

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

PUBLIC HEARINGS

6:00 P.M. (4)OA CU-4-04 Texas Roadhouse – 15425 Rock Ridge Rd. – Restaurant.

NEW BERLIN PLAN COMMISSION

NEW BERLIN CITY HALL COUNCIL CHAMBERS

JULY 12, 2004

MINUTES

The public hearing relative to the request by Kerri Smith c/o Texas Roadhouse for a Conditional Use for a restaurant located at 15425 Rock Ridge Road was called to order by Mayor Wysocki at 6:00 P.M.

In attendance were Mayor Wysocki, Alderman Ament, Mr. Teclaw, Mr. Sisson, Mr. Felda, Mr. Barnes. Also present were Greg Kessler, Director of Community Development; David Haines, Planning Services Manager; Olofu Agbaji, Associate Planner; Nikki Jones, Associate Planner. Mr. Gihring was absent.

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.

Mark Rice, 1475 S. Perryville Road, Rockford, Illinois, civil engineer for Texas Roadhouse presented additional information explaining the request.

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

Mayor Wysocki asked for questions from the Plan Commissioners.

Alderman Ament – Staff report, Page 2 Zoning Code. What setback is the problem?

Mr. Agbaji – Parking setback.

Alderman Ament – Staff report, Page 2 Floodplain. Report says no, but map shows it is in floodplain.

Mr. Agbaji – Floodplain was prior to these plans.

Alderman Ament – Staff report, Page 2 Stormwater Management. Does that refer to Chapter 13?

Mr. Agbaji – Yes, this section of Westridge has a plan in place.

Alderman Ament – Staff report, Page 5 Findings, No. 2. Would they be better off going to a B-1 or B-2 zoning rather than a conditional use under M-1?

Mr. Agbaji – It would be almost the same process, a public hearing would also be required. They would need to rezone if Plan Commission requested it. This would alleviate the setback problem.

Alderman Ament – It seems like everything around them is B-2. If they were B-2, they would not have this setback problem. I hate to see them loose any parking. Wouldn't they be better off to rezone?

Mayor Wysocki – When the sub-committee met, they agreed after this application, we would initiate it ourselves, based on the Plan Commissions thinking to have that area B-2.

Alderman Ament – Why not resolve it now rather than making them go through a variance?

Mr. Haines – One of the reasons for doing it after the fact goes along with the idea that Westridge was originally planned ten years ago with the desire to keep a 50' buffer around the exterior especially around residential areas. For this application that is not a concern since it is an interior lot. By doing it after the fact, the building is in place and we can go ahead and make it B-2 and not have to worry about someone coming in and trying to put a building too close to an exterior boundary.

Alderman Ament – So letting them get a variance protects the buffer?

Mr. Haines – Yes. However, if they don't get the variance, they would need to come back for a rezoning.

Mr. Rice – We can adjust the site plan to meet the setbacks without losing parking spaces.

Mayor Wysocki – Staff report, page 4 Transportation (b). I don't want to subject this project to the secondary access point. Are we in the process of looking at that potential east side access point?

Mr. Haines – Development requires a secondary access point based on a traffic impact study. If the study shows it is not necessary to provide a certain level of service, than one is not required. It will be based on the traffic impact study. What makes it a little bit more difficult is that we are looking at the existing condition but we also know the interchange is going to be reconstructed in a couple years. That interchange reconstruction will affect that level of service. We need more information based on the traffic impact study.

Alderman Ament – This fits well where they want to put it but this area is a concern for parking so I want to make sure there is enough. For example, there are parts of the day when Applebees loses customers because they can't find a place to park. I don't want to see that happen here.

Mr. Teclaw – The land division looks like they are including the conservancy district. Is there an absolute need to do that? Isn't that in conflict with our code?

Mr. Agbaji – We just received that application and I have not reviewed the land division yet. That application will be coming before Plan Commission.

Mr. Rice – The C-1 is only to the east of us. The Texas Roadhouse property is less than what is shown in yellow and C-1 is not included.

Mayor Wysocki asked for further questions, seeing none.

Mayor Wysocki called the public hearing closed at 6:17 P.M.

6:01 P.M. (4)NJ CU-5-04 New Berlin Plastics, Inc. – 5725 S. Westridge Drive –
Material storage silo.

NEW BERLIN PLAN COMMISSION

NEW BERLIN CITY HALL COUNCIL CHAMBERS

JULY 12, 2004

MINUTES

The public hearing relative to the request by Jeff Held c/o New Berlin Plastics, Inc. for a Conditional Use for an above ground storage tank located at 5725 S. Westridge Drive was called to order by Mayor Wysocki at 6:17 P.M.

In attendance were Mayor Wysocki, Alderman Ament, Mr. Teclaw, Mr. Sisson, Mr. Felda, Mr. Barnes. Also present were Greg Kessler, Director of Community Development; David Haines, Planning Services Manager; Olofu Agbaji, Associate Planner; Nikki Jones, Associate Planner. Mr. Gihring was absent.

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.

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

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

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

Mayor Wysocki asked for questions from the Plan Commissioners.

Alderman Ament – Is this going to be in the front, back, or side of the building?

Ms. Jones – This piece of property has three front yards, Moorland, Westridge, and Rausch. It will be on what you would call a front or side on corner but it will be tucked back. The problem with putting it in what would be their rear yard, is that is where any future development would go.

Mr. Teclaw – What is stored in it?

Ms. Jones – Plastic pellets.

Mr. Sisson – We talked about the placement of this silo at the Arch. Review Meeting and from Moorland Road, which appears to be the front, it is not visible.

Mayor Wysocki asked for further questions, seeing none.

Mayor Wysocki closed the public hearing at 6:23 P.M.

6:02 P.M. (7)OA R-6-04 Joseph Ziegler – 19485 W. Coffee Rd. – Rezone from R-1/R-2 to R-3.

NEW BERLIN PLAN COMMISSION

NEW BERLIN CITY HALL COUNCIL CHAMBERS

JULY 12, 2004

MINUTES

The public hearing relative to the request by Joseph Ziegler for a rezoning from R-1/R-2 Rural Estate Single Family Residential to R-3 Suburban Single Family Residential located at 19485 W. Coffee Road was called to order by Mayor Wysocki at 6:23 P.M.

In attendance were Mayor Wysocki, Alderman Ament, Mr. Teclaw, Mr. Sisson, Mr. Felda, Mr. Barnes. Also present were Greg Kessler, Director of Community Development; David Haines, Planning Services Manager; Olofu Agbaji, Associate Planner; Nikki Jones, Associate Planner. Mr. Gihring was arrived at 6:33 P.M.

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.

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

Helen Poczekay, 3560 S. Cari-Adam Circle – Is this application for the existing property or is somebody trying to make a subdivision out of the area.

Joseph Ziegler, owner of property – My intent with the R-3 zoning is to divide the property into three lots. Each lot would be approximately over one acre. The majority of lots in Cari-Adams average around three quarter acre.

Roger Helms, 19450 W. Coffee Road – What assurances do we have if this is rezoned that it will be three lots, it could be almost eight. Once it is rezoned, he could change his mind. Have any studies been done about the water table? If all these homes are going to be built, how will it effect our wells?

Mayor Wysocki – It is possible to have more than three lots if it were rezoned. Minimum lot size is 20,000 sq. ft. There has been an overall consideration to water uses with regards to our new rural plan.

Mary Hiebl, 20160 W. National Avenue – Does the current GDMP call for this to be R-1/R-2?

Mr. Agbaji – It calls for R-3.

Ms. Hiebl – Is there a reason why is has to be rezoned R-3?

Mr. Agbaji – Any rezoning taking place on a piece of land should be for what the future land use plan calls for.

Ms. Hiebl – What assurance is there for the people of the neighborhood that there won't be more than three lots?

Mr. Haines – Plan Commission or Council cannot make an assurance on the number of lots,

however, when you have a lot on well and septic it is difficult to use much less than one acre. Another consideration would be if all the driveways were off of Coffee, you would have to have enough frontage for each lot. You could not have eight lots all with their driveways off of Coffee, so you would have to build a cul-de-sac which would again take up more land. There are some economies of having three lots, more lots would be more expensive and more difficult.

Ms. Hiebl – What is the frontage requirement on Coffee?

Mr. Agbaji – 110'

Ms. Hiebl – So based on that, how many entrances could be on Coffee?

Mr. Agbaji – The traffic engineer could tell you for sure, since shared accesses may be involved. An access permit would be required when he came for a land division.

Mr. Haines – At 110', if I am reading the legal description correctly, you would be looking at four lots.

