Permit U-21-04 for additional units to be included in Phase 1B located at 13750 W. National Avenue remain tabled per the request of the applicant.

Seconded by Ms. Broge. Motion carried unanimously.

NEW BUSINESS

4. (3)AB R-12-06 Sandel Wetland Rezoning – 18790 W. Cleveland Ave. – Rezone From R-1/R-2/C-2 to R-1/R-2/C-2 Wetland Delineation.

Motion by Mr. Barnes to recommend to Common Council adoption of an ordinance that approves the rezoning of the property located at approximately 18790 W. Cleveland Avenue from R-1/R-2 and C-2 to R-1/R-2 and C-2 to field delineate the wetlands.

Seconded by Mr. Gihring. Motion carried unanimously.

5. (7)AB CU-6-06 Pump Station No. 7 Filter Building Addition – 16450 W. National Ave. – Building Addition.

Motion by Mr. Sisson to approve the request for a Conditional Use Permit for construction of a New Filter Building and Underground Backwash Tank located at 16450 W. National Avenue subject to the application, plans on file and the following conditions and waivers:

Waiver Request: Applicant is requesting a waiver from Sec. 275-56, Landscaping and Buffering, of the Zoning Code that requires that all non-residential development shall be landscaped in accordance with this section and shall submit a landscaping plan as part of the required site plan. See attached applicant letter.

Waiver Request: Applicant is requesting a waiver from Sec. 275-60I that requires lighting for all on-site parking, circulation and pedestrian areas. Applicant will be providing updated supporting documentation for this waiver.

Waiver Request: Applicant is requesting a waiver from the Alternative Transportation Committee's recommendation that requires 5' side path along Civic Drive. See attached applicant letter.

- 1) Site and Architectural Plans
 - a) The entire building shall be constructed of the same finished materials as required by the Architecture Review Committee.
- 2) Applicant shall follow the City of New Berlin Storm Water Management Plan.
- 3) Applicant shall follow all Fire Department Conditions outlined in a letter dated 10/27/06.
- 4) Engineering
 - a) All erosion control measures as per the State of Wisconsin "Technical Standards" shall be in place prior to site disruption and maintained throughout the construction period up and including site restoration.
 - b) All applicable (ADA) standards and requirements shall be implemented for the site.
 - c) Any work to be done in the County's right-of-way all along National Avenue shall require written permission from the County and a copy shall be submitted to the City of New Berlin.

- d) The installation of a sampling manhole shall require the approval of both the City Engineer Mr. Walker and the Utility Manager Mr. R. Johnson. Please include a detail of the sampling manhole for review.
 - e) Please state the frequency and the amounts of drainage to be released into the roadway and curb and gutter sections from the overflow outfall structure.
 - f) There shall be no access points allowed from National Avenue. This criterion will include the construction phase of the project.
 - g) There shall be "No" parking of contractor, delivery and construction equipment/vehicles of any type parked on either the County roadway, National Avenue or on Civic Drive. Both roadways shall remain open and unimpeded at all times throughout the construction phase of the project. There is an existing parking lot next to the "North side" of the Utility office that can be accessed for "some" overflow parking.
 - h) All other engineering concerns outlined in letter dated October 27, 2006.
- 5) Transportation –
- a) A 5-foot wide sidepath is required along the entire frontage of Civic Drive. Applicant is requesting a waiver.
 - b) No lighting plan submitted. Lighting is required for all on-site parking, circulation and pedestrian areas (Zoning Code §275-60 I). Plan shall show light pole layout with illumination levels and chart with photometric summary information. Applicant has requested a waiver from the Plan Commission.
 - c) Required to follow National Avenue Lighting Plan. Five (5) City Standard pedestrian poles and luminaires will be required at 80-foot spacing. A letter of credit for \$30,000 will need to be submitted to the City, which will be cashed when the City's construction project takes place.
 - d) Developer is required to follow National Avenue Landscaping Plan. Check with Mark Schroeder in Parks, Recreation and Forestry Department for specifics. Applicant has requested a waiver from the Plan Commission.
 - e) Signing & marking plan is required.
 - f) Curb and gutter shall be used for all parking areas. Show on plans. Drive aisle width is calculated from edge of pavement (not face of curb). Parking stall depth can include curb pan dimension.
 - g) 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).
- 6) General -
- a) Building plans shall be stamped and signed 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 Department 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.

