

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

PUBLIC HEARINGS

6:00 P.M. ()DH PG-942 Development Review/Administrative Permits

NEW BERLIN PLAN COMMISSION

NEW BERLIN CITY HALL COUNCIL CHAMBERS

SEPTEMBER 13, 2004

MINUTES

The public hearing with respect to revisions to the Zoning Code (Chapter 275 of the City of New Berlin Municipal Code) concerning the issuance of administrative permits was called to order by Mayor Wysocki at 6:03 P.M.

In attendance were Mayor Wysocki, Alderman Ament, Mr. Teclaw, Mr. Felda, Mr. Barnes, Mr. Sisson, Mr. Gihring. Also present were David Haines, Planning Services Manager; Olofu Agbaji, Associate Planner; Nikki Jones, Associate Planner.

Mr. Haines read the public hearing notice and stated there was proof of publication.

Mayor Wysocki listed the specific amendments under consideration.

Mayor Wysocki asked if there were comments or questions for the purpose of clarification.

Dave Luterbach, 2880 S. 171st Street – I would like to take the opportunity to applaud staff and everybody involved with this administration review process. This will be a great help in a lot of the permit process that we typically do. We typically have a lot of tenants that move from space to space or start building additions that will meet these criteria so this would be very helpful to us. I would also like to ask if there could be other things that could be considered as part of the administrative process including things such as some form of a grading permit, potentially a land disturbing permit or some other means that could allow projects within approved zoning areas where there may not be any issues.

Mayor Wysocki asked three times if there was any other comments or questions, seeing none.

Mayor Wysocki asked for questions from the Plan Commissioners, seeing none.

Mayor Wysocki called the public hearing closed at 6:07 P.M.

6:01 P.M. ()DH PG-944 M-1 and M-2 Parking Lot Setback Amendment

NEW BERLIN PLAN COMMISSION

NEW BERLIN CITY HALL COUNCIL CHAMBERS

SEPTEMBER 13, 2004

MINUTES

The public hearing with respect to revisions to the Zoning Code (Chapter 275 of the City of New Berlin Municipal Code) concerning the parking lot setback in the M-1 and M-2 zoning districts was called to order by Mayor Wysocki at 6:07 P.M.

In attendance were Mayor Wysocki, Alderman Ament, Mr. Teclaw, Mr. Felda, Mr. Barnes, Mr. Sisson, Mr. Gihring. Also present were David Haines, Planning Services Manager; Olofu Agbaji, Associate Planner; Nikki Jones, Associate Planner.

Mr. Haines read the public hearing notice and stated there was proof of publication.

Mr. Haines gave a brief introduction as to how the request for revision came to take place for parking in these two industrial districts.

Mayor Wysocki asked if there were comments or questions for the purpose of clarification, seeing none.

Mayor Wysocki called the public hearing closed at 6:09 P.M.

6:02 P.M. (3)NJ R-9-04 John & Cheryl Globig – 2240 Foxglove Ct. – Rezone from
R-4/C-2 TO R-4/C-2

NEW BERLIN PLAN COMMISSION

NEW BERLIN CITY HALL COUNCIL CHAMBERS

SEPTEMBER 13, 2004

MINUTES

The public hearing relative to the request by John & Cheryl Globig for a rezoning at 2240 Foxglove Court from R-4/C-2 to R-4/C-2 was called to order by Mayor Wysocki at 6:09 P.M.

In attendance were Mayor Wysocki, Alderman Ament, Mr. Teclaw, Mr. Felda, Mr. Barnes, Mr. Sisson, Mr. Gihring. Also present were David Haines, Planning Services Manager; Olofu Agbaji, Associate Planner; Nikki Jones, Associate Planner.

Mr. Haines 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.

City Attorney Blum commented that it is appropriate to conduct this public hearing and vote on the rezoning, however, ultimately before this could be constructed the applicant would have to deal with the issue of the wetland preservation easement. The city could not approve an amendment to the plat to remove or alter the boundary of that in light of the fact that there is an existing description as part of their declaration restrictions for the subdivision that prevent that from taking place.

Mayor Wysocki asked three times if there was anyone wishing to speak in favor, seeing none.

Mayor Wysocki asked if there was anyone wishing to speak in opposition.

Bill Lang 2265 S. Parkside Dr. – We purchased our lot in 1988 and built on it in late 1988 and occupied our house in 1989. At the time that we moved here, the area behind us was what was called the Ozanan property owned by the sisters of charity and we worked with the city at that time as well as the DNR and two different developers of the property to designate this area as wetlands and to put on the restrictions that were mentioned earlier. We are seriously concerned that approving this request will establish a dangerous precedent for other property owners who also abut the wetlands for similar approvals. Another point mentioned by the City Attorney is that anyone who has purchased property is well aware of the restrictions placed on the use of their property and the designation of wetlands. For these reasons we encourage the City Council and Plan Commission not to approve this request.

Jonathan Maag, 2240 Misty Court – I am here representing the Sanctuary of Woodshire Architectural Control Committee. I feel the City Attorney is absolutely correct. When they originally purchased the property, the homeowners of all the lots in the subdivision were aware of the deed restrictions that are associated with the lots. Lot 15, which is the Globig lot was designated as partial wetlands and it is clear in the covenant that there is really no way to remove that designation. In Section 5.3 Amendment, there is a one line sentence stating that in no event shall the wetlands preservation detailed in Article 4.6 of the Deed Restrictions be modified, amended or eliminated. I will remind the Commission that this document has been filed

with the Register of Deeds in Waukesha County so it is legal and binding on all property owners in the subdivision. In addition to that, Section 5.5 Conflicts, states in the event that a conflict between these restrictions and the City's zoning and building regulations, stricter provisions shall apply. With that in mind, the Architectural Control Committee representing the 68 other lot owners in the subdivision would oppose this rezoning.

Mayor Wysocki asked three times if there was anyone else wishing to speak in opposition, seeing none.

Mayor Wysocki – For the record, there is a communication from Scott and Kasey at 15065 W. Woodland Drive who also are in opposition.

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

6:03 P.M. (3)OA CU-6-04 Deer Haven Supper Club – 19300 W. Cleveland Avenue – Use, site and architecture for Lounge/Supper Club.

NEW BERLIN PLAN COMMISSION

NEW BERLIN CITY HALL COUNCIL CHAMBERS

SEPTEMBER 13, 2004

MINUTES

The public hearing relative to the request by Jeff Kernan c/o Deer Haven Golf Club for Deer Haven Supper Club for a Conditional Use for a supper club located at 19300 W. Cleveland Avenue was called to order by Mayor Wysocki at 6:18 P.M.

In attendance were Mayor Wysocki, Alderman Ament, Mr. Teclaw, Mr. Felda, Mr. Barnes, Mr. Sisson, Mr. Gihring. Also present were David Haines, Planning Services Manager; Olofu Agbaji, Associate Planner; Nikki Jones, Associate Planner.

Mr. Haines read the public hearing notice and stated there was proof of publication.

Mr. Agbaji gave a brief presentation describing the request and showed maps indicating the location.

Jeff Kernan, applicant for the request presented additional information explaining the request.

Mayor Wysocki asked if there were any comments or questions for purpose of clarification.