Joseph Ziegler - I plan on building on one of the lots. Aesthetically, the lots would not be pleasing if there were more than three. As far as the water table is concerned, right now there are two families living on that property, being a duplex. With three lots, you are only increasing the water by one family.

Vern Bentley, 3450 S. Johnson Road – I just was at informational meetings two weeks ago about Wildwood and I don't understand why just because he wants to put more homes on a lot that is too small, he can rezone. If he wants to leave the existing home on there, I can understand, but if it's under five acres, I don't see where you should be changing the zoning. Why are changing the zoning?

Mayor Wysocki – Because it is a request, it matches the land use master plan which currently has it designated as R-3 future land use.

Mr. Bentley – What happens to the five acres?

Mayor Wysocki – You don't have five acres in R-3.

Mr. Bentley – Explain to me why it's going to be changed.

Mayor Wysocki – He has the right to make the petition to rezone the property from R-1/R-2 to what the future land use has it designated as R-3.

Mr. Bentley – That means he can make a request. Does that mean it will be changed?

Mayor Wysocki - It means that under the master land use plan it can be R-3.

Mr. Bentley – On this plan, it says he's putting three homes on it and I know that under rezoning we don't go any further than that but on the other hand we are giving him a blank check. Are the three driveways coming in off of Coffee Road?

Mayor Wysocki – We would not know until he made a proposal. You are correct, this is just a rezoning.

Mr. Bentley – How can you rezone something if you don't know what you are getting. What I am coming to here, is the fact that you don't know if there will be entrances off of Coffee or if he will be putting in a cul de sac. If you do put a cul de sac, is it going to be extended into Rustic Ridge. The other thing is, when he mentioned Cari Adams Subdivision, that should have nothing to do

with his particular property.

Paula Johnson, S72 W14867 Rosewood Drive, Muskego – I am contemplating a home on that lot and just for clarification for some of the people here, currently it does not meet the five acre zoning for the R-1/R-2 zoning and that is why it was designated as the R-3 zoning on the future plan map. As far as what can be done with this, we did have a field study. The County has come out and said you are not going to be able to get more than three lots on this because no more than three mound systems would be allowed on this property. As far as the traffic goes, we have started some communication on that because we realize that it is at the top of the hill and we probably will not be able to get three driveways. There is an existing driveway and we would be proposing one more entrance which would be split to two different houses.

As far as the property now, it is currently legal non-conforming which means the house can stay there. At this point it is a duplex. I have seen more of the neighbors complaining that it is an eyesore and is detracting from the value of the property. This is an older farmhouse that was converted to a duplex many years ago. Nothing can be done to the property so he can't at this point in time make the property better because it is a non-conforming property. Currently there are vehicles in the driveway that cannot be housed in garages. I would think that the neighbors would want this property rezoned because we are looking to put higher end homes here. My home is 26,000 sq. ft and Mr. Ziegler is proposing a nice high end home. It will also benefit the neighbors because it will add to the tax value. It will increase the tax dollar value in the area. I think it will increase the value of everybody's property around here. Once again, I do not feel that you can get more than three lots. There is not enough room to do a cul-de-sac in there to put in tiny little houses. It would be three lots over one acre and each one would have their required 150' of frontage.

? - I would just like to question where they are going to put those driveways because I come in and out of Cari- Adam everyday and whether I come from the east or west, I have a hard time. I want to caution the drivers that will be going in and out on Coffee Road.

Jim Szyjakowski, 3480 S. Catamount Drive – I live kitty-corner to this property. I guess there is really nothing to hold these people to keeping it down to three lots, they could subdivide it again into seven. My main concern, since I lived there 2 ½ years now there has been two major accidents caused by people going much more than 45 mph through that area. One driveway, two driveways, three driveways, I really don't think it makes a difference. It is a very dangerous hill right there, it's got double yellow lines where people going west should not pass. As I turn into my street, there are people passing me. It is very dangerous. The other thing is, I am not against people investing into property for the future like this gentleman is but to me the building that is there is kind of an eyesore, but I'm not against fixing it up and making it look good, however, it is the people that live in that house that constantly drive out of that area squealing their tires and making it again, another dangerous intersection.

Vern Bentley – I was just talking to the young lady that was up here about the driveways. She says one driveway is going to stay there, but the other driveways will come and go straight and loop over. Would that be considered an adjoining driveway because it is side by side on the road?

Mr. Haines – If I understand you correctly, that would be a shared driveway.

Mr. Bentley – Now we get to a different set of rules. Across the street from where they are building there is a shared driveway. Not a shared driveway, but the driveways run next to each other. In the Wildwood Subdivision they have two homes and two homes and you as the Planning staff tell them they cannot have a shared driveway.

Mr. Haines – I did not say that.

Mr. Bentley – But that is the way the plan is.

Mr. Haines – Yes, that is what the developer is proposing.

Mr. Bentley – When we get to these different situations, I like to compare them.

Mayor Wysocki asked three times for further questions 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.

Vern Bentley, 3450 S. Johnson Road – I think you are putting too many homes in a small area. That is supposed to be five acre lots. There has been so much discussion on the three acre and the five acre and finally everybody agreed on the five acre and now when you run into something like this, you come in with the R-3 where people can put in 20,000 sq. ft. Now we have a big discussion on cul-de-sac, extend them, don't extend them. That is another issue in this particular situation. There are just too many unanswered questions. I realize until they have the zoning, they can't proceed forward but on the other hand it is not fair to the developer because he can put a whole lot of time and money into something and then get it turned down so it is a two way street. I am against it.

Roger Helms, 19450 W. Coffee Road – I am against it for the simple fact that I can't get any assurances that they aren't going to be putting more homes in there than what they are saying. I think it is a bad precedence to set, you have your five acres and that is what it should be. As far as neighbors complaining about the property, the landlord should get his tenants to clean it up.

Mary Heibl, 20160 W. National Avenue – I am opposed to it. It is currently R-1/R-2. I don't understand why the future land use map it is zoned R-3. I would like it to stay R-1/R-2 as is. It is consistent with the others on the west side of New Berlin. There are far too many unanswered questions on this.

Jim Szyjakowski, 3480 S. Catamount Drive – Again, my concern is the road and any additional driveways coming out of there. I am concerned about somebody having an accident there. I am concerned about the mess from bottles and cans on my front lawn.

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

Mayor Wysocki asked for questions from the Plan Commissioners.

Alderman Ament – The thing that struck me and several people have mentioned it, is not just that there would be more than one drive, but the location of it if this does get rezoned is going to be important because as you go west of where the driveway is now that hill is very dangerous if you put in any type of driveway. If you look at the home just to the west of it that comes out onto Coffee Road, that is actually up on the hill and even they are taking their life in their hands every time they pull out of that driveway. I would think that if this does end up getting rezoned, they should be looking at a shared driveway, maybe even for all three of them as far east as possible and as close to lining up with Catamount Drive as possible. That hill is nasty when coming from the west.

Mayor Wysocki – This particular parcel does seem unusual on the future land use map. Does the R-3 extend any further than just this parcel?

Mr. Haines – No it doesn't, it's just this parcel.

Mayor Wysocki – Yet, as we can see, the land to the east and the south is R-1/R-2 in the future land use plan.

Mr. Haines – correct

Mayor Wysocki – Do you have any idea how that single parcel obtained that R-3 zoning during the master planning process?

Mr. Haines – No. One of the things we were discussing in looking at the GDMP and Master Plan and Land Use Map was trying to deal with the developments that are already out there, the existing subdivisions under five acres and allow for some infill within those subdivisions. If there was a larger lot which was meant to be two or three different lots and for what ever reason was not subdivided could still be consistent within the subdivision, we would still allow for infill.

Mr. Teclaw – Isn't there a text section of the Master Plan that describes suburban residential. Could you read that to see if this parcel would fall into this category of that text.

Mr. Haines – (read suburban residential text)

Mr. Teclaw – Does this meet that definition?

Mr. Haines – That is questionable.

Mr. Teclaw – I do like the idea if this were to occur with a shared driveway access. I can understand peoples concern with the idea that there would be three lots but the fact of the matter being that there would probably be six based on the R-3 lot size allowed. You are really looking at a situation where you go from a five acre density to two homes per acre, that is ten times the density. From that point, the concern is valid. The question is if it is categorized as infill.

Mayor asked for further questions from Plan Commissioners, seeing none.

Mayor Wysocki called the public hearing closed at 6:58 P.M.