Seconded by Mr. Barnes.

Original Motion and Second withdrawn.

Motion by Mr. Sisson to approve the request for a Conditional Use Permit for construction of a New Filter Building and Underground Backwash Tank located at 16450 W. National Avenue subject to the application, plans on file and the following conditions:

- 1) Site and Architectural Plans
 - a) The entire building shall be constructed of the same finished materials as required by the Architecture Review Committee.
- 2) Applicant shall follow the City of New Berlin Storm Water Management Plan.
- 3) Applicant shall follow all Fire Department Conditions outlined in a letter dated 10/27/06.
- 4) Engineering
 - a) All erosion control measures as per the State of Wisconsin "Technical Standards" shall be in place prior to site disruption and maintained throughout the construction period up and including site restoration.
 - b) All applicable (ADA) standards and requirements shall be implemented for the site.
 - c) Any work to be done in the County's right-of-way all along National Avenue shall require written permission from the County and a copy shall be submitted to the City of New Berlin.
 - d) The installation of a sampling manhole shall require the approval of both the City Engineer Mr. Walker and the Utility Manager Mr. R. Johnson. Please include a detail of the sampling manhole for review.
 - e) Please state the frequency and the amounts of drainage to be released into the roadway and curb and gutter sections from the overflow outfall structure.
 - f) There shall be no access points allowed from National Avenue. This criterion will include the construction phase of the project.
 - g) There shall be "No" parking of contractor, delivery and construction equipment/vehicles of any type parked on either the County roadway, National Avenue or on Civic Drive. Both roadways shall remain open and unimpeded at all times throughout the construction phase of the project. There is an existing parking lot next to the "North side" of the Utility office that can be accessed for "some" overflow parking.
 - h) All other engineering concerns outlined in letter dated October 27, 2006.
- 5) Transportation –
 - a) A 5-foot wide sidepath is required along the entire frontage of Civic Drive. Applicant is requesting a waiver.
 - b) No lighting plan submitted. Lighting is required for all on-site parking, circulation and pedestrian areas (Zoning Code §275-60 I). Plan shall show light pole layout with illumination levels and chart with photometric summary information. Applicant has requested a waiver from the Plan Commission.
 - c) Required to follow National Avenue Lighting Plan. Five (5) City Standard pedestrian poles and luminaires will be required at 80-foot spacing. A letter of credit for \$30,000 will need to be submitted to the City, which will be cashed when the City's construction project takes place.
 - d) Developer is required to follow National Avenue Landscaping Plan. Check with Mark Schroeder in Parks, Recreation and Forestry Department for specifics. Applicant has requested a waiver from the Plan Commission.
 - e) Signing & marking plan is required.
 - f) Curb and gutter shall be used for all parking areas. Show on plans. Drive aisle width is calculated from edge of pavement (not face of curb). Parking stall depth can include curb pan dimension.

- g) 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).
- 6) General -
 - a) Building plans shall be stamped and signed 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 Department 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.

Seconded by Mr. Barnes. Motion carried unanimously.

Motion by Mr. Barnes to deny the following requested waiver:

Waiver Request: Applicant is requesting a waiver from Sec. 275-56, Landscaping and Buffering, of the Zoning Code that requires that all non-residential development shall be landscaped in accordance with this section and shall submit a landscaping plan as part of the required site plan.

Seconded by Ms. Broge. Amendment to motion to include City Attorney Blum's comments that any surety requirements that otherwise would be requested under the ordinance be waived. A landscaping plan that shows the most practical way of planting shall be submitted for staff approval.