Vernon Bentley, 3450 S. Johnson Road – I have attended a lot of the meetings in the late '90's concerning the Master Plan and one of the things that was always mentioned about the western part of the New Berlin was that it was nothing but a bunch of hodge podge. Part of the plan was to make it more uniform. If you look at the Master Plan and the Land Use Map, Cleveland Avenue has no businesses west of Calhoun Road where as if you look at Lincoln Avenue, you see all kinds of businesses and some day there probably will be an industrial park. So my question is, why are we putting a business along Cleveland when it is not in our Master Plan or our Land Use Plan?

In a hypothetical case, what if we put this restaurant here and the farmer happens to have an agricultural building that he keeps his tractors and farm machinery in and decides not to farm any more. Does that mean at a later date he can remodel the building, put gas pumps out front and make it a convenience store and that would be considered the same kind of situation?

I also wanted to know how this property would be taxed as long as it is in a park zone. Antonios which is the old Wade Restaurant, Charcoal Grill which is in the Zarders building, Tumbleweeds, Applebees. I was wondering how these restaurants get taxed being under businesses and how this would be taxed being under Park land.

One of the issues that came up at the time of the rezoning for the driving range was that the parcel that they wanted to rezone for this driving range was actually six acres larger than what it is. It was concern at the public hearing that those six acres were used as a land fill. The DNR would have to get involved and the six acres would have to be dug up for inspection. The choice by the developer was not to have the six acres in the plan and that narrowed the driving range. As an example, when Rustic Ridge Subdivision went in between Coffee Road and Racine next to the 40 acre quarry, 100 ft deep and open to the water table with possibilities of contamination, all of the homes within 1,200 feet of the quarry had to have deeper wells with double casings.

Would this restaurant, using large quantities of water to serve their customers possibly coming from a contaminated land fill, be safe?

Jeff Kernan – I would like to comment of Vern's comments. As most of you know, the building was a driving range but it was also Raven Golf, an assembler of golf components with semi after semi going into the parking lot. I don't think a supper club is going to be a fraction of what was okayed for that building. I don't know how that business ever got into that building, it should have been in the industrial park from the beginning. There are other businesses down the street. Tee-It Up is a business right down the street. I don't think hypothetical questions like bring Burger King or gas pumps is what we are looking at here. We are looking at an architectural building that is beautiful, that is not going to be changed. It is not a family style restaurant where we are going to have kids and people flying all over the place. This is a more expensive elaborate supper club. I just wanted to clarify that.

The land fill is not on the property at all. (indicated location on map) It is no where close to our property. I want to clarify that also.

Vernon Bentley, 3450 S. Johnson Road – In the original plan that six acre land fill was part of the plan but then they found out that it was part of the land fill and the DNR would have to be called in and it probably have to be dug up. He is right, it is not on his property, but I want to clarify that it is still underground, it still exists, it is still going to affect the water.

Mayor Wysocki asked if there were any further comments or questions for purpose of clarification, seeing none.

Mayor Wysocki asked three times if there was anyone wishing to speak in favor, seeing none.

Mayor Wysocki asked if there was anyone wishing to speak in opposition.

Vernon Bentley, 3450 S. Johnson Road – I attended his informational meeting that night and they were very cordial. He has a nice place over there and I think that the restaurant is a good idea but I do have concerns. The concerns I have are with the codes and ordinances of our city and the land fills. If those concerns are taken care, I don't have a problem.

Mayor Wysocki asked three times if there was anyone else wishing to speak in opposition, seeing none.

Mayor Wysocki asked for questions from the Commissioners.

Mr. Teclaw – One of the things I look at when I consider a conditional use is how it impacts the area and the neighborhood. The information in the application is limited as far as how it is to be run. There is no lighting plan submitted which I would need to consider. Is there information on water and traffic impact?

Mr. Kernan – We called the County four months ago and we submitted that with plan of operation along with the persons name we talked to at the County. Lighting plan has been submitted. Mr. Kernan introduced Billy who will be running the restaurant.

Mr. Teclaw – I don't think this restaurant is a bad idea but I think when you look at the Master Plan, we have to answer some questions. It does say that a banquet hall or restaurant is allowed as a conditional use when associated with a principle recreational use and it seems to me that it would be operated as a separate entity. The question becomes, is this spot zoning or spot usage and is this the kind of thing that we want to see moving out in that direction? It was also mentioned from the standpoint of setting a precedent.

Mayor Wysocki called the public hearing closed at 6:34 P.M.

NEW BERLIN PLAN COMMISSION
NEW BERLIN CITY HALL COUNCIL CHAMBERS

SEPTEMBER 13, 2004

MINUTES

The Plan Commission was called to order by Mayor Wysocki at 6:36 P.M.

In attendance were Mayor Wysocki, Alderman Ament, Mr. Teclaw, Mr. Felda, Mr. Barnes, Mr. Sisson, Mr. Gihring. Also present were David Haines, Planning Services Manager; Olofu Agbaji, Associate Planner; Nikki Jones, Associate Planner.

Motion by Mr. Sisson to approve the Plan Commission Minutes of August 2, 2004. Seconded by Mr. Teclaw. Motion carried unanimously.

Plan Commission Secretary's Report –

Mayor Wysocki thanked Dave Haines for his years of service and wished him the best.

Plan Commission Meeting previously scheduled for October 11, 2004 is changed to October 4, 2004.

CONTINUED ITEMS

5. (6)OA CU-2-04 Woodridge Community Church – 13800 W. Howard Avenue. – Use, site and architecture for the construction of a church within a residential zoning district. (Tabled 7/12/04)

Item remained on Table.

6. (7)NJ U-10-04 Crestview Duplexes – 16860 W. Observatory – Use, site, and architecture for 10 duplex condominium buildings. (Tabled 4/5/04, 5/3/04)

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

Motion by Mr. Sisson to approve the request for use, site and architecture to construct the Crestview Duplexes located at 16860 W. Observatory Road subject to the application, plans on file, and the following:

- 1) Site Plan and Engineering
 - a) Conformance to Setbacks set forth in the PUD Section II (C)(8): There shall be a minimum building setback including overhang of 25 feet from the back of curb of private roads. On all construction plans, building setbacks shall be shown to the building overhang.
 - b) Per Section 275-24C(3) Applicant has prepared a tree survey with the building layout that reflects the existing trees. Prior to the issuance of the Zoning Permit, applicant shall identify by tagging the 5 to 7 Ash and 2 to 4 Silver Maples that are greater than 4" in DBH. After this is complete, applicant shall provide Staff with a replacement plan. This could include several trees planted within this site or elsewhere within the City. Applicant may want to consider placing some additional trees along the perimeter of the development.
 - c) The profile of Sheet ST-1 of the storm sewer plans should show the proposed storm sewer crossing under the road.