NEW BERLIN PLAN COMMISSION
NEW BERLIN CITY HALL COUNCIL CHAMBERS

JULY 12, 2004

MINUTES

The Plan Commission was called to order by Mayor Wysocki at 7:17 P.M. In attendance were Mayor Wysocki, Alderman Ament, Mr. Gihring, Mr. Teclaw, Mr. Sisson, Mr. Felda, Mr. Barnes. Also present were Greg Kessler, Director of Community Development; David Haines, Planning Services Manager; Olofu Agbaji, Associate Planner; Nikki Jones, Associate Planner.

Motion by Mr. Felda to approve the Plan Commission Minutes of June 7, 2004. Seconded by Mr. Gihring. Motion carried unanimously.

Plan Commission Secretary's Report - none

CONTINUED ITEMS

5. (6)OA CU-2-04 Woodridge Community Church – 13800 W. Howard Avenue. – Conditional Use for the construction of a church within a residential zoning district.

Item remains tabled.

6. (2)NJ U-24-04 Verizon Wireless – 2600 Sunnyslope Road – Erect a 100' flagpole tower and an 11'6" x 26'0" equipment shelter. (Tabled 5/3/04)

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

Michael Bieniek and Dale Denton, representing Verizon Wireless, gave a short presentation further explaining the project.

Motion by Alderman Ament to approve the use, site and architecture for Verizon Wireless to construct a new 98' flagpole tower with 3 antennas contained within the pole and equipment shelter located at 2600 S. Sunny Slope Road subject to the application, plans on file and the following conditions:

- 1) A waiver under Section 275-41C(16)(d) of the Zoning Code to increase the maximum height of a stealth tower to 98 feet is necessary. The applicant has shown that the criteria for the waiver under Section 275-41C(16)(d) has been met.
- 2) Per Section 275-41C(16)(f) Application information, the applicant did not provide the following information as required:
 - a) The architectural plan shall indicate each elevation showing all facades including materials, equipment, and fencing.
 - b) Applicant shall submit a complete Structural Report as is required per Section 275-41C(16)(f)(7) of the Zoning Code with the building permit submittal.
- 3) Per Section 275-41C(16)(j)(1)(c) of the Zoning Code towers 60' to 99' in height shall accommodate at least 1 additional user. The applicant has identified room for 2 users, Verizon Wireless and another company.

- 4) Plans shall meet the Wisconsin Enrolled Commercial Building Code Section 3108 for Radio and Television Tower requirements. No reference in letter to Wisconsin Enrolled Commercial Building Code compliance.
- 5) Applicant shall remove a section of the parking lot in the rear of the property as identified on the plans and re-seed this area. Applicant shall add a section of pavement between the two proposed equipment shelters and the grass area to allow for two-way traffic in and out of the rear parking lot as shown on plans.
- 6) Building and tower plans shall be approved by the City of New Berlin Department of Community Development Inspection Division per Wisconsin Dept. of Commerce.
- 7) Apply and obtain appropriate building, plumbing and electrical permits.
- 8) The failure radius is within the property lines.
- 9) Applicant shall obtain final approval of the lease by the Common Council prior to the issuance of the Zoning Permit.
- 10) Applicant shall provide approval letter from the utility company.

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

7. (5)OA U-42-02 Hickory Hills – 14602 W. Beloit Rd. – Use, Site, and Architectural Approval for 26 Four-Unit Condominium Complex. (Tabled 1/5/04, 5/3/04)

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

Motion by Mr. Sisson to approve the request for use, site and architecture for the construction of Hickory Hills condominium development located at 14602, 14800 and 14980 West Beloit Road subject to the application, plans on file and the following conditions:

- 1) Plan of Operation
 - a) Applicant is required to execute a developer's agreement with the city for all public utilities. This must be in place prior to issuance of Zoning Permit.
- 2) Environmental
 - a) City will require proof of the remediation of the environmental concerns raised in the audit prior to issuance of Building Permit.
- 3) Engineering/ Transportation & Utilities: All the outstanding items must be addressed in a final revised set of plans in its entirety prior to issuance of Zoning Permit.
- 4) Stormwater Utility
 - a) Developer will be required to meet the requirements of MMSD Chapter 13 and the City of New Berlin Storm Water Management Ordinance in its entirety.
 - b) 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.
- 5) Inspection Division
 - a) Any bedroom or sleeping room in basement level must have required egress window.
 - b) Erosion control shall be applied for, approved, installed and inspected prior to any on site grading or excavation.
 - c) All Building Permit applications will require stake out survey with setback distances from lot line, back of curb and neighboring buildings.
 - d) Building plans shall be stamped by a registered engineer or licensed architect. (Comm61.20 (2))

- e) Building plans shall be submitted to and approved by the Wisconsin Department of Commerce. (Comm61.70 (3) Jurisdiction)
 - f) Project shall obtain all appropriate building, plumbing and electrical permits.
- 6) Fire Department
- a) Separate rooms required for water meters, fire riser and alarm panels with direct exterior access for each building.
 - b) Fire Hydrant must be within 150' of sprinkler connection or each Building.
 - c) Building must be fully sprinklered.
 - d) Alarm system required in each building.
 - e) Alarm system must be monitored.
 - f) Knox boxes (key boxes) required for each building.
 - g) Fire department will require unabated access to sprinkler control room, alarm panel and knox box. Submitted plans fail to reflect this.
- 7) Landscaping Plan
- a) Submittal of a revised landscaping plan is required. Landscaping plan must meet all the requirements of Article VIII Section 275-53 through 275-56 of the Municipal Ordinance in its entirety.
 - b) Approval of the landscaping plan and payment of all sureties are required prior to issuance of Zoning Permits. A registered Landscape Architect shall stamp plans. Landscaping Plan to be approved and signed by the Department of Community Development prior to installation of any material.

Seconded by Mayor Wysocki. Motion carried unanimously.

8. (7)NJ S-167-04 Woodland Meadows – 3335 S. Catamount Dr. – Six-Lot Preliminary Conservation Subdivision. (Tabled 4/5/04, 6/7/04))

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

Motion by Alderman Ament to table the request for a 6-lot preliminary plat located at 3335 S. Catamount Drive upon the receipt from the applicant of a 60 day extension to September 26, 2004 for the preliminary plat review.

Seconded by Mr. Teclaw. Motion carried unanimously.

9. (4)OA S-168-04 Victoria Estates – 5150 S. Sunny Slope Rd. – 10-Lot Preliminary Subdivision. (Tabled 5/3/04)

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

Motion by Mr. Sisson to recommend to Common Council adoption of the resolution approving the Victoria Estates Preliminary Plat for the property located at 5150 South Sunny Slope Road subject to the plans on file and the following conditions:

- 1) Satisfaction of all the conditions outlined in the Letter of No Objection by Waukesha County Park and Land Use Department is required.
- 2) Storm Water
 - a) Storm water plans must meet the requirements of MMSD Chapter 13 and the City of New Berlin Storm Water Utility Ordinance in its entirety. Please contact the Storm water Engineer for details of submittal requirements.
 - b) In the general notes on the grading plan: please show/ label, the normal water elevation, the 25year storm event-elevation and the 100year storm event-elevation. Storm Water Drainage Engineer will determine the acceptable surcharge elevation for the Storm Sewer and Detention Basin.

- 3) Site Plan: Submittal of a revised site plan that addresses the following will be required. Please reference the City of New Berlin Developers Handbook on the City's web site when addressing the following Engineering comments:
- a) Lots #1 and #10 are corner lots and must meet the 130' minimum frontage requirements. The proposed 105.0' wide lots fail to meet that requirement.
 - b) Locate, Label, Station 0+00 either as the Center line of Sunny Slope Road or as another start point. Locate, Label, Station 4+44.60 either as the Center point of Jennifer Court or as another point. Please show on the plan sets.
 - c) As required by the Developer's Handbook Chapter 3 Infrastructure, Section III, J-1, the Storm Sewer main shall be placed 10.0' south or west of the Sanitary Sewer main. Please correct the plan and profile views to reflect these criteria.
 - d) The culvert that will pass under the entrance to Jennifer Court shall be an RCP, Reinforced Concrete Pipe, with a Diameter of at least 15" and a construction classification of Class V. This will replace the entire length of Corrugated Metal Pipe that is currently in place. Due to both the length and limited amount of cover over the pipe will make this change necessary. Please show the change on the plan sets.
 - e) The double catch basins at the back of the Cul-de-sac will need to have a 10.0' separation between them from center of structure to center of structure. This criteria will require an 8.0' length of 12" RCP Class III to be placed between the inlets. Please show changes on the plans.
 - f) Show proposed elevations along the side lot lines for each lot at both the front and back corners of the proposed house pad as well as at the highpoint at the center of the proposed house pad. Also all proposed elevations shall be shown at each lot corner, lot pipe. Shots at the back of curb, top of curb, would be helpful in so far as verifying the .7' rise in the terrace area from the back of curb to the front lot pipe. Please show the information on the grading and site plans.
 - g) Please do not show the proposed elevations to the nearest hundredths for the F.Y.G., Finish Yard Grades, as shown in the building pad areas. To the nearest 10th of a foot is correct. This comment would also apply for the rest of the proposed elevations on the grading plan. Please make the necessary corrections on the plan sets.
 - h) The minimum that the high point along the side lot lines between the houses can be is 0.5' of a foot of elevational difference. The proposed side lot line elevations for the houses on the South side of Jennifer Court are presently proposed at the minimums. Please do not exceed the minimum criteria.
 - i) The last length of sanitary sewer main, as required by the Developers Handbook Section 3, Chapter 1, section D-1 at the dead end reach shall be 0.60%. Please make the correction on the plan sets, sheet #5 of 6 the Sanitary Sewer and Watermain Plan and Profile proposals.
 - j) Also on the General Notes on page #1 of 6, please add the note that the necessary curb cuts for each driveway and garage location will be made prior to any work being done on the lot and only after receiving the approved building permit from the City of New Berlin Engineering Department for that lot. The proper replacement of the curb section to be cut will be approved by the Engineering Department. The information as to how to replace the curb section will be available in the Engineering Department.
 - k) On sheet number 4 of 6, the Plan and Profile views showing the Paving and Storm Sewer proposal. The last length of RCP storm sewer pipe entering the detention basin (the northerly most pipe) is mislabeled as a 12" section of pipe. This should read as an 18" RCP. Please make the correction on the plan sets.
- 4) Transportation