Motion and amendment passes unanimously.

Motion by Mr. Barnes to approve the following requested waiver:

Waiver Request: Applicant is requesting a waiver from Sec. 275-60I that requires lighting for all on-site parking, circulation and pedestrian areas, and street lighting on Civic Drive and National Avenue of the Radium Project Building.

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

Motion by Mr. Gihring to approve the following requested waiver:

Waiver Request: Applicant is requesting a waiver from the Alternative Transportation Committee's recommendation that requires 5' side path along Civic Drive.

Seconded by Ms. Broge. Motion carried unanimously.

- 6. (4)NJ U-42-01 Motion Health and Fitness 14989 W. Beloit Road – Modification of Use, Site, and Architecture – to include 24-hour operation.

Motion by Mr. Barnes to approve the modification of the use, site, and architectural approval for Zoning Permit #U-42-01 for the modification to the original hours of operation to include 24-hours of operation seven days a week instead of Monday through Friday 5:00 A.M. – 11:00 P.M. and Saturday/Sunday 6:00 A.M. – 9:00 P.M. for Motion Health and Fitness located at 14989 W. Beloit Road and subject to all other original conditions of approval.

Seconded by Mr. Gihring. Motion carried unanimously.

7. (7)NJ S-169-04 Poplar Creek – 3095 & 3111 S. Calhoun Rd. – Final Plat and Declaration of Restrictions.

Motion by Ms. Broge to table the Poplar Creek Subdivision Final Plat application located at 3095 and 3111 S. Calhoun Road subject to the plans, application on file and the following reasons:

- 1) The applicant has not submitted all as-built information as requested in the letter dated October 11, 2006. Prior to Plan Commission approval application shall compete all as-built work and any necessary corrections in the field.
- 2) Staff has not received the Waukesha County Letter of No Objection.
- 3) Staff has not received the Wisconsin Department of Administration Letter of No Objection.
- 4) Address engineering issues as outlined in the letter dated October 27, 2006 prior to Plan Commission approval.

Seconded by Mr. Barnes. Motion carried unanimously.

8. (7)AK SG-53-06 TCF Bank – 17200 W. Cleveland Avenue – Sign on ATM.

Motion by Ms. Broge to approve the request to allow the installation of a canopy/cover with the TCF signs on a replacement of an existing self standing exterior ATM unit, subject to the application, plans on file, and the satisfaction of the following conditions:

- 1) General Conditions:
 - a) The ATM shall only be allowed signage on two sides of the canopy. Applicant shall resubmit or identify in writing which of the two sides you would like the TCF signage to appear on.
 - b) The existing pole sign on the property is non-conforming. Applicant shall submit an application for a monument sign no later than Friday November 17, 2006. An extension can be granted by staff if the applicant requests more time to install the sign.
 - c) As this was a condition on the original approval, the applicant/property owner will be required to submit a landscaping plan that illustrates any existing landscaping along with any new landscaping that will be added on the entire property. The Zoning Ordinance requires 25% open space on the property.

Seconded by Mr. Barnes. Motion carried unanimously.

9. (7)NJ U-65-06 Sts. Constantine & Helen Greek Orthodox Church – 17955 W. Cleveland – New Church.

Motion by Mr. Barnes to approve the request for Use, Site and Architecture to construct a phased plan for a church, education center, administrative office, recreation center, parish hall, and hospitality & fitness center on the property located at 17955 W. Cleveland Avenue subject to the application, plans on file and the following conditions:

Waivers Requests:

- Applicant requests a waiver to deviate from the City's requirement under Section 275-36D(3)(b) and 275-55-1, S.07(d)e that requires no grading within 30' of the wetland areas unless approved by the Plan Commission. The Church development needs to grade within 30' of the wetlands. The proposal is to start grading 10' from the wetlands as shown on the plans except at the two pipe outfall locations east of the entrance drive where the level spreader is slightly closer than 10' to the wetlands. The plans will be expanded to include additional erosion control measures in these areas to ensure the wetlands are protected.
 - Applicant requests a waiver to deviate from the City's parking requirement under Section 275-57-1 for reduction in required parking stalls. Applicant proposes a total stall count of 256. The minimum code requirement is ~640. Applicant will be providing updated supporting documentation for this waiver. All future parking shall be identified and if the City deems it required based on on-street parking or nuisance parking, additional parking lot area shall be constructed. (In addition, see Condition 2(f).
- 1) General Issues
 - a) Applicant shall indicate why the buffer has been reduced from previous plan sets. Is it possible to increase the buffer beyond the 50 feet indicated on this plan set?
 - b) Applicant shall substantiate need for the access drive on Stigler Road and investigate the possibility that it is used for emergency access only or not used at all. In addition, applicant shall not use Stigler Road for construction traffic. A note shall be added to the revised plan set.
 - c) Applicant shall verify that each phase will be independently and collectively compliant with NR 216 and our storm water/erosion control ordinance.
 - d) Applicant shall provide 6 revised berm cross sections, one from each home on Stigler Road, to show DCD Staff that adequate screening is provided to screen homes across Stigler Drive from cars and parking areas in the proposed church complex. The revised cross section shall include elevations of houses along Stigler Road, Stigler Road, ditch, top of berm and parking lot or driveway elevations.
 - 2) Planning
 - a) See attached Plan of Operation submitted by the applicant.
 - b) 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.
 - c) City of New Berlin plantings specs, as identified in 275-56, shall be followed and identified on plan.
 - d) Show limits of disturbance and plans per Zoning Code Section 275-24A.
 - e) Architecture Review required prior to the issuance of the Zoning Permit.
 - f) Applicant shall maximize the number of parking spaces on this site while maintaining the minimum open space requirements and setbacks. Applicant shall provide a letter stating that the church agrees to construct additional parking in the future if parking needs change.
 - g) Applicant shall apply for and receive individual Sign Permits for any signage prior to installation or modification, even if signage is temporary.
 - 3) Utility

- a) Applicant shall provide information on how they plan to protect any above grade water supply components.
 - b) Provide actual dimensions for septic fields.
 - c) Applicant shall submit the DNR permit for any well on this site at the time of building permit.
 - d) Sanitary permit shall be obtained from the Waukesha County Department of Environmental Services prior to zoning permit application. Applicant shall further provide evidence of the aforementioned sanitary permit before the issuance of a building permit for each permitted phase of the project.
 - e) The private owner waste treatment system for the site shall satisfy the following conditions:
 - i. A holding tank shall be provided to serve the kitchen of the parish hall which tank shall be rated to serve an average daily flow not greater than 3000 gallons.
 - ii. The waste water line from the parish hall kitchen shall contain an approved external 1000 gallon grease trap.
 - iii. The mound system to serve the balance of the facility shall be designed to fit within the perc test acceptable area set forth on the site plan.
 - iv. Applicant shall work with the Waukesha County Department of Environmental Services and provide additional operational details concerning the needs for the POWTS.
 - v. Compliance with all applicable State of Wisconsin, Waukesha County and City of New Berlin rules and regulations.
- 4) Storm Water – Applicant shall submit revised construction plans addressing technical/construction details addressed by the Storm Water Engineer in a letter dated October 27, 2006 as attached. In addition to the following items:
- a) The City of New Berlin has an approved boilerplate maintenance agreement through our Wisconsin Pollutant Discharge Permit. New Berlin's maintenance agreement shall be used for this site. However, the maintenance agreement currently submitted has additional language that meets the intent of the maintenance plan. The maintenance agreement currently submitted may be added as an Appendix to the New Berlin boiler plate maintenance agreement.
 - b) All storm water BMP's and erosion control measures shall be constructed at the beginning of the project.
 - c) The phasing plan does not give dates for the various phases. Any phase extending past 6 years of the Use, Site, and Architectural approval shall be subject to any and all storm water requirements at that time. (NBDH Section 3.7.F)
 - d) All permits are required prior to the start of construction. This includes but is not limited to Waukesha County culvert/road access, DNR Chapter 30, DNR NR-216 (Notice of Intent), DNR NR-151, and New Berlin permits and approvals.
- 5) Traffic Engineering
- 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 foot-candles, but must be equal to or lower than the average-to-minimum and maximum-to-minimum ratios in the zoning code. A waiver of these requirements can be requested.
 - b) Applicant shall provide a lighting plan for the access driveway to Cleveland Avenue.