- d) Sheet C-4.0 Site Utility Plan indicates a proposed 15" storm sewer between manholes #2 and #7, but the detailed information on the manholes talks about a 21" storm sewer. Correct discrepancy.
- 2) Storm Water
 - a) Update final storm sewer plan based on the final calculations submitted. For Pond-1 the storm elevations are as follows: 2-year = 927.20 10-year = 927.97 25-year = 928.59 100-year = 929.6. Make corrections on the plans.
 - b) On Sheet ST-2 the storm sewer after MH #1 (Station 7+75 to 8+75) is called out to be an 18-inch. However, it only scales to a 12 inch, and a 12-inch is called for at the catch basin and outlet. Make appropriate changes to make the pipe 18 inches.
- 3) Traffic
 - a) A Quit Claim Deed shall be signed and recorded by the Developer for the area in the NW corner of the property dedicating this land to the City for ROW purposes and access to the Malone Park site.
 - b) Applicant shall show the existing right of way along the frontage of Observatory Road. Applicant shall provide the legal description for the Quit Claim Deed which then shall be signed and recorded by the Developer dedicating the additional 7-feet to the City for ROW purposes.
 - c) Applicant shall add under drains per city standards on page 6.0 and 6.1. Under drains are not in correct location. See detail #7 in the Developer's Handbook.
 - d) Applicant shall fix title on detail 5 on page C-6.1.
 - e) Lighting of all parking, circulation and pedestrian areas need to follow City standards (Zoning Code Section 275-60 I). This includes the lighting located at each duplex.
- 4) Applicant shall resolve any utility issues. Work with utility engineer on landscaping over utility easements.
- 5) Submit revised architectural drawings and floor plans to reflect comments made by Staff & Architectural Review Board.
- 6) Developer's Agreement
 - a) The developer's agreement shall require a stakeout survey for each individual building. The survey shall show the distance to 2 exterior lot lines, the distance from the back of curb, the distance to the nearest existing duplex. The building plans for each building will show the sump crock location and the number of steps in each garage.
 - b) The developer's agreement shall require in the phasing section that the buildings 1-6 be built in a row and 7-10 be built in a row. Agreement should say no building permits until road, ponds and utilities are installed and as-builts approved and all easement and deed documents received. The proposed sidewalks, street lights and trees within the public ROW's should be completed at least before occupancy of any building.
 - c) For the grading plan as-built the City will require the top of curb shown at every center of driveway, pond elevations, berm elevations, ditch grades along Observatory every 50', etc.
 - d) Any Traffic enhancements required by Waukesha County DOT along West National Avenue shall be the responsibility of the developer at his sole expense.
 - e) All plans, for utilities to be dedicated to the City of new Berlin, are to be reviewed and approved by all regulating authorities prior to Developer's Agreement being written and Zoning Permit being issued. Phasing and utilities to be constructed and accepted by the City of New Berlin prior to Building Permits being issued as further described in the Developer's Agreement.
- 7) General

- a) Building plans shall be stamped and signed by a registered architect or engineer (Comm 61.20 Responsibilities). Applies to Commercial Structure.
- b) Fire hydrant within 150' of FDC.
- c) Building plans shall be approved by City of New Berlin Inspection Division.
- d) Apply and obtain appropriate building, plumbing and electrical permits.
- e) Erosion control shall be permitted, installed and inspected prior to building permits being issued.

Seconded by Mr. Teclaw. Motion carried unanimously.

7. (4)OA CU-4-04 Texas Roadhouse – 15425 Rock Ridge Rd. – Use, site and architecture for Restaurant. (P.H. 7/12/04, Tabled 8/2/04)

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

Motion by Mr. Felda to approve the application for the conditional use permit for the construction of Texas Roadhouse Restaurant at 15425 Rock Ridge Road with the following conditions:

- 1) Hours of Operation: Monday thru Thursday 4:00pm to 10:00pm; Friday 4:00pm to 11:00pm; Saturday 11:00am to 11:00pm; Sunday 11:00am to 10:00pm.
- 2) Site Layout/ Engineering
 - a) Table 275-35-3 of the City of New Berlin Zoning Ordinance requires a minimum of 30% green space. Applicant must provide the required 30 % green space on the proposed parcel. Use of adjoining parcels will not count for this requirement.
 - b) Correct zoning designation for this parcel on Plan set SP-1 "site statistics" from PUD to M-1, Light Manufacturing District.
 - c) A road cut permit will be required for the utilities connection in Rock Ridge Road. All replacements of road surface, stone base, sub-grade restoration, curbing, sidewalk and terrace areas will meet City of New Berlin Engineering criteria.
 - d) The Developer, will be required to abandon any unused laterals at the mains as required by City of New Berlin Developer's Handbook. Please review the Developers Handbook for technical information, Specs, on how to properly abandon laterals.
 - e) Owner/Developer shall provide a current Certified Survey Map, CSM, identifying the appropriate land divisions. A formal Land Division of the existing parcel must be applied.
 - f) Must meet all commercial ADA codes and compliances for the site.
 - g) Show a schematic of how the remaining parcel can be developed based on the grading challenges.
- 3) Architecture
 - a) Dumpster enclosure must be constructed of the same brick as the principle building. No CMU as shown on plans. Gates must be painted to match principle building.
- 4) Transportation
 - a) Provide pedestrian access points to the north along Rock Ridge Road and south towards the theatre.
 - b) Stop sign is not required where private driveways exit onto a public road.
 - c) Change details to show a 24" curb & gutter section.
 - d) Lighting plan does not follow City standards. See Zoning Code Section 275-60 I. Max to Min ratio is too high. To lower value, consider lower wattage luminaires at more locations, instead of multiple luminaires on a single pole.

- e) 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). Pull back curbs on islands of the 2nd north-south drive aisle on the east side of the lot.
 - f) Pedestrian walkways adjacent to parking shall be a minimum of 8-feet wide to account for vehicle overhang from parking stalls.
 - g) Show next row of parking south of drainage ditch. Curbed islands adjacent to ditch crossing appear to extend slightly into east-west drive aisle.
 - h) Relocate transformer near south entrance to better location less susceptible to possibly being hit by a turning vehicle.
 - i) Increase turning radius at entrances to allow for vehicle to maneuver without encroaching into the adjacent lane.
 - j) Increase turning radius at all corners of the building to allow for vehicle to maneuver without encroaching into the adjacent lane.
 - k) Include curb on the east side of the parking lot near the south end.
 - l) Landscaping plan show tree being planted in the public ROW.
 - m) Truck loading zone will block south entrance from use. No deliveries that will block traffic will be permitted. Please address this issue.
- 5) Stormwater
- a) Prior to issuance of Zoning Permit, the Storm Water Divisional Engineer must approve detention pond. Detention facility must be in place and calcs and recert approved prior to issuance of Building Permit. Please address all items on submitted checklist.
- 6) Building Inspection
- a) Metering room must be clearly defined, delineated, on all architectural plans for this building. Direct outside accesses must be provided for Utility & Fire Departments to metering rooms.
 - b) Grease trap required.
 - c) Building plans shall be stamped and signed by a registered architect or engineer (Comm 61.20 Responsibilities).
 - d) Building plans shall be approved by the Wisconsin Dept. of Commerce (Comm 61.70 Certified municipalities and counties. (5)(c) 3.
 - e) Apply and obtain appropriate building, plumbing and electrical permits.
 - f) Erosion control shall be applied for, approved, installed and inspected prior to any on site grading or excavation.
- 7) Fire
- a) Yard hydrant required within 50' of sprinkler connection. Please show location of yard hydrant and sprinkler connection on revised site plan.
 - b) Building must be fully sprinklered. Monitor sprinkler flow.
 - c) Separate risers for sprinkler, alarm, and hood system required.
 - d) FDC = 5" storz with 22 1/2 degree bend required.
 - e) Knox box required.
 - f) Alarm per IBC section 907.2.1 required.