- a) Improvements required along Sunny Slope should follow Figure 4 in the Developer Handbook. Radius to the edge of pavement shall be 40-feet and 25-feet (not 60-feet and 40-feet as shown in the plans).
 - b) The radius at the entrance to Jennifer Court shall be changed to a 40.0' Radius on the south side of the intersection and a 25.0' on the north side of the intersection. Please show the changes on the plans.
- 5) Street & Utility – Revised plans that addressed the following issues must be approved by Utility Engineer prior to developers agreement:
- a) No re-use of existing hydrants.
 - b) Detailed descriptions of manholes and how they will connect to existing sewer main is required.
 - c) These comments apply to Sheets 2 – 5 and are based on review of Sheets 2 – 5 of 5 plan sheets for this proposed subdivision.
 - i) The Plans do NOT show any existing development information along the opposite side of the street. Existing utilities along Sunny Slope Road are inadequately presented. This information must be added in order to fully assess the suitability of entrance drive placement, connection to existing utilities, abandonment of existing utility extensions onto site, etc. (This affects issues below).
 - ii) All Utility Easements for Water, Storm Drainage and Sanitary Sewers shall be a minimum of 30-feet wide; and if along property lines, it is preferred that the easement be centered on the common property line if internal to the development.
 - iii) Note that the Curb Face shall be marked (Stamped) for actual and accurate location of the individual lot Water, Sanitary and Storm laterals for each lot.
 - d) Sheet 3 of 5; Plans do not present Profile View for storm sewer south of north curb line of Proposed Andrea Court. Also, there are no behind the curb collector lines shown for sump pump connections.
 - e) Sheet 4 of 5; ADD appropriate NOTES to the Precast Manhole Detail to reflect City Standards for Sanitary Manhole Construction.
 - i) Watermain design and Plan does NOT conform with Infrastructure Design Standards and Specifications requirements.
 - ii) Sanitary sewer design and Plan does NOT conform with Infrastructure Design Standards and Specifications requirements.
 - iii) Call sanitary lateral stationing on Profile View. This will aid the proper placement of Water and Storm Laterals for each lot.
 - f) Sheet 5 of 5; ADD clear instructions to the contractor that abandonment of existing watermain onto site shall require removal of Gate Valve, etc, at the branch Tee and installation of a plug or blind flange, as applicable. Contractor shall salvage valve and hydrant to Water Utility and coordinate all Work of disconnection-abandonment with Water Utility.
 - i) Investigate in field, survey and show on plans the connection piping sizes and materials for existing watermain and sanitary to sewer on site and connection of sanitary to main in Sunny Slope Road.
 - ii) Based on the findings of the sanitary sewer connection will dictate the abandonment procedures to be defined and Added to plans for contractor.
 - g) Easements should be clearly shown on the Site Plan and for Utility drawings.
 - h) Calculate the Minimum water service size to be provided to ensure adequate water volumes and pressures will be delivered to each building. Minimum size shall be either 1.25 or 1.5" diameter. Plan shall show water services, sanitary laterals and sump pump laterals terminating at the right-of-way limits.

- i) Pay Water Impact Fees and Pay Sanitary Sewer Impact Fees for each buildable lot created based upon Chapter 267 requirements.
 - j) Water system and Sanitary System shall be designed, constructed, completed, tested and operational with easement documents executed prior to Issuance of any Building Permit.
- 6) Building Inspection
- a) Obtain plumbing permits and inspections for the capping of sewer and water laterals prior to the application for a wrecking permit for the existing structure.
 - b) Razing permits shall be obtained prior to the demolition of the existing school structure.
 - c) Electrical Permit for disconnecting service to existing structure and inspection required prior to issuance of wrecking permit.
 - d) Apply for and obtain a wrecking permit for the existing structure.
 - e) Erosion Control Permit required prior to Building Permit. Erosion control measures shall be in place and installation properly inspected prior to commencement of any earthwork at this site or issuance of Building Permits.
- 7) General Comments
- a) Developer's Agreement for all public improvements required. Separate application required. Agreement to be approved by the Board of Public Works and Common Council. Approval of all surety instruments required prior to the City signing the final Plat.
 - b) An executed Developer's Agreement is required prior to clearing, grubbing, grading and/or utility/infrastructure work commencing.
 - c) Length bearing and tie to all easements (public and private) required.
 - d) All non-city owned utilities, to include but not limited to; cable, telecommunication, electric, gas, etc., required to be provided underground.
 - e) Payment of \$2,137.60/lot in Public Site, Open Space and Trail Fees required prior to the City of New Berlin signing the Final Plat.

Seconded by Mr. Teclaw. Motion carried unanimously.

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

Mr. Haines defined the Transportation Plan and it's purpose and discussed the time line of the final draft. Plan Commissioners asked for a future meeting to be set for further discussion.

Motion by Alderman Ament to table the Transportation Master Plan. Seconded by Mr. Teclaw. Motion carried unanimously.

11. ()DH PG-942 Development Review Process/Administrative Permits Discussion.

Mr. Haines outlined the procedure for administrative permits described in Mr. Kessler's memo. If the concept is agreed upon by Plan Commission, further review of the code will be done to find what ordinance changes are necessary and develop a set policy to follow. Mr. Teclaw said it would need to be carefully crafted into code so it cannot be misinterpreted and would like a chance to look at this and offer additional comments. Discussion followed concerning this new permit process.

Motion by Alderman Ament to direct staff to implement the procedures recommended in the process outlined in Mr. Kessler's memo dated June 16, 2004 effective immediately and prepare any ordinance language for future amendments.

Seconded by Mr. Sisson. Motion carried unanimously.

NEW BUSINESS

12. (3)OA U-37-04 Deer Haven Supper Club – 19300 W. Cleveland Avenue – Lounge/Supper Club.

Brad Knab from Landscape Architects, Inc. and Tony Antonopolos from AA Design and Architects provided information on the project.

Motion by Mr. Sisson to approve the use, site and architecture for exterior architectural alteration and site modification for Deer Haven Supper Club to operate at 19300 W. Cleveland Avenue subject to the application, plans on file and the following conditions:

- 1) Plan of Operation
 - a) Per Section 275-53B(1)(11) all existing nonconformities and outstanding code violations shall be identified, resolved, and remedied.
 - b) Occupancy of the Supper club will be 210 seats in the bar and dining facilities.
 - c) There will be a maximum of 30 employees with the largest shift of 30.
 - d) Hours of Operation: 10:00 AM to 12 midnight daily
- 2) Site Plan – Submittal of a revised site plan that addresses the following site and transportation conditions are required prior to issuance of Zoning Permit:
 - a) All interior parking and paved areas must be kept a minimum of 5' from all lot lines unless the parcels are combined.
 - b) All ADA requirements must be met for parking area slopes, 5.0% longitudinal slope or less with no more than a 2% cross slope, sidewalk pathways 5.0% or less and also the entrances. Please review the Pathways from the parking area's for Handicap accessibility to the building. Show the necessary changes on the plan set.
 - c) Currently the sample slopes that are being proposed are between 7%-11% change in grade. These slopes would be in the Handicap accessible areas from the parking lot to the building. Changes are required to meet ADA requirements, ICC/ANSI A117.1-1998.
 - d) The Parking lot run-off is to be treated prior to leaving the site for water quality issues. Please Storm Water Drainage Engineer for requirements.
- 3) Transportation
 - a) Survey of existing and proposed improvements does not match what's actually out in the field. Trying to line up their site plan with the actual aerial photography shows that while site is generally sketched out correctly, ROW lines are incorrect, rotation of lot & buildings are off, road is in wrong location, etc. Looks like an actual survey of the site was never done.
 - b) No lighting plan submitted. 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.
 - c) 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).
 - d) Old driveway access from Cleveland to lot should be removed and restored.
 - e) Entire parking area (existing & proposed) should be resurfaced.
- 4) 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. A registered Landscape Architect shall stamp plans. Landscaping Plan to be approved and signed by the Department of Community Development prior to installation of any material.