- c) Ultimate ROW for Cleveland Avenue is 130-feet (65-feet on each side of the centerline). Existing ROW is 50-feet. The developer shall dedicate the south 15-feet along Cleveland Avenue to Waukesha County for public right of way purposes. A Quit Claim, Warranty Deed, Plat of Survey or CSM can accomplish this. See Waukesha County letter dated March 2, 2006.
 - d) Proper driveway sight distances shall be provided at both driveway locations.
 - e) Provide larger radius (i.e. smoother transition) and safer alignment of driveway approach to Cleveland Avenue. Soften radius curve off of Cleveland Avenue.
 - f) TIA indicates how geometrics shall work together, however the plan sets do not show the TIA required geometrics. Plans shall be updated to reflect these requirements. In addition, the Waukesha County letter dated March 2, 2006, item #3 states that they will require bypass and acceleration/deceleration lanes to a full 12-foot width. Applicant shall construct these improvements prior to occupancy.
- 6) General Engineering
- a) Applicant shall show elevation benchmark on grading plan. Only benchmark shown is on plat of survey (sheet 10) and is not in the City (Pilgrim Rd. and Mequon Rd.).
 - b) Utilize the entire 50' wide buffer area along Stigler Rd. for the berm. Show proposed contours of berm on grading plan. Use 3:1 slopes, not 4:1 as shown in some areas.
 - c) The sidewalk next to the North parking lot needs to be 8' wide. Ramps next to the handicap parking stalls are needed.
 - d) The plat of survey will be required for stakeout of the building for each phase of construction. It shall show dimensions around the building and shall show more ties from the building to the lot lines so it can be determined whether the building is parallel to Stigler Road or to the South lot line.
- 7) 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.
- 8) Fire
- a) Fully sprinkle
 - b) Maintain fire flow per Comm 62.0904(2)6.
 - c) Monitor fire flow.
 - d) Install Knox box (key box).
 - e) Install standpipes in 2 story areas.
 - f) Install intelligent fire alarm.

Seconded by Mr. Gihring. Motion carried unanimously.

COMMUNICATIONS

10. Communication To: Plan Commission

Communication From: Nikki Jones, Planning Services Manager
RE: 2007 Plan Commission Meeting Schedule (PG-790)

Plan Commissioners, please inform staff of conflicts or suggestions as soon as possible.

11. Communication To: Plan Commission
Communication From: Greg Kessler, Director of Community Development
RE: WAPA Legal Update, by Michael R. Christopher, September 18, 2006

Plan Commissioners acknowledged receipt of this communication.

12. Communication To: Plan Commission
Communication From: Greg Kessler, Director of Community Development
RE: WAPA Legal Update, by Michael R. Christopher, October 17, 2006.

Plan commissioners acknowledged receipt of this communication.

13. Communication To: Plan Commission
Communication From: Nikki Jones, Planning Services Manager
RE: Letter from Joan and Bryan Doberstein dated October 21, 2006 re: After-the-fact approval of grading at 20988 W. Barton Road.

Since this situation could involve Plan Commission, this communication was agendaized to make members aware of the issue.

Motion by Mr. Sisson to adjourn the Plan Commission meeting at 8:30 P.M.
Seconded by Mr. Barnes. Motion carried unanimously.