Seconded by Mr. Barnes. Motion carried unanimously

8. (5)NJ U-35-04 New Berlin Medical Clinic - 3610 Coffee Street - Use, site and architecture for Medical Clinic.

Item remains on Table.

9. (7)DH S-166-04 Biltmore Estates – 19205 W. Lawnsdale – Revised Preliminary Plat.

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

Motion by Alderman Ament to recommend to Common Council approval of a resolution approving the 13-lot preliminary plat for the Biltmore Estates Subdivision, subject to plans on file and the following conditions:

- 1) A sheet labeled as a preliminary plat shall be submitted that have all the notes shown on the preliminary plat dated 2/19/04, with the following additions:
 - a) A note on the face of the preliminary plat shall say, "Each individual lot owners shall have an undividable fractional ownership in Outlot 1 & 2. Waukesha County shall not be liable for any fees or special assessments in the event they become the owners of any lot or outlot in the subdivision by reason of tax delinquency."
 - b) A note on the face of the preliminary plat shall restrict vehicular access to lots 1 and 12 from Hillcrest Dr.
 - c) All wetlands shall be shown on the preliminary plat with distances and bearings tied down.
 - d) Environmental Corridor.
 - i) The preliminary plat shall restrict the building envelopes on Lots 2, 4, 11, and 12 to be outside the Secondary Environmental Corridor or Isolated Natural Resource Area.
 - ii) The preliminary plat shall restrict the building envelopes on Lots 3, 5, 7 8, 9, 10 and 13 so that no more than 20,000* sq. ft. of tree canopy cover within the Secondary Environmental Corridor or Isolated Natural Resource Area is removed for locating the house, septic/mound system, rear yard and outbuildings.
 - iii) The preliminary plat shall restrict the removal of any trees, other than those dead, dieing or diseased, greater than 4" DBH within the Secondary Environmental Corridor or Isolated Natural Resource Area except as provided above.
- 2) Site Layout
 - a) Documentation from Waukesha County permitting access to Lot 13 from Lawnsdale Dr is required prior to Developer's Agreement.
 - b) A 30' stormwater drainage easement shall be shown between lot 1 and 12.
 - c) The corners on lot 5 and outlot 2 shall be rounded to match road edge.
 - d) The cul-de-sac may be moved to the northeast so that it is closer to the low point in front of outlot 1. The boundaries between outlot 1 and lots 1 and 12 may be shifted so that a stormwater pond is located entirely on outlot 1.
- 3) Utilities and Infrastructure
 - a) A storm water management plan meeting the requirements of the City's Stormwater Ordinance will need to be submitted prior to Developer's Agreement.
 - b) The Developer's Agreement shall include provisions for deceleration, acceleration & by-pass lanes along Lawnsdale Road per Waukesha County standards. Deceleration lane shall have at least 100-feet of storage.
 - c) The Developer's Agreement shall include provisions for one streetlight at the access point on Lawnsdale Road.
 - d) The Developer's Agreement shall include provisions for a stop sign on Providence Dr at its intersection with Lawnsdale Rd.
 - e) The roadway width shall be 24-feet for curb & gutter section or 28-feet for ditch section. The intersection corner radii at Lawnsdale Road shall be 50-feet to edge of pavement.
 - f) Waukesha County permits are required for access to Lawnsdale Road (CTH I) and all work within the County's right-of-way
 - g) Any necessary pedestrian/horse crossing warning markings for Racine and Lawnsdale Rds shall be at the responsibility of the developer.
- 4) The City shall initiate a rezoning of the C-2 zoning district boundaries to match the delineated wetland boundaries prior to approval of the Final Plat.

- 5) Payment of Public Site, Open Space and Trail fees are required prior to City signing Final Plat. (Fee will be based on rates in affect at the time of Final Plat approval, current rate would be \$2137.60 per buildable lot, \$27,788.80 total)

Seconded by Mr. Sisson.

Motion by Mayor Wysocki to amend Condition 1(d)ii to allow up to one acre of tree canopy cover within the Secondary Environmental Corridor or Isolated Natural Resource Area to be removed for locating the house, septic/mound system, rear yard and outbuildings.

Motion fails for lack of second.

Original motion seconded by Mr. Sisson. Motion passes with Mr. Gihring, Mr. Felda, Alderman Ament, Mr. Teclaw, Mr. Barnes, Mr. Sisson voting Yes and Mayor Wysocki voting No.

10. (5)OA U-4-04 South Phase Kasco PUD – 14300 W. Howard Ave. – Condominiums. (Tabled 3/1/04, 8/2/04)

Item remains on table.

11. (7)NJ S-167-04 Woodland Meadows – 3335 S. Catamount Dr. – Preliminary Plat for 6-lot Conservation Subdivision. (Tabled 4/5/04, 6/7/04, 7/12/04)

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

Motion by Mr. Barnes to recommend to Common Council approval of a resolution approving the Woodland Meadows Preliminary Plat for the property located at 3335 S. Catamount Drive subject to plans on file and the following conditions:

- 1) Applicant (Lot 1) shall come to an agreement with the owners of Lot 2 for the dedication of the expansion of the road right-of-way for the extension of Catamount.
- 2) Submittal of the DNR concurrence letter for the wetland delineation report prepared by Thompson and Associates prior to rezoning application process.
- 3) Applicant shall submit an application to rezone the C-2 shoreland wetland areas and C-3 open space areas prior to submittal of final plat.
- 4) Applicant shall meet all conditions of the letter of no objection from the Waukesha County Department of Parks and Land Use dated March 16, 2004 prior to submitting for Final Plat.
- 5) Site Plan
 - a) Per the DNR letter dated August 3, 2004, applicant shall enclose the perimeter of the project boundary with properly trenched-in silt fencing, which will prevent the Blanding's Turtle from entering the area and laying eggs. The area shall be protected with silt fence prior to March 15.
 - b) On the Construction Plans and Final Plat, applicant shall describe the parameters for the "tree preservation area" identified on the Preliminary Plat. At a minimum add the same language that is on the Preliminary Plat "Note 3 There shall be no clearing or grading within outlot 1. A clear boundary line via legal description for the area.
 - c) On the Construction Plans and Final Plat, applicant shall describe the parameters for the "drainage easement areas" identified on the Preliminary Plat. Separate easement documents will be necessary.
 - d) On the Construction Plans and Final Plat, applicant shall add the Electric and telephone utilities per Section 235-30.