- 5) Building Inspections
 - a) Utilities Engineer will approve inside or outside location of grease trap for the food service area prior to issuance of Building Permit.
 - b) Approval of Waukesha County Department of Health for the use of existing septic and well for the proposed restaurant is required prior to issuance of Zoning Permit.
 - c) All necessary permits must be obtained from the Building Inspection and Zoning Department prior to commencement of any construction at this site.
 - d) Building plans shall be stamped and signed by a registered architect or engineer (Comm 61.20 Responsibilities).
 - e) Building plans shall be approved by the Wisconsin Dept. of Commerce (Comm 61.70 Certified municipalities and counties. (5)(c) 3.
 - f) Erosion control shall be applied for, approved, installed and inspected prior to any on site grading or excavation.
- 6) Fire
 - a) Fire and Emergency services must approve if proposed canopy over the drop off area will affect their ability to respond to an emergency and need to be a certain height. Canopy must also meet ADA accessibility requirements.
 - b) Building to be fully sprinklered.
 - c) Monitor sprinkler flow.
 - d) Knox box required.
 - e) Must meet flow requirement of Comm. 62.0904 (b) 6

Seconded by Mr. Gihring. Motion fails.

Plan Commissioners had concerns about P-1 zoning being used for a supper club. Also, a lighting plan needs to be supplied, hours of operation needs to be discussed and other impacts to the neighborhood need to be addressed.

Motion by Mr. Barnes to table the request for Deer Haven Supper Club to operate at 19300 W. Cleveland Avenue to allow for the City Attorney's researched opinion of this use in a P-1 zoning.

Seconded by Alderman Ament. Motion carried unanimously.

13. (4)NJ U-33-04 The Conservancy Subdivision – 13150 W. Janesville Road - 8' fence.

Motion by Alderman Ament to table the request for construction of an 8' fence and landscaping located at 13150 W. Janesville Road for the following reasons:

- 1) Applicant shall obtain final approval for overall construction plans prior to approval of the fence and Landscape Plan.
- 2) Site Plan and Architecture
 - a) Entryway signage shown on the Landscape Plan will require a separate monument sign permit.
 - b) The fence shall be constructed of Cypress Cedar in the Dog Ear style. It will be installed with 4 horizontal rails, full cut 4 x 4 posts set in concrete, and topped with decorative finials. The fence shall be installed at least 2 feet off the property line. All structural and support components of a fence shall face away from adjacent properties.
 - c) Prior to the issuance of the Zoning Permit, applicant shall add the fence to the grading plans.
 - d) MLG shall remove and dispose of the existing chain link fence prior to the installation of the new fence.
 - e) Applicant shall adhere to Section 275-42G(3) "fences" in its entirety.
- 3) Transportation

- a) A standard utility streetlight is required at the access point along Janesville Road. Pole shall be located within the public ROW. Luminarie wattage shall be 100 to 150 watts. Installation will be the responsibility of the Developer. The City will be responsible for all ongoing electrical and maintenance costs. If decorative lighting is desired, the poles shall NOT be located within the public ROW, and all costs associated with the installation, maintenance, and ongoing electrical costs, shall be the developer's or homeowner's association responsibility.
 - b) Submittal letter for landscaping plan states landscape lighting been integrated into the landscaping plan. No lighting is shown on the plan, except for a comment in the entry monument detail that states "Up-light Boulder". Applicant shall show all lighting on a plan sheet.
 - c) 60' vision triangles are required at the intersection of Conservancy Drive and Janesville Road. Proposed 8' fence and landscaping on the west side of the entrance does not follow this requirement. 30' vision triangles are required at all other intersections within the development.
- 4) Landscape Plan
- a) The landscape Plan shall be stamped and signed by a registered licensed landscape architect.
 - b) Applicant, per Section 275-56(C)(2) shall submit an Installation Bond and Maintenance Bond prior to issuance of the Zoning Permit for the entire landscape area.

Seconded by Mr. Barnes. Motion carried unanimously.

14. (4)OA LD-7-04 Timothy & Patricia McLaughlin – 14695 W. Beloit Rd. – Two-Lot Land Division.

Motion by Mr. Teclaw to recommend to Common Council adoption of the Certified Survey Map for the property located at 14695 W. Beloit Road subject to the plans on file and the following conditions:

- 1) Land division practice and standard calls for larger corner lots to accommodate two street front yard setbacks and allow for useable rear and side sides. Staff recommends that the corner lot be larger than the interior lot. The rear lot line dimensions for Lot 1 to be 137.21' and Lot 2 to be 137.72'.
- 2) Proposed vacant lot has water and sanitary laterals extended to the original property line on Beloit Road. Special Assessments for other than the Minimum Frontage of the zoning for the residence was deferred without interest. Therefore, A condition of approval should be that the outstanding assessments (both deferred and unpaid levied portions) should be paid within 30 days of CC approval or by November 1, 2004, whichever is sooner. Also, require Interest to be paid on the deferred portion accruing from the date of CC approval until actual date payment is made at the interest rate specified in the Levy Resolution.
- 3) Pay Water Impact Fees and Pay Sanitary Sewer Impact Fees based upon equivalent domestic water meter size required for Each Building for domestic service, including lawn sprinkling meter capacity (if and when installed), in accordance with City Code in effect at time of Permit Application(s).
- 4) Applicant shall add the vision triangle on face of the CSM. Triangle is 60' along Beloit Road and 30' along Small Road.
- 5) Place driveway restriction on face of CSM. The driveway is to be located off of Small Road and not off of Beloit Road. Driveway access restricted to the South 30' of the frontage along Small Road. If there are obstructions on the lot that would prevent the driveway from being placed no closer than 5.0' from the South lot line the obstructions must be located/ identified on the Plat of Survey.
- 6) Identify lot with 50' front setbacks from both Beloit Road and Small Road Rights-of-way. Also show all yard setbacks on CSM.

- 7) Beloit Road is a County Trunk Highway, "I", the 50' dedication is to the County D.O.T. not the City of New Berlin. Please correct on the Certified Survey Map to indicate that 50' dedication for public street purposes. Also correct the statement on Small Road to read the same way.
- 8) A new culvert shall be required at time of building permit.
- 9) Applicant shall correct all drafting errors identified by Staff.
- 10) All owners and surveyor must sign prior to City signing the CSM. Surveyor Stamp is required.
- 11) Payment of \$2,137.60 for the 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.

15. (3)AK SG-32-04 Kwik Fuel – 17145 W. Greenfield Ave. – Face Change.

Motion by Alderman Ament to table the request by Kwik Fuel for an after the fact sign face change to an existing monument and canopy sign located at 17145 W. Greenfield Avenue for the following reasons:

- 1) Applicant shall submit a site plan or survey that shows the location of the monument sign not to be in the vision triangle or in the ultimate right of way of Greenfield Avenue.
- 2) Applicant shall be required to move the existing monument sign outside of the ultimate right of way of Greenfield Avenue to the approved location of staff and the Plan Commission (May 6, 2002 Permit SG-20-02) The sign shall be moved prior to issuance of the new sign permit.
- 3) Applicant has still not met the conditions of an after the fact application to change the exterior architecture of his building located at 17145 W Greenfield Avenue. (application U-76-03 Denied at the February 2, 2004 Plan Commission Meeting)
- 4) 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 have not been expanded or changed.
- 5) Junk and trash on the site shall be removed by Friday July 16, 2004.

Seconded by Mr. Teclaw. Motion carried unanimously.

16. (4)AK U-39-04 Absolute Services – 4951 S. Sunny Slope Rd. – Home Occupation – Cleaning Service.