- e) Applicant shall submit with the Construction Plans a copy of the Homeowners Association Covenants as required per Section 235-33.
- 6) Storm water plan
 - a) Applicant shall follow New Berlin's Storm Water Ordinance 2193 along with DNR requirements when preparing the Construction Plans.
 - b) Applicant shall address the four (lots 2, 3, 4, and 5) of the six lots that are draining offsite without detention.
 - c) Applicant shall identify on the construction plans which side of the Catamount Drive extension the Developer is proposing to convey the existing drainage. Identify if the developer is proposing to split the flow down both sides. Whatever is decided on will affect the downstream cross-culvert and pond design.
- 7) Transportation Plan
 - a) Tangent segment between reverse curves is only ~75-feet. A 100-foot tangent segment is required.
 - b) Station line on erosion control, grading and plan & profile sheets does not follow the center of the roadway.
 - c) Show correct scale on erosion control and grading plan sheets. Legend shows 1"=60', but it's actually plotted at 1"=50'.
 - d) Applicant shall follow the City of New Berlin Developer's Handbook, which states all rural roadway widths shall be 28-feet wide.
- 8) General Issues and Utility Issues
 - a) Erosion control permit shall be obtained and the installation inspected prior to commencement of on site grading.
 - b) Applicant shall revise the impact statement to state that the lots are not a minimum of 2 acres in size, but 1.5 acres on average.
 - c) Each Lot shall have its own individual private well and on-site disposal system within the respective lot boundaries in accordance with 235-26(C)(2). Applicant shall submit additional septic borings because several borings on lots #2, 3, 4, and 5 are not within the boundaries of the lot. Borings shall not be within the open space and drainage easement areas. Most lots have at least 2 borings within the lot. Also, perc tests for Lot # 2 are virtually on the 30-foot drainage easement; Either the lot line or easement should move east to provide proper and adequate space for the mound site(s).

Seconded by Mr. Sisson. Motion passes with Mayor Wysocki, Mr. Gihring, Mr. Sisson, Mr. Teclaw, Mr. Barnes voting Yes and Alderman Ament and Mr. Felda voting No.

12. (3)DH R-3-04 Gerald Timmers – 19925 W. Pinecrest Ln. – Rezone from R-1/R-2 & C-2 to R-3 & C-2 (Tabled 3/1/04, 4/5/04)

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

Motion by Alderman Ament to table the request by Gerald Timmers to rezone the property located at 19925 W. Pinecrest Lane from R-1/R-2 & C-2 to R-3 & C-2 for the following reasons:

- 1) DNR has not yet reviewed the wetland delineation.
- 2) SEWRPC has not yet reviewed the environmental corridor delineation.

Seconded by Mr. Sisson. Motion carried unanimously.

13. (7)NJ R-7-04 James French – 4461 S. Sunny Slope Rd. – Rezone from R-4 to I-1.

Item remains tabled per applicants request.

14. (4)DH R-8-04 City of New Berlin – 6600 S. Crowbar Rd. – Rezone from M-2 to Q-1.

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

Motion by Alderman Ament to recommend to Common Council adoption of an ordinance that approves the rezoning of property located at 6600 Crowbar Road from M-2 to Q-1.

Seconded by Mr. Sisson. Motion carried unanimously.

15. (4)OA U-36-04 GMR Marketing – 5000 S. Towne Dr. – Mural on Outside of Building. (Tabled 6/7/04)

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

Motion by Mr. Barnes to approve the request by GMR Marketing located at 5000 South Towne Drive for a mural on the front façade subject to the application, plans on file and the following:

- 1) Architectural Review Committee required that the garage door be repainted to match the original color by October 4th, 2004.
- 2) Per Section 275-53B(1)(11) All existing nonconformities and outstanding code violations shall be identified, resolved, and remedied. Applicant shall be required to meet all the conditions of Sign Permit # SG-28-04.
- 3) Applicant shall be required to remove all illegal directional signage on site prior to issuance of Zoning Permit.

Seconded by Mr. Sisson. Motion passes with Mayor Wysocki, Mr. Gihring, Mr. Sisson, Mr. Felda, Mr. Teclaw, Mr. Barnes voting Yes and Alderman Ament voting No.

Motion by Mr. Barnes to deny the request by GMR Marketing located at 5000 South Towne Drive for a mural on the garage door based on the following:

- 1) Architectural Review Committee required that the garage door be repainted to match the original color by October 4th, 2004.
- 2) Per Section 275-53B(1)(11) All existing nonconformities and outstanding code violations shall be identified, resolved, and remedied. Applicant shall be required to meet all the conditions of Sign Permit # SG-28-04.
- 3) Applicant shall be required to remove all illegal directional signage on site prior to issuance of Zoning Permit.

Seconded by Mr. Sisson. Motion passes with Mr. Gihring, Mr. Sisson, Mr. Felda, Mr. Teclaw, Mr. Barnes, Alderman Ament voting Yes and Mayor Wysocki voting No.

16. ()DH PG-944 M-1 and M-2 Parking Lot Setback Amendment

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

Motion by Mr. Sisson to recommend to Common Council to adopt an ordinance amending Chapter 275 Zoning, regarding the parking lot setback in the M-1 and M-2 Zoning Districts.

Seconded by Mr. Barnes. Motion carried unanimously.

17. ()DH PG-516-4 Transportation Master Plan (Public Hearing 5/3/04)

Item remained on table.

It was the consensus of the Plan Commission that a letter be sent to SEWRPC indicating that we will be getting our input to them by October relative to their master Transportation Plan.

NEW BUSINESS

18. (4)OA LD-10-04 Texas Roadhouse – 15425 Rock Ridge Rd. – Sw ¼ Sec. 26 -Two-Lot Land Division.

Motion by Mr. Sisson to recommend to Common Council approval of the Certified Survey Map for the property located at 15425 West Rock Ridge Road subject to the application, the plans on file and the following conditions:

- 1) Applicant shall submit a schematic plan that shows the feasibility of the proposed lot #2 as a developable lot. This shall be submitted and reviewed prior to Common Council action on the Land Division.
- 2) Correct all drafting errors identified by Staff: There is a discrepancy between the legal description and the drawn document. Along the Southerly line of Lot 3, S 89 39' 44" W, 370.67' on the drawn document. The legal description shows the same line as South 89 39' 45" West along a Southerly line of Lot 3, a distance of 370.67 feet. Please make the correction and review the documents for any other errors.
- 3) All owners and surveyor must sign prior to City signing the CSM. Surveyor Stamp is required.
- 4) Payment of \$ 3,712.28 for the new lot in Public Site, Open Space and Trail fee shall be paid before the City shall sign the CSM.
- 5) Parking Easement language must be reviewed and approved by the City of New Berlin prior to signing of final plat. The parking easement shall not be executed to circumvent general development requirements.
- 6) A secondary access point to the entire Marcus/Rock Ridge area will be required when Lot 1 and/or the parcel to the South is developed. This will require improvements within the Marcus property to provide a driveway to the southerly lot line. Eventual development to the south will be required to extend the access drive to Small Road.

Seconded by Mr. Barnes. Motion carried unanimously.

19. (2)NJ LD-11-04 Rosetta M. Zarske – 14599 W. Cleveland Ave. – Se ¼ Sec. 11 – Two-Lot Land Division.

Motion by Mr. Barnes to recommend to Common Council adoption of a resolution approving the Certified Survey Map for the property located at 14599 W. Cleveland subject to the application, plans on file and the following conditions:

- 1) Applicant shall move the accessory building to meet the zoning requirements of rear yard setback of 25' and side yard setback of 15'. Applicant will need to apply for a permit for this structure.
- 2) CSM shall be revised to remove one of the access points on Lot 1 to conform to current City policy.
- 3) Approval of this land division is contingent upon MMSD Sewer Service Allocation approval. Applicant shall work with the utility engineer who will send a letter to MMSD for approval to hook up to the existing sewer lateral.
- 4) A culvert permit will be necessary for any new driveway.

- 5) All owners and surveyor must sign prior to City signing the CSM. Surveyor Stamp is required.
- 6) The property owner shall pay to the City a Fee in Lieu of assessment of water main, water service, sanitary sewer main, and sanitary lateral prior to execution of the CSM by the City.
- 7) Payment of \$2,137.60 for new lot in Public Site, Open Space and Trail fee shall be paid before the City shall sign the CSM.

Seconded by Mr. Gihring. Motion carried unanimously.

Motion by Mr. Sisson to remove Conditon #2. Seconded by Alderman Ament. Motion carried unanimously.

Motion by Mr. Sisson to approve motion as amended. Seconded by Mr. Barnes. Motion carried unanimously.

20. (7)DH S-169-04 Poplar Creek – 3095 S. Calhoun – Preliminary Plat for 22 lot Conservation Subdivision

Motion by Alderman Ament for direction of preliminary plat connection to Calhoun Road only. Seconded by Mr. Teclaw. Motion passes with Mayor Wysocki, Alderman Ament, Mr. Teclaw, Mr. Sisson voting Yes and Mr. Barnes, Mr. Gihring, Mr. Felda voting No.

Motion by Alderman Ament to table the Poplar Creek Subdivision preliminary plat for the property located at 3095 and 3111 S. Calhoun Road for the following reasons:

- 1) The Traffic Impact Analysis (TIA) that was submitted recommends that access be provided to Calhoun Rd either as a sole access point or in conjunction with a second access point to Stigler Rd. The TIA does not recommend Stigler Rd as the sole access point. The TIA states that there is no difference in the level of service at the Stigler/Cleveland intersection with either option. The preliminary plat shall be modified so that the only access point is on Calhoun Rd*.
- 2) The preliminary plat, natural resource and preservation map, and grading plan should be revised to show the DNR accepted wetlands.
- 3) The grading plan shall be modified to reflect the grading needed on Lot 2 as a result of the excavation.
- 4) The Declaration of Restrictions shall be modified so that minimum setback on a side on a corner lot is 50' setback, in order to match the Zoning Code.
- 5) A description of how the barn foundation and silo will be protected and not become an attractive nuisance shall be submitted.
- 6) The applicant shall obtain a wreacking permits, plumbing permit to abandon the septic system, and file a well abandonment report for the old farmhouse. A double fee is charged for all after-the-fact permits.
- 7) Any access along Calhoun Road will need to follow the intersection detail shown in Figure 4 of the New Berlin Developer's Handbook.
- 8) The preliminary plat shall be revised to show a 60-foot vision triangles at any Calhoun Road access, and a 30-foot vision triangle at any Stilger Road access point.
- 9) The preliminary plat shall be revised to show a typical cross-section that is in accordance with the city standard. (24-foot roadway is incorrect)
- 10) The developer shall dedicate lands along Calhoun Road to provide the ultimate ROW to the City of New Berlin for public right of way purposes.

Seconded by Mr. Sisson. Motion carried unanimously.

21. (7)OA U-50-04 Gatzke & Ruppelt – 15730 W. National Ave. – Use, site and architecture

for Renovation.

Motion by Alderman Ament to table the request for Use, Site and Architecture for exterior architectural alteration to Gatzke & Ruppelt, S.C. located at 15730 W. National Avenue for the following reasons:

- 1) Plan of Operation
 - a) See attached letter.
 - b) Per Section 275-53B(1)(11) All existing nonconformities and outstanding code violations shall be identified, resolved, and remedied. Applicant shall be required to meet all the conditions of Zoning Permit # U-66-01 approved by Plan Commission on 10/15/01.
- 2) Architectural Plans
 - a) Architectural Review Committee requires that the building be revised to provide a higher percentage of brick on the structure. Submittal of a revised architectural rendering that shows more brick on the exterior of the building is required. The elevation shall call out all the material for construction. This shall be approved prior to issuance of Zoning Permit.
 - b) The south elevation treatment shall be repeated on the front of the building. The quoins shall be incorporated on the northeast corner of the building also.
 - c) Windows on the building shall be realigned on the west elevation. Show line of sight view from the west in relation to the existing building and view from the National Avenue traveling East.
 - d) Prior to issuance of the Zoning Permit, approval of the revised exterior architecture and materials for construction by the Architectural Review Committee is required. Applicant shall submit material samples for review and archiving.
- 3) Site Plan / Engineering
 - a) Lighting plan with fixtures and photometric required for all parking, circulation and pedestrian areas. Minimum of 0.4 fc and maximum of 0.5 fc at the property line. Lighting is required for all on-site parking, circulation and pedestrian areas (Zoning Code Section 275-60 I). Plan shall show light pole layout with illumination levels and chart with photometric summary information.
 - b) Please present plans at an Engineers scale example; 1"=40' or an architectural scale of 1/4"= 1.0'. The existing scale system 1"=16.0' does not allow for an easy conversion.
 - c) Are the spot grades shown on the plan set sheet SD-1 for the parking lot areas existing or are they proposed? Please identify and provide existing and proposed grades in the paved parking areas. If there are to be "No" changes taking place in the parking lot, please state as such.
 - d) Please show existing paved parking areas vs. proposed. Lightly shade or crosshatch the proposed parking areas.
 - e) Parking is shown less than 5.0' from the lot lines. Code states that all parking shall stay a minimum of 5.0' from any lot line. 10.0' off of any Right-of-way. Please move the parking to meet code requirements.
 - f) Inverted crown through the parking area must be approved by Storm Water Drainage Engineer.
 - g) Moving the existing storm sewer inlet from the entrance to the parking area to the front of the first parking stall, just North of the Right-of-Way, to prevent drainage from draining onto the City's, Waukesha Co. D.O.T., road service is strongly recommended by the Storm Water Drainage Engineer.
 - h) Please provide the area calculation for green space. Code requires 30% green space for all projects.

- i) Storm water quality will be an issue to be addressed by use of an inlet structure or use of the green spaces on site to filter the run-off before reaching an inlet structure. These options will be further investigated by the Storm Water Drainage Engineer.
- j) Please show drainage patterns for the entire site. From lot line to lot line.
- k) Please show on the plan sets if the first floor elevation is being proposed, matched, in the additions or some other point of reference. Top of block, foundation walls as well as the first floors matching. This requirement will be for all the additions.
- l) Developer is required to follow National Avenue Lighting Plan. Two (2) City Standard pedestrian poles and luminaires will be required at 80-foot spacing.
- m) Developer is required to follow National Avenue Landscaping Plan. Check with in Parks, Recreation and Forestry Department for specifics.
- n) Concerning the square footage of the building vs. number of parking stalls there does not appear to be enough parking for the existing structure. Three 10.0' x 6.0' additions and one 10.0' x 4.0' addition would not improve the existing parking deficiency's. Unless Plan Commission grants a waiver, additional parking shall be reflected on revised plans.
- o) Parking stalls shall be 19-feet in length and 9 feet in width.
- 4) Fire Department
 - a) Building must meet all applicable fire codes. Fire Extinguishers are required.
- 5) Landscaping Plan
 - a) Discuss revised landscaping plan with staff. Approval of the landscaping plan and payment of all sureties are required prior to issuance of Zoning Permits. Landscaping plan must meet all the requirements of Article VIII Section 275-53 through 275-56 of the Municipal Ordinance in its entirety.
 - b) No private landscaping within the public right-of-way. This shall be reflected on revised plan.
- 6) Building Inspections
 - a) All necessary permits must be obtained from the Building Inspection and Zoning Department prior to commencement of any construction at this site.
 - b) Building plans shall be stamped and signed by a registered architect or engineer (Comm 61.20 Responsibilities).
 - c) Building plans shall be approved by the Wisconsin Dept. of Commerce (Comm 61.70 Certified municipalities and counties. (5)(c) 3.
 - d) Restroom accessibility must meet Wisconsin Enrolled Commercial Building Code Chapter 11 requirements. The new entrance must be ADA compliant.
 - e) Building must be maintained per Chapter 201 of the City of New Berlin Municipal Code.