Motion by Mr. Teclaw to grant temporary one (1) year approval for an after the fact home occupation (cleaning services) to be located in the residence at 4951 S. Sunny Slope Road subject to the application, plans on file and the following:

- 1) Final approval of this home occupation is subject to a one (1) year temporary period to assess whether the operations of this home occupation are too intense for a residentially zoned property. Following a one year trouble free period, a final Zoning Permit shall be issued.
- 2) Applicant shall be required to provide a letter from the property owner that they are fine with the operations of the home occupation. This shall be provided prior to issuance of the temporary Zoning Permit.
- 3) Home Occupation shall be conducted in accordance with Chapter 275-42(G)(4) of the City of New Berlin Zoning Ordinance in its entirety, including:
 - a) Every Home occupation shall be subject to periodic, unannounced inspection by the Zoning Administrator in response to complaints or to ensure compliance with this ordinance.

- b) Home Occupation shall meet all applicable building and fire code safety requirements.
- c) An Occupancy Permit is required from Building Inspection and Zoning Department. All conditions must be met prior to issuance of an Occupancy Permit.
- 4) The only business conducted inside the home office shall consist of scheduling jobs, running invoices, paying bills, filing, and receiving and making phone calls. Business hours of operation shall be limited to 8:00am-4:00pm Monday-Friday.
- 5) No more than one nonresident employee shall be employed by a home occupation per Section 275-42(G)(4) of the City of New Berlin Municipal Code. The non resident employee shall not be allowed to park their car at the property or on the street and then take the work truck out to different sites. Applicant shall be required in written format to submit the number of employees associated with the home occupation.
- 6) No outside storage shall be permitted for this business. No home occupation nor any storage of goods, materials, or products connected with a home occupation shall be allowed in any accessory building or detached garage.
- 7) No Sign Permits shall be issued as such no sign is allowed for this business.
- 8) The business shall be conducted in 20% or less of the overall living space of the residence.

Seconded by Mr. Barnes. Motion carried unanimously.

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

Motion by Mr. Sisson to recommend to Common Council to set a public hearing on August 2, 2004 at 6:01 P.M. on the rezoning of property at 6600 Crowbar Road from M-2 to Q-1.

Seconded by Alderman Ament. Motion carried unanimously.

CONSENT AGENDA (One motion and second will approve all of the following items listed. Any item may be pulled from the list and handled separately.)

Motion by Alderman Ament to approve consent agenda items #18-26. Seconded by Mr. Sisson. Motion carried unanimously.

ZONING PERMITS

18. (3)NJ RO-22-04 Kyssco, Inc. – 16604 W. Rogers Dr. – Delivery and Storage of Christmas Merchandise.

The request by Kyssco, Inc. for delivery and storage of Christmas merchandise located at 16604 W. Rogers Drive has been reviewed and conditionally staff approved by the New Berlin Plan Commission subject to the application, the plans on file and the following:

- 1) No outside storage shall be permitted.
- 2) Plan of operation states there will be no interior or exterior building or structural changes.
- 3) Dumpsters must be properly screened from the street and public view in accordance with Article VIII Section 275-56 of the New Berlin Municipal Ordinance.
- 4) Employee and customer parking must be contained on site.
- 5) Application does not include any exterior building modifications.

- 6) Apply for and obtain appropriate building, plumbing, and electrical permits when required to do so by code.
 - 7) Permits are required from the Building, Inspection, and Zoning Departments for any interior and exterior alterations or modifications. Apply for and obtain appropriate building, plumbing, and electrical permits.
 - 8) Building must be maintained per Chapter 201 of the Non-residential Property Maintenance Code.
 - 9) Building must meet all applicable building and fire codes. Fire Extinguishers are required.
19. (7)NJ RO-23-04 Ramiah Investment Group – 15787 W. Ryerson Rd. – Office.

The request by Ramiah Investment Group for an office located at 15787 W. Ryerson Road has been reviewed and conditionally staff approved by the New Berlin Plan Commission subject to the application, the plans on file and the following:

- 1) No outside storage shall be permitted.
 - 2) Building plans shall be stamped and signed by a registered architect or engineer.
 - 3) Building plans shall be approved by the City of New Berlin Department of Community Development Inspection Division per Wisconsin Department of Commerce.
 - 4) Dumpsters must be properly screened from the street and public view in accordance with Article VIII Section 275-56 of the New Berlin Municipal Ordinance.
 - 5) Employee and customer parking must be contained on site.
 - 6) Application does not include any exterior building modifications.
 - 7) Apply for and obtain appropriate building, plumbing, and electrical permits when required to do so by code.
 - 8) Permits are required from the Building, Inspection, and Zoning Departments for any interior and exterior alterations or modifications. Apply for and obtain appropriate building, plumbing, and electrical permits.
 - 9) Building must be maintained per Chapter 201 of the Non-residential Property Maintenance Code.
 - 10) Building must meet all applicable building and fire codes. Fire Extinguishers are required.
20. (3)NJ RO-24-04 Interline Brands, Inc. – 2226 S. 162 St. – Warehouse and Showroom for Plumbing and Electrical Supplies Sold to Contractors.

The request by Interline Brands, Inc. for a warehouse and showroom for plumbing and electrical supplies sold to contractors has been reviewed and conditionally staff approved by the New Berlin Plan Commission subject to the application, the plans on file and the following:

- 1) No outside storage shall be permitted.
- 2) Delivery vehicles shall be limited to three.
- 3) Employee and customer parking must be contained on site.
- 4) Building plans shall be stamped and signed by a registered architect or engineer.
- 5) Building plans shall be approved by the City of New Berlin Department of Community Development Inspection Division per Wisconsin Department of Commerce.
- 6) Dumpsters must be properly screened from the street and public view in accordance with Article VIII Section 275-56 of the New Berlin Municipal Ordinance.
- 7) Application does not include any exterior building modifications.
- 8) Apply for and obtain appropriate building, plumbing, and electrical permits when required to do so by code.

- 9) Permits are required from the Building, Inspection, and Zoning Departments for any interior and exterior alterations or modifications. Apply for and obtain appropriate building, plumbing, and electrical permits.
 - 10) Building must be maintained per Chapter 201 of the Non-residential Property Maintenance Code.
 - 11) Building must meet all applicable building and fire codes. Fire Extinguishers are required.
21. (4)OA RO-25-04 CSE – 5400 Westridge Dr. – Office and Warehouse for the Sale and Distribution of Promotional Products, Including Custom Embroidery.

The request by CSE for an office and warehouse for the sale and distribution of promotional products, including custom embroidery located at 5400 Westridge Drive has been reviewed and conditionally staff approved by the New Berlin Plan Commission subject to the application, the plans on file and the following:

- 1) Plans of Operation: Hours of Operation, 6:00 AM – 7 00 PM, Approximately 95 Employees.
 - 2) As this is not a multi-tenant facility, future tenant of this building will be required to apply for and receive approval from the Plan Commission prior to signing a lease or occupying the building.
 - 3) 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-29-04 in its entirety.
 - 4) The parking lot shall be resealed and resrtriped by September 30, 2004.
 - 5) Dumpsters must be properly screened from the street and public view in accordance with Article VIII Section 275-56 of the New Berlin Municipal Ordinance.
 - 6) Building plans shall be stamped and signed by a registered architect or engineer (Comm 61.20 Responsibilities).
 - 7) Building plans shall be approved by the New Berlin Department of Community Development Inspection Division per Wisconsin Dept. of Commerce (Comm 61.70 Certified municipalities and Counties. (5)(c) 3.
 - 8) Apply and obtain appropriate building, plumbing, and electrical permits as needed.
 - 9) Permits are required from the Building, Inspection, and Zoning Departments for all interior and exterior alterations or modifications.
 - 10) Building must be maintained per Chapter 201 of the City of New Berlin Municipal Code.
 - 11) Building must meet all applicable building and fire codes. Fire Extinguishers are required.
22. (7) RO-26-04 Natural Ovens Bakery, Inc. – 16604 W. Rogers Dr. – Distribution Center and Sales Office

The request by Natural Ovens Bakery, Inc. for a distribution center and sales office located at 16604 W. Rogers Drive has been reviewed and conditionally staff approved by the New Berlin Plan Commission subject to the application, the plans on file and the following:

- 1) This business will be limited to 13 GM cargo vans at this location. All trucks shall be parked in the rear of the building. No other outside storage shall be permitted.
- 2) Applicant and landlord shall re-stripe the rear parking lot to accommodate additional parking. A revised parking plan shall be submitted to the City for approval by August 1, 2004. Applicant shall follow the requirements for parking areas set forth in Section 275-57.