Seconded by Mr. Teclaw. Motion fails with Alderman Ament, Mr. Teclaw voting Yes and Mayor Wysocki, Mr. Gihring, Mr. Sisson, Mr. Felda, Mr. Barnes voting No.

Motion by Mr. Sisson to approve the request for Use, Site and Architecture for exterior architectural alteration to Gatzke & Ruppelt, S.C. located at 15730 W. National Avenue subject to the application, plans on file and the following:

- 1) Plan of Operation
 - a) See attached letter.
 - b) Per Section 275-53B(1)(11) All existing nonconformities and outstanding code violations shall be identified, resolved, and remedied. Applicant shall be required to meet all the conditions of Zoning Permit # U-66-01 approved by Plan Commission on 10/15/01.
- 2) Architectural Plans

- a) Architectural Review Committee requires that the building be revised to provide a higher percentage of brick on the structure. Submittal of a revised architectural rendering that shows more brick on the exterior of the building is required. The elevation shall call out all the material for construction. Approval of the revised elevation is required by the Architectural Review Committee prior to issuance of Zoning Permit.
 - b) The south elevation treatment shall be repeated on the front of the building. The quoins shall be incorporated on the northeast corner of the building also.
 - c) Windows on the building shall be realigned on the west elevation. Show line of sight view from the west in relation to the existing building and view from the National Avenue traveling East.
 - d) Prior to issuance of the Zoning Permit, approval of the revised exterior architecture and materials for construction by the Architectural Review Committee is required. Applicant shall submit material samples for review and archiving.
- 3) Site Plan / Engineering
- a) Lighting plan with fixtures and photometric required for all parking, circulation and pedestrian areas. Minimum of 0.4 fc and maximum of 0.5 fc at the property line. Lighting is required for all on-site parking, circulation and pedestrian areas (Zoning Code Section 275-60 I). Plan shall show light pole layout with illumination levels and chart with photometric summary information.
 - b) Please present plans at an Engineers scale example; 1"=40' or an architectural scale of 1/4"= 1.0'. The existing scale system 1"=16.0' does not allow for an easy conversion.
 - c) Are the spot grades shown on the plan set sheet SD-1 for the parking lot areas existing or are they proposed? Please identify and provide existing and proposed grades in the paved parking areas. If there are to be "No" changes taking place in the parking lot, please state as such.
 - d) Please show existing paved parking areas vs. proposed. Lightly shade or crosshatch the proposed parking areas.
 - e) Parking is shown less than 5.0' from the lot lines. Code states that all parking shall stay a minimum of 5.0' from any lot line. 10.0' off of any Right-of-way. Please move the parking to meet code requirements.
 - f) Inverted crown through the parking area must be approved by Storm Water Drainage Engineer.
 - g) Moving the existing storm sewer inlet from the entrance to the parking area to the front of the first parking stall, just North of the Right-of-Way, to prevent drainage from draining onto the City's, Waukesha Co. D.O.T., road service is strongly recommended by the Storm Water Drainage Engineer.
 - h) Please provide the area calculation for green space. Code requires 30% green space for all projects.
 - i) Storm water quality will be an issue to be addressed by use of an inlet structure or use of the green spaces on site to filter the run-off before reaching an inlet structure. These options will be further investigated by the Storm Water Drainage Engineer.
 - j) Please show drainage patterns for the entire site. From lot line to lot line.
 - k) Please show on the plan sets if the first floor elevation is being proposed, matched, in the additions or some other point of reference. Top of block, foundation walls as well as the first floors matching. This requirement will be for all the additions.
 - l) Developer is required to follow National Avenue Lighting Plan. Two (2) City Standard pedestrian poles and luminaires will be required at 80-foot spacing.
 - m) Developer is required to follow National Avenue Landscaping Plan. Check with in Parks, Recreation and Forestry Department for specifics.

- n) Concerning the square footage of the building vs. number of parking stalls there does not appear to be enough parking for the existing structure. Three 10.0' x 6.0' additions and one 10.0' x 4.0' addition would not improve the existing parking deficiency's. Unless Plan Commission grants a waiver, additional parking shall be reflected on revised plans.
- o) Parking stalls shall be 19-feet in length and 9 feet in width.
- 4) Fire Department
 - a) Building must meet all applicable fire codes. Fire Extinguishers are required.
- 5) Landscaping Plan
 - a) Discuss revised landscaping plan with staff. Approval of the landscaping plan and payment of all sureties are required prior to issuance of Zoning Permits. Landscaping plan must meet all the requirements of Article VIII Section 275-53 through 275-56 of the Municipal Ordinance in its entirety.
 - b) No private landscaping within the public right-of-way. This shall be reflected on revised plan.
- 6) Building Inspections
 - a) All necessary permits must be obtained from the Building Inspection and Zoning Department prior to commencement of any construction at this site.
 - b) Building plans shall be stamped and signed by a registered architect or engineer (Comm 61.20 Responsibilities).
 - c) Building plans shall be approved by the Wisconsin Dept. of Commerce (Comm 61.70 Certified municipalities and counties. (5)(c) 3.
 - d) Restroom accessibility must meet Wisconsin Enrolled Commercial Building Code Chapter 11 requirements. The new entrance must be ADA compliant.
 - e) Building must be maintained per Chapter 201 of the City of New Berlin Municipal Code.

Seconded by Mr. Gihring. Motion passes with Mayor Wysocki, Mr. Gihring, Mr. Sisson, Mr. Felda, Mr. Barnes, Mr. Teclaw voting Yes and Alderman Ament voting No.

22. (4)OA SG-44-04 Motion Health & Fitness – 14999 W. Beloit Rd. – Wall Sign.

Motion by Mr. Sisson to table the request for additional signage for Motion Fitness & Racquet Club located at 14999 West Beloit Road to wait for the results of the Sign Subcommittee Meeting.

Seconded by Mr. Barnes. Motion carried unanimously.

23. (4)OA SG-57-04 Durski Chiropractic – 14999 W. Beloit Rd. –Wall Sign.

Motion by Mr. Felda to approve there request for additional signage for Durski Chiropractic located at 14999 West Beloit Road subject to the application, the plans on file, and the following conditions:

- 1) This sign and all signs on the site shall meet the requirements of Section 275-61 "Signs" of the City of New Berlin Zoning Ordinance along with the Uniform Sign Standard for Motion Health & Fitness Center.
- 2) All future modifications, including face changes, structural alterations, conversions, extensions, relocations, and additional signs must be applied for and receive a Sign Permit, and must meet the provisions of Section 275-61 of the City of New Berlin Zoning Ordinance.
- 3) The dimensions of the wall sign shall not exceed square feet. (Height 24" width 15'1" = 30 sq. ft.). The wall sign shall be blue channel lettering and internally illuminated.
- 4) A payment of \$15.00 is required per calculations below:

Wall (height 24" width 15'1" = 30.00 sq. ft. x \$3/sq. ft = \$90.00
Less Application Fee (\$75.00) = \$15.00

Seconded by Mr. Barnes. Motion carried unanimously.

24. (4)OA SG-58-04 Balestrieri & Assoc. – 14999 W. Beloit Rd. –Wall Sign.

Motion by Mr. Barnes to approve the request for additional signage for Balestrieri & Associates located at 14999 West Beloit Road subject to the application, plans on file and the following:

- 1) This sign and all signs on the site shall meet the requirements of Section 275-61 "Signs" of the City of New Berlin Zoning Ordinance along with the Uniform Sign Standard for Motion Health & Fitness Center.
- 2) All future modifications, including face changes, structural alterations, conversions, extensions, relocations, and additional signs must be applied for and receive a Sign Permit, and must meet the provisions of Section 275-61 of the City of New Berlin Zoning Ordinance.
- 3) The dimensions of the wall sign shall not exceed square feet. (Height 24" width 15'1" = 30 sq. ft.). The wall sign shall be blue channel lettering and internally illuminated.
- 4) A payment of \$15.00 is required per calculations below:
Wall (height 24" width 15'1" = 30.00 sq. ft. x \$3/sq. ft = \$90.00
Less Application Fee (\$75.00) = \$15.00

Seconded by Mr. Gihring. Motion carried unanimously.

25. (7)NJ SG-45-04 Security Insurance Services – 2725 S. Moorland Rd. – Wall Sign.

Motion by Mr. Sisson to table the request for the installtion of a wall sign located at 2725 S. Moorland Road for the following reasons:

- 1) Applicant shall either revise the sign size not exceed 12 square feet or submit a revised location identifying the sign on one the other walls facing north or south. The wall sign square footage of 39.6 square feet exceeds the lineal square feet allowed of 12 square feet. Per Section 275-64I(4)(f)(2) Wall and building signs shall be placed against the exterior walls of buildings and shall not extend more than 12 inches outside of a buildings wall surface, shall not exceed one square foot in area for every one linear foot of the tenant building face width on which it is mounted, and shall not exceed the height or project above the building. The applicant could place the sign on one of the other walls that could accommodate a sign of this size.
- 2) Per Section 275-61I(1)(a) of the Zoning Code it states that on brick buildings individual channel lettering is a preferred option over the cabinet signs. The applicant is proposing a cabinet sign on a brick building.

Seconded by Mr. Felda. Motion withdrawn.

Motion by Mr. Sisson to drop this item from the agenda. Seconded by Alderman Ament. Motion carried unanimously.

26. (7)DH R-10-04 Rogers Glen – 5165 S. Racine Ave. – Rezone from R-1/R-2, C-1, and C-2 to R-1/R-2, C-1, and C-2. – Set Public Hearing for October 11, 2004.

Motion by Mr. Sisson to forward to Common Council to request a Public Hearing be set for October 11, 2004 to rezone the property known as Roger's Glen Subdivision located at 5165 S. Racine Avenue to change the boundaries of the R-1/R-2, C-1 and C-2 districts.

Seconded by Mr. Barnes. Motion carried unanimously.

Motion by Mr. Barnes to reconsider the motion. Seconded by Alderman Ament. Motion carried unanimously.

Motion by Alderman Ament to forward to Common Council to request a Public Hearing be set for October 4, 2004 to rezone the property known as Roger's Glen Subdivision located at 5165 S. Racine Avenue to change the boundaries of the R-1/R-2, C-1 and C-2 districts.

Seconded by Mr. Sisson. Motion carried unanimously.

27. (5)NJ U-18-02 Steepleview – 12455 W. Janesville Rd. – Resolution declaring need for the Housing Authority to exercise it's powers within the City of New Berlin.

Motion by Mr. Sisson to recommend the Plan Commission Chair to sign confirmation of approval of Steeple View project that was approved at the May 6, 2002 Plan Commission meeting.

Seconded by Mr. Gihring. Motion carried unanimously.

28. (4)OA U-49-04 Diane Somers – 14695 W. Beloit Rd. – Move House.

Motion by Mr. Gihring to approve the request by Diane Somers to move a ranch style single family ranch house to 14695 West Beloit Road subject to the application, plans on file, and the following conditions:

- 1) Applicant shall be required to meet all the requirements of Section 13.07 of the Wisconsin Uniform Dwelling Code in its entirety prior to issuance of Zoning Permit and/ or authority to move the house into the City of New Berlin (attached).
- 2) Applicant shall be required to address all the Engineering issues prior to issuance of Zoning Permit.
- 3) Prior to moving the house from its current foundation, the City of New Berlin Building Inspector must inspect the house to be moved.
- 4) Applicant is required to submit a route map showing the current and proposed location and address of the structure to be moved.
- 5) A Zoning Permit is required from the City of New Berlin Plan Commission prior to moving of structure.
- 6) Permits are also required from Waukesha County Highway department.
- 7) Applicant shall be required to contact the City of New Berlin Police Department to facilitate the safe transition of the structure.
- 8) Applicant shall be required to contact and obtain written approval from all above ground utility companies that are identified along the route. (Wisconsin Electric, Ameritech, etc)
- 9) Wells and septic systems shall be properly abandoned on the vacated site.
- 10) Applicant shall be required to obtain a Building Permit from the Building Inspection and Zoning Department prior to moving the structure.

Seconded by Mr. Barnes. Motion carried unanimously.

COMMUNICATIONS

29. Communication To: Plan Commission
Communication From: David Haines, Planning Services Manager
RE: Planning Commissioners Journal, Summer 2004

Plan Commissioners acknowledged receipt of this communication.

30. Communication To: Plan Commission
Communication From: Greg Kessler, Director of Community Development
RE: Letter dated August 31, 2004 to Greg Kessler from Mr. & Mrs. Mike Roman.

Plan Commission acknowledged receipt of this communication.

ADDENDUM ITEM

31. (3)AK SG-32-04 Kwik Fuel – 17145 W. Greenfield Ave. – Face Change.
(Tabled 7/12/04)

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

Motion by Mr. Barnes to approve the request by Kwik Fuel for a sign face change located at 17145 W. Greenfield Avenue subject to the application, plans on file and the following:

- 1) Applicant shall submit a letter to the Planning Services Division informing us that the name of the gas station has been changed from the Phillips 66 to the Kwik Fuel gas station, and that the operations of the business has not been expanded or changed.
- 2) Hold Harmless Agreement is required.

Seconded by Mr. Sisson. Motion carried unanimously.

Motion by Mr. Sisson to adjourn the Plan Commission meeting at 10:10 P.M. Seconded by Mr. Teclaw. Motion carried unanimously.