- 3) An exhaust fan in the bathroom did not pass inspection for last tenant. The fan shall go on when light is turned on. This will be checked on occupancy inspection.
 - 4) Employee and customer parking must be contained on site.
 - 5) Building plans shall be stamped and signed by a registered architect or engineer.
 - 6) Building plans shall be approved by the City of New Berlin Department of Community Development Inspection Division per Wisconsin Dept. of Commerce (Comm. 61.70 Certified municipalities and counties. (5)(C)3.
 - 7) Dumpsters must be properly screened from the street and public view in accordance with Article VIII Section 275-56 of the New Berlin Municipal Ordinance.
 - 8) Application does not include any exterior building alterations or construction.
 - 9) Apply for and obtain appropriate building, plumbing, and electrical permits when required to do so by code.
 - 10) Permits are required from the Building, Inspection, and Zoning Departments for any interior and exterior alterations or modifications. Apply for and obtain appropriate building, plumbing, and electrical permits.
 - 11) Building must be maintained per Chapter 201 of the Non-residential Property Maintenance Code.
 - 12) Building must meet all applicable building and fire codes. Fire Extinguishers are required.
23. (7)NJ RO-27-04 Morris Material Handling – 2724 S. 163 Street – Office.
- The request by Morris Material Handling for an office located at 2724 S. 163 Street has been reviewed and conditionally staff approved by the New Berlin Plan Commission subject to the application, the plans on file and the following:
- 1) Building owner shall submit a plan for monument signage for this building by July 1, 2004.
 - 2) Building owner shall submit a layout / floor plan with a listing of all tenants in the building by July 1, 2004.
 - 3) No outside storage shall be permitted.
 - 4) Employee and customer parking must be contained on site.
 - 5) Interior alteration plans and new door (to match all others) shall be stamped and signed by a registered architect or engineer.
 - 6) Building plans shall be approved by the City of New Berlin Department of Community Development Inspection Division per Wisconsin Dept. of Commerce (Comm. 61.70 Certified municipalities and counties. (5)(C)3.
 - 7) Dumpsters must be properly screened from the street and public view in accordance with Article VIII Section 275-56 of the New Berlin Municipal Ordinance.
 - 8) Apply for and obtain appropriate building, plumbing, and electrical permits when required to do so by code.
 - 9) Permits are required from the Building, Inspection, and Zoning Departments for any interior and exterior alterations or modifications. Apply for and obtain appropriate building, plumbing, and electrical permits.
 - 10) Building must be maintained per Chapter 201 of the Non-residential Property Maintenance Code.
 - 11) Building must meet all applicable building and fire codes. Fire Extinguishers are required.
24. (3)AK RO-28-04 Sales & Automation Support, Inc. – 17025 W. Rogers Drive – Sales & Marketing.

The request by Sales & Automation Support Inc. for an office located at 17025 W. Rogers Drive has been reviewed and conditionally staff approved by the New Berlin Plan Commission subject to the application, the plans on file and the following:

- 1) No outside storage shall be permitted. All items, including pallets, dumpsters, trailer, etc. currently stored outside shall be removed from the site or stored within the building by July 1, 2004.
- 2) Landlord shall close out all open building permits by August 1, 2004.
- 3) Currently there are no sign applications approved for this building. Both signs shall be removed and if the applicant wishes to have monument signage at this location, sign permits will be required.
- 4) Employee and customer parking must be contained on site.
- 5) Building plans shall be stamped and signed by a registered architect or engineer.
- 6) Building plans shall be approved by the City of New Berlin Department of Community Development Inspection Division per Wisconsin Dept. of Commerce (Comm. 61.70 Certified municipalities and counties. (5)(C)3.
- 7) Dumpsters must be properly screened from the street and public view in accordance with Article VIII Section 275-56 of the New Berlin Municipal Ordinance.
- 8) Application does not include any exterior building alternations or construction.
- 9) Apply for and obtain appropriate building, plumbing, and electrical permits when required to do so by code.
- 10) Permits are required from the Building, Inspection, and Zoning Departments for any interior and exterior alterations or modifications. Apply for and obtain appropriate building, plumbing, and electrical permits.
- 11) Building must be maintained per Chapter 201 of the Non-residential Property Maintenance Code.
- 12) Building must meet all applicable building and fire codes. Fire Extinguishers are required.

25. (2)OA RO-29-04 Country Sisters LLC – 14220 W. National Avenue – Retail Store.

The request by Country Sisters LLC for an office located at 14220 W. National Avenue has been reviewed and conditionally staff approved by the New Berlin Plan Commission subject to the application, the plans on file and the following:

- 1) Hours of Operation: M-F; 10:00 AM to 9:00 PM, Sat; 10:00 AM to 5:00 PM, Sun; 11:00 AM to 4:00 PM.
- 2) Building shell must receive a Certificate of Occupancy before any of the tenants with this building can open for business. No final occupancy will be issued for individual tenants until such time as the building final occupancy is issued.
- 3) Show location of required grease trap for Building Permit.
- 4) Show location of meter room on plans for Building Permit.
- 5) An overall coordinated sign standard for this commercial center must be established prior to issuance of any signage. It is the responsibility of the Landlord to establish a sign standard with city staff.
- 6) Dumpsters must be properly screened from the street and public view in accordance with Article VIII Section 275-56 of the New Berlin Municipal Ordinance.
- 7) No outside storage shall be permitted.
- 8) Building plans shall be stamped and signed by a registered architect or engineer.
- 9) Building plans shall be approved by the City of New Berlin Department of Community Development Inspection Division per Wisconsin Dept. of Commerce (Comm. 61.70 Certified municipalities and counties. (5)(C)3.
- 10) Employee and customer parking must be contained on site.

- 11) Permits are required from the Building, Inspection, and Zoning Departments for any interior and exterior alterations or modifications. Apply for and obtain appropriate building, plumbing, and electrical permits.
 - 12) Building must be maintained per Chapter 201 of the Non-residential Property Maintenance Code.
 - 13) Building must meet all applicable building and fire codes. Building must be fully sprinklered. Fire Extinguishers are required.
26. (2)OA RO-32-04 Caring Angels – 13700 W. National Ave. – Non-Medical In-Home Care Agency Serving the Senior Population.

The request by Caring Angels for an office located at 13700 W. National Avenue has been reviewed and conditionally staff approved by the New Berlin Plan Commission subject to the application, the plans on file and the following:

- 1) 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-33-03 in its entirety.
- 2) Dumpsters must be properly screened from the street and public view in accordance with Article VIII Section 275-56 of the New Berlin Municipal Ordinance.
- 3) Must meet all applicable Fire Codes. All City of New Berlin Fire Department concerns must be addressed and plans approved by the Fire Chief prior to issuance of Building Permit.
- 4) Building plans shall be stamped and signed by a registered architect or engineer (Comm 61.20 Responsibilities).
- 5) Building plans shall be approved by the City of New Berlin Department of Community Development Inspection Division as per Wisconsin Department of Commerce (Comm 61.70 Certified municipalities and counties) (5) (c) 3.
- 6) Permits are required from the Building, Inspection, and Zoning Departments for all interior and exterior alterations or modifications.
- 7) Building must be maintained per Chapter 201 of the City of New Berlin Municipal Code.
- 8) Building must meet all applicable building and fire codes. Fire Extinguishers are required.

CONSENT AGENDA (One motion and second will approve all of the following items Listed. Any item may be pulled from the list and handled separately.)

Motion by Mr. Barnes to approve consent agenda items #27-33. Seconded by Alderman Ament. Motion carried unanimously.

STAFF APPROVED

27. (3)NJ SG-29-04 New Berlin Center – 2600 S. 162 St. – Monument Sign.

The request by New Berlin Center for a monument sign located at 2600 S. 162nd Street has been reviewed and conditionally staff approved by the New Berlin Plan Commission subject to the application, the plans on file and the following:

- 1) The monument sign shall be located outside of the ultimate right-of-way of 162nd Street.
- 2) The monument sign shall be located outside of the vision triangle of 162nd and the driveway entrance.

- 3) The monument sign face shall read, "THE NEW BERLIN CENTER – 2600-2658 S. 162ND STREET" in gray writing on a green background. Sign shall be constructed of a non-illuminated aluminum cabinet painted to match the building. The base will be constructed of the same brick as the building.
 - 4) The sign face shall not exceed 8' in width x 4' in height for a total of 32 square feet.
 - 5) The overall height of the sign shall not exceed 7'.
 - 6) 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 the Section 275-61 New Berlin Municipal Code.
\$117.00 is due per the following calculations:
Sign Face: 8' x 4' = 32 square feet
32 square feet x 2 sides = 64 sq. ft. x \$3.00/ sq. ft. = \$192.00
Less application fee: (\$192.00 -\$75.00)= \$117.00
28. (5)OA SG-30-04 The Father's House – 13400 W. Beloit Rd. – Sign Face Change.
- The request by The Father's House for a sign face change located at 13400 W. Beloit Road has been reviewed and conditionally staff approved by the New Berlin Plan Commission subject to the application, the plans on file and the following:
- 1) A letter from the Pastor authorizing staff to change the name and records of the church at this address must be submitted by July 12, 2004.
 - 2) The non-illuminated ground sign face shall not exceed 3'6" in height, and 7' in width.
 - 3) The internally illuminated monument sign face shall read "The Father's House" in white letters (wood slats) on a brown background.
 - 4) The overall non-illuminated ground sign shall not exceed 8' in height.
 - 5) Dumpsters must be properly screened from the street and public view in accordance with Article VIII Section 275-56 of the New Berlin Municipal Code.
 - 6) No payment is required per calculations below:
 - 7) Actual Sign Face Change: (7' x 1.5') = 10.5 sq. ft. x 2 sides = 21 sq. ft. x \$3.00/sq.ft. = \$63.00
Less Application Fee (\$75.00) = \$00.00
29. (1)OA SG-31-04 Mitchell Bank – 12400 W. National Ave. – Wall Sign.
- The request by Mitchell Bank for a wall sign located at 12400 W. National Avenue has been reviewed and conditionally staff approved by the New Berlin Plan Commission subject to the application, the plans on file and the following:
- 1) The wall sign shall read: "MITCHELL BANK" & South Elevation; "MB LOAN CENTER" in white channel letters with black trim caps and black returns, and shall be illuminated with white neon.
 - 2) The East wall sign face shall not exceed 12' in length x 1.5' in height for a total of 18 square feet.
 - 3) The South wall sign face and logo shall not exceed 11' in length x 1.5' in height for a total of 21.5 square feet.
 - 4) All internally illuminated signs shall be turned off outside of normal business hours.
 - 5) 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 the Section 275-61 New Berlin Municipal Code.
 - 6) A payment of \$69.00 is required per calculations below:
Overall Wall Sign Face: 18 = 21.5 sq ft = 39.5 sq. ft. x \$3.00/sq.ft. = \$118.50

Less Application Fee (\$75.00) = \$43.50

- 7) All open building, plumbing and electrical permits shall be closed out prior to any new permits being issued. Building Permits are required per Article III Section 275-25 of the City of New Berlin Municipal Code.
30. (5)OA SG-33-04 Independence Place – 14775 W. National Ave. – Construction Sign.
- The request by Independence Place for a construction sign located at 14775 W. National Avenue has been reviewed and conditionally staff approved by the New Berlin Plan Commission subject to the application, the plans on file and the following:
- 1) The temporary development sign shall be removed upon installation of the permanent monument sign for this development or upon full lease of the property.
 - 2) The sign face shall not exceed 8' in width x 4' in height for a total 32 square feet.
 - 3) Sign shall include the following: Opening Fall 2004, Independence Place Professional Office Suites and other leasing information.
 - 4) 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 the Section 275-61 New Berlin Municipal Code.
 - 5) No Payment is due prior to issuance of Sign Permit per the following calculations:
Sign Face: 4' x 8' = 32 sq ft x 2 sides x \$3/sq ft = \$192.00
Plus filing fee: (\$50): = \$242.00
 - 6) All open building, plumbing and electrical permits shall be closed out prior to any new permits being issued. Building Permits are required per Article III Section 275-25 of the City of New Berlin Municipal Code.
31. (3)OA SG-34-04 Poplar Creek Church – 17700 W. Cleveland Ave. – Construction Sign.
- The request by Poplar Creek Church for a construction sign located at 17700 W. Cleveland Avenue has been reviewed and conditionally staff approved by the New Berlin Plan Commission subject to the application, the plans on file and the following:
- 1) The temporary development sign shall be removed upon installation of the permanent monument sign for this development.
 - 2) The sign face shall not exceed 8' in width x 4' in height for a total 32 square feet.
 - 3) Sign shall include the following: All the contractors listed on the attached picture.
 - 4) 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 the Section 275-61 New Berlin Municipal Code.
 - 5) Payment of \$57.00 is due prior to issuance of Sign Permit per the following calculations:
Sign Face: 4' x 8' = 32 square feet x \$3/square foot = \$96.00
Less application fee: (\$75): = \$21.00
 - 6) All open building, plumbing and electrical permits shall be closed out prior to any new permits being issued. Building Permits are required per Article III Section 275-25 of the City of New Berlin Municipal Code.
32. (7)OA SG-41-04 City of New Berlin 4th of July Commission – 3805 S. Casper Dr. – Two Signs and Two Banners.

The request by City of New Berlin 4th of July Commission for two signs and two banners located at 3805 S. Casper Drive has been reviewed and conditionally staff approved by the New Berlin Plan Commission subject to the application, the plans on file and the following:

- 1) City of New Berlin Temporary 4th of July Parade and Festival signs shall be installed at the following locations: in front of the New Berlin Public Safety Building on National Avenue and in front of the Malone Park sign on Casper Drive and Al Stigler Parkway.
 - 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 temporary festival signs' face dimensions shall not exceed: 4'0" in height x 20'0" width = 80 square feet in area. The temporary festival sign face shall announce the 4th of July Parade and Family Festival. The temporary festival sign shall be removed by July 7, 2004.
 - 4) The temporary festival face shall not be illuminated.
 - 5) As long as the size, content and location of the banners do not change, this permit shall serve as a permanent yearly event that will not require a sign application be filed every year.
 - 6) Applicant shall be required to submit a letter every year prior to erecting the banners so that we can update our files.
33. (2)OA U-34-04 Susan Hoffmann - 13568 W. Fountain Court - Deck.

The request by Susan Hoffmann for a deck located at 13568 W. Fountain Court has been reviewed and conditionally staff approved by the New Berlin Plan Commission subject to the application, the plans on file and the following:

- 1) The materials used to construct the front entryway deck shall match the exterior of the existing building.
- 2) The front entryway deck shall measure 10' x 13' and shall replace the existing 10' x 13' brick entryway.
- 3) Written permission of the Fountain Square Condo Owners Association for construction of the front entryway deck shall be submitted to the Department of Community Development prior to issuance of building permit.
- 4) No part of the front entryway deck shall be closer than 50 feet to the north lot line.
- 5) Rec room permits for building and electrical need to be finalized out with appropriate inspections. Inspections shall be scheduled by August 1, 2004.
- 6) Building plans shall be approved by the Department of Community Development Inspection Division per Wisconsin Dept. of Commerce [Comm. 61.70 Certified Municipalities and counties. (5)(c)3.]
- 7) Building plans and construction shall conform to the Wisconsin Uniform Dwelling Code.
- 8) Permits are required from the Building, Inspection, and Zoning Departments for all interior and exterior alterations or modifications.
- 9) Building must meet all applicable building and fire codes.

COMMUNICATIONS

40. Communication To: Plan Commission
Communication From: David Haines, Planning Services Manager
RE: "Most of Country Sees Growth in Population", Milwaukee Journal Sentinel, June 24, 2004

Mr. Haines pointed out that New Berlin is located toward the lower end of the population growth table at 1.1% population growth. For comparison sake, according to the census bureau we are very close to Brookfield, population wise.

This chart is an aid to comparing New Berlin to other communities.

41. Communication To: Plan Commission
Communication From: Tony Kim, Code Enforcement/Violations
RE: Zoning Code/Condition of Approval Enforcement Update (PG-229)

Mr. Kim presented a violations inventory map which broke down the violations into residential, commercial, and industrial categories giving the total number of each and location.

42. Communication To: Plan Commission
Communication From: Tony Kim, Code Enforcement/Violations
RE: Clarification of 5% outdoor storage.

Mr. Kim asked Plan Commissioners for their input on outdoor sales and storage as outlined in this communication.

43. Communication To: Plan Commission
Communication From: David Haines, Planning Services Manager
RE: Memo dated June 30, 2004 from Mayor Wysocki referencing Appointment of Citizen Members to the Alternative Transportation Committee.

Plan Commissioners acknowledged receipt of the communication.

ADDENDUM ITEM

44. (5)OA SG-7-04 WalMart – 15333 W. National Avenue – Monument, Wall Sign, Coordinated Sign Standard, and Facade Improvement.

Motion by Alderman Ament to change the roof to green and allow red signage to remain for six (6) months while roof changes.

Seconded by Mr. Teclaw. Motion carried unanimously.

Motion by Alderman Ament to adjourn the Plan Commission meeting at 10:17 P.M. Seconded by Mr. Barnes. Motion carried unanimously.